

“(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the head of the agency to be hazardous duties.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act.

#### SEC. 307. BUY AMERICAN.

(a) **COMPLIANCE WITH BUY AMERICAN ACT.**—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) **DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.**—

(1) **IN GENERAL.**—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) **DEFINITION OF DEBAR.**—In this subsection, the term “debar” has the meaning given the term in section 2393(c) of title 10, United States Code.

#### SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.

(a) **IN GENERAL.**—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) **REAL PROPERTY.**—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

- (1) Maple Terrace Phase I;
- (2) Maple Terrace Phase II;
- (3) Maple Terrace Phase III Unit 1;
- (4) Maple Terrace Phase III Unit 2;
- (5) Maple Terrace Phase III Unit 3;
- (6) Maple Terrace Phase IV Unit 1;
- (7) Maple Terrace Phase IV Unit 2; and
- (8) Maple Terrace Phase IV Unit 3.

(c) **REVISION OF FLOOD INSURANCE RATE LOT MAPS.**—As soon as practicable after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

#### SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) **DEFINITION OF INDIAN TRIBE.**—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) **STUDY.**—

(1) **IN GENERAL.**—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) **REQUIRED ELEMENTS.**—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) **CONSULTATION.**—In conducting the study, the Director shall consult with Indian tribes.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment (No. 4299) is printed in today's RECORD under “Amendments Submitted.”)

Mr. SMITH of New Hampshire. Mr. President, I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, and urge its passage by the full Senate. This legislation represents compromise language negotiated with the House of Representatives, but, is, substantively, very similar to the bill passed by the Senate in July of this year. This bill will ensure that FEMA not only remains responsive to local communities after a disaster, but also makes disaster preparedness and mitigation a priority. Further, I am proud that this bill will also result in both short and long term savings to the American taxpayer while, at the same time, providing the states and local communities with added resources for future mitigation efforts. Through added efficiencies this bill saves billions in the long run.

I would like to take this opportunity to thank a number of staff members who have worked so hard on this bill. In particular, I would like to recognize Marty Hall from my committee staff; Jo-Ellen Darcy, committee staff for Senator BAUCUS; Andy Wheeler and Mike Murray from Senator INHOFE'S staff; and Jason McNamara from Senator GRAHAM'S staff.

#### EMERGENCY HOME REPAIR ASSISTANCE

Mr. GRAHAM. The bill includes a provision that caps emergency home repair assistance for individuals and households at \$5,000. Could the Chairman elaborate on this provision to describe what additional assistance might be available to individuals and households should their emergency home repair costs exceed \$5,000?

Mr. SMITH. I would be happy to elaborate on the provision. The bill caps “non-means-tested” emergency home repair assistance at \$5,000. In other words, as long as insurance proceeds were not available, an individual or household would be eligible for up to \$5,000 of emergency home repair assistance before he/she was required to seek additional assistance from other sources, such as the SBA Disaster Loan Program. If that individual or household was not able to obtain an SBA loan, then he/she could be eligible for additional emergency home repair assistance, as long as the total amount of FEMA assistance to this individual or household does not exceed \$25,000.

Mr. GRAHAM. Is it correct, then, that if an individual or household was unable to obtain a loan from SBA, or assistance from another source, then they could be eligible to receive additional emergency home repair assistance, based upon the regulations that FEMA promulgates for this section, and as long as the total FEMA assistance received by that individual or household does not exceed \$25,000?

Mr. SMITH. The Senator is correct.

Mr. GRAHAM. I thank the Chairman for the clarification.

#### RESTORATION OF ESTUARY HABITAT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 835, “An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.”

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 835) entitled “An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Clean Waters and Bays Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Estuary habitat restoration program.

Sec. 105. Establishment of Estuary Habitat Restoration Council.

Sec. 106. Advisory board.

Sec. 107. Estuary habitat restoration strategy.

Sec. 108. Monitoring of estuary habitat restoration projects.

Sec. 109. Reporting.

