by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, April 25, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2239, a bill ''To authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.''

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday March 30, at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992; and S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policy of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 30, 2000, for an Open Executive Session to mark up and report out an original bill regarding Marriage Tax Penalty Relief.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 9:30 am and 2:00 pm to hold a hearing and a roundtable discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 10:00 a.m. for a nominations hearing to consider the nominations of Alan Kessler to be a Governor on the United States Postal Service and Carol Waller Pope to be a Member of the Federal Labor Relations Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 30, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 30, 2000, at 9:30 a.m., to conduct an oversight hearing on the operations of the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 2:00 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism and Property Rights be authorized to meet to conduct a hearing on Thursday, March 30, 2000 at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 30 at 2:30 p.m., to conduct an oversight hearing. The subcommittee will receive testimony on the Administration's effort to review approximately 40 million acres of national forest lands for increased production.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. GRAMM. Mr. President I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Thursday, March 30, 10:30 a.m., to conduct a hearing to receive testimony regarding the Administration's FY 2001 budget for programs within EPA's Office of Solid Waste and Emergency Response.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that a fellow of Senator BAUCUS, Deb Jackson, be extended floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 323, S. 835.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 835

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 Habitat Restoration Partnership Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State,

and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 4. DEFINITIONS.

In this Act:

(1) COLLABORATIVE COUNCIL.—The term ''Collaborative Council'' means the interagency council established by section 5.

(2) DEGRADED ESTUARY HABITAT.—The term ''degraded estuary habitat'' means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term ''estuary'' means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, *including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act*; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term ''estuary habitat'' means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term ''estuary habitat'' includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded 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 physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this Act, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term ''estuary habitat restoration strategy'' means the estuary habitat restoration strategy developed under section 6(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term ''Federal estuary management or habitat restoration plan'' means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 5. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the ''Estuary Habitat Restoration Collaborative Council''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this Act is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 6. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) 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; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this Act, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or

restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this Act if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2000 through 2004.

SEC. 7. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this Act from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this Act; and

(2) any criteria established by the Collaborative Council under this Act.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this Act shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this Act for the purpose of carrying out an estuary habitat restoration project.

SEC. 8. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this Act.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this Act, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this Act; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 9. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this Act, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 10. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this Act based on the need for the funds and such other factors as are determined to be appropriate to carry out this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this Act to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 6(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2000;

(2) $50,000,000 for fiscal year 2001; and

(3) $75,000,000 for each of fiscal years 2002 through 2004.

SEC. 12. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation'' after ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1999, and $25,000,000 for each of fiscal years 2000 and 2001''.

SEC. 13. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this Act; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this Act.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—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 Collaborative Council in carrying out its duties under this Act.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this Act. The analysis shall include recommendations regarding necessary additional funding.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the committee amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the committee amendment is withdrawn.

AMENDMENT NO. 2904

(Purpose: In the nature of a substitute)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH) proposes an amendment numbered 2904.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SMITH of New Hampshire. Mr. President, I am very pleased that the Senate is taking up today an important piece of legislation that will enhance our ability to protect the Nation's most valuable shoreline habitats. This bill, S. 835, the Estuary Habitat Restoration Partnership Act, is a great tribute, I think, to not only our leadership in the Senate but also to our late colleague, Senator John Chafee. I urge my colleagues to support this bill and move it forward quickly, to get it into law.

S. 835 is an example of environmental policy based on partnership and cooperation—not on this top-down mandate, overburdensome Federal regulation, but a partnership and a cooperative effort. It shows you, when you have a partnership and have a cooperative effort and don't try to impose regulations, what you can do. This bill is a good example of that. It promotes working together in a partnership situation with the States, with local programs, and with the private sector.

This bill will make it possible to restore 1 million acres of habitat with almost no cost to the taxpayer. Environmental success is what this is, and it is the kind of environmental success that I am very proud to support. This bill is yet one more of the many legacies of our friend and late colleague, Senator John Chafee of Rhode Island. He was the principal sponsor and a longtime champion of the estuary system in this country.

