

103D CONGRESS  
1ST SESSION

# S. 567

To assist in the restoration of the Chesapeake Bay, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 3), 1993

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. WOFFORD, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To assist in the restoration of the Chesapeake Bay, 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 “Chesapeake Bay Res-  
5 toration Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Chesapeake Bay is a national treasure  
9 and a resource of worldwide significance;

1           (2) in recent years, the productivity and water  
2           quality of the Chesapeake Bay and the tributaries of  
3           the Bay have been diminished by pollution, excessive  
4           sedimentation, shoreline erosion, the impacts of  
5           growth and development of population in the Ches-  
6           apeake Bay watershed, and other factors;

7           (3) the Federal Government, State govern-  
8           ments, the District of Columbia and the govern-  
9           ments of political subdivisions of the States with ju-  
10          risdiction over the Chesapeake Bay watershed have  
11          committed to a comprehensive and cooperative pro-  
12          gram to achieve improved water quality and im-  
13          provements in the productivity of living resources of  
14          the Bay;

15          (4) the cooperative program described in para-  
16          graph (3) serves as a national model for the man-  
17          agement of estuaries; and

18          (5) there is a need to expand Federal support  
19          for research, monitoring, management, and restora-  
20          tion activities in the Chesapeake Bay and the tribu-  
21          taries of the Bay in order to meet and further the  
22          goals and commitments of the Chesapeake Bay Pro-  
23          gram.

24          (b) PURPOSES.—The purposes of this Act are to—

1           (1) expand and strengthen the cooperative ef-  
2           forts to restore and protect the Chesapeake Bay;  
3           and

4           (2) achieve the goals embodied in the Chesa-  
5           peake Bay Agreement.

6 **SEC. 3. DEFINITIONS.**

7           As used in this Act:

8           (1) ADMINISTRATOR.—The term “Adminis-  
9           trator” means the Administrator of the Environ-  
10          mental Protection Agency.

11          (2) CHESAPEAKE BAY AGREEMENT.—The term  
12          “Chesapeake Bay Agreement” means the formal,  
13          voluntary agreements executed to achieve the goal of  
14          restoring and protecting the Chesapeake Bay eco-  
15          system and the living resources of the ecosystem and  
16          signed by the Governor of the State of Maryland,  
17          the Governor of the State of Pennsylvania, the Gov-  
18          ernor of the State of Virginia, the mayor of the Dis-  
19          trict of Columbia, the chairman of the tri-State  
20          Chesapeake Bay Commission, and the Adminis-  
21          trator, on behalf of the executive branch of the Fed-  
22          eral Government.

23          (3) CHESAPEAKE BAY PROGRAM.—The term  
24          “Chesapeake Bay Program” or “Chesapeake Bay  
25          Programs” means the program directed by the

1 Chesapeake Executive Council in accordance with  
2 the Chesapeake Bay Agreement.

3 (4) CHESAPEAKE BAY WATERSHED.—The term  
4 “Chesapeake Bay watershed” shall have the mean-  
5 ing determined by the Administrator.

6 (5) CHESAPEAKE EXECUTIVE COUNCIL.—The  
7 term “Chesapeake Executive Council” means the  
8 signatories of the Chesapeake Bay Agreement.

9 (6) PERSON.—The term “person” includes a  
10 State or a political subdivision of a State, interstate,  
11 or regional agency or entity, or any other public or  
12 nonprofit private agency, institution, or organiza-  
13 tion.

14 (7) SIGNATORY JURISDICTION.—The term “sig-  
15 natory jurisdiction” means a jurisdiction of a signa-  
16 tory of the Chesapeake Bay Agreement.

