

## Calendar No. 575

111TH CONGRESS  
2D SESSION**S. 3119****[Report No. 111–298]**

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 16, 2010

Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. DODD, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 20, 2010

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

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 “Long Island Sound  
5       Restoration and Stewardship Act”.

1 **SEC. 2. AMENDMENTS.**

2 (a) LONG ISLAND SOUND RESTORATION PRO-  
3 GRAM.—

4 (1) IN GENERAL.—Section 119 of the Federal  
5 Water Pollution Control Act (33 U.S.C. 1269) is  
6 amended—

7 (A) in subsection (e)(4), by inserting “co-  
8 operate and” before “coordinate”; and

9 (B) by striking subsection (f).

10 (2) EFFECTIVE DATE.—The amendments made  
11 by paragraph (1) takes effect on October 1, 2010.

12 (b) LONG ISLAND SOUND STEWARDSHIP PRO-  
13 GRAM.—

14 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-  
15 SORY COMMITTEE.—Section 8 of the Long Island  
16 Sound Stewardship Act of 2006 (33 U.S.C. 1269  
17 note; Public Law 109–359) is amended—

18 (A) in subsection (g), by striking “2011”  
19 and inserting “2015”; and

20 (B) by adding at the end the following:

21 “(h) NONAPPLICABILITY OF FACA.—The Federal  
22 Advisory Committee Act (5 U.S.C. App.) shall not apply  
23 to—

24 “(1) the Advisory Committee; or

25 “(2) any board, committee, or other group es-  
26 tablished under this Act.”.

1           (2) **REPORTS.**—Section 9(b)(1) of the Long Is-  
 2       land Sound Stewardship Act of 2006 (33 U.S.C.  
 3       1269 note; Public Law 109–359) is amended in the  
 4       matter preceding subparagraph (A) by striking  
 5       “2011” and inserting “2015”.

6           (3) **AUTHORIZATION.**—Section 11 of the Long  
 7       Island Sound Stewardship Act of 2006 (33 U.S.C.  
 8       1269 note; Public Law 109–359) is amended—

9                 (A) by striking subsection (a);

10                (B) by redesignating subsections (b)  
 11       through (d) as subsections (a) through (e), re-  
 12       spectively; and

13                (C) in subsection (a) (as so redesignated),  
 14       by striking “under this section each” and in-  
 15       serting “to carry out this Act for a”.

16           (4) **EFFECTIVE DATE.**—The amendments made  
 17       by this subsection take effect on October 1, 2010.

18 **SEC. 3. REAUTHORIZATION.**

19       (a) **IN GENERAL.**—There are authorized to be appro-  
 20       priated to the Administrator of the Environmental Protec-  
 21       tion Agency such sums as are necessary for each of fiscal  
 22       years 2011 through 2015 for the implementation of—

23                (1) section 119 of the Federal Water Pollution  
 24       Control Act (33 U.S.C. 1269), other than subsection  
 25       (d) of that section; and

1           (2) the Long Island Sound Stewardship Act of  
2           2006 (33 U.S.C. 1269 note; Public Law 109–359).

3           (b) LONG ISLAND SOUND GRANTS.—There is author-  
4 ized to be appropriated to the Administrator of the Envi-  
5 ronmental Protection Agency to carry out subsection (d)  
6 of section 119 of the Federal Water Pollution Control Act  
7 (33 U.S.C. 1269) \$65,000,000 for each of fiscal years  
8 2011 through 2015.

9           (c) REPORTS.—For each of fiscal years 2011 through  
10 2015, the Administrator of the Environmental Protection  
11 Agency shall submit to Congress a report describing—

12           (1) the amounts used during the fiscal year to  
13 carry out each of—

14           (A) section 119 of the Federal Water Pol-  
15 lution Control Act (33 U.S.C. 1269), other than  
16 subsection (d) of that section; and

17           (B) the Long Island Sound Stewardship  
18 Act of 2006 (33 U.S.C. 1269 note; Public Law  
19 109–359); and

20           (2) the method used by the Administrator to al-  
21 locate the amounts made available under this section  
22 between that section (33 U.S.C. 1269) and that Act  
23 (33 U.S.C. 1269 note; Public Law 109–359) for the  
24 fiscal year.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Long Island Sound Res-*  
 3 *toration and Stewardship Act”.*