Last October, under his chairmanship, the Committee on Environment and Public Works reported out S. 835 by a voice vote. For the past 5 months, his son, Senator LINCOLN CHAFEE, has carried forward the effort in the Senate and helped me immensely to get where we are today with this legislation. I am grateful for his leadership. I know it was a special matter for him to lead on this issue and on this bill because of what his father had done on its behalf. So I am pleased to be a part of this effort, pleased as the chairman of the Environment and Public Works Committee to bring this matter to the Senate for final passage.

To understand how important this act is for protecting the environment, one has to understand what estuaries are and how valuable they are to our society.

An estuary is a bay, a gulf, a sound, or an inlet where fresh water from rivers and streams meet and mixes with saltwater from the ocean, or put simply, it is where the river meets the sea.

Examples of estuaries are coastal marshes, coastal wetlands, maritime forests, sea grass, meadows, and river deltas.

Estuaries represent some of the most environmentally and economically productive habitats in the entire world.

Estuaries are critical for wildlife. Approximately 50 percent of the Nation's migratory songbirds are linked to coastal estuary habitat, while near 30 percent of North American waterfowl rely upon coastal estuary habitat for wintering grounds. Threatened and endangered species depend upon estuaries for their survival.

Estuaries also play a major role in commercial and recreational fishing as well. Approximately 70 percent of the commercial fish catch, and 80 to 90 percent of recreational fish catch, depend in some way on estuaries. Obviously these fish swim up into those estuaries and spawn, and those small fish work their way back into the oceans.

You may not realize it, but estuaries also contribute significantly to the quality of life that many of us enjoy as Americans. Over one-half of the entire population of the United States lives near a coastal area.

Traditionally, a great majority of Americans visit estuaries every year to swim, to fish, to hunt, to dive, to bike, to learn, or just to view the beauty of the marshes and the wildlife.

For many States, this tourism provides enormous economic benefit, and it does in New Hampshire, as well as almost every State in the Union.

In fact, the coastal recreation and tourism industry is the second largest employer in the Nation serving 180 million Americans each year.

These many attributes of estuaries are especially important to me because of the rich coastline of New Hampshire. We only have 18 or 19 miles of it, but it is rich. New Hampshire estuaries contribute to dynamic habitat, and they contribute to the beauty of the State as well as the economy. Recreational shell fishing alone in New Hampshire contributes an estimated $3 million annually to the State and local economy. New Hampshire is in the forefront of the national effort to identify and protect sensitive estuary habitats.

The New Hampshire Great Bay, Little Bay and Hampton Harbor, and their tributary rivers joined the National Estuary Program in July 1995 as part of the New Hampshire Estuaries Project.

The Great Bay estuary has a rich cultural history. Its beauty and resources attracted the Paleo Indians in the area nearly 6,000 years ago. It was also the site of a popular summer resort during the 1800s, as well as a shipyard.

As a Senator from New Hampshire, I am proud to be involved in this historical and ecological resource, and to preserve it for future generations.

What we do in environmental matters we should do not for the next election, and not for somebody's business bottom line, but for the next generation—for the generations of our grandchildren and their generations to come.

That is why we make these decisions to preserve these estuaries so that 1,000 years from now our descendents can say: We can see an estuary because those guys stood up when it counted and they saved them for us.

That is a great legacy.

Unfortunately, though, many of the estuaries around the United States, including those in New Hampshire, have been harmed by excessive urbanization of surrounding areas. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuary habitat is impaired. S. 835 is a tremendous step to establishing a much needed restoration program.

What does S. 835 do? It does not duplicate any existing efforts, but instead it builds upon current restoration projects by establishing a community-driven, incentive-based program while expanding EPA's ability to provide grants for conservation management plans.

It has a national strategy because a national strategy is vital in order to coordinate current and future restoration efforts among both Federal, State, and local programs. Sometimes estuaries have no State borders. They move across the borders of States and towns.

