

will not solve the problem. The problem in beach pollution now is not the quality of the outfall coming from the International Wastewater Treatment Plant, but a growing quantity of sewage that Tijuana can't handle.

The plan that Mr. Bilbray and I are advancing in H.R. 3378 would take care of the growing quantity of sewage as well as the sewage now being treated at the IWTP. Instead of spending money on an impartial solution, it would quickly provide a comprehensive solution to the problem.

This is an acute problem. An official of the Surfrider foundation said, "I'm surfing in sewage." He put it a little less delicately—and it is not a very genteel situation in my District when sewage washes up on the beach, flows down our rivers and canyons and fouls the water where our children should be able to swim worry-free.

A solution to not surfing in sewage? Build enough sewage treatment to handle the problem. That's what our bill would do. It says we will pursue a plan that can easily treat 50 million gallons of sewage each day—and perhaps even more.

The plan makes even more sense when you know that the Mexican sewage will be reclaimed and reused by industrial and agricultural users in Mexico to help cover the cost. That way, all the hazardous and unhealthy sewage that now flows into our ocean without proper treatment will be cleaned—and much of it reused so that it never gets to the ocean.

We may owe that to our surfers—but we definitely owe that to our children. I ask you to support this bill so that this innovative plan to protect the health and safety of San Diegans can move forward.

Mr. BOEHLERT. Mr. Speaker, I thank the chairman and ranking member of the Transportation and Infrastructure Committee for helping to bring H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, to the House floor for action.

I also commend Representatives BILBRAY and FILNER of California, who introduced H.R. 3378, for their dedicated bi-partisan leadership in getting us to where we are today.

Their bill would authorize the United States to take actions to comprehensively address the treatment of sewage generated in the area of Tijuana, Mexico that flows untreated or partially treated into the San Diego, California area.

This pollution, occurring because the region's wastewater treatment capacity can not keep pace with its rapid growth, has created serious sanitation issues for decades in the U.S. In fact, the city of San Diego has declared a continued state of emergency since 1993 due to the threats to public health and the environment resulting from increasing sewage flows into the area.

To provide sufficient wastewater treatment capacity in the area, H.R. 3378 encourages the U.S. to negotiate new international agreements with Mexico. It also authorizes the United States to enter into an innovative public-private partnership to construct and operate a new wastewater treatment facility in Mexico.

It's time to resolve this serious sanitation issue that has plagued the San Diego border area for decades. I support passage of H.R. 3378, as amended, and urge my colleagues to do the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no further requests for

time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ESTUARY RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1775) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. PURPOSES.

The purposes of this Act 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. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) COUNCIL.—The term "Council" means the Estuary Habitat Restoration Council established by section 5.

(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 4(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. 4. 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 Act.

(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 Act, 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 7;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 8 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 Act, 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 Act 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 Act shall include lands, easements, rights-of-way, and relocations and may include serv-

ices, 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 7, 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 Act, 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 Act, 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. 5. 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 4(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 4(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 Act and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 8 and 9.

(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 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 Act 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. 6. ADVISORY BOARD.**

(a) **IN GENERAL.**—The Council shall establish an advisory board (in this subsection 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 7; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 5(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) 3 members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) 3 members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) 2 members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) 2 members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) 2 members representing fishing interests;

(6) 2 members representing estuary users other than fishing interests;

(7) 2 members representing agricultural interests; and

(8) 2 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) 9 shall be appointed for a term of 1 year; and

(B) 9 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 Act.

(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 Act.

(j) **FUNDING.**—From amounts appropriated for that purpose under section 10, the Secretary shall provide funding for the board to carry out its duties under this Act.

#### **SEC. 7. ESTUARY HABITAT RESTORATION STRATEGY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with the advisory board established under section 6, 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 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 Act.

(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. 8. 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 Act, 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. 9. REPORTING.**

(a) **IN GENERAL.**—At the end of the third and fifth fiscal years following the date of 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 Act.

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

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

(2) information from the database established under section 8(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 Act; 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. 10. 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 Act, \$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 6.

#### **SEC. 11. GENERAL PROVISIONS.**

(a) **AGENCY CONSULTATION AND COORDINATION.**—In carrying out this Act, 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 Act, 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 Act, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this Act.

