

## CHESAPEAKE BAY RESTORATION ACT OF 1999

MARCH 29, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

### R E P O R T

[To accompany H.R. 3039]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### SUMMARY AND PURPOSE

H.R. 3039, the “Chesapeake Bay Restoration Act of 1999,” amends the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay.

#### BACKGROUND AND NEED FOR LEGISLATION

The Chesapeake Bay is the largest estuary in the United States. It provides millions of pounds of seafood, extensive wildlife habitat, a wide variety of recreational opportunities, and is a major hub for shipping and commerce. The Chesapeake Bay Program is a unique regional partnership that directs and conducts the restoration of the Chesapeake Bay under the voluntary Chesapeake Bay Agreement, first adopted in 1983. Two additional Chesapeake Bay agreements were signed in 1987 and 1992. Another agreement, “Chesapeake 2000,” is expected to be signed this summer. The signatories to the Chesapeake Bay Agreements are Virginia, Maryland, Pennsylvania, the District of Columbia, the Chesapeake Bay Commission, and the U.S. Environmental Protection Agency (“EPA”).

A great deal of progress has been made in restoring the Chesapeake Bay. Nutrient levels are declining, toxic pollutant releases have been reduced by 67% since 1988, bay grasses have increased, the striped bass are recovering, and bald eagles are coming back. However, much remains to be done. Parts of the Bay remain impaired or threatened, particularly due to nutrients, and there have been declines in oyster populations and in water clarity.

EPA's participation in the Chesapeake Bay Program was authorized formally in the 1987 amendments to the Federal Water Pollution Control Act, which added section 117 to that Act. Section 117 authorized \$52 million in federal assistance for the Chesapeake Bay Program: \$3 million a year for each of fiscal years 1987 through 1990 for the Chesapeake Bay Program office and \$10 million a year for each of fiscal years 1987 through 1990 for grants to implement interstate development plan grants. The authorization for the Chesapeake Bay Program expired in 1990.

H.R. 3039 addresses the need for continuing cooperative federal, state, and local efforts to restore the Chesapeake Bay by authorizing \$180 million for the Chesapeake Bay Program: \$30,000,000 a year for each of fiscal years 2000 through 2005. In addition, the bill requires federal facilities to participate in watershed planning and restoration activities. Finally, the bill requires a study of the state of the Chesapeake Bay ecosystem and a study of the Chesapeake Bay Program's effect on this ecosystem.

#### DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Provides that the Act may be cited as the "Chesapeake Bay Restoration Act of 1999."

##### *Section 2. Findings and purposes*

(a) Findings.—Makes Congressional findings relating to the significance of the Chesapeake Bay, the Bay's diminished productivity and water quality due to pollution, the efforts of the signatories to the Chesapeake Bay Agreement to improve water quality and productivity, and the need to expand the federal support for these efforts.

(b) Purposes.—States that the purposes of this Act are to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals of the Chesapeake Bay Agreement.

##### *Section 3. Chesapeake Bay*

Amends section 117 of the Federal Water Pollution Control Act as follows:

(a) Definitions.—Defines "Administrative Cost," "Chesapeake Bay Agreement," "Chesapeake Bay Ecosystem," "Chesapeake Bay Program," "Chesapeake Executive Council," and "Signatory Jurisdiction."

(b) Continuation of Chesapeake Bay Program.—Requires EPA to continue the Chesapeake Bay Program, including maintaining the Chesapeake Bay Program Office. Requires the Chesapeake Bay

Program Office to provide support to the Chesapeake Executive Council.

(c) Interagency Agreements.—Authorizes EPA to enter into an interagency agreement with a federal agency to carry out this section.

(d) Technical Assistance and Assistance Grants.—Authorizes EPA, in cooperation with the Chesapeake Executive Council, to provide technical assistance and assistance grants to nonprofit organizations, state and local governments, colleges and universities, and interstate agencies. The federal share of such grants shall not exceed 75 percent.

(e) Implementation and Monitoring Grants.—Requires EPA to provide grants to signatories of the Chesapeake Bay Agreement to implement that agreement. Also authorizes grants to signatories for monitoring the Chesapeake Bay ecosystem. The federal share of such grants shall not exceed 50 percent. Requires an annual report on all projects funded each fiscal year.

(f) Federal Facilities and Budget Coordination.—Requires federal agencies that own or operate a facility within the Chesapeake Bay watershed to participate in watershed planning and restoration programs and to comply with the Chesapeake Bay Agreement and the Federal Agencies Chesapeake Ecosystem Unified Plan. Requires the heads of such agencies to submit a budget request to the President to carry out these activities.

(g) Chesapeake Bay Program.—

(1) Management Strategies.—Directs EPA, in coordination with other members of the Council, to ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve the goals of that Agreement. The Committee expects EPA to meet the requirements of this paragraph through the award of implementation grants under subsection (e). Nothing in the Chesapeake Bay Restoration Act provides EPA with any additional regulatory authorities.

(2) Small Watershed Grants Program.—Requires EPA, in cooperation with the Council, to establish a small watershed grants program to offer technical assistance and assistance grants to local governments, nonprofit organizations, and individuals in the Chesapeake Bay region for cooperative tributary basin strategies and locally based protection and restoration projects.

(h) Study of Chesapeake Bay Program.—Requires EPA, in coordination with the Council, to submit a report to Congress every five years on the state of the Chesapeake Bay Ecosystem, and recommendations for improved management of the Chesapeake Bay Program.

(i) Special Study of Living Resource Response.—Requires EPA to begin a five-year special study of the response of living resources of the Chesapeake Bay ecosystem to improvements in water quality resulting from the Chesapeake Bay Program.