We have a collaborative council to accomplish this goal. S. 835 establishes this council. It is chaired by the Secretary of the Army with the participation of the Under Secretary for Oceans and Atmosphere, the Department of Commerce, the Administrator of EPA, and the Secretary of Interior.

It will be authorized to distribute $315 million over 5 years to community groups to implement restoration projects.

It establishes criteria to select projects; for example, quantity and quality of the habitat to be restored; criteria to minimize the Federal share; criteria to address sources of pollution that would otherwise again impair the

restored habitat; and, criteria that fosters the development of cost-effective and innovative technologies.

This bill encourages local communities and the private sector to develop partnerships to implement restoration activities. Decisions of how to restore these estuaries are made by the local communities.

Another key feature of the bill is that it ensures accountability through ongoing monitoring and evaluation. NOAA maintains a database of restoration projects. Information and lessons learned from one project can be incorporated into other restoration projects.

The council will publish the biannual report to Congress detailing the progress made under the act. It allows Congress and the public to know about the successes and failures of the projects and strategies under this section.

S. 835 includes important provisions dealing with the National Estuaries Program, the Chesapeake Bay Region Program, and the Long Island Sound.

I know that these provisions have been of particular importance to Senators WARNER and LIEBERMAN, and no doubt they will be addressing the importance of these programs on the floor very soon.

However, I want to acknowledge the important role that the National Estuaries Program has played in raising national awareness on the value of these habitats.

The National Estuaries Program, established in 1988, demonstrates what we can accomplish when the Federal Government, the State government, and the local government work together in partnership without all of the friction and without all the confrontation.

Participation in the program is voluntary, and it emphasizes watershed planning and community involvement.

I have met with so many people at the local and State level on so many of these environmental projects who are knowledgeable, smart, and well-educated people who know these issues very well. They don't need to be dictated to by the Federal Government.

To date, 28 conservation plans under this program have been prepared for designated estuaries. I am pleased that New Hampshire is in the process of developing its own conservation plan.

Unfortunately, though, the program does not have sufficient resources to adequately address all habitat restoration. Until now, in fact, only the development of a plan could be funded—not their implementation. S. 835 will change that.

This bill will increase the authorization for the program from $12 million to $25 million annually for 2001 and 2002.

Let me close by saying that there is overwhelmingly bipartisan support for this bill. It represents an approach to environmental policy that should be the basis for solving environmental problems by dealing with these issues through cooperation, not confrontation. And that is what this bill is all about.

Decisions that affect local communities are to be made by local communities. They use taxpayer dollars wisely and effectively.

This bill represents the sixth report by the Environment and Public Works Committee since I became its chairman just a few months ago.

I include also the reauthorization of the National Fish and Wildlife Foundation Establishment Act, and a wetlands bill in Louisiana.

It is only the sixth in what I hope will be a long line of good, solid, strong, bipartisan environmental bills.

We all breathe the same air. We all like to drink clean water. We all like to walk the land and to have that land be clean and to enjoy the wildlife.

I have never been able to figure out why Democrats perhaps would like to do that more than Republicans, or vice versa. This is nonpartisan. This is bipartisan.

This is good legislation, and many of these initiatives were very important to our beloved former colleague, John Chafee.

I thank Senator BAUCUS and my other committee colleagues, as well as Senators LOTT and DASCHLE, for helping us to continue the tradition of bipartisan action on environmental matters. That is so much a part of the legacy of John Chafee.

I urge my colleagues to support its passage.

Mr. L. CHAFEE. Mr. President, I rise today in support of S. 835, the Estuary Habitat Restoration Partnership Act. Senator John H. Chafee was the sponsor of this bill; indeed, it was one of his top environmental priorities this Congress. Like the many supporters of this bill, I believe this legislation is needed to turn the tide and start restoring the valuable estuarine habitats that are literally disappearing along our Nation's coasts. I hope all of my colleagues in the House and Senate will join me in working towards its timely enactment.

