

113TH CONGRESS
2^D SESSION

H. R. 5289

To establish the Indian River Lagoon Nutrient Removal Assistance Grant Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

Mr. MURPHY of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Indian River Lagoon Nutrient Removal Assistance Grant Program, 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 “Indian River Lagoon
5 Nutrient Removal Assistance Act of 2014”.

6 **SEC. 2. INDIAN RIVER LAGOON NUTRIENT REMOVAL AS-**
7 **SISTANCE GRANT PROGRAM.**

8 (a) ESTABLISHMENT.—Not later than 1 year after
9 the date of enactment of this Act, the Administrator of

1 the Environmental Protection Agency shall establish an
2 Indian River Lagoon Nutrient Removal Assistance Grant
3 Program (in this section referred to as the “Program”)
4 to assist projects related to the protection and restoration
5 of the Indian River Lagoon in Florida.

6 (b) GRANT AUTHORITY.—In carrying out the Pro-
7 gram, the Administrator may make a grant, on a competi-
8 tive basis, to any of the following:

9 (1) A State government entity.

10 (2) A local government entity.

11 (3) A nonprofit organization.

12 (4) The Indian River Lagoon Program.

13 (c) APPLICATIONS.—To be eligible for a grant under
14 the Program, an entity specified in subsection (b) shall
15 submit to the Administrator an application with respect
16 to a proposed project at such time, in such form, and con-
17 taining such information as the Administrator determines
18 is appropriate, which shall include at least a description
19 of the proposed project and the communities to be served
20 by the proposed project.

21 (d) SELECTION CRITERIA.—The Administrator shall
22 issue regulations with respect to the criteria to be utilized
23 to select projects for grants under the Program, which
24 shall prioritize projects that—

1 (1) produce the greatest nutrient load reduc-
2 tions;

3 (2) result in the greatest environmental benefits
4 to the Indian River Lagoon; and

5 (3) advance the goals and objectives of the com-
6 prehensive plan.

7 (e) CONSULTATION.—In selecting projects for grants
8 under the Program, the Administrator shall consult
9 with—

10 (1) the Indian River Lagoon Program;

11 (2) the State of Florida and local governments
12 in the Indian River Lagoon watershed; and

13 (3) other relevant stakeholders involved with
14 the protection and restoration of the Indian River
15 Lagoon.

16 (f) FEDERAL SHARE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Federal share of the cost of a project
19 assisted with a grant under the Program shall be 75
20 percent.

21 (2) EXCEPTION.—At the request of a grant re-
22 cipient, the recipient may lower the Federal share of
23 the cost for a project carried out by the recipient to
24 an amount that is less than 75 percent.

1 (g) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) COMPREHENSIVE PLAN.—The term “com-
4 prehensive plan” means—

5 (A) the conservation and management plan
6 approved under section 320 of the Federal
7 Water Pollution Control Act (33 U.S.C. 1330)
8 for the Indian River Lagoon; and

9 (B) any amendments to that plan.

10 (2) INDIAN RIVER LAGOON PROGRAM.—The
11 term “Indian River Lagoon Program” means the In-
12 dian River Lagoon National Estuary Program con-
13 vened as the management conference under section
14 320 of the Federal Water Pollution Control Act (33
15 U.S.C. 1330) for the Indian River Lagoon, and in-
16 cludes the Policy Board, Management Committee,
17 Technical Advisory Committee, and Citizens Advi-
18 sory Committee of that Program.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to the Administrator to carry out the
22 Program each fiscal year the amounts available in
23 the Indian River Lagoon Nutrient Removal Assist-
24 ance Trust Fund established under section 9512 of
25 the Internal Revenue Code of 1986.

1 (2) ADMINISTRATIVE EXPENSES.—The Admin-
2 istrator may not use more than 5 percent of the
3 amounts made available to carry out the Program
4 each fiscal year to pay administrative expenses in-
5 curred in carrying out the Program.

6 (3) PROHIBITION.—No amounts made available
7 to carry out the Program may be used for the ad-
8 ministrative expenses of a management conference
9 convened under section 320 of the Federal Water
10 Pollution Control Act (33 U.S.C. 1330).

11 (4) RULE OF CONSTRUCTION.—Nothing in this
12 section may be construed to limit the eligibility of
13 the Indian River Lagoon Program to receive funding
14 under section 320(g) of the Federal Water Pollution
15 Control Act (33 U.S.C. 1330(g)).

16 **SEC. 3. INCREASE IN CERTAIN CIVIL PENALTIES.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law and not later than 90 days after the date of
19 enactment of this Act, the Administrator of the Environ-
20 mental Protection Agency shall issue regulations to in-
21 crease by 5 percent each civil penalty amount established
22 for a violation of the Federal Water Pollution Control Act
23 (33 U.S.C. 1251 et seq.).

24 (b) APPLICABILITY.—The regulations issued under
25 subsection (a) shall only apply to violations of the Federal

1 Water Pollution Control Act (33 U.S.C. 1251 et seq.) oc-
2 ccurring after the date of enactment of this Act.

3 **SEC. 4. INDIAN RIVER LAGOON NUTRIENT REMOVAL AS-**
4 **SISTANCE TRUST FUND.**

5 (a) IN GENERAL.—Subchapter A of chapter 98 of the
6 Internal Revenue Code of 1986 is amended by adding at
7 the end the following new section:

8 **“SEC. 9512. INDIAN RIVER LAGOON NUTRIENT REMOVAL**
9 **ASSISTANCE TRUST FUND.**

10 “(a) CREATION OF TRUST FUND.—There is hereby
11 established in the Treasury of the United States a trust
12 fund to be known as the ‘Indian River Lagoon Nutrient
13 Removal Assistance Trust Fund’, consisting of such
14 amounts as may be appropriated or credited to such Trust
15 Fund as provided in this section and section 9602(b).

16 “(b) TRANSFERS TO TRUST FUND.—There are here-
17 by appropriated to the Indian River Lagoon Nutrient Re-
18 moval Assistance Trust Fund such amounts as the Sec-
19 retary determines from time to time are equivalent to the
20 increase in civil penalties under section 3(a) of the Indian
21 River Lagoon Nutrient Removal Assistance Act of 2014
22 for violations of the Federal Water Pollution Control Act.

23 “(c) EXPENDITURES.—Amounts in the Indian River
24 Lagoon Nutrient Removal Assistance Trust Fund shall be
25 available as provided in appropriations Acts only for mak-

1 ing expenditures to make grants under the Indian River
2 Lagoon Nutrient Removal Assistance Grant Program
3 under section 2(a) of the Indian River Lagoon Nutrient
4 Removal Assistance Act of 2014.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for subchapter A of chapter 98 of such Code is amended
7 by adding at the end the following new item:

“Sec. 9512. Indian River Lagoon Nutrient Removal Assistance Trust Fund.”.

○