17 **SEC. 4. MANAGEMENT OF CHESAPEAKE BAY PROGRAM.**

18 (a) IN GENERAL.—Section 117 of the Federal Water  
19 Pollution Control Act (33 U.S.C. 1267) is amended—

20 (1) by striking subsection (a);

21 (2) by redesignating subsections (b) through (d)  
22 as subsections (c) through (e), respectively; and

23 (3) by inserting before subsection (c) (as so re-  
24 designated) the following new subsections:

25 “(a) DEFINITIONS.—As used in this section:

1           “(1) CHESAPEAKE BAY AGREEMENT.—The  
2 term ‘Chesapeake Bay Agreement’ means the for-  
3 mal, voluntary agreements executed to achieve the  
4 goal of restoring and protecting the Chesapeake Bay  
5 ecosystem and the living resources of the ecosystem  
6 and signed by the Governor of the State of Mary-  
7 land, the Governor of the Commonwealth of Penn-  
8 sylvania, the Governor of the Commonwealth of Vir-  
9 ginia, the mayor of the District of Columbia, the  
10 chairman of the tri-State Chesapeake Bay Commis-  
11 sion, and the Administrator, on behalf of the execu-  
12 tive branch of the Federal Government.

13           “(2) CHESAPEAKE BAY PROGRAM.—The term  
14 ‘Chesapeake Bay Program’ or ‘Chesapeake Bay Pro-  
15 grams’ means the program directed by the Chesa-  
16 peake Executive Council in accordance with the  
17 Chesapeake Bay Agreement.

18           “(3) CHESAPEAKE EXECUTIVE COUNCIL.—The  
19 term ‘Chesapeake Executive Council’ means the sig-  
20 natories of the Chesapeake Bay Agreement.

21           “(b) CONTINUATION OF CHESAPEAKE BAY PRO-  
22 GRAM.—

23           “(1) IN GENERAL.—In cooperation with the  
24 Chesapeake Executive Council (and as a member of

1 the Council), the Administrator shall continue the  
2 Chesapeake Bay Program.

3 “(2) PROGRAM OFFICE.—The Administrator  
4 shall maintain in the Environmental Protection  
5 Agency a Chesapeake Bay Program Office. The  
6 Chesapeake Bay Program Office shall provide sup-  
7 port to the Chesapeake Executive Council by—

8 “(A) implementing and coordinating  
9 science, research, modeling, support services,  
10 monitoring, and data collection activities that  
11 support the Chesapeake Bay Program;

12 “(B) making available, through publica-  
13 tions, technical assistance, and other appro-  
14 priate means, information pertaining to the en-  
15 vironmental quality and living resources of the  
16 Chesapeake Bay Program;

17 “(C) in cooperation with appropriate Fed-  
18 eral, State, and local authorities, assisting the  
19 signatories to the Chesapeake Bay Agreement  
20 that participate in the Chesapeake Bay Pro-  
21 gram in developing and implementing specific  
22 action plans to carry out the responsibilities of  
23 the authorities under the Chesapeake Bay  
24 Agreement;

1           “(D) assisting the Administrator in coordi-  
2           nating the actions of the Environmental Protec-  
3           tion Agency with the actions of the appropriate  
4           officials of other Federal agencies and State  
5           and local authorities in developing strategies  
6           to—

7                   “(i) improve the water quality and liv-  
8                   ing resources of the Bay; and

9                   “(ii) obtain the support of the appro-  
10                  priate officials of the agencies and authori-  
11                  ties in achieving the objectives of the  
12                  Chesapeake Bay Agreement; and

13           “(E) implementing outreach programs for  
14           public information, education, and participation  
15           to foster stewardship of the resources of the  
16           Chesapeake Bay.”.

17           (b) INTERAGENCY COOPERATION AND COORDINA-  
18           TION.—

19                   (1) IN GENERAL.—There is established a  
20           Chesapeake Bay Federal Agencies Committee (here-  
21           after in this subsection referred to as the “Commit-  
22           tee”).

23                   (2) PURPOSES.—The purposes of the Commit-  
24           tee shall be to—

1 (A) facilitate the collaboration, cooperation  
2 and coordination among Federal agencies and  
3 programs of Federal agencies in support of the  
4 restoration of the Chesapeake Bay;

5 (B) ensure the integration of Federal ac-  
6 tivities relating to the restoration of the Chesa-  
7 peake Bay with State and local restoration ac-  
8 tivities, and the restoration activities of non-  
9 governmental entities; and

10 (C) provide a framework for activities that  
11 effectively focus the expertise and resources of  
12 Federal agencies on problems identified by the  
13 Committee in such manner as to produce de-  
14 monstrable environmental results and demon-  
15 strable improvements in the agency programs.