I would like to briefly discuss the importance of estuaries to the hundreds of different animals that live in or near these waterbodies. Estuaries are defined as waterbodies where the river's current meets the sea's tide. These waterbodies are truly unique areas where life thrives. The food chain begins in estuaries, and many of them produce more harvestable human food per acre than the best Mid-western farmland. An astonishing variety of life, including animals as diverse as lobsters, whooping cranes, manatees, salmon, otters, bald eagles, and sea turtles all depend on estuaries for their survival. The San Francisco Bay area alone is home to approximately 255 bird species, 81 mammal species, 30 reptile species and 14 amphibian species. And we cannot forget the importance of estuaries to the human species. As you look around the country—some of our most beloved cities: Boston, New Orleans, San Francisco, New York, Seattle—are located alongside estuaries.

While some may disagree, I would have to strongly argue that the most precious estuary is Narragansett Bay, located in my home State of Rhode Island. Rhode Island is ''the Ocean State;'' The anchor adorns our State flag; and we have an official State shell, the Quahog. And, we are known for our sailing, seafood and beaches. Tourism, fishing and other bay-related businesses fuel the regional economy. As a Rhode Islander, it is clear that our welfare depends on a clean, healthy, and productive bay.

The bottom line is that we are not doing enough for these valuable resources. The combination of development and pollution in our coastal areas has resulted in a widespread decline in estuary habitat. Estuaries are national treasures, and they deserve a national effort to protect and restore them.

The Estuary Habitat Restoration Partnership Act answers the growing challenge of estuary restoration. It sets a goal of restoring one million acres of estuary habitat by the year 2010. This bill emphasizes the crucial ingredients of successful habitat restoration projects: effective coordination among different levels of government; continued investment by public and private sector partners; and, most importantly, active participation by local communities.

Some of the key provisions of the bill are: a $315 million authorization over 5 years for habitat restoration projects; creation of a council to help develop a national strategy for habitat restoration; and a cost-sharing requirement to help leverage Federal dollars. S. 835 also promotes ongoing restoration efforts by reauthorizing the Chesapeake Bay Program and the Long Island Sound Estuary Program.

And, the bill makes a significant and necessary change in the EPA's National Estuary Program. Up until now, the 28 designated estuaries of national significance—including Narragansett Bay—could only use Federal funds to develop conservation and management plans. This bill amends the program to allow NEP grants to be used to implement the conservation measures included in those plans, and it doubles the authorization for the National Estuary Program. Indeed, a central theme of this legislation is the need to carry out projects within existing plans and get moving with on-the-ground restoration activities.

Responding effectively to the growing threats to our bays, sounds and other coastal waters presents a tremendous challenge: Federal resources are scarce, the need is great, and the pressure on these areas is intensifying. Yet, I am encouraged by the enormous support—at the local, State and Federal levels—for taking action to arrest the deterioration of our estuaries, and to reverse the trend through restoration projects. And, these restoration

projects do work. Simply by storing the flow of saltwater to a marsh, or dredging a salt pond to its original depth, we allow nature a chance to revive and flourish.

As the former Mayor of Warwick, RI, I have experienced first hand the complexity of restoring estuary habitat degraded by pollution. The City of Warwick surrounds Greenwich Bay, which contains some of the most productive shellfish beds in Rhode Island. In 1992, bacterial contamination closed the entire area to shell fishing. My city responded with the Greenwich Bay Initiative, an ongoing effort to restore the estuary. With help from the State, the Federal Government and the private sector, we rehabilitated sewer systems, installed marina pump-out stations, reduced agricultural runoff and acquired sensitive land for open space conservation.

A lot of progress has been made towards restoring the health of the Greenwich Bay, but considerable work remains to be done. The challenge of estuary restoration is even greater at the national level. With the aid of the Estuary Habitat Restoration Partnership Act, we can revive our most precious and productive estuary resources. When you consider this bill, please remember that the beginnings of the food chain that sustain life on Earth dwell in the marshes and tidal pools that we seek to protect. I hope my colleagues will support this important bill.

