

108TH CONGRESS
1ST SESSION

S. 1959

To amend the Federal Water Pollution Control Act and the Water Resources Development Act of 1992 to provide for the restoration, protection, and enhancement of the environmental integrity and social and economic benefits of the Anacostia Watershed in the State of Maryland and the District of Columbia.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. SARBANES (for himself, Ms. LANDRIEU, Ms. MIKULSKI, and Mr. ALLEN) 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 and the Water Resources Development Act of 1992 to provide for the restoration, protection, and enhancement of the environmental integrity and social and economic benefits of the Anacostia Watershed in the State of Maryland and the District of Columbia.

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 “Anacostia Watershed
5 Initiative Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Anacostia Watershed encompasses 176
4 square miles in the State of Maryland and the Dis-
5 trict of Columbia;

6 (2) the Anacostia Watershed—

7 (A) features the Anacostia River and its
8 tributaries; and

9 (B) has the potential to provide great eco-
10 logical, biodiversity, recreational, social, and
11 economic benefits to—

12 (i) the District of Columbia;

13 (ii) the State of Maryland;

14 (iii) the Commonwealth of Virginia;

15 and

16 (iv) the United States as a whole;

17 (3) the Anacostia Watershed provides habitat
18 for the bald eagle, a species that—

19 (A) is a symbol of the United States; and

20 (B) is listed as a threatened species under
21 the Endangered Species Act of 1973 (16 U.S.C.
22 1531 et seq.);

23 (4) the Anacostia Watershed is 1 of the most
24 densely populated watersheds within the Chesapeake
25 Bay drainage basin;

1 (5) because of its location in the Nation's cap-
2 ital, the Anacostia River—

3 (A) has special significance; and

4 (B) should be a national model of urban
5 river restoration and stewardship;

6 (6) the Federal Government owns and manages
7 approximately 70 percent of the Anacostia River wa-
8 terfront land in the District of Columbia;

9 (7) the Anacostia Watershed is—

10 (A) a degraded urban ecosystem; and

11 (B) 1 of 3 toxic regions of concern in the
12 Chesapeake Bay region;

13 (8) the natural ecology and nationally signifi-
14 cant biodiversity of the Anacostia Watershed are
15 under stress because—

16 (A) more than 300 years of farming, min-
17 ing, industrial development, and urban sprawl
18 have damaged the ecological health and
19 hydrological function of the Anacostia Water-
20 shed; and

21 (B) the Anacostia River and its tributaries
22 have been, and continue to be, adversely im-
23 pacted by—

24 (i) discharges of combined sewer over-
25 flows;

- 1 (ii) channelization;
- 2 (iii) toxic pollution;
- 3 (iv) forest and wetland habitat loss;
- 4 (v) erosion;
- 5 (vi) sedimentation;
- 6 (vii) flooding; and
- 7 (viii) uncontrolled stormwater run-off
- 8 that comprises 75 to 90 percent of total
- 9 pollutant loads;

10 (C) water quality has been severely and
11 chronically degraded as a result of activities de-
12 scribed in subparagraph (B);

13 (D) populations of anadromous fish species
14 have been dramatically reduced by man-made
15 barriers that interfere with spawning activities;

16 (E) invasive species are adversely altering
17 the ecological balance in the Anacostia Water-
18 shed; and

19 (F) bacteria and other pathogens from
20 combined sewer systems and urban runoff (in-
21 cluding the combined sewer system of the Dis-
22 trict, which was constructed by the Federal
23 Government more than 100 years ago) and
24 toxics-laden stormwater discharges from the
25 State of Maryland and the District, have pre-

1 cluded safe swimming, fish consumption, and
2 numerous other types of recreation in the Ana-
3 costia River for decades;

4 (9) the deteriorated Anacostia River diminishes
5 the quality of life for all residents in the Anacostia
6 Watershed, especially those individuals who reside
7 east of the river in the economically distressed
8 neighborhoods of the District;

9 (10) Federal, State, District, and regional agen-
10 cies, local governments, nonprofit organizations, and
11 dedicated private citizens have been working for
12 many years to restore and protect the Anacostia Wa-
13 tershed;

