

“(B) CONSULTATION WITH STATES.—In selecting projects to carry out under this section, the Administrator shall consult with States in which the Administrator is considering carrying out a project.

“(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damages described in paragraph (4), the Administrator shall, in the case of a priority project under subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to such violation pursuant to this section or section 505(a)(1).

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

“(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall transmit to Congress a

report on implementation of this subsection.”

(d) USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.—

(1) IN GENERAL.—Section 309(d) (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: “The court may, in the court’s discretion, order that a civil penalty be used for carrying out mitigation projects which are consistent with the purposes of this Act and which enhance the public health or environment.”

(2) CONFORMING AMENDMENT.—Section 505(a) (33 U.S.C. 1365(a)) is amended by inserting before the period at the end of the last sentence the following: “, including ordering the use of a civil penalty for carrying out mitigation projects in accordance with section 309(d)”.

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OFFERED BY: MR. WYDEN

AMENDMENT NO. 55: Page 251, after line 2, insert the following:

“(C) PREVENTION OF REDUCTION IN FAIR MARKET VALUE OF PRIVATE HOMES.—No compensation shall be made under this section

with respect to an agency action that prevents or restricts any activity that is likely to result in a total reduction in the fair market value of one or more private homes of \$10,000 or more.

Page 315, after line 15, insert the following:

“(K) PRIVATE HOME.—The term ‘private home’ means any owner occupied dwelling, including any multi-family dwelling and any condominium.

Page 315, line 16, strike “(K)” and insert “(L)”.

Page 315, line 19, strike “(L)” and insert “(M)”.

Page 315, line 21, strike “(M)” and insert “(N)”.

Page 316, line 14, strike “(N)” and insert “(O)”.

H.R. 961

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 56: On page 72, after line 10, insert the following:

“(e) SECONDARY TREATMENT STANDARDS.—Subsection 301(h) (33 U.S.C. 1311(h)) is amended by striking ‘of the biological oxygen demanding material and’”.