16 (3) DUTIES OF THE COMMITTEE.—The Com-  
17 mittee shall share information, set priorities, and de-  
18 velop and implement plans, programs, and projects  
19 for collaborative activities to carry out the following  
20 duties:

21 (A) Reviewing all Federal research, mon-  
22 itoring, regulatory, planning, educational, finan-  
23 cial and technical assistance, and other pro-  
24 grams that the Committee determines to be ap-  
25 propriate, that relate to the maintenance, res-



1           toration, preservation or enhancement of the  
2           environmental quality and natural resources of  
3           the Chesapeake Bay.

4           (B) Reviewing each Federal program ad-  
5           ministered by the head of each participating  
6           Federal agency that may influence or contribute  
7           to point and nonpoint source pollution and es-  
8           tablish a means for the mitigation of any poten-  
9           tial impacts of the pollution.

10          (C) Developing and implementing an an-  
11          nual and long-range work program that speci-  
12          fies the responsibilities of each Federal agency  
13          in meeting commitments and goals of the  
14          Chesapeake Bay Agreement.

15          (D) Assessing priority needs and making  
16          recommendations to the Chesapeake Executive  
17          Council for improved environmental and living  
18          resources management of the Chesapeake Bay  
19          ecosystem.

20          (4) APPOINTMENT OF MEMBERS.—The mem-  
21          bers of the Committee shall be appointed as follows:

22                (A) At least 1 member who is an employee  
23                of the Environmental Protection Agency shall  
24                be appointed by the Administrator.

1 (B) At least 1 member who is an employee  
2 of the National Oceanic and Atmospheric Ad-  
3 ministration of the Department of Commerce  
4 shall be appointed by the Secretary of Com-  
5 merce.

6 (C) At least 3 members shall be appointed  
7 by the Secretary of the Interior, of whom—

8 (i) 1 member shall be an employee of  
9 the United States Fish and Wildlife Serv-  
10 ice;

11 (ii) 1 member shall be an employee of  
12 the National Park Service; and

13 (iii) 1 member shall be an employee of  
14 the United States Geological Survey.

15 (D) At least 4 members shall be appointed  
16 by the Secretary of Agriculture, of whom—

17 (i) 1 member shall be an employee of  
18 the Soil Conservation Service;

19 (ii) 1 member shall be an employee of  
20 the Forest Service;

21 (ii) 1 member shall be an employee of  
22 the Agricultural Stabilization and Con-  
23 servation Service; and

24 (iv) 1 member shall be an employee of  
25 the Extension Service.

1 (E) At least 3 members shall be appointed  
2 by the Secretary of Defense, of whom—

3 (i) At least 2 members shall be em-  
4 ployees of the United States Army, of  
5 whom 1 member shall be an employee of  
6 the Army Corps of Engineers; and

7 (ii) 1 member shall be an employee of  
8 the United States Navy.

9 (F) At least 1 member who is an employee  
10 of the Federal Highway Administration shall be  
11 appointed by the Secretary of Transportation.

12 (G) At least 1 member who is an employee  
13 of the Coast Guard shall be appointed by the  
14 head of the department in which the Coast  
15 Guard is operating.

16 (H) At least 1 member shall be appointed  
17 by the Secretary of Housing and Urban Devel-  
18 opment.

19 (I) At least 1 member shall be appointed  
20 by Board of Regents of the Smithsonian Insti-  
21 tution.

22 (5) CHAIRPERSON.—The Committee shall on  
23 the initial meeting of the Committee, and biennially  
24 thereafter, select a Chairperson from among the  
25 members of the Committee.

1           (6) PROCEDURES.—The Committee may estab-  
2           lish such rules and procedures (including rules and  
3           procedures relating to the internal structure and  
4           function of the Committee) as the Committee deter-  
5           mines to be necessary to best fulfill the responsibil-  
6           ities of the Committee.

7           (7) MEETINGS.—The initial meeting of the  
8           Committee shall be not later than 60 days after the  
9           date of enactment of this Act. Subsequent meetings  
10          shall be held on a regular basis at the call of the  
11          Chairperson.