Mr. EDWARDS. Mr. President, I rise today to express how pleased I am that we will be passing S. 835, the Estuary Habitat Restoration Partnership Act of 1999. This legislation, introduced by our former colleague Sen. John Chafee, will reauthorize the National Estuary Program at $25 million annually and will allow these funds to be used to help implement and develop estuary management plans. It will also set a goal of restoring 1 million acres of estuary habitat over the next decade.

I am proud to be a cosponsor of this important legislation because it will help us restore and protect our nation's estuaries. Too many of our estuaries are endangered by various forms of pollution or from overuse and development. In North Carolina, we are still dealing with the effects of last year's devastating hurricane season; the full effect on places like the Albemarle and Pamlico Sounds are still being evaluated. This legislation will enable estuaries like the Albemarle and Pamlico Sounds to implement the restoration and management plans that were developed several years ago. This legislation will help make them healthier, more ecologically productive estuarine habitats.

Estuaries are home to a remarkably diverse wildlife population, and they provide a ''safe haven'' for plant and animal species, many of which are endangered. They are essential habitats for many young fish species who need clean and healthy estuaries to spawn. They are also an important resting spot for many migratory bird species.

Estuaries are critical not only to environmental health, but to economic health as well. They support commercial activities, such as shipping and fishing. They are a source of drinking water for coastal areas. They also provide recreation opportunities for residents and visitors who want to boat, fish, or birdwatch.

In my state of North Carolina, our estuaries are of vital importance. North Carolina's estuarine system is the second largest in the continental United States, encompassing more than 2.2 million acres. Our coastal waters produce more than half the fish caught on the East Coast. North Carolina is also home to one of the last bay scallop fisheries in the United States. This industry depends upon submerged aquatic seagrasses that are extremely sensitive to pollution and they must be protected. Our estuary system is also home to large number of pelicans, who years ago were nearly extinct but have now rebounded dramatically in their restored habitat. Nearly ten percent of North Carolina's coastal estuaries have been designated as ''Outstanding Resource Waters'' by the state Environmental Management Commission. These waters are some of the most valuable in the state, indeed in the nation. I believe we must fight hard to protect them for the future. This legislation will help us do that.

The National Estuary Program has enabled nearly thirty estuaries to develop restoration and management plans—including the Albemarle and Pamlico Sounds in North Carolina. This legislation is an important component to insuring the continued good health of these estuaries, and I am extremely pleased to see it pass the Senate.

Finally, Mr. President, I'd like to say a few words about the man who introduced this legislation, our friend and colleague, Senator John Chafee. Senator Chafee was able to be a nonpartisan voice of reason on a great many issues. I miss him dearly. This legislation is a tribute to his perseverance and ability to develop legislation that we all recognize as a benefit to our nation as a whole. I thank him for his dedication, and I am pleased that Senator LINCOLN CHAFEE is on hand for the passage of this important measure.

I ask unanimous consent that my statement be placed in the RECORD following the remarks of Senator CHAFEE on this legislation.

Mr. SARBANES. Mr. President, I rise in strong support of S. 835, the Estuary Habitat Restoration Partnership Act of 1999. This legislation is absolutely vital to the future health of our nation's estuaries, including our largest and most productive estuary—the Chesapeake Bay, and Maryland's Coastal Bays, and I am proud to be an original co-sponsor of this measure.

H.L. Mencken once called the Chesapeake Bay a ''great outdoor protein factory,'' a description which, perhaps more than any other, underscores the critical importance of protecting and restoring estuarine ecosystems. Estuaries provide habitat to more than three-quarters of the fish and shellfish harvested in the United States. They are home to thousands of species of plants and animals, including many endangered and threatened species. They support millions of American jobs and play a vital role in the quality of life that our citizens enjoy. But the health and productivity of our estuaries are being degraded or destroyed by the tremendous increase in shoreline population and development, increasing point and non-point source pollution and other activities. It is estimated that, over the past century, some estuaries have lost up to 90 percent of their original habitat.

