

104TH CONGRESS
1ST SESSION

S. 936

To amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 5), 1995

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

A BILL

To amend the Federal Water Pollution Control Act 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 1995”.

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. CHESAPEAKE BAY.**

7 Section 117 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1267) is amended to read as follows:

9 “CHESAPEAKE BAY

10 “SEC. 117. (a) DEFINITIONS.—In this section:

11 “(1) CHESAPEAKE BAY AGREEMENT.—The
12 term ‘Chesapeake Bay Agreement’ means the for-
13 mal, voluntary agreements executed to achieve the
14 goal of restoring and protecting the Chesapeake Bay
15 ecosystem and the living resources of the ecosystem
16 and signed by the Governor of the State of Mary-
17 land, the Governor of the Commonwealth of Penn-
18 sylvania, the Governor of the Commonwealth of Vir-
19 ginia, the Mayor of the District of Columbia, the
20 chairman of the tri-State Chesapeake Bay Commis-
21 sion, and the Administrator, on behalf of the execu-
22 tive branch of the Federal Government.

23 “(2) CHESAPEAKE BAY PROGRAM.—The term
24 ‘Chesapeake Bay Program’ means the program di-
25 rected by the Chesapeake Executive Council in ac-
26 cordance with the Chesapeake Bay Agreement.

1 “(3) CHESAPEAKE BAY WATERSHED.—The
2 term ‘Chesapeake Bay watershed’ shall have the
3 meaning determined by the Administrator.

4 “(4) CHESAPEAKE EXECUTIVE COUNCIL.—The
5 term ‘Chesapeake Executive Council’ means the sig-
6 natories to the Chesapeake Bay Agreement.

7 “(5) SIGNATORY JURISDICTION.—The term
8 ‘signatory jurisdiction’ means a jurisdiction of a sig-
9 natory to the Chesapeake Bay Agreement.

10 “(b) CONTINUATION OF CHESAPEAKE BAY PRO-
11 GRAM.—

12 “(1) IN GENERAL.—In cooperation with the
13 Chesapeake Executive Council (and as a member of
14 the Council), the Administrator shall continue the
15 Chesapeake Bay Program.

16 “(2) PROGRAM OFFICE.—The Administrator
17 shall maintain in the Environmental Protection
18 Agency a Chesapeake Bay Program Office. The
19 Chesapeake Bay Program Office shall provide sup-
20 port to the Chesapeake Executive Council by—

21 “(A) implementing and coordinating
22 science, research, modeling, support services,
23 monitoring, and data collection activities that
24 support the Chesapeake Bay Program;

1 “(B) making available, through publica-
2 tions, technical assistance, and other appro-
3 priate means, information pertaining to the en-
4 vironmental quality and living resources of the
5 Chesapeake Bay Program;

6 “(C) in cooperation with appropriate Fed-
7 eral, State, and local authorities, assisting the
8 signatories to the Chesapeake Bay Agreement
9 that participate in the Chesapeake Bay Pro-
10 gram in developing and implementing specific
11 action plans to carry out the responsibilities of
12 the authorities under the Chesapeake Bay
13 Agreement;

14 “(D) assisting the Administrator in coordi-
15 nating the actions of the Environmental Protec-
16 tion Agency with the actions of the appropriate
17 officials of other Federal agencies and State
18 and local authorities in developing strategies
19 to—

20 “(i) improve the water quality and liv-
21 ing resources of the Chesapeake Bay; and

22 “(ii) obtain the support of the appro-
23 priate officials of the agencies and authori-
24 ties in achieving the objectives of the
25 Chesapeake Bay Agreement; and

1 “(E) implementing outreach programs for
2 public information, education, and participation
3 to foster stewardship of the resources of the
4 Chesapeake Bay.