Sec. 110. Funding.

Sec. 111. General provisions.

#### TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.

Sec. 202. Findings and purposes.

Sec. 203. Chesapeake Bay.

Sec. 204. Sense of the Congress; requirement regarding notice.

#### TITLE III—NATIONAL ESTUARY PROGRAM.

Sec. 301. Additions to national estuary program.

Sec. 302. Grants.

Sec. 303. Authorization of appropriations.

#### TITLE IV—FLORIDA KEYS WATER QUALITY

Sec. 401. Short title.

Sec. 402. Florida Keys water quality improvements.

Sec. 403. Sense of the Congress; requirement regarding notice.

#### TITLE V—LONG ISLAND SOUND RESTORATION

Sec. 501. Short title.

Sec. 502. Nitrogen credit trading system and other measures.

Sec. 503. Assistance for distressed communities.

Sec. 504. Reauthorization of appropriations.

#### TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

Sec. 601. Short title.

Sec. 602. National estuary program.

Sec. 603. Lake Pontchartrain Basin.

Sec. 604. Sense of the Congress.

#### TITLE VII—ALTERNATIVE WATER SOURCES

Sec. 701. Short title.

Sec. 702. Grants for alternative water source projects.

Sec. 703. Sense of the Congress; requirement regarding notice.

#### TITLE VIII—CLEAN LAKES

Sec. 801. Grants to States.

Sec. 802. Demonstration program.

Sec. 803. Sense of the Congress; requirement regarding notice.

#### TITLE IX—MISSISSIPPI SOUND RESTORATION

Sec. 901. Short title.

Sec. 902. National estuary program.

Sec. 903. Mississippi Sound.

Sec. 904. Sense of the Congress.

#### TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 1001. Short title.

Sec. 1002. Purpose.

Sec. 1003. Definitions.

Sec. 1004. Actions to be taken by the Commission and the Administrator.

Sec. 1005. Negotiation of new treaty minute.

Sec. 1006. Authorization of appropriations.

#### TITLE I—ESTUARY RESTORATION

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Estuary Restoration Act of 2000".

##### SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

##### SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) **COUNCIL.**—The term "Council" means the Estuary Habitat Restoration Council established by section 105.

(2) **ESTUARY.**—The term "estuary" means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) **ESTUARY HABITAT.**—The term "estuary habitat" means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) **ESTUARY HABITAT RESTORATION ACTIVITY.**—

(A) **IN GENERAL.**—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) **INCLUDED ACTIVITIES.**—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) **EXCLUDED ACTIVITIES.**—The term "estuary habitat restoration activity" does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) **ESTUARY HABITAT RESTORATION PROJECT.**—The term "estuary habitat restoration project" means a project to carry out an estuary habitat restoration activity.

(6) **ESTUARY HABITAT RESTORATION PLAN.**—

(A) **IN GENERAL.**—The term "estuary habitat restoration plan" means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) **INCLUDED PLANS AND PROGRAMS.**—The term "estuary habitat restoration plan" includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) **NON-FEDERAL INTEREST.**—The term "non-federal interest" means a State, a political subdivision of a State, an Indian tribe, a regional

or interstate agency, or, as provided in section 104(g)(2), a nongovernmental organization.

(10) **SECRETARY.**—The term "Secretary" means the Secretary of the Army.

(11) **STATE.**—The term "State" means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

#### SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) **ESTABLISHMENT.**—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) **ORIGIN OF PROJECTS.**—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) **REQUIRED ELEMENTS OF PROJECT PROPOSALS.**—To be eligible for the estuary habitat restoration program established under this title, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 107;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 108 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) **SELECTION OF PROJECTS.**—

(1) **IN GENERAL.**—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) **PRIORITY.**—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of an estuary habitat restoration project carried out under this title shall not exceed 65 percent of such cost.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) **INTERIM ACTIONS.**—

(1) **IN GENERAL.**—Pending completion of the estuary habitat restoration strategy to be developed under section 107, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) **FEDERAL SHARE.**—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) **COOPERATION OF NON-FEDERAL INTERESTS.**—

(1) **IN GENERAL.**—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) **NONGOVERNMENTAL ORGANIZATIONS.**—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this title, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) **DELEGATION OF PROJECT IMPLEMENTATION.**—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

#### **SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.**

(a) **COUNCIL.**—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) **DUTIES.**—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 104(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 108 and 109.

