

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1472

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2005

Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. WARNER, and Mr. ALLEN) 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 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 2005”.

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 State of Virginia; and

15 (iv) the United States as a whole;

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

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

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

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

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

1 (A) has special significance; and

2 (B) should be a national model of urban  
3 river restoration and stewardship;

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

7 (7) the Anacostia Watershed is—

8 (A) a degraded urban ecosystem; and

9 (B) 1 of 3 toxic regions of concern in the  
10 Chesapeake Bay region;

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

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

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

22 (i) discharges of combined sewer over-  
23 flows;

24 (ii) channelization;

25 (iii) toxic pollution;

- 1 (iv) forest and wetland habitat loss;  
2 (v) erosion;  
3 (vi) sedimentation;  
4 (vii) flooding; and  
5 (viii) uncontrolled stormwater run-off

6 that comprises 75 to 90 percent of total  
7 pollutant loads;

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

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

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

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

1            numerous other types of recreation in the Ana-  
2            costia River for decades;

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

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

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

20           (12) despite progress in restoration efforts and  
21           growing interest in the environmental condition of  
22           the Anacostia Watershed, research, restoration, and  
23           protection activities relating to the Anacostia Water-  
24           shed remain underfunded and in some cases unco-  
25           ordinated;

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

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

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

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

21          (17) the comprehensive action plan referred to  
22          in paragraph (16) should not be inconsistent with,  
23          and should promote implementation of, a federally-  
24          approved combined sewer long-term control plan;  
25          and

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

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

9           Title I of the Federal Water Pollution Control Act  
10          (33 U.S.C. 1251 et seq.) is amended—

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

14           (2) by adding after section 122 (as redesignated  
15           by paragraph (1)) the following:

16 **“SEC. 123. ANACOSTIA WATERSHED RESTORATION INITIA-**  
17 **TIVE.**

18          “(a) DEFINITIONS.—In this section:

19           “(1) ANACOSTIA WATERSHED.—

20           “(A) IN GENERAL.—The term ‘Anacostia  
21           Watershed’ means the 176 square miles (456  
22           square kilometers) of land and water in the  
23           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;

6           “(D) the Secretary of the Interior;

7           “(E) the Secretary of the Army; and

8           “(F) the county executives.

9           “(3) DUTIES.—The duties of the Council shall  
10 be—

11           “(A) to develop, in accordance with sub-  
12 section (d), a Comprehensive Action Plan for  
13 the Anacostia Watershed;

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

16           “(C) to carry out this subsection.

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

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

22           “(A) as frequently as the Council deter-  
23 mines to be necessary during the 1-year period  
24 after the date of the initial meeting of the

1 Council to develop the Comprehensive Action  
2 Plan; and

3 “(B) biannually thereafter—

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

6 “(ii) to determine the courses of ac-  
7 tion for implementing the Comprehensive  
8 Action Plan.

9 “(d) COMPREHENSIVE ACTION PLAN.—

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

20 “(A) watershed planning;

21 “(B) stormwater management;

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

24 “(D) sustainable development and environ-  
25 mentally-friendly land-use planning;

1           “(E) ecological restoration;

2           “(F) economic development and employ-  
3           ment opportunities; and

4           “(G) implementation of a federally-ap-  
5           proved plan to control combined sewer overflows  
6           into the Anacostia River.

7           “(2) OTHER PROJECTS.—The Comprehensive  
8           Action Plan—

9           “(A) shall not affect any existing or  
10          planned projects or any approved master or sec-  
11          tor plans;

12          “(B) shall not be inconsistent with and  
13          shall promote implementation of the require-  
14          ments of a federally-approved combined sewer  
15          long-term control plan;

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

18          “(D) may be modified, as appropriate, by  
19          the Council.

20          “(3) OBJECTIVES.—The Comprehensive Action  
21          Plan shall—

22          “(A) incorporate, at a minimum, the goals  
23          expressed in the Anacostia Watershed Agree-  
24          ment, of—

1           “(i) significantly reducing pollutant  
2 loads (including sediments, toxic pollut-  
3 ants, combined sewer overflows, storm-  
4 water discharges, and any other nonpoint  
5 inputs and trash), delivered to the Ana-  
6 costia River and its tributaries to meet  
7 water quality standards and goals;

8           “(ii) restoring and protecting the eco-  
9 logical integrity of the Anacostia River and  
10 its tributaries to—

11                   “(I) enhance aquatic diversity;

12                   “(II) increase recreational use;

13                   and

14                   “(III) provide for a quality urban  
15 fishery;

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

20           “(iv) increasing the natural filtering  
21 capacity and habitat diversity of the Ana-  
22 costia Watershed by significantly increas-  
23 ing the acreage and quality of tidal and  
24 nontidal wetland;

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

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

8           “(vi) increasing—

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

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

18           “(B) identify specific targets to be  
19           achieved annually for each of fiscal years 2006  
20           through 2015 using the indicators delineated in  
21           the Anacostia Watershed Agreement;

22           “(C) identify specific actions and schedules  
23           for meeting the targets identified under sub-  
24           paragraph (B), and for the remediation and

1 prevention of further degradation of the Ana-  
2 costia Watershed, in terms of—

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

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

8 “(iii) appropriate water levels; and

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

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

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

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

22 “(E) describe the duties of Federal, State,  
23 and local agencies in carrying out activities de-  
24 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;

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); and

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.

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

6           “(5) APPROVAL BY THE ADMINISTRATOR.—

7           “(A) IN GENERAL.—Not later than 120  
8           days after the date of release of the Com-  
9           prehensive Action Plan to the public under sub-  
10          paragraph (A), the Administrator, in conjunc-  
11          tion with the Council, shall—

12                   “(i) determine whether the Com-  
13                   prehensive Action Plan meets the require-  
14                   ments of this subsection;

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

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

23           “(B) EFFECT OF APPROVAL.—On approval  
24           under subparagraph (A), the Comprehensive  
25           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 administrator  
12          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 2006 through 2015—

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.

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