5 “(3) INTERAGENCY COOPERATION AND COORDI-
6 NATION.—

7 “(A) IN GENERAL.—There is established a
8 Chesapeake Bay Federal Agencies Committee
9 (referred to in this paragraph as the ‘Commit-
10 tee’). The purposes of the Committee shall be
11 to—

12 “(i) facilitate collaboration, coopera-
13 tion, and coordination among Federal
14 agencies and programs of Federal agencies
15 in support of the restoration of the Chesa-
16 peake Bay;

17 “(ii) ensure the integration of Federal
18 activities relating to the restoration of the
19 Chesapeake Bay with State and local res-
20 toration activities, and the restoration ac-
21 tivities of nongovernmental entities; and

22 “(iii) provide a framework for activi-
23 ties that effectively focus the expertise and
24 resources of Federal agencies on problems
25 identified by the Committee in such man-

1 ner as to produce demonstrable environ-
2 mental results and demonstrable improve-
3 ments in programs of Federal agencies.

4 “(B) DUTIES OF THE COMMITTEE.—The
5 Committee shall share information, set prior-
6 ities, and develop and implement plans, pro-
7 grams, and projects for collaborative activities
8 to carry out the following duties:

9 “(i) Reviewing all Federal research,
10 monitoring, regulatory, planning, edu-
11 cational, financial, and technical assist-
12 ance, and other programs that the Com-
13 mittee determines to be appropriate, that
14 relate to the maintenance, restoration,
15 preservation, or enhancement of the envi-
16 ronmental quality and natural resources of
17 the Chesapeake Bay.

18 “(ii) Reviewing each Federal program
19 administered by the head of each partici-
20 pating Federal agency that may influence
21 or contribute to point and nonpoint source
22 pollution and establishing a means for the
23 mitigation of any potential impacts of the
24 pollution.

1 “(iii) Developing and implementing an
2 annual and long-range work program that
3 specifies the responsibilities of each Fed-
4 eral agency in meeting commitments and
5 goals of the Chesapeake Bay Agreement.

6 “(iv) Assessing priority needs and
7 making recommendations to the Chesa-
8 peake Executive Council for improved envi-
9 ronmental and living resources manage-
10 ment of the Chesapeake Bay ecosystem.

11 “(C) APPOINTMENT OF MEMBERS.—The
12 members of the Committee shall be appointed
13 as follows:

14 “(i) At least 1 member who is an em-
15 ployee of the Environmental Protection
16 Agency shall be appointed by the Adminis-
17 trator.

18 “(ii) At least 1 member who is an em-
19 ployee of the National Oceanic and Atmos-
20 pheric Administration of the Department
21 of Commerce shall be appointed by the
22 Secretary of Commerce.

23 “(iii) At least 3 members shall be ap-
24 pointed by the Secretary of the Interior, of
25 whom—

1 “(I) 1 member shall be an em-
2 ployee of the United States Fish and
3 Wildlife Service;

4 “(II) 1 member shall be an em-
5 ployee of the National Park Service;
6 and

7 “(III) 1 member shall be an em-
8 ployee of the United States Geological
9 Survey.

10 “(iv) At least 4 members shall be ap-
11 pointed by the Secretary of Agriculture, of
12 whom—

13 “(I) 1 member shall be an em-
14 ployee of the Natural Resources Con-
15 servation Service;

16 “(II) 1 member shall be an em-
17 ployee of the Forest Service;

18 “(III) 1 member shall be an em-
19 ployee of the Consolidated Farm Serv-
20 ice Agency; and

21 “(IV) 1 member shall be an em-
22 ployee of the Cooperative State Re-
23 search, Education, and Extension
24 Service.

1 “(v) At least 3 members shall be ap-
2 pointed by the Secretary of Defense, of
3 whom—

4 “(I) at least 2 members shall be
5 employees of the Department of the
6 Army, of whom 1 member shall be an
7 employee of the Army Corps of Engi-
8 neers; and

9 “(II) 1 member shall be an em-
10 ployee of the Department of the Navy.

11 “(vi) At least 1 member who is an
12 employee of the Federal Highway Adminis-
13 tration shall be appointed by the Secretary
14 of Transportation.