(c) **MEMBERSHIP.**—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) **PROHIBITION OF COMPENSATION.**—Members of the Council may not receive compensation for their service as members of the Council.

(e) **CHAIRPERSON.**—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) **CONVENING OF COUNCIL.**—

(1) **FIRST MEETING.**—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of the enactment of this Act for the purpose of electing a chairperson.

(2) **ADDITIONAL MEETINGS.**—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) **COUNCIL PROCEDURES.**—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) **PUBLIC PARTICIPATION.**—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

#### **SEC. 106. ADVISORY BOARD.**

(a) **IN GENERAL.**—The Council shall establish an advisory board (in this section referred to as the "board").

(b) **DUTIES.**—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 107; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 105(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) **MEMBERS.**—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) three members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) three members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) two members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) two members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) two members representing fishing interests;

(6) two members representing estuary users other than fishing interests;

(7) two members representing agricultural interests; and

(8) two members representing Indian tribes.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) **INITIAL MEMBERS.**—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) nine shall be appointed for a term of 1 year; and

(B) nine shall be appointed for a term of 2 years.

(e) **VACANCIES.**—Whenever a vacancy occurs among members of the board, the Council shall

appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.

(f) **BOARD LEADERSHIP.**—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this title.

(g) **COMPENSATION.**—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) **TECHNICAL SUPPORT.**—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this title.

(j) **FUNDING.**—From amounts appropriated for that purpose under section 110, the Secretary shall provide funding for the board to carry out its duties under this title.

#### **SEC. 107. ESTUARY HABITAT RESTORATION STRATEGY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Council, in consultation with the advisory board established under section 106, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) **GOAL.**—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) **INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.**—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) **ELEMENTS OF THE STRATEGY.**—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

(e) **PUBLIC REVIEW AND COMMENT.**—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) **PERIODIC REVISION.**—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

#### SEC. 108. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) **UNDER SECRETARY.**—In this section, the term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) **DATABASE OF RESTORATION PROJECT INFORMATION.**—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) **MONITORING DATA STANDARDS.**—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) **COORDINATION OF DATA.**—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) **USE OF EXISTING PROGRAMS.**—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) **PUBLIC AVAILABILITY.**—The Under Secretary shall make the information collected and maintained under this section available to the public.

#### SEC. 109. REPORTING.

(a) **IN GENERAL.**—At the end of the third and fifth fiscal years following the date of the enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) **CONTENTS OF REPORT.**—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 108(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

#### SEC. 110. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **ESTUARY HABITAT RESTORATION PROJECTS.**—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) \$30,000,000 for fiscal year 2001;

(B) \$35,000,000 for fiscal year 2002; and

(C) \$45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) **MONITORING.**—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, \$1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) **SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL AND ADVISORY BOARD.**—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 106.

#### SEC. 111. GENERAL PROVISIONS.

(a) **AGENCY CONSULTATION AND COORDINATION.**—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) **COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.**—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) **FEDERAL AGENCY FACILITIES AND PERSONNEL.**—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) **IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.**—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) **STUDY OF BIOREMEDIATION TECHNOLOGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) **REQUIREMENTS.**—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

## TITLE II—CHESAPEAKE BAY RESTORATION

### SEC. 201. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Restoration Act of 2000".

### SEC. 202. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

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

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) **PURPOSES.**—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

### SEC. 203. CHESAPEAKE BAY.

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

#### "SEC. 117. CHESAPEAKE BAY.

"(a) **DEFINITIONS.**—In this section, the following definitions apply:

"(1) **ADMINISTRATIVE COST.**—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

"(2) **CHESAPEAKE BAY AGREEMENT.**—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

"(3) **CHESAPEAKE BAY ECOSYSTEM.**—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

"(4) **CHESAPEAKE BAY PROGRAM.**—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(5) **CHESAPEAKE EXECUTIVE COUNCIL.**—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(6) **SIGNATORY JURISDICTION.**—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) **CONTINUATION OF CHESAPEAKE BAY PROGRAM.**—

"(1) **IN GENERAL.**—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) **PROGRAM OFFICE.**—

"(A) **IN GENERAL.**—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

“(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

“(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

“(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

“(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

“(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

“(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

“(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

“(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

“(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

“(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

“(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

“(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(e) IMPLEMENTATION AND MONITORING GRANTS.—

“(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

“(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

“(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

“(2) PROPOSALS.—

“(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by

submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

“(B) CONTENTS.—A proposal under subparagraph (A) shall include—

“(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

“(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

“(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

“(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

“(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

“(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

“(A) all projects and activities funded for the fiscal year;

“(B) the goals and objectives of projects funded for the previous fiscal year; and

“(C) the net benefits of projects funded for previous fiscal years.

“(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

“(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

“(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

“(3) BUDGET COORDINATION.—

“(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

“(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

“(g) CHESAPEAKE BAY PROGRAM.—

“(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

“(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

“(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

“(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

“(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

“(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

“(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

“(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

“(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

“(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

“(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

“(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

“(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

“(2) REQUIREMENTS.—The study and report shall—

“(A) assess the state of the Chesapeake Bay ecosystem;

“(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

“(C) assess the effectiveness of management strategies being implemented on the date of the enactment of this section and the extent to which the priority needs are being met;

“(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of the enactment of this section or by adopting new strategies; and

“(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

“(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

“(2) REQUIREMENTS.—The study shall—

“(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

“(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

“(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

“(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2000 through 2005.”

#### SEC. 204. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 117 of the Federal Water Pollution Control Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under section 117 of the Federal Water Pollution Control Act shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

#### TITLE III—NATIONAL ESTUARY PROGRAM

#### SEC. 301. ADDITIONS TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting “Lake Ponchartrain Basin, Louisiana and Mississippi; Mississippi Sound, Mississippi;” before “and Peconic Bay, New York.”

#### SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

“(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

“(A) shall not exceed—

“(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

“(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

“(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.”

#### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking “\$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991” and inserting “\$50,000,000 for each of fiscal years 2000 through 2004”.

#### TITLE IV—FLORIDA KEYS WATER QUALITY

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Florida Keys Water Quality Improvements Act of 2000”.

#### SEC. 402. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

##### “SEC. 121. FLORIDA KEYS.

“(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate pub-

lic agencies of the State of Florida or Monroe County for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

“(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

“(1) the applicant has completed adequate planning and design activities for the project;

“(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

“(3) the project complies with—

“(A) applicable growth management ordinances of Monroe County, Florida;

“(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

“(C) applicable water quality standards; and

“(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

“(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

“(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

“(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

“(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

“(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

“(4) other appropriate State and local government officials.

“(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

“(1) \$32,000,000 for fiscal year 2001;

“(2) \$31,000,000 for fiscal year 2002; and

“(3) \$50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.”

#### SEC. 403. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

#### TITLE V—LONG ISLAND SOUND RESTORATION

##### SEC. 501. SHORT TITLE.

This title may be cited as the “Long Island Sound Restoration Act”.

##### SEC. 502. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting “, including efforts to establish,

within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan” before the semicolon at the end.

#### SEC. 503. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

“(1) ELIGIBLE COMMUNITIES.—

“(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

“(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of this subsection, the State shall consider the extent to which the rate of growth of a community’s tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community’s publicly-owned wastewater treatment facility.

“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(2) REVOLVING LOAN FUNDS.—

“(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).

“(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

“(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.”