(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 Act.

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

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the full 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1775, the Estuary Restoration Act of 2000, authorizes estuary restoration projects and requires the development of a comprehensive strategy for estuary protection and restoration.

This bill, which was introduced by our colleague on the committee, the outstanding gentleman from Maryland (Mr. GILCHREST), will establish the public-private partnerships we need to help preserve and restore water quality, water supply, habitat, commercial fisheries, and many recreational opportunities in our Nation's estuaries.

The bill we bring to the floor today represents the combined efforts of the Committee on Transportation and Infrastructure and the Committee on Resources.

I want to extend my thanks to the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and also the ranking member of that committee, the gentleman from California (Mr. GEORGE MILLER), for their cooperation.

In particular, I also want to give thanks to the chairman of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), and also to the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), on our committee.

I want to assure our colleagues that this bill does not create any new regulatory authorities, and that the restoration strategy is subject to adequate opportunities for public review and comment.

I also support the intent of the bill to ensure that projects and activities are based upon sound scientific understanding. I strongly support passage of H.R. 1775, and urge our colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1775, the Estuary Restoration Act of 2000. Estuaries and coastal environments are precious natural resources that need to be restored and protected. They provide important habitat for numerous fish and wildlife, as well as recreational areas, transportation linkages, and sources of residential and industrial water supplies.

It has been estimated that coastal and estuarine waters are worth billions of dollars to this country. Yet, despite the inherent value of these areas, for too long we have viewed our Nation's oceans, bays, and rivers as convenient dumping grounds for waste associated with human life and development.

However, as we have fortunately learned, these earlier practices were a mistake, a mistake which we will correct. H.R. 1775 will further assist in this effort, providing assistance to restore habitat and biological health to the Nation's estuaries.

I want to commend the gentleman from Maryland (Mr. GILCHREST), from my family's ancestral home, for his efforts in sponsoring this legislation. I support its passage.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. GILCHREST), an outstanding representative and the author of the legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to invite the gentleman from Mississippi (Mr. TAYLOR), as this bill passes and the restoration projects begin, to take a canoe trip down one of the more beautiful tidal estuaries of the Chesapeake Bay, the Pocomoke River, the ancestral homeland of the gentleman from Mississippi, in a canoe, and we will see what progress is being made.

I want to thank the staff on the Committee on Transportation and Infrastructure and the Committee on Resources for working together to blend our concepts and ideas in a unique fashion so that this bill can be signed into law and be successful.

We now have the capacity, I think, as human beings to begin the process of understanding the complexities of the dynamics of the mechanics of natural processes. The web of life that sustains all of us is now in the process by us at the beginning early stages of understanding.

An Indian philosopher said, I think his name was Chief Seattle, "Touch a flower, trouble a star." When human activity interferes in a dull way, not a natural, dynamic way, with the environment, it has a negative, degrading effect. Our estuaries have been degraded over the last especially 100 years.

The process of this bill is to make the correction so that we work with the natural processes by understanding their mechanics as to working against them. Habitats in many of America's

estuaries have been degraded or destroyed over the last 100 years. Their many economic values and their quality have been either ignored or unknown.

Population growth in coastal watersheds, dredging, draining, bulldozing, paving, pollution, dams, sewage discharges, et cetera, et cetera, et cetera, have had their impacts. From these human activities, the loss that we now have seen of these estuary habitats is evident.

For example, in our coastal States alone, more than 55 million acres of wetlands have been destroyed in the last 100 years. In the Chesapeake Bay, 90 percent of the sea grasses that we know are homes to many of the marine ecosystem life is gone. Only 2 percent of the oyster harvest of 100 years ago is left. Thirty years ago we harvested 30 million pounds of oysters. Now it is less than 1 million.

In San Francisco Bay, 95 percent of its original wetlands have been destroyed, and only 300 of the original 6,000 miles of stream habitat in the Central Valley support spawning salmon.

Seventy percent of salt marshes along Narragansett Bay are being cut off from full tidal flow, and 50 percent, 50 percent have been filled and are virtually gone forever.