14 (11) in 2001, the Mayor of the District, the
15 Governor of the State, and the county executives of
16 Prince George's County and Montgomery County,
17 Maryland, entered into the Anacostia Watershed
18 Restoration Agreement, which established goals and
19 timeframes for restoring the ecological integrity of
20 the Anacostia Watershed;

21 (12) despite progress in restoration efforts and
22 growing interest in the environmental condition of
23 the Anacostia Watershed, research, restoration, and
24 protection activities relating to the Anacostia Water-

1 shed remain underfunded and in some cases unco-
2 ordinated;

3 (13) restoration and protection of the Anacostia
4 Watershed are central to the ecological, recreational,
5 social, and economic sustainability of the Anacostia
6 Region;

7 (14) the environmental and recreational at-
8 tributes of the Anacostia Watershed could attract
9 visitors to the Anacostia Region;

10 (15) in recognition of local efforts and to secure
11 the Anacostia Watershed as an ecological, economic,
12 and recreational resource for the Washington metro-
13 politan area and the United States, a comprehensive
14 environmental protection, restoration, and resource
15 management plan for the Anacostia Watershed
16 should be developed and implemented;

17 (16) a comprehensive action plan should be de-
18 veloped and implemented with the input, participa-
19 tion, and cooperation of interested stakeholders, with
20 special consideration given to the input and under-
21 takings of the Anacostia Watershed Restoration
22 Committee;

23 (17) the comprehensive action plan referred to
24 in paragraph (16) should not be inconsistent with,
25 and should promote implementation of, a federally-

1 approved combined sewer long-term control plan;
 2 and

3 (18) the Water and Sewer Authority of the Dis-
 4 trict has developed a long term control plan for com-
 5 bined sewer overflows designed to significantly re-
 6 duce discharges from the combined sewer system
 7 into the Anacostia River through the construction of
 8 an Anacostia storage tunnel and other sewer system
 9 improvements.

10 **SEC. 3. ANACOSTIA WATERSHED RESTORATION INITIATIVE.**

11 Title I of the Federal Water Pollution Control Act
 12 (33 U.S.C. 1251 et seq.) is amended—

13 (1) by redesignating section 121 (as added by
 14 section 112(b) of the Miscellaneous Appropriations
 15 Act, 2001 (114 Stat. 2763) as section 122; and

16 (2) by adding after section 122 (as redesignated
 17 by paragraph (1)) the following:

18 **“SEC. 123. ANACOSTIA WATERSHED RESTORATION INITIA-
 19 TIVE.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ANACOSTIA WATERSHED.—

22 “(A) IN GENERAL.—The term ‘Anacostia
 23 Watershed’ means the 176 square miles (456
 24 square kilometers) of land and water in the
 25 State of Maryland and the District that—

1 “(i) approximately mirrors the bound-
 2 ary between Montgomery County and
 3 Prince George’s County, Maryland; and

4 “(ii) converges with the Potomac
 5 River near the southern tip of the District.

6 “(B) INCLUSIONS.—The term ‘Anacostia
 7 Watershed’ includes—

8 “(i) the tidal Anacostia River;

9 “(ii) the northwest branch, northeast
 10 branch, contributing tributaries, and tidal
 11 drainage areas of the Anacostia River; and

12 “(iii) the Anacostia Park managed by
 13 the National Park Service.

14 “(2) ANACOSTIA WATERSHED AGREEMENT.—
 15 The term ‘Anacostia Watershed Agreement’ means
 16 the agreement entered into by the Mayor of the Dis-
 17 trict, the Governor of the State, and the county ex-
 18 ecutives in 2001.

19 “(3) ANACOSTIA WATERSHED RESTORATION
 20 COMMITTEE.—The term ‘Anacostia Watershed Res-
 21 toration Committee’ means the organization that—

22 “(A) was established in 1987 to oversee
 23 and coordinate the regional restoration effort
 24 for, to enhance awareness of, and to expand

1 communication regarding the Anacostia Water-
 2 shed; and

3 “(B) is comprised of representatives of—

4 “(i) the District;

5 “(ii) the State;

6 “(iii) Montgomery County, Maryland;

7 “(iv) Prince George’s County, Mary-
 8 land;

9 “(v) the Corps of Engineers;

10 “(vi) the Environmental Protection
 11 Agency; and

12 “(vii) the National Park Service.