12          (c) REPORTS.—Beginning with the submission by the  
13          President of the budget of the United States relating to  
14          the first fiscal year beginning after the date of enactment  
15          of this Act, the head of each Federal agency shall submit  
16          to the President a report to be submitted to Congress  
17          along with the budget of the United States that identi-  
18          fies—

19                (1) the activities that have been carried out or  
20                are being undertaken to carry out the responsibil-  
21                ities of the Federal agency under this section or that  
22                are otherwise required under the Chesapeake Bay  
23                Program;

24                (2) planned activities to carry out the respon-  
25                sibilities referred to in paragraph (1); and

1           (3) the resources provided by the Federal agen-  
2           cy to meet the responsibilities of the agency under  
3           this section and under the Chesapeake Bay Pro-  
4           gram.

5 **SEC. 5. COMPLIANCE BY FEDERAL FACILITIES.**

6           (a) IN GENERAL.—

7           (1) IN GENERAL.—Not later than 12 months  
8           after the date of enactment of this Act, and annually  
9           thereafter, the head of each Federal agency that  
10          owns or operates a facility (as defined by the Admin-  
11          istrator) within the Chesapeake Bay watershed shall  
12          perform an assessment of the facility for the purpose  
13          of ensuring consistency and compliance with the  
14          commitments, goals, and objectives of the Chesa-  
15          peake Bay Program.

16          (2) ASSESSMENT.—The assessment referred to  
17          in paragraph (1) shall identify any existing or poten-  
18          tial impact on the water quality or living resources  
19          of the Chesapeake Bay (or both) by the facility, in-  
20          cluding any potential land-use impacts of activities  
21          related to new development, man-made obstructions  
22          to fish passage, shoreline erosion, and ground water  
23          and storm water runoff.

24          (3) STATE PLANS AND PROGRAMS.—To the  
25          maximum extent practicable, each Federal agency

1 that owns or occupies real property in the Chesapeake  
2 Bay watershed shall ensure conformance with  
3 any applicable State plans and programs to protect  
4 environmentally sensitive areas in the Chesapeake  
5 Bay watershed.

6 (b) REPORT REQUIREMENTS.—As part of each re-  
7 port required under section 4(c), the head of each Federal  
8 agency shall include a detailed plan, funding mechanism,  
9 and schedule for addressing or mitigating the impacts re-  
10 ferred to in subsection (a).

11 **SEC. 6. CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND**  
12 **RIVER BASIN PROGRAM.**

13 (a) IN GENERAL.—Not later than 6 months after the  
14 date of enactment of this Act, the Administrator, in co-  
15 operation with the Chesapeake Executive Council, the Sec-  
16 retary of Commerce (acting through the Administrator of  
17 the National Oceanic and Atmospheric Administration),  
18 the Secretary of the Interior (acting through the Director  
19 of the United States Fish and Wildlife Service), and the  
20 heads of such other Federal agencies as the Administrator  
21 determines to be appropriate, shall implement a coordi-  
22 nated research, monitoring, and data collection program  
23 to—

24 (1) assess the status of, and trends in, the envi-  
25 ronmental quality and living resources of the major

1 tributaries, rivers and streams within the Chesa-  
2 peake Bay watershed; and

3 (2) assist in the development of management  
4 plans for the waters referred to in paragraph (1).

5 (b) CONTENTS OF PROGRAM.—The program referred  
6 to in subsection (a) shall include—

7 (1) a comprehensive inventory of water quality  
8 and living resource data for waters within the  
9 Chesapeake Bay watershed;

10 (2) an assessment of major issues and problems  
11 concerning water quality in the Chesapeake Bay wa-  
12 tershed, including the extent to which the waters  
13 provide for the protection and propagation of a bal-  
14 anced indigenous population of fish, shellfish, and  
15 wildlife;

16 (3) a program to identify sources of water pol-  
17 lution within the Chesapeake Bay watershed, includ-  
18 ing a system of accounting for sources of nutrients,  
19 and the movement of nutrients, pollutants, and sedi-  
20 ments through the Chesapeake Bay watershed; and

21 (4) the development of a coordinated Chesa-  
22 peake Bay watershed land-use database that incor-  
23 porates resource inventories and analyses—

24 (A) for the evaluation of the effects of dif-  
25 ferent land-use patterns on hydrological cycles,

1 water quality, living resources, and other envi-  
2 ronmental features; and

3 (B) as an aid to making sound land-use  
4 management decisions.