4 **SEC. 2. AMENDMENTS.**

5       (a) *LONG ISLAND SOUND RESTORATION PROGRAM.*—

6           (1) *IN GENERAL.*—*Section 119 of the Federal*  
 7 *Water Pollution Control Act (33 U.S.C. 1269) is*  
 8 *amended—*

9                   (A) *in subsection (b), by striking the sub-*  
 10 *section designation and heading and all that fol-*  
 11 *lows through “The Office shall” and inserting the*  
 12 *following:*

13       “(b) *OFFICE.*—

14           “(1) *ESTABLISHMENT.*—*The Administrator*  
 15 *shall—*

16                   “(A) *continue to carry out the conference*  
 17 *study; and*

18                   “(B) *establish an office, to be located on or*  
 19 *near Long Island Sound.*

20           “(2) *ADMINISTRATION AND STAFFING.*—*The Of-*  
 21 *fice shall”;*

22                   (B) *in subsection (c)—*

23                           (i) *in the matter preceding paragraph*  
 24 *(1), by striking “Management Conference of*  
 25 *the Long Island Sound Study” and insert-*  
 26 *ing “conference study”;*

1                   (ii) in paragraph (2)—

2                   (I) in each of subparagraphs (A)  
3                   through (G), by striking the commas at  
4                   the end of the subparagraphs and in-  
5                   serting semicolons;

6                   (II) in subparagraph (H), by  
7                   striking “, and” and inserting a semi-  
8                   colon;

9                   (III) in subparagraph (I), by  
10                  striking the period at the end and in-  
11                  serting a semicolon; and

12                  (IV) by adding at the end the fol-  
13                  lowing:

14                  “(J) the impacts of climate change on the  
15                  Long Island Sound watershed, including—

16                  “(i) the identification and assessment  
17                  of vulnerabilities in the watershed;

18                  “(ii) the development and implementa-  
19                  tion of adaptation strategies to reduce those  
20                  vulnerabilities; and

21                  “(iii) the identification and assessment  
22                  of the impacts of sea level rise on water  
23                  quality, habitat, and infrastructure in Long  
24                  Island Sound; and

1           “(K) planning initiatives for Long Island  
 2           Sound that identify the areas that are most suit-  
 3           able for various types or classes of activities in  
 4           order to reduce conflicts among uses, reduce envi-  
 5           ronmental impacts, facilitate compatible uses, or  
 6           preserve critical ecosystem services to meet eco-  
 7           nomic, environmental, security, or social objec-  
 8           tives;”;

9                       (iii) by striking paragraph (4) and in-  
 10                      serting the following:

11           “(4) develop and implement strategies to increase  
 12           public education and awareness with respect to the ec-  
 13           ological health and water quality conditions of Long  
 14           Island Sound;”;

15                      (iv) in paragraph (5), by inserting  
 16                      “study” after “conference”;

17                      (v) in paragraph (6)—

18                               (I) by inserting “(including on  
 19                               the Internet)” after “the public”; and

20                               (II) by inserting “study” after  
 21                               “conference”; and

22                      (vi) by striking paragraph (7) and in-  
 23                      serting the following:

24           “(7) monitor the progress made toward meeting  
 25           the identified goals, actions, and schedules of the

1        *Comprehensive Conservation and Management Plan,*  
 2        *including through the implementation and support of*  
 3        *a monitoring system for the ecological health and*  
 4        *water quality conditions of Long Island Sound; and”;*

5                *(C) in subsection (d)(3), in the second sen-*  
 6                *tence, by striking “50 per centum” and inserting*  
 7                *“60 percent”;*

8                *(D) by redesignating subsection (f) as sub-*  
 9                *section (i); and*

10               *(E) by inserting after subsection (e) the fol-*  
 11               *lowing:*

12        *“(f) REPORT.—*

13               *“(1) IN GENERAL.—Not later than 2 years after*  
 14               *the date of enactment of the Long Island Sound Res-*  
 15               *toration and Stewardship Act, and biennially there-*  
 16               *after, the Director of the Office, in consultation with*  
 17               *the Governor of each Long Island Sound State, shall*  
 18               *submit to Congress a report that—*

19               *“(A) summarizes and assesses the progress*  
 20               *made by the Office and the Long Island Sound*  
 21               *States in implementing the Long Island Sound*  
 22               *Comprehensive Conservation and Management*  
 23               *Plan, including an assessment of the progress*  
 24               *made toward meeting the performance goals and*  
 25               *milestones contained in the Plan;*