15 “(vii) At least 1 member who is an
16 employee of the Coast Guard shall be ap-
17 pointed by the head of the department in
18 which the Coast Guard is operating.

19 “(viii) At least 1 member shall be ap-
20 pointed by the Secretary of Housing and
21 Urban Development.

22 “(ix) At least 1 member shall be ap-
23 pointed by Board of Regents of the Smith-
24 sonian Institution.

1 “(D) CHAIRPERSON.—The Committee
2 shall, at the initial meeting of the Committee,
3 and biennially thereafter, select a Chairperson
4 from among the members of the Committee.

5 “(E) PROCEDURES.—The Committee may
6 establish such rules and procedures (including
7 rules and procedures relating to the internal
8 structure and function of the Committee) as the
9 Committee determines to be necessary to best
10 fulfill the responsibilities of the Committee.

11 “(F) MEETINGS.—The initial meeting of
12 the Committee shall be not later than 60 days
13 after the date of enactment of this subpara-
14 graph. Subsequent meetings shall be held on a
15 regular basis at the call of the Chairperson.

16 “(c) REPORTS.—The Committee shall prepare and
17 submit to the President a report to be submitted to Con-
18 gress that identifies—

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
2 agency to meet the responsibilities of the agency
3 under this section and under the Chesapeake Bay
4 Program.

5 “(d) INTERSTATE DEVELOPMENT PLAN GRANTS.—

6 “(1) AUTHORITY.—The Administrator shall, at
7 the request of the Governor of a State affected by
8 the interstate management plan developed pursuant
9 to the Chesapeake Bay Program (referred to in this
10 subsection as the ‘plan’), make a grant for the pur-
11 pose of implementing the management mechanisms
12 contained in the plan if the State has, within 1 year
13 after the date of enactment of the Chesapeake Bay
14 Restoration Act of 1995, approved and committed to
15 implement all or substantially all aspects of the plan.
16 The grants shall be made subject to such terms and
17 conditions as the Administrator considers appro-
18 priate.

19 “(2) SUBMISSION OF PROPOSAL.—A State or
20 combination of States may apply for the benefits
21 provided under this subsection by submitting to the
22 Administrator a comprehensive proposal to imple-
23 ment management mechanisms contained in the
24 plan, which shall include—

1 “(A) a description of proposed abatement
2 actions that the State or combination of States
3 commits to take within a specified time period
4 to reduce pollution in the Chesapeake Bay and
5 to meet applicable water quality standards; and

6 “(B) the estimated cost of the abatement
7 actions proposed to be taken during the next
8 fiscal year.

9 If the Administrator finds that the proposal is con-
10 sistent with the plan and the national policies set
11 forth in section 101(a), the Administrator shall ap-
12 prove the proposal.

13 “(3) FEDERAL SHARE.—For any fiscal year,
14 the amount of grants made under this subsection
15 shall not exceed 50 percent of the costs of imple-
16 menting the management mechanisms contained in
17 the plan during the fiscal year and shall be made on
18 the condition that non-Federal sources provide the
19 remainder of the cost of implementing the manage-
20 ment mechanisms contained in the plan during the
21 fiscal year.

22 “(4) ADMINISTRATIVE COSTS.—Administrative
23 costs in the form of salaries, overhead, or indirect
24 costs for services provided and charged against pro-
25 grams or projects supported by funds made available

1 under this subsection shall not exceed in any 1 fiscal
2 year an amount equal to 10 percent of the annual
3 Federal grant made to a State under this sub-
4 section.

5 “(e) COMPLIANCE BY FEDERAL FACILITIES.—

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

16 “(2) CONTENTS OF ASSESSMENTS.—The as-
17 sessment referred to in paragraph (1) shall identify
18 any then existing or potential impact on the water
19 quality or living resources of the Chesapeake Bay
20 (or both) by the facility, including any potential
21 land-use impacts of activities related to new develop-
22 ment, man-made obstructions to fish passage, shore-
23 line erosion, and ground water and storm water run-
24 off.