5 (c) MANAGEMENT PLANS.—In a manner consistent  
6 with each applicable deadline established by the Chesa-  
7 peake Executive Council, the Administrator, in consulta-  
8 tion with the Chesapeake Executive Council, shall assist  
9 each signatory jurisdiction of the Chesapeake Bay Counsel  
10 in the development and implementation of a management  
11 strategy for each of the major tributaries of the Chesa-  
12 peake Bay, designed for the achievement of—

13 (1) a reduction, in a manner consistent with the  
14 terms of the Chesapeake Bay Agreement, in the  
15 quantity of nitrogen and phosphorous entering the  
16 main stem Chesapeake Bay; and

17 (2) the water quality requirements necessary to  
18 restore living resources in both the tributaries and  
19 the main stem of the Chesapeake Bay.

20 (d) ASSISTANCE.—

21 (1) IN GENERAL.—The Administrator, in con-  
22 sultation with the Chesapeake Executive Council, is  
23 authorized to provide technical and financial assist-  
24 ance to any State government, interstate entity,  
25 local government, or any other public or nonprofit



1 private agency, institution or organization in the  
2 Chesapeake Bay watershed to—

3 (A) support the research, monitoring, and  
4 data collection program under this section;

5 (B) develop and implement cooperative  
6 tributary basin strategies that address the  
7 water quality and living resource needs de-  
8 scribed in paragraph (2); and

9 (C) encourage and coordinate locally based  
10 public and private watershed protection and  
11 restoration efforts that aid in the development  
12 and implementation of programs that com-  
13 plement the tributary basin strategies developed  
14 by the Chesapeake Executive Council.

15 (2) GRANTS.—

16 (A) IN GENERAL.—In providing financial  
17 assistance pursuant to paragraph (1), the Ad-  
18 ministrator may carry out a grant program.  
19 Under the grant program, the Administrator  
20 may award a grant to any person (including the  
21 government of a State) who submits an applica-  
22 tion that is approved by the Administrator.

23 (B) FEDERAL SHARE.—A grant awarded  
24 under this subsection for a fiscal year shall—

1 (i) not exceed an amount equal to 75  
2 percent of the total annual cost of carrying  
3 out the activities that are the subject of  
4 the grant; and

5 (ii) be awarded on the condition that  
6 the non-Federal share of the costs of the  
7 activities referred to in subparagraph (A)  
8 is paid from non-Federal sources.

9 (C) WATERSHED PROTECTION AND RES-  
10 TORATION.—As part of the grant program au-  
11 thorized under this paragraph, the Adminis-  
12 trator may award a grant to a signatory juris-  
13 diction to implement a program referred to in  
14 paragraph (1)(C).

15 (3) PRIORITIZATION.—In carrying out the tech-  
16 nical and financial assistance program under this  
17 subsection, the Administrator shall give priority to  
18 proposals that facilitate the participation of local  
19 governments and entities of the private sector in ef-  
20 forts to improve water quality and the productivity  
21 of living resources of rivers and streams in the  
22 Chesapeake Bay watershed.

23 (4) COORDINATION WITH OTHER FEDERAL  
24 PROGRAMS.—The Administrator shall ensure that  
25 assistance made available under this subsection—

1 (A) is consistent with the requirements of  
2 other Federal financial assistance programs;

3 (B) is provided in coordination with the  
4 programs referred to in subparagraph (A); and

5 (C) furthers the objectives of the Chesapeake Bay Program.  
6

7 **SEC. 7. HABITAT RESTORATION AND ENHANCEMENT DEM-**  
8 **ONSTRATION PROGRAM.**

9 (a) IN GENERAL.—

10 (1) HABITAT RESTORATION AND DESIGN PRO-  
11 GRAM.—The Administrator, in cooperation with the  
12 individuals described in paragraph (2), shall estab-  
13 lish a habitat restoration and design program in the  
14 Chesapeake Bay watershed for the purpose of devel-  
15 oping and demonstrating low-cost techniques for re-  
16 storing or enhancing wetlands, forest riparian zones,  
17 and other types of habitat associated with the  
18 Chesapeake Bay and the tributaries of the Chesapeake Bay.  
19