1           “(B) assesses the key ecological attributes  
2           that reflect the health of the ecosystem of the  
3           Long Island Sound watershed;

4           “(C) describes any substantive modifica-  
5           tions to the Long Island Sound Comprehensive  
6           Conservation and Management Plan made dur-  
7           ing the 2-year period preceding the date of sub-  
8           mission of the report;

9           “(D) provides specific recommendations to  
10          improve progress in restoring and protecting the  
11          Long Island Sound watershed, including, as ap-  
12          propriate, proposed modifications to the Long Is-  
13          land Sound Comprehensive Conservation and  
14          Management Plan;

15          “(E) identifies priority actions for imple-  
16          mentation of the Long Island Sound Comprehen-  
17          sive Conservation and Management Plan for the  
18          2-year period following the date of submission of  
19          the report; and

20          “(F) describes the means by which Federal  
21          funding and actions will be coordinated with the  
22          actions of the Long Island Sound States and  
23          other entities.

1           “(2) *PUBLIC AVAILABILITY.*—*The Administrator*  
 2           *shall make the report described in paragraph (1)*  
 3           *available to the public, including on the Internet.*

4           “(g) *ANNUAL BUDGET PLAN.*—*The President shall*  
 5           *submit, together with the annual budget of the United*  
 6           *States Government submitted under section 1105(a) of title*  
 7           *31, United States Code, information regarding each Federal*  
 8           *department and agency involved in the protection and res-*  
 9           *toration of the Long Island Sound watershed, including—*

10           “(1) *an interagency crosscut budget that displays*  
 11           *for each department and agency—*

12           “(A) *the amount obligated during the pre-*  
 13           *ceding fiscal year for protection and restoration*  
 14           *projects and studies relating to the watershed;*

15           “(B) *the estimated budget for the current*  
 16           *fiscal year for protection and restoration projects*  
 17           *and studies relating to the watershed; and*

18           “(C) *the proposed budget for succeeding fis-*  
 19           *cal years for protection and restoration projects*  
 20           *and studies relating to the watershed; and*

21           “(2) *a summary of any proposed modifications*  
 22           *to the Long Island Sound Comprehensive Conserva-*  
 23           *tion and Management Plan for the following fiscal*  
 24           *year.*

25           “(h) *FEDERAL ENTITIES.*—

1           “(1) *COORDINATION.*—*The Administrator shall*  
2           *coordinate the actions of all Federal departments and*  
3           *agencies that impact water quality in the Long Is-*  
4           *land Sound watershed in order to improve the water*  
5           *quality and living resources of the watershed.*

6           “(2) *METHODS.*—*In carrying out this section,*  
7           *the Administrator, acting through the Director of the*  
8           *Office, may—*

9                     “(A) *enter into interagency agreements; and*

10                    “(B) *make intergovernmental personnel ap-*  
11                    *pointments.*

12           “(3) *FEDERAL PARTICIPATION IN WATERSHED*  
13           *PLANNING.*—*A Federal department or agency that*  
14           *owns or occupies real property, or carries out activi-*  
15           *ties, within the Long Island Sound watershed shall*  
16           *participate in regional and subwatershed planning,*  
17           *protection, and restoration activities with respect to*  
18           *the watershed.*

19           “(4) *CONSISTENCY WITH COMPREHENSIVE CON-*  
20           *SERVATION AND MANAGEMENT PLAN.*—*To the max-*  
21           *imum extent practicable, the head of each Federal de-*  
22           *partment and agency that owns or occupies real*  
23           *property, or carries out activities, within the Long Is-*  
24           *land Sound watershed shall ensure that the property*  
25           *and all activities carried out by the department or*

1        *agency are consistent with the Long Island Sound*  
 2        *Comprehensive Conservation and Management Plan*  
 3        *(including any related subsequent agreements and*  
 4        *plans).”.*

5        *(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—*

6                *(1) LONG ISLAND SOUND STEWARDSHIP ADVI-*  
 7        *SORY COMMITTEE.—Section 8 of the Long Island*  
 8        *Sound Stewardship Act of 2006 (33 U.S.C. 1269 note;*  
 9        *Public Law 109–359) is amended—*

