106TH CONGRESS
1ST SESSION

H. R. 1549

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

APRIL 22, 1999

Mr. VISCLOSKY (for himself, Mr. TOWNS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. GEJDENSON, Ms. NORTON, Mr. OWENS, Mr. BONIOR, Mr. LIPINSKI, Mr. TRAFICANT, Ms. MCKINNEY, Mr. BENTSEN, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. EVANS, Mr. QUINN, Mr. KUCINICH, Mrs. CLAYTON, Mr. DAVIS of Florida, Ms. DELAURO, Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. DEFAZIO, Ms. DANNER, Mrs. LOWEY, Mr. STARK, Mr. BLUMENAUER, Mr. MATSUI, Mr. DAVIS of Illinois, Mr. FILNER, Mr. KLINK, Mr. MINGE, Mr. HILL of Indiana, Ms. CARSON, and Ms. HOOLEY of Oregon) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Clean Water

5 Trust Fund Act of 1999".

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

7 Section 309 of the Federal Water Pollution Control

8 Act (33 U.S.C. 1319) is amended by adding at the end

9 the following:

10 "(h) NATIONAL CLEAN WATER TRUST FUND.—

11 "(1) ESTABLISHMENT.—There is established in

12 the Treasury a National Clean Water Trust Fund

13 (in this subsection referred to as the 'Fund') con-

14 sisting of amounts transferred to the Fund under

15 paragraph (2) and amounts credited to the Fund

16 under paragraph (3).

17 "(2) TRANSFER OF AMOUNTS.—For fiscal year

18 2000, and each fiscal year thereafter, the Secretary

19 of the Treasury shall transfer to the Fund an

20 amount determined by the Secretary to be equal to

21 the total amount deposited in the general fund of

22 the Treasury in the preceding fiscal year from fines,

23 penalties, and other moneys obtained through en-

24 forcement actions conducted pursuant to this section

25 and section 505(a)(1), including moneys obtained

1 under consent decrees and excluding any amounts
2 ordered to be used to carry out mitigation projects
3 under this section or section 505(a), as the case may
4 be.

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

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

24   "(5) SELECTION OF PROJECTS.—

1 　　　　"(A) PRIORITY.—In selecting projects to
2 　　carry out under this subsection, the Adminis-
3 　　trator shall give priority to a project to restore
4 　　and recover waters of the United States from
5 　　damages described in paragraph (4), if an en-
6 　　forcement action conducted pursuant to this
7 　　section or section 505(a)(1) against such viola-
8 　　tion, or another violation in the same adminis-
9 　　trative region of the Environmental Protection
10 　　Agency as such violation, resulted in amounts
11 　　being deposited in the general fund of the
12 　　Treasury.

13 　　　　"(B) CONSULTATION WITH STATES.—In
14 　　selecting projects to carry out under this sec-
15 　　tion, the Administrator shall consult with the
16 　　States.

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

1   such violation pursuant to this section or sec-

2   tion 505(a)(1).

3   "(6) IMPLEMENTATION.—The Administrator

4   may carry out a project under this subsection either

5   directly or by making grants to, or entering into

6   contracts with, the Secretary of the Army or any

7   other public or private entity.

8   "(7) REPORT TO CONGRESS.—Not later than 1

9   year after the date of enactment of this subsection,

10   and every 2 years thereafter, the Administrator shall

11   transmit to Congress a report on implementation of

12   this subsection.".

13   **SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION**

14   **PROJECTS.**

15   (a) IN GENERAL.—Section 309(d) of the Federal

16   Water Pollution Control Act (33 U.S.C. 1319(d)) is

17   amended by inserting after the second sentence the fol-

18   lowing: "The court may, in the court's discretion, order

19   that a civil penalty be used for carrying out mitigation

20   projects which are consistent with the purposes of this Act

21   and which enhance the public health or environment.".

22   (b) CONFORMING AMENDMENT.—Section 505(a) of

23   such Act (33 U.S.C. 1365(a)) is amended by inserting be-

24   fore the period at the end of the last sentence the fol-

25   lowing: ", including ordering the use of a civil penalty for

1 carrying out mitigation projects in accordance with section

2 309(d)''.

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