13 “(4) COMBINED SEWER OVERFLOW.—The term
 14 ‘combined sewer overflow’ means the mixture of
 15 stormwater and sanitary waste that is discharged di-
 16 rectly into the Anacostia River during periods of sig-
 17 nificant rainfall once the capacity of the Combined
 18 Sewer System is exceeded.

19 “(5) COMBINED SEWER SYSTEM.—The term
 20 ‘combined sewer system’ means the wastewater col-
 21 lection system serving approximately 12,955 acres of
 22 the Anacostia River, Rock Creek, and Potomac
 23 River drainage areas within the District that conveys
 24 sanitary sewage and stormwater into a single piping
 25 system.

1 “(6) COMPREHENSIVE ACTION PLAN.—The
 2 term ‘Comprehensive Action Plan’ means the Com-
 3 prehensive Action Plan required to be developed and
 4 implemented under subsection (d).

5 “(7) COUNCIL.—The term ‘Council’ means the
 6 Anacostia Watershed Council established by sub-
 7 section (c)(1).

8 “(8) COUNTY EXECUTIVE.—The term ‘County
 9 Executive’ means the county executive of Prince
 10 George’s County or Montgomery County, Maryland,
 11 whichever is applicable.

12 “(9) DISTRICT.—The term ‘District’ means the
 13 District of Columbia.

14 “(10) INITIATIVE.—The term ‘Initiative’ means
 15 the Anacostia Watershed Initiative established by
 16 subsection (b)(1).

17 “(11) STATE.—The term ‘State’ means the
 18 State of Maryland.

19 “(12) WASHINGTON METROPOLITAN AREA.—

20 “(A) IN GENERAL.—The term ‘Washington
 21 metropolitan area’ means the area in the region
 22 of the capital of the United States surrounding
 23 the Anacostia Watershed.

24 “(B) INCLUSIONS.—The term ‘Washington
 25 metropolitan area’ includes—

1 “(i) the District; and

2 “(ii) portions of the States of Mary-
3 land and Virginia surrounding the Ana-
4 costia Watershed.

5 “(b) ANACOSTIA WATERSHED RESTORATION INITIA-
6 TIVE.—

7 “(1) ESTABLISHMENT.—There is established a
8 program within the Environmental Protection Agen-
9 cy to be known as the ‘Anacostia Watershed Res-
10 toration Initiative’.

11 “(2) PURPOSES.—The purposes of the Initiative
12 are—

13 “(A) to restore the environmental integrity
14 of the Anacostia Watershed;

15 “(B) to plan and fund related restoration
16 improvements in the Anacostia Watershed; and

17 “(C) to assist the Council in achieving its
18 goals through the development and implementa-
19 tion of the Comprehensive Action Plan.

20 “(c) ANACOSTIA WATERSHED COUNCIL.—

21 “(1) ESTABLISHMENT.—There is established a
22 council, to be known as the ‘Anacostia Watershed
23 Council’, to develop, carry out, and provide assist-
24 ance and recommendations with respect to the Ini-
25 tiative.

1 “(2) MEMBERSHIP.—The Council shall be com-
2 posed of—

3 “(A) the Administrator;

4 “(B) the Mayor of the District;

5 “(C) the Governor of the State of Mary-
6 land;

7 “(D) the Governor of the Commonwealth of
8 Virginia;

9 “(E) the Secretary of the Interior;

10 “(F) the Secretary of the Army; and

11 “(G) the county executives.

12 “(3) DUTIES.—The duties of the Council shall
13 be—

14 “(A) to develop, in accordance with sub-
15 section (d), a Comprehensive Action Plan for
16 the Anacostia Watershed;

17 “(B) to provide financial and technical as-
18 sistance in accordance with subsection (f); and

19 “(C) to carry out this subsection.