10                *(A) in subsection (g), by striking “2011”*

11                *and inserting “2015”; and*

12                *(B) by adding at the end the following:*

13                *“(h) NONAPPLICABILITY OF FACA.—The Federal Ad-*  
 14        *visory Committee Act (5 U.S.C. App.) shall not apply to—*

15                *“(1) the Advisory Committee; or*

16                *“(2) any board, committee, or other group estab-*  
 17        *lished under this Act.”.*

18                *(2) REPORTS.—Section 9(b)(1) of the Long Is-*  
 19        *land Sound Stewardship Act of 2006 (33 U.S.C. 1269*  
 20        *note; Public Law 109–359) is amended in the matter*  
 21        *preceding subparagraph (A) by striking “2011” and*  
 22        *inserting “2015”.*

23                *(3) AUTHORIZATION.—Section 11 of the Long Is-*  
 24        *land Sound Stewardship Act of 2006 (33 U.S.C. 1269*  
 25        *note; Public Law 109–359) is amended—*

1                   (A) by striking subsection (a);

2                   (B) by redesignating subsections (b) through  
3                   (d) as subsections (a) through (c), respectively;  
4                   and

5                   (C) in subsection (a) (as so redesignated),  
6                   by striking “under this section each” and insert-  
7                   ing “to carry out this Act for a”.

8                   (4) *EFFECTIVE DATE.*—The amendments made  
9                   by this subsection take effect on October 1, 2010.

10 **SEC. 3. REAUTHORIZATION.**

11           (a) *IN GENERAL.*—There are authorized to be appro-  
12           priated to the Administrator of the Environmental Protec-  
13           tion Agency such sums as are necessary for each of fiscal  
14           years 2011 through 2015 for the implementation of—

15                   (1) section 119 of the Federal Water Pollution  
16                   Control Act (33 U.S.C. 1269), other than subsection  
17                   (d) of that section; and

18                   (2) the Long Island Sound Stewardship Act of  
19                   2006 (33 U.S.C. 1269 note; Public Law 109–359).

20           (b) *LONG ISLAND SOUND GRANTS.*—There is author-  
21           ized to be appropriated to the Administrator of the Envi-  
22           ronmental Protection Agency to carry out subsection (d) of  
23           section 119 of the Federal Water Pollution Control Act (33  
24           U.S.C. 1269) \$40,000,000 for each of fiscal years 2011  
25           through 2015.

1       (c) *LONG ISLAND SOUND STEWARDSHIP GRANTS.*—  
 2       *There is authorized to be appropriated to the Administrator*  
 3       *of the Environmental Protection Agency to carry out the*  
 4       *Long Island Sound Stewardship Act of 2006 (33 U.S.C.*  
 5       *1269 note; Public Law 109–359) \$25,000,000 for each of*  
 6       *fiscal years 2011 through 2015.*

7       **SEC. 4. NUTRIENT BIOEXTRACTION PILOT PROJECT.**

8       (a) *DEFINITION OF NUTRIENT BIOEXTRACTION.*—*In*  
 9       *this section, the term “nutrient bioextraction” means an en-*  
 10       *vironmental management strategy under which nutrients*  
 11       *are removed from an aquatic ecosystem through the harvest*  
 12       *of enhanced biological production, including the aqua-*  
 13       *culture of suspension-feeding shellfish or algae.*

14       (b) *PILOT PROJECT.*—*Not later than 2 years after the*  
 15       *date of enactment of this Act, the Administrator of the En-*  
 16       *vironmental Protection Agency shall carry out a pilot*  
 17       *project to demonstrate the efficacy of nutrient bioextraction*  
 18       *for the removal of nitrogen and phosphorous from the wa-*  
 19       *ters of the Long Island Sound watershed.*

20       (c) *REPORT.*—*Not later than 5 years after the date of*  
 21       *enactment of this Act, the Administrator shall submit to*  
 22       *Congress a report describing the results of the pilot project*  
 23       *under this section.*

1        *(d) AUTHORIZATION OF APPROPRIATIONS.—There is*  
2 *authorized to be appropriated to carry out this section*  
3 *\$1,000,000.*

Calendar No. 575

111<sup>TH</sup> CONGRESS  
2D Session

**S. 319**

[Report No. 111-298]

**A BILL**

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

SEPTEMBER 20, 2010

Reported with an amendment