20 (2) INDIVIDUALS.—The individuals described in  
21 this paragraph are the Secretary of the Interior, act-  
22 ing through the Director of the United States Fish  
23 and Wildlife Service, the Secretary of Commerce,  
24 acting through the Administrator of the National  
25 Oceanic and Atmospheric Administration, the Sec-

1       retary of Defense, acting through the Assistant Sec-  
2       retary of the Army for Civil Works, the Secretary of  
3       Agriculture, acting through the Chief of the Forest  
4       Service, and the heads of such other Federal agen-  
5       cies and departments and agencies of a State or po-  
6       litical subdivision of a State as the Administrator  
7       determines to be appropriate

8       (b) CRITERIA FOR IDENTIFICATION OF AREAS OF  
9       SPECIAL CONCERN.—Not later than 1 year after the date  
10      of enactment of this Act, the Administrator, in consulta-  
11      tion with the Chesapeake Executive Council, shall develop  
12      criteria to identify areas of special concern, including—

13           (1) unique, significant, or representative habitat  
14      types;

15           (2) areas that are subject to, or threatened by,  
16      habitat loss or habitat degradation (or both) attrib-  
17      utable to human or natural causes; and

18           (3) areas inhabited by endangered, threatened,  
19      rare species, neotropical migratory birds, or species  
20      that have a unique function within the Chesapeake  
21      Bay ecosystem.

22      (c) PLAN.—Not later than 2 years after the date of  
23      enactment of this Act, the Administrator, in consultation  
24      with the Chesapeake Executive Council, shall develop a  
25      plan for the protection and conservation of wetlands, con-

1 tiguous riparian forests, and other habitats within the  
2 Chesapeake Bay watershed.

3 (d) DUTIES OF THE ADMINISTRATOR.—In carrying  
4 out the demonstration program under this section, the Ad-  
5 ministrator, in consultation with the Chesapeake Execu-  
6 tive Council, shall—

7 (1) identify opportunities for the restoration  
8 and mitigation of major habitat resources in the  
9 Chesapeake Bay watershed;

10 (2) characterize the historical importance of the  
11 habitat resources identified pursuant to paragraph  
12 (1) to the health and functioning of the Chesapeake  
13 Bay ecosystem;

14 (3) conduct a prerestoration characterization  
15 assessment of each habitat resource identified pursu-  
16 ant to paragraph (1) to evaluate with respect to the  
17 habitat resource—

18 (A) the potential effectiveness of a restora-  
19 tion effort;

20 (B) mitigation options; and

21 (C) the cost-effectiveness of each effort or  
22 option referred to in subparagraphs (A) and  
23 (B);

24 (4) consider the degree to which reconstructed  
25 and enhanced habitats may—

1 (A) mitigate the effects of nutrient loading  
2 caused by nonpoint source pollution from devel-  
3 oped areas and agricultural activities;

4 (B) reduce erosion and mitigate flood dam-  
5 age; and

6 (C) assist in the protection or recovery of  
7 living resources;

8 (5) ensure coordination with all existing man-  
9 agement, regulatory, and incentive programs;

10 (6) to accomplish the purposes of the dem-  
11 onstration program under this section, test materials  
12 and techniques for restoration and enhancement, in-  
13 cluding dredge material, submerged aquatic vegeta-  
14 tion plantings, breakwaters, forest buffer strips, and  
15 artificial wetlands;

16 (7) monitor and evaluate the effectiveness of  
17 the demonstration projects;

18 (8) establish and maintain a central clearing-  
19 house to facilitate access to information related to  
20 habitat of the Chesapeake Bay watershed, including  
21 information relating to—

22 (A) habitat—

23 (i) location;

24 (ii) type;

25 (iii) acreage;

- 1 (iv) function;  
2 (v) condition and status; and  
3 (vi) restoration and design techniques;

4 and

- 5 (B) trends related to the information re-  
6 ferred to in subparagraph (A); and

7 (9) develop and carry out educational programs  
8 (including training programs), research programs,  
9 and programs for technical assistance to assist in  
10 the efforts of State and local governments and pri-  
11 vate citizens related to habitat restoration and en-  
12 hancement, including efforts for habitat—

13 (A) identification;

14 (B) delineation;

15 (C) mapping;

16 (D) functional assessment and mitigation;

17 and

18 (E) restoration or creation practices.