Louisiana estuaries continue to lose 25,000 acres annually of coastal marshes. An area roughly the size of Washington, D.C. is lost due to neglect or ignorance or some other human activity. For the most part, the loss of each estuary is an accumulation, a small accumulation of small development projects, almost unseen to the residents' naked eyes.

Other impacts have destroyed in a very small way one acre at a time, and this destruction alone cannot be blamed for the loss of our estuaries and their habitats and wetlands, but the cumulative effects of the destruction are surprising in their extent and severity. Those tiny little developments, another shopping plaza, another road, another acre filled in, another housing development, another building, another boat, the extent and severity has amounted to tens of millions of acres.

We can, I think, coordinate Federal, State and local management efforts to protect our estuaries. We must also provide sufficient resources for estuary restoration, without which all of our planning and coordination efforts are useless. Our estuaries are sick and dying, and planning without implementation is like a diagnosis without any follow-up treatment. If we want to bring estuaries back to health, we need to commit the time, money, and creativity necessary to restore the vital organs that make estuaries live and breathe. We know how to do it. Now let us roll up our sleeves, put on our boots, and get to work.

The last comment on this bill, H.R. 1775, the National Estuary Habitat Restoration Partnership Act, is going to

try to restore 1 million acres over 10 years. One national park in Alaska, one national park in Alaska, is 13 million acres, so it is a very humble beginning.

It is not about a new layer of Federal bureaucracy, however. It is about coordination of existing estuary restoration efforts. This bill will complement the efforts of programs like the National Estuary Program and the Coastal Wetlands Conservation Grants by providing direction to Federal agencies to work together with the States, with other governments, with the National Estuary Program, conservation groups, to get together to address the critical needs.

That means someone from the Corps of Engineers, someone from the Department of Agriculture, someone from a State agency, and someone from a nonprofit agency will all stand in the stream together, forget what their titles are, but they will roll up their sleeves with their boots, put the mud in the right place, and get the catfish back in the streams. We can do it.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for all his work on this effort. Not only are the estuaries and coastal areas going to be included in this legislation, but also the Great Lakes, and they are great lakes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, the gentleman from Maryland, for articulating so perfectly what needs to be done. I want to commend him for his efforts.

Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me. I want to compliment the gentleman on a very comprehensive statement of the issue at hand, and also express my appreciation to the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Ohio (Mr. LATOURETTE), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Maryland (Mr. GILCREST), for their continuing surveillance and attention to detail and hard work on this critically important aspect of our environment.

Mr. Speaker, the gentleman from Maryland has been dogged in his persistence in his pursuit of protective legislation which he has so eloquently, very touchingly described tonight.

The disappearance of the Nation's wetlands is one of the greatest losses of this country. In the Central Mississippi Flyway, we have lost well over 50 percent of the wetlands that existed at the time of the formation of this Union. That is an irretrievable loss. No matter what we do, we cannot recreate those wetlands that have been lost.

What we can do, at least what this legislation gives us the opportunity to do, is to protect those wetlands and those estuaries that remain.

The great salt water estuaries of this world, of which the Chesapeake Bay is uncontestedly the greatest, are the meeting places of salt and fresh water where new life forms take place, the creation of new life from the mixing of fresh and salt water. It is recognized as one of the extraordinary reserves of nature.

We must understand these estuaries better. We must work to protect their integrity.

As the gentleman from Maryland has so well said, while we have addressed the problems of point source discharge that have served to vastly clean up our lakes and rivers, we have not yet adequately, not in the least, adequately addressed the matter of nonpoint source runoff.

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If we fail on the one hand to protect wetlands and fail on the other hand to prevent senseless runoff from open lands, whether urban and suburban, residential and shopping center construction, or agricultural land that is inadequately able to protect runoff if we fail to protect the wetlands on the other hand that serve as a great filtering place, then we will destroy the estuaries of this country and the rest of the world.

This legislation moves us in the right direction. It does not deal with the fundamental problem of nonpoint source cleanup, which I hope we will be able to address in the forthcoming sessions of Congress.

As reported out of the Committee on Transportation and Infrastructure, this legislation would have prevented nonprofit entities to serve as local sponsor of estuary habitat restoration projects in coordination with the State and local appropriate officials.