20 “(4) INITIAL MEETING.—Not later than 90
21 days after the date of enactment of this section, the
22 Administrator shall convene the initial meeting of
23 the Council.

24 “(5) MEETINGS.—The Council shall convene—

1 “(A) as frequently as the Council deter-
 2 mines to be necessary during the 1-year period
 3 after the date of the initial meeting of the
 4 Council to develop the Comprehensive Action
 5 Plan; and

6 “(B) biannually thereafter—

7 “(i) to assess the status of the Com-
 8 prehensive Action Plan; and

9 “(ii) to determine the courses of ac-
 10 tion for implementing the Comprehensive
 11 Action Plan.

12 “(d) COMPREHENSIVE ACTION PLAN.—

13 “(1) IN GENERAL.—Not later than 1 year after
 14 the date of enactment of this section, the Council,
 15 with the input, participation, and cooperation of
 16 other stakeholders (including the Anacostia Water-
 17 shed Restoration Committee), shall develop and
 18 make available to the public a 10-year Comprehen-
 19 sive Action Plan to provide for the restoration, pro-
 20 tection, and enhancement of the environmental in-
 21 tegrity and social and economic benefits of the Ana-
 22 costia Watershed by promoting—

23 “(A) watershed planning;

24 “(B) stormwater management;

1 “(C) air, water, sediment, biological, bac-
2 teriological, and habitat monitoring;

3 “(D) sustainable development and environ-
4 mentally-friendly land-use planning;

5 “(E) ecological restoration;

6 “(F) economic development and employ-
7 ment opportunities; and

8 “(G) implementation of a federally-ap-
9 proved plan to control combined sewer overflows
10 into the Anacostia River.

11 “(2) OTHER PROJECTS.—The Comprehensive
12 Action Plan—

13 “(A) shall not affect any existing or
14 planned projects or any approved master or sec-
15 tor plans;

16 “(B) shall not be inconsistent with and
17 shall promote implementation of the require-
18 ments of a federally-approved combined sewer
19 long-term control plan;

20 “(C) shall take into account new tech-
21 nologies and management practices; and

22 “(D) may be modified, as appropriate, by
23 the Council.

24 “(3) OBJECTIVES.—The Comprehensive Action
25 Plan shall—

“(A) incorporate, at a minimum, the goals expressed in the Anacostia Watershed Agreement, of—

“(i) significantly reducing pollutant loads (including sediments, toxic pollutants, combined sewer overflows, stormwater discharges, and any other nonpoint inputs and trash), delivered to the Anacostia River and its tributaries to meet water quality standards and goals;

“(ii) restoring and protecting the ecological integrity of the Anacostia River and its tributaries to—

“(I) enhance aquatic diversity;

“(II) increase recreational use;

and

“(III) provide for a quality urban fishery;

“(iii) restoring in the Anacostia River and its tributaries the natural range of resident and anadromous fish to historical limits;

“(iv) increasing the natural filtering capacity and habitat diversity of the Anacostia Watershed by significantly increas-

1 ing the acreage and quality of tidal and
 2 nontidal wetland;

3 “(v)(I) protecting and expanding for-
 4 est cover throughout the Anacostia Water-
 5 shed; and

6 “(II) creating a continuous riparian
 7 forest buffer adjacent to the streams, wet-
 8 land, and primary branches of the Ana-
 9 costia River; and

10 “(vi) increasing—

11 “(I) the awareness of citizens
 12 and private businesses of their vital
 13 role in the cleanup and economic revi-
 14 talization of the Anacostia Watershed;
 15 and

16 “(II) volunteer and public-private
 17 partnership participation in restora-
 18 tion activities for the Anacostia Wa-
 19 tershed;

20 “(B) identify specific targets to be
 21 achieved annually for each of fiscal years 2004
 22 through 2013 using the indicators delineated in
 23 the Anacostia Watershed Agreement;

24 “(C) identify specific actions and schedules
 25 for meeting the targets identified under sub-