19 (e) ASSISTANCE.—

20 (1) IN GENERAL.—In carrying out the dem-  
21 onstration program under this section, the Adminis-  
22 trator is authorized to provide, in cooperation with  
23 the Chesapeake Executive Council, technical assist-  
24 ance and financial assistance in the form of a grant  
25 to any State government, interstate entity, local gov-

1 ernment, or any other public or nonprofit private  
2 agency that submits an approved application.

3 (2) FEDERAL SHARE.—

4 (A) GRANTS.—The Federal share of the  
5 amount of any grant awarded under this sub-  
6 section shall be—

7 (i) with respect to a project conducted  
8 by the grant recipient on land owned or  
9 leased by the Federal Government, 100  
10 percent of the cost of the activities that are  
11 the subject of the grant; and

12 (ii) with respect to a project con-  
13 ducted by the grant recipient on land that  
14 is not owned or leased by the Federal Gov-  
15 ernment, 75 percent of the cost of the ac-  
16 tivities that are the subject of the grant.

17 (B) PROJECTS.—The Federal share of any  
18 project conducted by the Administrator under  
19 this subsection shall be—

20 (i) with respect to a project conducted  
21 on land owned or leased by the Federal  
22 Government, 100 percent of the cost of the  
23 activities that are the subject of the  
24 project; and



1 (ii) with respect to a project con-  
2 ducted on land that is not owned or leased  
3 by the Federal Government, 75 percent of  
4 the cost of the activities that are the sub-  
5 ject of the project.

6 (f) HABITAT PROTECTION AND RESTORATION  
7 PROGRESS ASSESSMENT.—Not later than 3 years after  
8 the date of enactment of this Act, and biennially there-  
9 after, the Administrator shall submit a report to Congress  
10 concerning the results of the demonstration projects con-  
11 ducted under the habitat restoration and design program  
12 described in subsection (a). The report shall also include  
13 a summary of scientific information concerning habitat  
14 restoration and protection in existence at the time of prep-  
15 aration of the report, and a description of methods, proce-  
16 dures, and processes to assist State and local governments  
17 and other interested entities in carrying out activities for  
18 the protection and restoration of wetlands, contiguous ri-  
19 parian forests, and other types of critical habitat that the  
20 Administrator determines to be appropriate.

21 **SEC. 8. BASINWIDE TOXICS REDUCTION.**

22 (a) IN GENERAL.—The Administrator, in cooperation  
23 with the Chesapeake Executive Council, shall implement  
24 a comprehensive basinwide toxics reduction strategy (re-  
25 ferred to in this section as the “Basinwide Toxics Reduc-

1 tion Strategy”) that, with respect to the reduction of in-  
2 puts of toxic pollutants to the Chesapeake Bay and the  
3 tributaries of the Bay—

4 (1) establishes basinwide objectives; and

5 (2) describes actions that are necessary to  
6 achieve a multijurisdictional approach to the reduc-  
7 tion of the inputs.

8 (b) RESEARCH AND MONITORING.—

9 (1) IN GENERAL.—The Administrator shall un-  
10 dertake such research and monitoring activities as  
11 the Administrator determines to be necessary for the  
12 improvement of the understanding of intermedia  
13 transfers of toxic pollutants and the ultimate fate of  
14 the pollutants within the Chesapeake Bay ecosystem.

15 (2) REASSESSMENT OR REVISION.—The Admin-  
16 istrator shall—

17 (A) take into account the results of the re-  
18 search and analysis referred to in paragraph  
19 (1) in any reassessment of the Basinwide  
20 Toxics Reduction Strategy; and

21 (B) incorporate the results in any related  
22 revision of the Basinwide Toxics Reduction  
23 Strategy.