#### SEC. 504. REAUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 503 of this Act) is amended—

(1) in paragraph (1) by striking “1991 through 2001” and inserting “2000 through 2003”; and

(2) in paragraph (2) by striking “not to exceed \$3,000,000 for each of the fiscal years 1991 through 2001” and inserting “not to exceed \$80,000,000 for each of fiscal years 2000 through 2003”.

#### TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

##### SEC. 601. SHORT TITLE.

This title may be cited as the “Lake Pontchartrain Basin Restoration Act of 2000”.

##### SEC. 602. NATIONAL ESTUARY PROGRAM.

(a) FINDING.—Congress finds that the Lake Pontchartrain Basin is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting “Lake Pontchartrain Basin, Louisiana and Mississippi;” before “and Peconic Bay, New York.”

##### SEC. 603. LAKE PONTCHARTRAIN BASIN.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:



**“SEC. 122. LAKE PONTCHARTRAIN BASIN.**

“(a) **ESTABLISHMENT OF RESTORATION PROGRAM.**—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

“(b) **PURPOSE.**—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

“(c) **DUTIES.**—In carrying out the program, the Administrator shall—

“(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

“(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

“(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

“(4) develop a comprehensive research plan to address the technical needs of the program;

“(5) coordinate the grant, research, and planning programs authorized under this section; and

“(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

“(d) **GRANTS.**—The Administrator may make grants—

“(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

“(2) for public education projects recommended by the management conference; and

“(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

“(e) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **BASIN.**—The term ‘Basin’ means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and four counties in the State of Mississippi.

“(2) **PROGRAM.**—The term ‘program’ means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated—

“(A) \$100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

“(B) \$5,000,000 for each of fiscal years 2001 through 2005 to carry out this section. Such sums shall remain available until expended.

“(2) **PUBLIC EDUCATION PROJECTS.**—Not more than 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).”

**SEC. 604. SENSE OF THE CONGRESS.**

It is the sense of the Congress that all recipients of grants pursuant to this title shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

**TITLE VII—ALTERNATIVE WATER SOURCES****SEC. 701. SHORT TITLE.**

This title may be cited as the “Alternative Water Sources Act of 2000”.

**SEC. 702. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

**“SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.**

“(a) **IN GENERAL.**—The Administrator may make grants to State, interstate, and intrastate

water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

“(b) **ELIGIBLE ENTITY.**—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

“(c) **SELECTION OF PROJECTS.**—

“(1) **LIMITATION.**—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

“(2) **ADDITIONAL CONSIDERATION.**—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

“(d) **COMMITTEE RESOLUTION PROCEDURE.**—

“(1) **IN GENERAL.**—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds \$3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

“(2) **REQUIREMENTS FOR SECURING CONSIDERATION.**—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

“(e) **USES OF GRANTS.**—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

“(f) **COST SHARING.**—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

“(g) **REPORTS.**—

“(1) **REPORTS TO ADMINISTRATOR.**—Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

“(2) **REPORT TO CONGRESS.**—On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

“(h) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **ALTERNATIVE WATER SOURCE PROJECT.**—The term ‘alternative water source project’ means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

“(2) **CRITICAL WATER SUPPLY NEEDS.**—The term ‘critical water supply needs’ means existing

or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.”

**SEC. 703. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) **NOTICE OF REPORT.**—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

**TITLE VIII—CLEAN LAKES****SEC. 801. GRANTS TO STATES.**

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking “\$50,000,000” the first place it appears and all that follows through “1990” and inserting “\$50,000,000 for each of fiscal years 2001 through 2005”.

**SEC. 802. DEMONSTRATION PROGRAM.**

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting “Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;” after “Sauk Lake, Minnesota;”;

(2) in paragraph (3) by striking “By” and inserting “Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by”;

and

(3) in paragraph (4)(B)(i) by striking “\$15,000,000” and inserting “\$25,000,000”.

**SEC. 803. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) **NOTICE OF REPORT.**—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of expenditure.