1 “(3) STATE PLANS AND PROGRAMS.—To the
2 maximum extent practicable, the head of each Fed-
3 eral agency that owns or occupies real property in
4 the Chesapeake Bay watershed shall ensure con-
5 formance with any applicable State plan or program
6 to protect environmentally sensitive areas in the
7 Chesapeake Bay watershed.

8 “(4) REPORT REQUIREMENTS.—As part of each
9 report required under subsection (c)(3), the head of
10 each Federal agency shall include a detailed plan,
11 funding mechanism, and schedule for ensuring com-
12 pliance with this Act and addressing or mitigating
13 the impacts referred to in paragraph (2).

14 “(f) HABITAT RESTORATION AND ENHANCEMENT
15 DEMONSTRATION PROGRAM.—

16 “(1) ESTABLISHMENT OF PROGRAM.—The Ad-
17 ministrator, in cooperation with the heads of other
18 appropriate Federal agencies, agencies of States,
19 and political subdivisions of States, shall establish a
20 habitat restoration program in the Chesapeake Bay
21 watershed. The purpose of the program shall be to
22 develop and demonstrate cost-effective techniques for
23 restoring or enhancing wetlands, forest riparian
24 zones, and other types of habitat associated with the

1 Chesapeake Bay and the tributaries of the Chesapeake Bay.
2

3 “(2) CRITERIA FOR IDENTIFICATION OF AREAS
4 FOR HABITAT RESTORATION.—Not later than 1 year
5 after the date of enactment of this subsection, the
6 Administrator, in consultation with the Chesapeake
7 Executive Council, shall develop criteria to identify
8 areas for habitat restoration, including—

9 “(A) unique, significant, or representative
10 habitat types;

11 “(B) areas that are subject to, or threat-
12 ened by, habitat loss or habitat degradation (or
13 both) attributable to human or natural causes;
14 and

15 “(C) areas inhabited by endangered,
16 threatened, or rare species, neotropical migra-
17 tory birds, or species that have a unique func-
18 tion within the Chesapeake Bay ecosystem.

19 “(3) PLAN.—Not later than 2 years after the
20 date of enactment of this subsection, the Adminis-
21 trator, in consultation with the Chesapeake Execu-
22 tive Council, shall develop a plan for the restoration
23 of wetlands, contiguous riparian forests, and other
24 habitats within the Chesapeake Bay watershed.

1 “(4) DUTIES OF THE ADMINISTRATOR.—In car-
2 rying out the demonstration program under this
3 subsection, the Administrator, in consultation with
4 the Chesapeake Executive Council, shall—

5 “(A) identify opportunities for the restora-
6 tion of major habitat resources in the Chesa-
7 peake Bay watershed;

8 “(B) characterize the importance of the
9 habitat resources identified pursuant to sub-
10 paragraph (A) to the health and functioning of
11 the Chesapeake Bay ecosystem;

12 “(C) conduct a prerestoration characteriza-
13 tion assessment of each habitat resource identi-
14 fied pursuant to subparagraph (A) to evaluate
15 with respect to the habitat resource—

16 “(i) the potential effectiveness of a
17 restoration effort;

18 “(ii) enhancement options; and

19 “(iii) the cost-effectiveness of each ef-
20 fort or option referred to in clauses (i) and
21 (ii);

22 “(D) consider the degree to which restored
23 and enhanced habitats may—

24 “(i) mitigate the effects of nutrient
25 loading caused by nonpoint source pollu-

1 tion from developed areas and agricultural
2 activities;

3 “(ii) reduce erosion and mitigate flood
4 damage; and

5 “(iii) assist in the protection or recov-
6 ery of living resources;

7 “(E) ensure coordination with all then ex-
8 isting management, regulatory, and incentive
9 programs;

10 “(F) implement habitat restoration
11 projects on a demonstration basis, including
12 submerged aquatic vegetation plantings, break-
13 waters, forest buffer strips, and artificial wet-
14 lands;

15 “(G) monitor and evaluate the effective-
16 ness of the demonstration projects;

17 “(H) establish and maintain a central
18 clearinghouse to facilitate access to information
19 related to habitat of the Chesapeake Bay water-
20 shed, including information relating to habitat
21 location, type, acreage, function, condition and
22 status, and restoration and design techniques
23 and trends related to the information; and

24 “(I) develop and carry out educational pro-
25 grams (including training programs), research

1 programs, and programs for technical assist-
2 ance to assist in the efforts of State and local
3 governments and private citizens related to
4 habitat restoration and enhancement.