24 (c) FINANCIAL ASSISTANCE.—

1           (1) IN GENERAL.—The Administrator, in co-  
2 operation with the Chesapeake Executive Council,  
3 shall provide such financial and technical assistance  
4 as the Administrator determines to be necessary  
5 to—

6           (A) by not later than 1 year after the date  
7 of enactment of this Act, develop a process to  
8 assist signatory jurisdictions—

9           (i) with improving the identification of  
10 the sources and transport mechanisms of  
11 toxic pollutant loadings to the Chesapeake  
12 Bay and the tributaries of the Bay from  
13 point and nonpoint sources; and

14           (ii) with the periodic integration, in a  
15 consistent format and manner, of the in-  
16 formation obtained pursuant to subpara-  
17 graph (A) into a toxics loading inventory  
18 for the Chesapeake Bay maintained pursu-  
19 ant to the Chesapeake Bay Program (re-  
20 ferred to in this section as the “Chesa-  
21 peake Bay Program Toxics Loading Inven-  
22 tory”); and

23           (B) by not later than 2 years after the  
24 date of enactment of this Act, commence the  
25 implementation of toxics reduction, pollution

1 prevention, and management actions designed  
2 to achieve the toxics reduction goals of the  
3 Chesapeake Bay Agreement.

4 (2) ACTIONS.—The toxics reduction, pollution  
5 prevention, and management actions referred to in  
6 paragraph (1)(B) shall—

7 (A) be based upon the findings and rec-  
8 ommendations of a reevaluation of the  
9 Basinwide Toxics Reduction Strategy; and

10 (B) include targeted demonstration  
11 projects designed to reduce the level of toxic  
12 pollutant loadings from major sources identified  
13 in the Chesapeake Bay Program Toxics Load-  
14 ing Inventory.

15 **SEC. 9. STUDY OF CHESAPEAKE BAY PROGRAM.**

16 Not later than January 1, 1996, the Administrator,  
17 in cooperation with the Chesapeake Bay Executive Coun-  
18 cil, shall complete a study and submit a comprehensive  
19 report to Congress on the results of the study. The study  
20 and report shall, at a minimum—

21 (1) evaluate the implementation of the Chesa-  
22 peake Bay Agreement, including activities of the  
23 Federal Government and State and local govern-  
24 ments;

1           (2) determine whether Federal environmental  
2 programs and other activities adequately address the  
3 priority needs identified in the Chesapeake Bay  
4 Agreement;

5           (3) assess the priority needs required by the  
6 Chesapeake Bay Program management strategies  
7 and how the priorities are being met; and

8           (4) make recommendations for the improved  
9 management of the Chesapeake Bay Program.

10 **SEC. 10. AUTHORIZATIONS.**

11 (a) FEDERAL WATER POLLUTION CONTROL ACT.—

12           (1) PROGRAM OFFICE.—Section 117(d)(1) of  
13 the Federal Water Pollution Control Act (33 U.S.C.  
14 1267(d)(1)) is amended by striking “ 1987, 1988,  
15 1989, and 1990” and inserting “1987 through  
16 1999”.

17           (2) OTHER AUTHORIZATION.—Section  
18 117(d)(2) of the Federal Water Pollution Control  
19 Act (33 U.S.C. 1267(d)(2)) is amended by striking  
20 “1987, 1988, 1989, and 1990” and inserting “1987  
21 through 1999”.

22 (b) ADDITIONAL AUTHORIZATION.—There are au-  
23 thorized to be appropriated to the Environmental Protec-  
24 tion Agency to carry out activities under this Act that are

1 not funded under section 117 of the Federal Water Pollu-  
2 tion Control Act (33 U.S.C. 1267)—

- 3 (1) \$10,000,000 for fiscal year 1994;
- 4 (2) \$11,000,000 for fiscal year 1995;
- 5 (3) \$12,000,000 for fiscal year 1996;
- 6 (4) \$13,000,000 for fiscal year 1997;
- 7 (5) \$14,000,000 for fiscal year 1998; and
- 8 (6) \$15,000,000 for fiscal year 1999.

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