**TITLE IX—MISSISSIPPI SOUND RESTORATION****SEC. 901. SHORT TITLE.**

This title may be cited as the “Mississippi Sound Restoration Act of 2000”.

**SEC. 902. NATIONAL ESTUARY PROGRAM.**

(a) **FINDING.**—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting "Mississippi Sound, Mississippi;" before "and Peconic Bay, New York."

#### SEC. 903. MISSISSIPPI SOUND.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

##### "SEC. 123. MISSISSIPPI SOUND.

"(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

"(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

"(c) DUTIES.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

"(d) GRANTS.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

"(2) for public education projects recommended by the management conference.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) SOUND.—The term 'Sound' means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

"(2) PROGRAM.—The term 'program' means the Mississippi Sound Restoration Program established under subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this section. Such sums shall remain available until expended."

#### SEC. 904. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants under this title (including amendments made by this title) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this title.

### TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

#### SEC. 1001. SHORT TITLE.

This title may be cited as the "Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000".

#### SEC. 1002. PURPOSE.

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

#### SEC. 1003. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term "Commission" means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term "IWTP" means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80-82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) SECONDARY TREATMENT.—The term "secondary treatment" has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of State.

(6) MEXICAN FACILITY.—The term "Mexican facility" means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term "mgd" means million gallons per day.

#### SEC. 1004. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) SECONDARY TREATMENT.—

(1) IN GENERAL.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) ADDITIONAL AUTHORITY.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) COMPREHENSIVE PLAN.—Not later than 24 months after the date of the enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601-613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the



evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

**SEC. 1005. NEGOTIATION OF NEW TREATY MINUTE.**

(a) **CONGRESSIONAL STATEMENT.**—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) **NEGOTIATION.**—

(1) **INITIATION.**—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of the enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) **IMPLEMENTATION.**—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **MATTERS TO BE ADDRESSED.**—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

**SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate disagree with the amendment of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. BENNETT) appointed Mr. SMITH of New Hampshire, Mr. WARNER, Mr. CRAPO, Mr. BAUCUS, and Mrs. BOXER conferees on the part of the Senate.

**MEASURE READ THE FIRST  
TIME—S. 3165**

Mr. MACK. Mr. President, I understand S. 3165 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3165) to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, and for other purposes.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

**MEASURE READ THE FIRST  
TIME—S. 3173**

Mr. MACK. Mr. President, I understand S. 3173 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3173) to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

**MEASURE READ THE FIRST  
TIME—H.R. 4292**

Mr. MACK. Mr. President, I understand that H.R. 4292 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4292) to protect infants who are born alive.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

**TECHNOLOGY TRANSFER  
COMMERCIALIZATION ACT OF 1999**

Mr. MACK. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 209 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 209) to improve the ability of Federal agencies to license federally-owned inventions.

There being no objection, the Senate proceeded to consider the bill.

**AMENDMENT NO. 4300**

Mr. MACK. Mr. President, Senators EDWARDS, SHELBY, and SESSIONS have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida (Mr. MACK) for Mr. EDWARDS, Mr. SHELBY, and Mr. SESSIONS, proposes an amendment numbered 4300.

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. . TECHNOLOGY PARTNERSHIPS OMBUDSMAN.**

(a) **APPOINTMENT OF OMBUDSMAN.**—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) **QUALIFICATIONS.**—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory of facility, function as such a senior official.

(c) **DUTIES.**—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution technique such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

Mr. ROCKEFELLER. Senator EDWARDS' amendment establishes a Technology Partnership Ombudsman at Department of Energy's National Laboratories. It is my understanding that the Ombudsman should promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes with industry partners. To ensure fairness and objectivity, however, it would be the Senator's intent that nothing in this Section be interpreted to empower the Ombudsman to act as a mediator or an arbitrator in the process.

Mr. EDWARDS. The Senator's understanding is correct. That is our intention.

Mr. MACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4300) was agreed to.