

104TH CONGRESS
1ST SESSION

H. R. 1152

To amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 1995

Mr. VISCLOSKY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Clean Water
5 Trust Fund Act of 1995”.

1 **SEC. 2. NATIONAL CLEAN WATER TRUST FUND.**

2 Section 309 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1319) is amended by adding at the end
4 the following:

5 “(h) NATIONAL CLEAN WATER TRUST FUND.—

6 “(1) ESTABLISHMENT.—There is established in
7 the Treasury a National Clean Water Trust Fund
8 (hereinafter in this subsection referred to as the
9 ‘Fund’) consisting of amounts transferred to the
10 Fund under paragraph (2) and amounts credited to
11 the Fund under paragraph (3).

12 “(2) TRANSFER OF AMOUNTS.—For fiscal year
13 1996, and each fiscal year thereafter, the Secretary
14 of the Treasury shall transfer to the Fund an
15 amount determined by the Secretary to be equal to
16 the total amount deposited in the general fund of
17 the Treasury in the preceding fiscal year from fines,
18 penalties, and other moneys obtained through en-
19 forcement actions conducted pursuant to this section
20 and section 505(a)(1), including moneys obtained
21 under consent decrees and excluding any amounts
22 ordered to be used to carry out mitigation projects
23 under this section or section 505(a), as the case may
24 be.

25 “(3) INVESTMENT OF AMOUNTS.—The Sec-
26 retary of the Treasury shall invest in interest-bear-

1 ing obligations of the United States such portion of
2 the Fund as is not, in the Secretary's judgment, re-
3 quired to meet current withdrawals. Such obligations
4 shall be acquired and sold and interest on, and the
5 proceeds from the sale or redemption of, such obliga-
6 tions shall be credited to the Fund in accordance
7 with the requirements of section 9602 of the Inter-
8 nal Revenue Code of 1986.

9 “(4) USE OF AMOUNTS FOR REMEDIAL
10 PROJECTS.—Amounts in the Fund shall be available,
11 as provided in appropriations Acts, to the Adminis-
12 trator to carry out projects to restore and recover
13 waters of the United States from damages resulting
14 from violations of this Act which are subject to en-
15 forcement actions under this section and similar
16 damages resulting from the discharge of pollutants
17 into the waters of the United States.

18 “(5) SELECTION OF PROJECTS.—

19 “(A) PRIORITY.—In selecting projects to
20 carry out under this subsection, the Adminis-
21 trator shall give priority to a project to restore
22 and recover waters of the United States from
23 damages described in paragraph (4), if an en-
24 forcement action conducted pursuant to this
25 section or section 505(a)(1) against such viola-

1 tion, or another violation in the same adminis-
2 trative region of the Environmental Protection
3 Agency as such violation, resulted in amounts
4 being deposited in the general fund of the
5 Treasury.

6 “(B) CONSULTATION WITH STATES.—In
7 selecting projects to carry out under this sec-
8 tion, the Administrator shall consult with
9 States in which the Administrator is consider-
10 ing carrying out a project.

11 “(C) ALLOCATION OF AMOUNTS.—In de-
12 termining an amount to allocate to carry out a
13 project to restore and recover waters of the
14 United States from damages described in para-
15 graph (4), the Administrator shall, in the case
16 of a priority project under subparagraph (A),
17 take into account the total amount deposited in
18 the general fund of the Treasury as a result of
19 enforcement actions conducted with respect to
20 such violation pursuant to this section or sec-
21 tion 505(a)(1).

22 “(6) IMPLEMENTATION.—The Administrator
23 may carry out a project under this subsection either
24 directly or by making grants to, or entering into

1 contracts with, the Secretary of the Army or any
2 other public or private entity.

3 “(7) REPORT TO CONGRESS.—Not later than 1
4 year after the date of the enactment of this sub-
5 section, and every 2 years thereafter, the Adminis-
6 trator shall transmit to Congress a report on imple-
7 mentation of this subsection.”.

8 **SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION**
9 **PROJECTS.**

10 (a) IN GENERAL.—Section 309(d) of the Federal
11 Water Pollution Control Act (33 U.S.C. 1319(d)) is
12 amended by inserting after the second sentence the follow-
13 ing: “The court may, in the court’s discretion, order that
14 a civil penalty be used for carrying out mitigation projects
15 which are consistent with the purposes of this Act and
16 which enhance the public health or environment.”.

17 (b) CONFORMING AMENDMENT.—Section 505(a) of
18 such Act (33 U.S.C. 1365(a)) is amended by inserting be-
19 fore the period at the end of the last sentence the follow-
20 ing: “, including ordering the use of a civil penalty for
21 carrying out mitigation projects in accordance with section
22 309(d)”.

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