1 paragraph (B), and for the remediation and
2 prevention of further degradation of the Ana-
3 costia Watershed, in terms of—

4 “(i) the chemical, physical, and bio-
5 logical integrity of water and sediment;

6 “(ii) native habitats and the indige-
7 nous populations of shellfish, fish,
8 macroinvertebrates, and wildlife;

9 “(iii) appropriate water levels; and

10 “(iv) recreational and economic activi-
11 ties;

12 “(D) incorporate environmental manage-
13 ment and economic development concepts and
14 programs established under Federal, State, Dis-
15 trict, regional, bicounty, and local plans and
16 programs that are—

17 “(i) in effect at the time of develop-
18 ment of the Comprehensive Action Plan;
19 and

20 “(ii) consistent with the goals and tar-
21 gets of the Anacostia Watershed Agree-
22 ment;

23 “(E) describe the duties of Federal, State,
24 and local agencies in carrying out activities de-
25 scribed in the Comprehensive Action Plan;

1 “(F) recommend a schedule for adoption
2 by such agencies for carrying out such duties
3 within a reasonable period of time; and

4 “(G) describe methods, schedules, and
5 amounts for funding of programs, activities,
6 and projects identified in the Comprehensive
7 Action Plan (including the use of Federal,
8 State, District, local, and private sources of
9 funds).

10 “(H) conform to existing obligations under
11 Federal, State, and District regulations and
12 statutes, and judicial orders and consent de-
13 crees, in—

14 “(i) the description of the duties of
15 Federal, State, District and other agencies;
16 and

17 “(ii) the recommended schedule for
18 adopting methods, schedules and funding
19 for programs, activities and projects identi-
20 fied in the Comprehensive Action Plan.

21 “(4) PUBLIC REVIEW AND COMMENT.—

22 “(A) IN GENERAL.—In cooperation with
23 the Council, the Administrator shall provide for
24 public review and comment on the draft of the
25 Comprehensive Action Plan.

“(B) PUBLIC MEETINGS.—At a minimum, the Council shall conduct 1 public meeting in each of the 3 local jurisdictions in the Anacostia Watershed to receive comments on the draft Comprehensive Action Plan.

“(5) APPROVAL BY THE ADMINISTRATOR.—

“(A) IN GENERAL.—Not later than 120 days after the date of release of the Comprehensive Action Plan to the public under subparagraph (A), the Administrator, in conjunction with the Council, shall—

“(i) determine whether the Comprehensive Action Plan meets the requirements of this subsection;

“(ii) if the Administrator makes an affirmative determination, approve the Comprehensive Action Plan; and

“(iii) if the Secretary fails to make a determination as of the date that is 180 days after release of the Comprehensive Action Plan, the Comprehensive Action Plan shall be considered to be approved.

“(B) EFFECT OF APPROVAL.—On approval under subparagraph (A), the Comprehensive Action Plan shall be considered to be an ap-

1 proved management program for the purpose of
2 section 319(h).

3 “(e) REPORTING REQUIREMENTS.—

4 “(1) IN GENERAL.—Not later than December
5 15 of each year, the Council shall submit to the ap-
6 propriate Committees of Congress a report that—

7 “(A) describes the status of implementa-
8 tion of all components of the Initiative; and

9 “(B) certifies that the Initiative is pro-
10 gressing in a balanced manner with respect to
11 all program components, including improved
12 water quality and ecosystem restoration.

13 “(2) SPECIFIC REQUIREMENTS.—Each report
14 under paragraph (1) shall describe—

15 “(A) the progress of the Initiative in meet-
16 ing the implementation schedule provided by
17 the Council;

18 “(B) the status of implementation of all
19 components of the Initiative;

20 “(C) expenditures for the portions of fiscal
21 years covered by the report for implementing
22 the Initiative; and

23 “(D) accomplishments during the portions
24 of fiscal years covered by the report in achiev-
25 ing the objectives of improved—