5 “(5) ASSISTANCE.—

6 “(A) IN GENERAL.—In carrying out the
7 demonstration program under this subsection,
8 the Administrator is authorized to provide, in
9 cooperation with the Chesapeake Executive
10 Council, technical assistance and financial as-
11 sistance in the form of a grant to any State
12 government, interstate entity, local government,
13 or any other public or nonprofit private agency
14 that submits an approved application.

15 “(B) FEDERAL SHARE OF GRANTS.—The
16 Federal share of the amount of any grant
17 awarded under this subsection shall be—

18 “(i) with respect to a project con-
19 ducted by the grant recipient on land
20 owned or leased by the Federal Govern-
21 ment, 100 percent of the cost of the activi-
22 ties that are the subject of the grant; and

23 “(ii) with respect to a project con-
24 ducted by the grant recipient on land that
25 is not owned or leased by the Federal Gov-

1 ernment, 75 percent of the cost of the ac-
2 tivities that are the subject of the grant.

3 “(C) FEDERAL SHARE OF PROJECTS.—The
4 Federal share of any project conducted by the
5 Administrator under this subsection shall be—

6 “(i) with respect to a project con-
7 ducted on land owned or leased by the
8 Federal Government, 100 percent of the
9 cost of the activities that are the subject of
10 the project; and

11 “(ii) with respect to a project con-
12 ducted on land that is not owned or leased
13 by the Federal Government, 75 percent of
14 the cost of the activities that are the sub-
15 ject of the project.

16 “(6) HABITAT PROTECTION AND RESTORATION
17 PROGRESS ASSESSMENT.—Not later than 3 years
18 after the date of enactment of this subsection, and
19 biennially thereafter, the Administrator shall submit
20 a report to Congress concerning the results of the
21 demonstration projects conducted under the habitat
22 restoration demonstration program described in
23 paragraph (1). The report shall also include a sum-
24 mary of scientific information concerning habitat
25 restoration and protection in existence at the time of

1 preparation of the report, and a description of meth-
2 ods, procedures, and processes to assist State and
3 local governments and other interested entities in
4 carrying out projects for the protection and restora-
5 tion of habitat that the Administrator determines to
6 be appropriate.

7 “(g) BASINWIDE TOXICS REDUCTION.—

8 “(1) IN GENERAL.—The Administrator, in co-
9 operation with the Chesapeake Executive Council,
10 shall develop a comprehensive basinwide toxics re-
11 duction strategy (referred to in this subsection as
12 the ‘Strategy’). The Strategy shall, with respect to
13 inputs of toxic pollutants to the Chesapeake Bay
14 and the tributaries of the Bay, establish basinwide
15 reduction objectives and describe actions that are
16 necessary to achieve a multijurisdictional approach
17 to the reduction of the inputs.

18 “(2) RESEARCH AND MONITORING.—The Ad-
19 ministrator shall undertake such research and mon-
20 itoring activities as the Administrator determines to
21 be necessary for the improvement of the understand-
22 ing of intermedia transfers of toxic pollutants and
23 the ultimate fate of the pollutants within the Chesa-
24 peake Bay ecosystem.

1 “(3) ELEMENTS OF STRATEGY.—The Strategy
2 shall include a process to assist signatory jurisdic-
3 tions with—

4 “(A) improving the identification of the
5 sources and transport mechanisms of toxic pol-
6 lutant loadings to the Chesapeake Bay and the
7 tributaries of the Bay from point and nonpoint
8 sources; and

9 “(B) the periodic integration, in a consist-
10 ent format and manner, of the information ob-
11 tained pursuant to subparagraph (A) into a
12 toxics loading inventory for the Chesapeake
13 Bay.