However, during negotiations with the Committee on Resources, this provision was amended to require that nonprofit organizations obtain the recommendation of the governor before, before they, the nonprofits, would be eligible to serve as local sponsors.

I felt that this would be a very substantial burden for nonprofit in light of the fact that the legislation creates a multilayer competitive review process to ensure funding of only the most worthy restoration projects and requires local sponsors to provide 35 percent of the costs. I do not think we should be providing or saddling another restriction on who is eligible to be a local sponsor.

I have raised this with the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee. He has given me his personal assurance that we will review this matter in further detail as the bill moves forward through this body and into conference with the Senate. I thank him for his commitment to work with me on this matter.

I also appreciate the remarks the gentleman from Maryland (Mr. GILCREST) made about the Great Lakes being included in the auspices of this legislation. The Great Lakes represent one-fifth of all the fresh water on the face of the Earth. That resource, too, is vital as we consider this estuary legislation. We consider the unique resources. While the rivers that discharge into the Great Lakes are not the meeting of salt and fresh water, they are the meeting place of different aquatic species that, again, result in the creation of new life. It is important that these areas, these Great Lakes estuaries be considered in the ambit of this legislation.

I appreciate the gentleman's cooperation, his work with me to come to this legislation. I urge the passage of this legislation.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 1775, the Estuary Restoration Act of 2000.

First, let me thank Chairman BUD SHUSTER and Representatives JIM OBERSTAR and BOB BORSKI of the Transportation and Infrastructure Committee, as well as thank the chairman and ranking member of the Resources Committee, for their leadership and cooperation in moving this important legislation forward.

I also want to recognize the leadership of the bill's sponsor, Representative WAYNE GILCREST.

Estuaries are places where fresh water meets the open sea, creating some of the most diverse and productive habitat in the country.

For example, 75 percent of the commercial fish and shellfish catch in the United States comes from estuaries. Without clean water, these fisheries can collapse, creating economic havoc and destroying a way of life. The recent crisis for lobstermen in Long Island Sound is vivid reminder of what can happen.

More than 70 percent of Americans visit coastal areas every year—including estuaries like the Chesapeake Bay that is so dear to Congressman GILCREST. Fishing, boating, and tourism in these areas all depend on clean water.

More than 110 million people currently live in coastal regions. Estuaries provide critical water supply for these people.

Even Americans who never travel to coastal areas rely on clean estuary habitat. Migratory birds and anadromous fish spend part of their lives in estuaries and part of their lives inland. So duck hunters and fisherman in upstate New York need clean estuaries as much as duck hunters and fisherman in the Chesapeake Bay.

Given their important role, it is essential we increase our efforts to restore and protect our estuaries, which are at risk in many areas. Population growth, increased development, and other pressures have caused significant damage to, and loss of, our estuaries.

H.R. 1775 strengthens efforts across the United States, at the Federal, State and local levels, to restore our valuable estuary habitat.

H.R. 1775 authorizes \$200 million for the Secretary of the Army to carry out estuary habitat restoration projects.

The Secretary will select these projects in consultation with a National Estuary Habitat Council that develops a long-term national estuary restoration strategy.

The bill also establishes an advisory board of experts to provide scientific and technical expertise to the National Council and the Secretary.

Finally, under H.R. 1775, restoration projects will be monitored and evaluated to help ensure their long-term success.

I urge all Members to support this bill, which takes an important step forward to comprehensively address restoration of our estuaries.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 1775, the Estuary Restoration Act of 2000. As an original cosponsor, I believe this bill will be tremendously instrumental for the restoration of our nation's major estuaries, including Galveston Bay which borders my district in Texas.

Estuaries act as nurseries for much of our marine life. These complex and productive areas urgently need recognition if estuaries are to continue supporting over 70 million jobs and countless millions of hours of recreation. Due to lack of recognition of their value, millions of acres of estuaries have been lost over the decades, losses which persist today. In my district, Galveston Bay is part of the national estuary program and has suffered troubling habitat loss. It would benefit tremendously under this bill.