- 1 “(i) water quality;
2 “(ii) ecosystem restoration and protec-
3 tion;
4 “(iii) watershed management; and
5 “(iv) stormwater management.
6 “(f) FINANCIAL AND TECHNICAL ASSISTANCE.—
7 “(1) IN GENERAL.—In consultation with the
8 Council, the Administrator may provide financial
9 and technical assistance to eligible entities described
10 in paragraph (2) to carry out projects—
11 “(A) to conduct research, surveys, studies,
12 modeling work, and technical and supporting
13 work (including demonstration projects) nec-
14 essary for development of the Comprehensive
15 Action Plan;
16 “(B) to implement the approved Com-
17 prehensive Action Plan;
18 “(C) to provide interdisciplinary training
19 for environmental researchers, educators, and
20 policymakers;
21 “(D) to enhance understanding of environ-
22 mental issues by regional policymakers and the
23 general public; and

1 “(E) to develop and disseminate edu-
2 cational resources and opportunities for edu-
3 cation at all levels.

4 “(2) ELIGIBLE ENTITIES.—An eligible entity
5 referred to in paragraph (1) is—

6 “(A)(i) a State, regional, or local water
7 pollution control agency or water resources
8 planning agency,;

9 “(ii) the wastewater treatment facility of
10 the District of Columbia; or

11 “(iii) the stormwater permit adminis-
12 trator of the District of Columbia;

13 “(B) an accredited 4-year public or private
14 college or university; or

15 “(C) a registered nonprofit agency, institu-
16 tion, or organization (including the Washington
17 Metropolitan Council of Governments).

18 “(3) COST.—With respect to the costs of a
19 project described in paragraph (1)—

20 “(A) not more than 75 percent of the cost
21 of carrying out such a project shall be provided
22 from funds made available under—

23 “(i) this section; or

1 “(ii) the Water Resources Develop-
 2 ment Act of 1992 (Public Law 102–580);
 3 and

4 “(B) matching funds to carry out such a
 5 project may be provided in the form of cash or
 6 in-kind contributions (including contributions of
 7 real or personal property or service).

8 “(4) ADMINISTRATION.—The Administrator
 9 may establish such requirements for the administra-
 10 tion of assistance under this subsection as the Ad-
 11 ministrator determines to be appropriate.

12 “(g) FEDERAL PROGRAM COORDINATION.—

13 “(1) IN GENERAL.—Appropriate financial, sci-
 14 entific, and technical assistance shall be provided for
 15 the Initiative and implementation of the plan and
 16 the development and implementation of the Com-
 17 prehensive Action Plan by the Under Secretary or
 18 Assistant Secretary or higher level position from
 19 each of—

20 “(A) the Department of the Interior;

21 “(B) the Department of Agriculture;

22 “(C) the Department of Commerce;

23 “(D) the Department of the Army; and

24 “(E) the Department of Transportation.

1 “(2) TYPES OF ASSISTANCE.—Assistance pro-
2 vided under paragraph (1) may include assistance
3 relating to—

4 “(A) the restoration and protection of
5 streams, wetland, grassland, and aquatic and
6 riparian habitats (including assistance through
7 land acquisition and establishment of conserva-
8 tion easements for forest and riparian buffers
9 and wetland);

10 “(B)(i) water quality and flow monitoring;

11 “(ii) watershed modeling;

12 “(iii) implementation of combined sewer
13 overflow controls; and

14 “(iv) stormwater management;

15 “(C) the use of best management prac-
16 tices, including agricultural best management
17 practices;

18 “(D) the development of an integrated geo-
19 graphic information system;

20 “(E) the management of fisheries and
21 other aquatic, wildlife, cultural heritage, and
22 recreational resources;

23 “(F) the conduct of wildlife species and
24 habitat assessment surveys;

1 “(G) the development and implementation
2 of resource restoration, development, and con-
3 servation programs;

4 “(H) the management of exotic and
5 invasive species;

6 “(I) the promotion of environmentally sen-
7 sitive design practices, including low impact de-
8 velopment; and

9 “(J) the promotion of healthy and diverse
10 economic activity and sustainable development.

11 “(h) NO EFFECT ON OTHER AUTHORITY.—Nothing
12 in this section shall affect the authority or obligation of
13 a Federal, District, District independent, or State agency
14 provided under other law, judicial order, or regulation.