14 “(4) DEADLINE FOR COMPLETION OF STRAT-
15 EGY.—The Strategy shall be completed not later
16 than 2 years after the date of enactment of this sub-
17 section.

18 “(5) FEDERAL ASSISTANCE.—The Adminis-
19 trator, in cooperation with the Chesapeake Executive
20 Council, shall provide such financial and technical
21 assistance as the Administrator determines to be
22 necessary to—

23 “(A) by not later than 1 year after the
24 date of enactment of this subsection, develop a
25 process to assist signatory jurisdictions—

1 “(i) with improving the identification
2 of the sources and transport mechanisms
3 of toxic pollutant loadings to the Chesapeake Bay and the tributaries of the Bay
4 from point and nonpoint sources; and

5 “(ii) with the periodic integration, in
6 a consistent format and manner, of the information obtained pursuant to clause (i)
7 into a toxics loading inventory for the
8 Chesapeake Bay maintained pursuant to
9 the Chesapeake Bay Program (referred to
10 in this subsection as the ‘Chesapeake Bay
11 Program Toxics Loading Inventory’); and

12 “(B) by not later than 2 years after the
13 date of enactment of this subsection, commence
14 the implementation of toxics reduction, pollution
15 prevention, and management actions designed to achieve the toxics reduction goals of
16 the Chesapeake Bay Agreement.

17 “(6) ACTIONS.—The toxics reduction, pollution
18 prevention, and management actions referred to in
19 paragraph (5)(B) shall—

20 “(A) be based upon the findings and recommendations of a reevaluation of the Strategy;
21 and
22 and
23 and
24 and
25 and

1 “(B) include targeted demonstration
2 projects designed to reduce the level of toxic
3 pollutant loadings from major sources identified
4 in the Chesapeake Bay Program Toxics Load-
5 ing Inventory.

6 “(h) CHESAPEAKE BAY WATERSHED, TRIBUTARY,
7 AND RIVER BASIN PROGRAM.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this subsection, the
10 Administrator, in cooperation with the Chesapeake
11 Executive Council, the Secretary of Commerce (act-
12 ing through the Administrator of the National Oce-
13 anic and Atmospheric Administration), the Secretary
14 of the Interior (acting through the Director of the
15 United States Fish and Wildlife Service), and the
16 heads of such other Federal agencies as the Admin-
17 istrator determines to be appropriate, shall imple-
18 ment a coordinated research, monitoring, and data
19 collection program to—

20 “(A) assess the status of, and trends in,
21 the environmental quality and living resources
22 of the major tributaries, rivers, and streams
23 within the Chesapeake Bay watershed; and

1 “(B) assist in the development of manage-
2 ment plans for the waters referred to in sub-
3 paragraph (A).

4 “(2) CONTENTS OF PROGRAM.—The program
5 referred to in paragraph (1) shall include—

6 “(A) a comprehensive inventory of water
7 quality and living resource data for waters with-
8 in the Chesapeake Bay watershed;

9 “(B) an assessment of major issues and
10 problems concerning water quality in the Chesa-
11 peake Bay watershed, including the extent to
12 which the waters provide for the protection and
13 propagation of a balanced indigenous popu-
14 lation of fish, shellfish, and wildlife;

15 “(C) a program to identify sources of
16 water pollution within the Chesapeake Bay wa-
17 tershed, including a system of accounting for
18 sources of nutrients, and the movement of nu-
19 trients, pollutants, and sediments through the
20 Chesapeake Bay watershed; and

21 “(D) the development of a coordinated
22 Chesapeake Bay watershed land-use database
23 that incorporates resource inventories and anal-
24 yses for the evaluation of the effects of different
25 land-use patterns on hydrological cycles, water

1 quality, living resources, and other environ-
2 mental features as an aid to making sound
3 land-use management decisions.

