

105TH CONGRESS  
1ST SESSION

# H. R. 806

To amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1997

Mr. VISCLOSKY (for himself, Ms. KAPTUR, Mr. LIPINSKI, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Clean Water  
3 Trust Fund Act of 1997”.

4 **SEC. 2. NATIONAL CLEAN WATER TRUST FUND.**

5 Section 309 of the Federal Water Pollution Control  
6 Act (33 U.S.C. 1319) is amended by adding at the end  
7 the following:

8 “(h) NATIONAL CLEAN WATER TRUST FUND.—

9 “(1) ESTABLISHMENT.—There is established in  
10 the Treasury a National Clean Water Trust Fund  
11 (hereinafter in this subsection referred to as the  
12 ‘Fund’) consisting of amounts transferred to the  
13 Fund under paragraph (2) and amounts credited to  
14 the Fund under paragraph (3).

15 “(2) TRANSFER OF AMOUNTS.—For fiscal year  
16 1997, and each fiscal year thereafter, the Secretary  
17 of the Treasury shall transfer to the Fund an  
18 amount determined by the Secretary to be equal to  
19 the total amount deposited in the general fund of  
20 the Treasury in the preceding fiscal year from fines,  
21 penalties, and other moneys obtained through en-  
22 forcement actions conducted pursuant to this section  
23 and section 505(a)(1), including moneys obtained  
24 under consent decrees and excluding any amounts  
25 ordered to be used to carry out mitigation projects

1 under this section or section 505(a), as the case may  
2 be.

3 “(3) INVESTMENT OF AMOUNTS.—The Sec-  
4 retary of the Treasury shall invest in interest-bear-  
5 ing obligations of the United States such portion of  
6 the Fund as is not, in the Secretary’s judgment, re-  
7 quired to meet current withdrawals. Such obligations  
8 shall be acquired and sold and interest on, and the  
9 proceeds from the sale or redemption of, such obliga-  
10 tions shall be credited to the Fund in accordance  
11 with the requirements of section 9602 of the Inter-  
12 nal Revenue Code of 1986.

13 “(4) USE OF AMOUNTS FOR REMEDIAL  
14 PROJECTS.—Amounts in the Fund shall be available,  
15 as provided in appropriations Acts, to the Adminis-  
16 trator to carry out projects to restore and recover  
17 waters of the United States from damages resulting  
18 from violations of this Act which are subject to en-  
19 forcement actions under this section and similar  
20 damages resulting from the discharge of pollutants  
21 into the waters of the United States.

22 “(5) SELECTION OF PROJECTS.—

23 “(A) PRIORITY.—In selecting projects to  
24 carry out under this subsection, the Adminis-  
25 trator shall give priority to a project to restore

1 and recover waters of the United States from  
2 damages described in paragraph (4), if an en-  
3 forcement action conducted pursuant to this  
4 section or section 505(a)(1) against such viola-  
5 tion, or another violation in the same adminis-  
6 trative region of the Environmental Protection  
7 Agency as such violation, resulted in amounts  
8 being deposited in the general fund of the  
9 Treasury.

10 “(B) CONSULTATION WITH STATES.—In  
11 selecting projects to carry out under this sec-  
12 tion, the Administrator shall consult with  
13 States in which the Administrator is consider-  
14 ing carrying out a project.

15 “(C) ALLOCATION OF AMOUNTS.—In de-  
16 termining an amount to allocate to carry out a  
17 project to restore and recover waters of the  
18 United States from damages described in para-  
19 graph (4), the Administrator shall, in the case  
20 of a priority project under subparagraph (A),  
21 take into account the total amount deposited in  
22 the general fund of the Treasury as a result of  
23 enforcement actions conducted with respect to  
24 such violation pursuant to this section or sec-  
25 tion 505(a)(1).

1           “(6) IMPLEMENTATION.—The Administrator  
2 may carry out a project under this subsection either  
3 directly or by making grants to, or entering into  
4 contracts with, the Secretary of the Army or any  
5 other public or private entity.

6           “(7) REPORT TO CONGRESS.—Not later than 1  
7 year after the date of the enactment of this sub-  
8 section, and every 2 years thereafter, the Adminis-  
9 trator shall transmit to Congress a report on imple-  
10 mentation of this subsection.”.

11 **SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION**  
12 **PROJECTS.**

13       (a) IN GENERAL.—Section 309(d) of the Federal  
14 Water Pollution Control Act (33 U.S.C. 1319(d)) is  
15 amended by inserting after the second sentence the follow-  
16 ing: “The court may, in the court’s discretion, order that  
17 a civil penalty be used for carrying out mitigation projects  
18 which are consistent with the purposes of this Act and  
19 which enhance the public health or environment.”.

20       (b) CONFORMING AMENDMENT.—Section 505(a) of  
21 such Act (33 U.S.C. 1365(a)) is amended by inserting be-  
22 fore the period at the end of the last sentence the follow-  
23 ing: “, including ordering the use of a civil penalty for

- 1 carrying out mitigation projects in accordance with section
- 2 309(d)".