15 “(i) FUNDING.—

16 “(1) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated for each of
18 fiscal years 2004 through 2013—

19 “(A) to carry out subsections (b) through
20 (f), \$3,000,000; and

21 “(B) to carry out subsection (g),
22 \$5,000,000, of which \$1,000,000 shall be used
23 by each of the 5 Federal agencies specified in
24 subparagraphs (A) through (E) of subsection
25 (g)(1).

1 “(2) ADMINISTRATION COSTS.—Except with re-
 2 spect to funds made available to carry out sub-
 3 section (b), not more than 10 percent of the funds
 4 made available under paragraph (1) for a fiscal year
 5 may be used to pay administrative costs incurred in
 6 carrying out this section.

7 “(3) AVAILABILITY.—Funds made available
 8 under this subsection shall remain available until ex-
 9 pended.

10 “(4) AVAILABLE FUNDING.—Nothing in this
 11 Act shall—

12 “(A) require the use of existing appropria-
 13 tions to further the goals of the Comprehensive
 14 Action Plan; or

15 “(B) result in an expenditure to comply
 16 with the Comprehensive Action Plan in the ab-
 17 sence of available funds.”.

18 **SEC. 4. WATER INFRASTRUCTURE.**

19 (a) IN GENERAL.—Section 219(f) of the Water Re-
 20 sources Development Act of 1992 (106 Stat. 4835; 113
 21 Stat. 335–337; 114 Stat. 2763A–220–221) is amended:

22 (1) by redesignating paragraphs (45) through
 23 (70) as paragraphs (46) through (71), respectively;
 24 and

1 (2) by inserting after paragraph (44) the fol-
 2 lowing:

3 “(45) WASHINGTON, DISTRICT OF COLUMBIA.—
 4 \$150,000,000 for implementation of a combined
 5 sewer overflow long term control plan, Washington,
 6 District of Columbia.”

7 (b) ANACOSTIA RIVER ENVIRONMENTAL RESTORA-
 8 TION AND PROTECTION PROGRAM.—

9 (1) ESTABLISHMENT.—

10 (A) IN GENERAL.—The Secretary of the
 11 Army, acting through the Chief of Engineers,
 12 shall establish a program to provide environ-
 13 mental assistance to non-Federal interests in
 14 the Anacostia River Basin.

15 (B) FORM.—The assistance shall be in the
 16 form of design and construction assistance for
 17 water-related environmental infrastructure and
 18 resource protection and development projects
 19 affecting the Anacostia River, including low-im-
 20 pact development and other projects—

21 (i) to alleviate adverse water quality
 22 impacts resulting from storm water dis-
 23 charges;

24 (ii) to provide for sediment and ero-
 25 sion control;

- 1 (iii) to protect eroding shorelines;
- 2 (iv) to protect essential public works;
- 3 (v) to provide wastewater treatment
- 4 and related facilities;
- 5 (vi) to protect water supply and re-
- 6 lated facilities;
- 7 (vii) to encourage beneficial uses of
- 8 dredged material; and
- 9 (viii) to enhance the water quality and
- 10 living resources of the watershed.

11 (2) COST SHARING.—

12 (A) FEDERAL SHARE.—Except as provided
 13 in subparagraph (B)(ii), the Federal share of
 14 the total project costs of each local cooperation
 15 agreement entered into under this section shall
 16 be 75 percent.

17 (B) NON-FEDERAL SHARE.—

18 (i) IN GENERAL.—The non-Federal
 19 share of the cost of projects under this sec-
 20 tion shall include land, easements, rights-
 21 of-way, and relocations and disposal areas,
 22 and may include services, up to 100 per-
 23 cent of the non-Federal share.

24 (ii) OPERATION AND MAINTENANCE
 25 COSTS.—The non-Federal share of the

1 costs of operation and maintenance of ac-
2 tivities carried out under an agreement
3 under this section shall be 100 percent.

4 (C) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appropriated
6 to carry out this section \$20,000,000.

○