4 “(3) MANAGEMENT STRATEGIES.—In a manner
5 consistent with each applicable deadline established
6 by the Chesapeake Executive Council, the Adminis-
7 trator, in consultation with the Chesapeake Execu-
8 tive Council, shall assist each signatory jurisdiction
9 of the Chesapeake Bay Council in the development
10 and implementation of a management strategy for
11 each of the major tributaries of the Chesapeake Bay,
12 designed for the achievement of—

13 “(A) a reduction, in a manner consistent
14 with the terms of the Chesapeake Bay Agree-
15 ment, in the quantity of nitrogen and phos-
16 phorous entering the main stem Chesapeake
17 Bay; and

18 “(B) the water quality requirements nec-
19 essary to restore living resources in both the
20 tributaries and the main stem of the Chesa-
21 peake Bay.

22 “(4) ASSISTANCE.—

23 “(A) IN GENERAL.—The Administrator, in
24 consultation with the Chesapeake Executive
25 Council, is authorized to provide technical and

1 financial assistance to any State government,
2 interstate entity, local government, or any other
3 public or nonprofit private agency, institution,
4 or organization in the Chesapeake Bay water-
5 shed to—

6 “(i) support the research, monitoring,
7 and data collection program under this
8 subsection;

9 “(ii) develop and implement coopera-
10 tive tributary basin strategies that address
11 the water quality and living resource
12 needs; and

13 “(iii) encourage and coordinate locally
14 based public and private watershed protec-
15 tion and restoration efforts that aid in the
16 development and implementation of pro-
17 grams that complement the tributary basin
18 strategies developed by the Chesapeake Ex-
19 ecutive Council.

20 “(B) GRANTS.—

21 “(i) IN GENERAL.—In providing fi-
22 nancial assistance pursuant to subpara-
23 graph (A), the Administrator may carry
24 out a grant program. Under the grant pro-
25 gram, the Administrator may award a

1 grant to any person (including the govern-
2 ment of a State) who submits an applica-
3 tion that is approved by the Administrator.

4 “(ii) FEDERAL SHARE.—A grant
5 awarded under this subsection for a fiscal
6 year shall not exceed an amount equal to
7 75 percent of the total annual cost of car-
8 rying out the activities that are the subject
9 of the grant, and be awarded on the condi-
10 tion that the non-Federal share of the
11 costs of the activities referred to in clause
12 (i) is paid from non-Federal sources.

13 “(iii) WATERSHED PROTECTION AND
14 RESTORATION.—As part of the grant pro-
15 gram authorized under this paragraph, the
16 Administrator may award a grant to a sig-
17 natory jurisdiction to implement a program
18 referred to in subparagraph (A)(iii).

19 “(C) PRIORITIZATION.—In carrying out
20 the technical and financial assistance program
21 under this subsection, the Administrator shall
22 give priority to proposals that facilitate the par-
23 ticipation of local governments and entities of
24 the private sector in efforts to improve water
25 quality and the productivity of living resources

1 of rivers and streams in the Chesapeake Bay
2 watershed.

3 “(D) COORDINATION WITH OTHER FED-
4 ERAL PROGRAMS.—The Administrator shall en-
5 sure that assistance made available under this
6 subsection—

7 “(i) is consistent with the require-
8 ments of other Federal financial assistance
9 programs;

10 “(ii) is provided in coordination with
11 the programs referred to in subparagraph
12 (A); and

13 “(iii) furthers the objectives of the
14 Chesapeake Bay Program.

15 “(i) STUDY OF CHESAPEAKE BAY PROGRAM.—Not
16 later than January 1, 1997, the Administrator, in co-
17 operation with the Chesapeake Bay Executive Council,
18 shall complete a study and submit a comprehensive report
19 to Congress on the results of the study. The study and
20 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 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Environmental
12 Protection Agency to carry out this section \$30,000,000
13 for each of fiscal years 1996 through 2001.”.

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