(j) Authorization of Appropriations.—Authorizes \$30,000,000 a year for each of fiscal years 2000 through 2005 to carry out section 117.

## HEARINGS

On July 13, 1999, the Water Resources and Environment Subcommittee held a hearing on several coastal and estuary bills that addressed many issues, including reauthorization of the Chesapeake Bay program. Testimony was given by Representative Saxton (NJ), Representative Shays (CT), Representative Lowey (NY), Representative DeLauro (CT), Representative Lazio (NY), Representative Ackerman (NY), Representative Deutsch (FL), Representative Ros-Lehtinen (FL), Representative Johnson (CT), Representative Shaw (FL), and Representative Forbes (NY). In addition, testimony was given by Mr. Michael Davis of the U.S. Army Corps of Engineers, Ms. Dana Minerva of the U.S. Environmental Protection Agency, and Ms. Sally Yozell of the National Oceanic and Atmospheric Administration, as well as representatives of coastal states and several environmental organizations.

## COMMITTEE CONSIDERATION

On November 8, 1999, the Water Resources and Environment Subcommittee reported H.R. 3039, by unanimous voice vote, favorably to the Full Committee.

On March 16, 2000, the Full Committee met in open session and reported the bill, by unanimous voice vote.

## ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 3039 reported.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee has

received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3039.

3. With respect to the requirement of clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3039 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE

*H.R. 3039—Chesapeake Bay Restoration Act of 1999*

Summary: H.R. 3039 would authorize the appropriation of \$30 million for each of fiscal years 2000 through 2005 for the Environmental Protection Agency (EPA) to continue activities associated with its Chesapeake Bay program, including conducting studies on the status of efforts to restore the bay and the response of plants and animals to improvements in water quality. Of the authorized levels, \$20 million was appropriated in 2000. CBO estimates that implementing this legislation over the next six years would increase discretionary outlays by about \$138 million. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3039 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any expenditures made by state and local governments to satisfy the matching requirements of grants authorized by this bill would be voluntary.

Estimated cost to the Federal Government: For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated for each fiscal year and that outlays will occur at rates similar to those of past appropriations for EPA activities associated with the Chesapeake Bay program. The estimated impact of H.R. 3039 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority .....	20	0	0	0	0	0
Estimated Outlays .....	20	10	4	1	0	0
Proposed Changes:						
Estimated Authority Level .....	10	30	30	30	30	30
Estimated Outlays .....	3	20	26	29	30	30
Spending Under H.R. 3039:						
Estimated Authorization Level <sup>1</sup> .....	30	30	30	30	30	30
Estimated Outlays .....	23	30	30	30	30	30

<sup>1</sup> Of the amount shown for 2000, \$20 million has already been appropriated.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The bill contains no intergovernmental or private-sector mandates as defined in UMRA. Any expenditures made by state and local governments to

satisfy the matching requirements of grants authorized by this bill would be voluntary.

Previous CBO estimate: On October 7, 1999, CBO transmitted a cost estimate for S. 492, also titled the Chesapeake Bay Restoration Act of 1999, as reported by the Senate Committee on Environment and Public Works on September 29, 1999. Both S. 492 and H.R. 3039 would reauthorize the Chesapeake Bay program and authorize appropriations of \$30 million for each of fiscal years 2000 through 2005.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Theresa Gullo.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4.)

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104-1.)

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 117 OF THE FEDERAL WATER POLLUTION  
CONTROL ACT****[SEC. 117. CHESAPEAKE BAY.**

**[(a) OFFICE.—**The Administrator shall continue the Chesapeake Bay Program and shall establish and maintain the Environmental Protection Agency an office, division, or branch of Chesapeake Bay Programs to—

**[(1)** collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the Chesapeake Bay (hereinafter in this subsection referred to as the “Bay”);

**[(2)** coordinate Federal and State efforts to improve the water quality of the Bay;

**[(3)** determine the impact of sediment deposition in the Bay and identify the sources, rates, routes, and distribution patterns of such sediment deposition; and

**[(4)** determine the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships among such changes with particular emphasis placed on the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals, and with special attention given to the impact of such changes on striped bass.

**[(b) INTERSTATE DEVELOPMENT PLAN GRANTS.—**

**[(1) AUTHORITY.—**The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (hereinafter in this section referred to as the “plan”), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within 1 year after the date of the enactment of this section, approved and committed to implement all or substantially all aspects of the plan. Such grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

**[(2) SUBMISSION OF PROPOSAL.—**A State or combination of States may elect to avail itself of the benefits of this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan which shall include (A) a description of proposed abatement actions which the State or combination of States commits to take within a specified time period to reduce pollution in the Bay and to meet applicable water quality standards, and (B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of this Act and will contribute to the achievement of the national goals set forth in such section, the Administrator shall approve such proposal and shall finance the costs of implementing segments of such proposal.

**[(3) FEDERAL SHARE.—**Grants under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms contained in the plan in any fiscal year and shall be made on condition that non-Federal sources provide

the remainder of the cost of implementing the management mechanisms contained in the plan during such fiscal year.

[(4) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any one fiscal year 10 percent of the annual Federal grant made to a State under this subsection.]

[(c) REPORTS.—Any State or combination of States that receives a grant under subsection (b) shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator on the progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay Program. The Administrator shall transmit each such report along with the comments of the Administrator on such report to Congress.]

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

[(1) \$3,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, to carry out subsection (a); and

[(2) \$10,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, for grants to States under subsection (b).]

**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 docu-

ment 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 sig-

natories 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 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 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 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.*