Galveston Bay's watershed encompasses one of the most heavily industrialized and most heavily populated regions in the United States. Since the 1950's, 30,000 acres of wetlands have been lost in the estuary. Wastewater discharges from communities and industries into Galveston Bay account for half of Texas' total wastewater discharges every year. Like many of America's beloved bays and estuaries under these circumstances, the productivity of Galveston Bay has declined. In addition to the ecological loss, declining productivity is an alarming economic trend, because Galveston Bay produces two-thirds of Texas oyster harvest, one-third of Texas' bay shrimp catch, and one-quarter of Texas' blue crab catch. Declining productivity also means reduced recreation for a Bay that currently supports the third largest recreational boating fleet in the United States. In response, the local community has reacted, but recognition and support have been limited.

This act's defining principle is grassroots action. The bill authorizes \$315 million over 5 years for matching grant funds to be used by nonprofit groups, State and local governments, neighborhood associations, schools, and concerned citizen organizations like the Galveston Bay Foundation. The goal of this \$315 million is the restoration of 1 million acres of estuary over the next 10 years, so that our estuaries can continue producing food, flood mitigation, water quality employment, and recreational benefits along American coastlines. This bill provides a \$315 million investment to ensure the sustainability of activities that contribute well over \$100 billion to the U.S. economy. The matching grants will rehabilitate our Nation's estuaries by allowing local volunteer restoration activities to continue, strengthen, and take-off. Priority will be given to projects which build partnerships between public and private groups, relationships which can continue long after the period of this act. We in the Federal Government should make the prudent decision to invest in America's quality of life, environment, and economy by passing H.R. 1775.

As proof of the ability of local communities to take on estuary restoration, the Galveston

Bay Foundation is exemplary of the type of organization that the Estuary Restoration Act will facilitate. The Galveston Bay Foundation began by restoring small areas measured in square feet, and now is pursuing the ambitious goal of restoring 24,000 of the 30,000 estuary acres lost in Galveston Bay. Assisted by the National Estuary Program, the Galveston Bay Foundation also monitors water quality by recruiting and training volunteers and by obtaining and distributing monitoring equipment. With the passage of the Estuary Restoration Act of 2000, organizations across the country including the Galveston Bay Foundation can leverage the investment efficiently and effectively on the local level.

I believe that H.R. 1775 is essential to implement longterm, local estuary conservation and management plans. Estuaries are integral parts of any nearby community and effect absolutely every community. I urge my colleagues to pass the Estuary Restoration Act and invest in the ecological and economic future of America's coastal areas by providing assistance to those who use it best—local communities.

Mr. SAXTON. Mr. Speaker, I strongly support H.R. 1775 and would like to thank the gentleman from Maryland for his tireless work on this legislation.

H.R. 1775 addresses the serious problem of declining estuary and coastal wetland habitat throughout the United States. Despite our best efforts, we are continuing to lose valuable coastal and estuary acreage to erosion, subsidence, water quality degradation, invasive species, contaminated sediments, and other impacts. These areas are biologically important for many commercial and recreational fish species, shellfish, migratory birds, and other wildlife. These areas are also among this nation's busiest ports, playing an important role in the national economy.

This legislation would provide much-needed assistance to halt the degradation of these areas while allowing continued economic uses. Restoration projects are expensive, and H.R. 1775 creates new Federal, State, and local partnerships to undertake these projects.

H.R. 1775 builds upon the existing authorities and expertise of the Army Corps of Engineers, with the help of Federal partners such as NOAA and the U.S. Fish and Wildlife Service. This bill requires that restoration projects include a monitoring component to ensure that we learn from these restoration projects and continue to find innovative solutions.

Mr. Speaker, H.R. 1775 represents the hard work of both the Transportation and Resources Committees, and it is an innovative approach to on-the-ground projects. I urge an "aye" vote on this legislation.

Mr. LATOURETTE. Mr. Speaker, we have no additional requests for time. We will be prepared to yield back when the gentleman from Mississippi (Mr. TAYLOR) does the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House sus-

pend the rules and pass the bill, H.R. 1775, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MISSISSIPPI SOUND RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4104) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4104

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Mississippi Sound Restoration Act of 2000".*

#### SEC. 2. 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 amended by inserting "Mississippi Sound, Mississippi;" before "and Peconic Bay, New York."

#### SEC. 3. MISSISSIPPI SOUND.

*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. 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