

109TH CONGRESS
1ST SESSION

S. 1472

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

IN THE SENATE OF THE UNITED STATES

JULY 22, 2005

Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. WARNER, and Mr. ALLEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anacostia Watershed
5 Initiative Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

6 (2) the Anacostia Watershed—

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

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

12 (i) the District of Columbia;

13 (ii) the State of Maryland;

14 (iii) the State of Virginia; and

15 (iv) the United States as a whole;

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

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

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

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

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

1 (A) has special significance; and

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

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

7 (7) the Anacostia Watershed is—

8 (A) a degraded urban ecosystem; and

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

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

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

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

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

24 (ii) channelization;

25 (iii) toxic pollution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(a) DEFINITIONS.—In this section:

19 “(1) ANACOSTIA WATERSHED.—

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

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

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

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

8 “(i) the tidal Anacostia River;

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

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

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

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

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

1 communication regarding the Anacostia Water-
2 shed; and

3 “(B) is comprised of representatives of—

4 “(i) the District;

5 “(ii) the State;

6 “(iii) Montgomery County, Maryland;

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

9 “(v) the Corps of Engineers;

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

12 “(vii) the National Park Service.

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

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

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

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

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

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

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

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

19 “(12) WASHINGTON METROPOLITAN AREA.—

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

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

1 “(i) the District; and

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

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

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

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

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

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

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

20 “(c) ANACOSTIA WATERSHED COUNCIL.—

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

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

3 “(A) the Administrator;

4 “(B) the Mayor of the District;

5 “(C) the Governor of the State;

6 “(D) the Secretary of the Interior;

7 “(E) the Secretary of the Army; and

8 “(F) the county executives.

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

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

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

16 “(C) to carry out this subsection.

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

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

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

1 Council to develop the Comprehensive Action
2 Plan; and

3 “(B) biannually thereafter—

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

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

9 “(d) COMPREHENSIVE ACTION PLAN.—

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

20 “(A) watershed planning;

21 “(B) stormwater management;

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

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

1 “(E) ecological restoration;

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

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

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

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

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

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

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

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

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

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

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

11 “(I) enhance aquatic diversity;

12 “(II) increase recreational use;

13 and

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

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

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

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

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

8 “(vi) increasing—

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

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

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

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

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

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

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

8 “(iii) appropriate water levels; and

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

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

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

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

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

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

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

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

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

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

21 “(4) PUBLIC REVIEW AND COMMENT.—

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

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

6 “(5) APPROVAL BY THE ADMINISTRATOR.—

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

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

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

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

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

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

3 “(e) REPORTING REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(iii) the stormwater permit administrator
12 of the District of Columbia;

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

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

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

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

23 “(i) this section; or

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

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

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

12 “(g) FEDERAL PROGRAM COORDINATION.—

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

20 “(A) the Department of the Interior;

21 “(B) the Department of Agriculture;

22 “(C) the Department of Commerce;

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

24 “(E) the Department of Transportation.

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

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

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

11 “(ii) watershed modeling;

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

14 “(iv) stormwater management;

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

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

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

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

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

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

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

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

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

15 “(i) FUNDING.—

16 “(1) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated for each of
18 fiscal years 2006 through 2015—

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) ESTABLISHMENT.—

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

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

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

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

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

11 (2) COST SHARING.—

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

17 (B) NON-FEDERAL SHARE.—

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

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

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

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

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