The Estuary Habitat Restoration Partnership Act seeks to reverse these trends by setting the goal of restoring 1 million acres of estuarine habitat by the year 2010. It authorizes federal funding totaling $315 million over the next 5 years for the U.S. Army Corps of Engineers, in cooperation with NOAA, EPA and the U.S. Fish and Wildlife Service, to carry out estuary habitat restoration projects and provides incentives for local communities to participate in creative partnerships. It also reauthorizes the National Estuary Program and, for the first time, enables EPA to provide grants to implement conservation and management plans as well as design the plans.

Also incorporated in this measure is S. 492, the Chesapeake Bay Restoration Act (CBRA), which I introduced together with Senators WARNER, ROBB, MIKULSKI and SANTORUM to reauthorize and enhance EPA's Chesapeake Bay Program. Mr. President, the Chesapeake Bay Program (CBP) was established in 1983 with the signing of the Chesapeake Bay Agreement which formally bound the Federal Government and the States to work together to restore and protect the Bay. It is the oldest EPA geographic program and the first estuary in the nation to be targeted for restoration as a single ecosystem. EPA's participation in the CBP was formally authorized in the Water Quality Act of 1987. The Act authorized $3 million annually to support the activities of the Agency's Chesapeake Bay Program Office in Annapolis, Maryland which coordinates Federal and State efforts to restore and protect the Bay and $10 million annually for matching Interstate Development grants.

The Chesapeake Bay Program has evolved considerably in the years since it was first established and has become a model for other estuaries around the country and around the world. The Bay Program has pioneered a wide range of pollution control initiatives, including biological nutrient removal technology implemented at 42 wastewater treatment facilities; various agricultural nonpoint source controls, such as nutrient management and integrated pesticide management being implemented

on nearly two million acres of agricultural land; and implementation of a basinwide ban on phosphate detergents and a national ban on tributylin. The Bay Program has also been a leader in establishing a large volunteer monitoring program; creating a sophisticated computer modeling program; identifying atmospheric deposition of nitrogen as a significant pollution source for east coast estuaries; conducting an extensive habitat restoration program including the opening of hundreds of miles of prime spawning habitat to migratory fish through the construction of fish passages; and the restoration of submerged aquatic vegetation to support the filtering of nutrients as well as habitat for the Bay's living resources. The CBP has also spawned landmark state legislation such as nutrient management of farms, growth management and forest conservation and critical area protection.

The 1987 Chesapeake Bay Agreement expanded initial restoration efforts by targeting nutrient overenrichment as the Bay's major problem, and establishing the goal to reduce by 40%, nutrients flowing into the Bay by 2000. The pact included 28 other specific commitments to address key issues in living resources, water quality, population growth and development, public information and public access. The 1992 Amendments to the Agreement moved the Program upriver, committing the 40% nutrient reduction goal to the ten major tributaries to the Bay, as well as committing to retain the 40% nutrient reductions as a permanent cap to be extended beyond 2000.

There are signs that the general degradation of Chesapeake Bay has ebbed, and actual restoration has begun. However, numerous problems remain. Rapid population growth and development are expected in the areas of the Bay watershed closest to its waters. Loadings of nitrogen and sediments to the Bay remain high. Toxic sediment and water column contaminants are a problem in specific regions of concern and some other Chesapeake Bay locations. Of great concern are recent outbreaks of Pfiesteria-like organisms and the occurrence of lesions from other sources on striped bass and other commercial and recreationally important finfish in the Bay. Important food chain species and populations of forage fish are also declining.

In order to address these problems and continue restoration efforts, the CBRA reauthorizes and increases funding for EPA's Chesapeake Bay Program from the current level of approximately $20 million to $30 million a year. It encourages and assists Chesapeake Bay Agreement signatories in meeting nutrient reduction, water quality, toxics reduction and prevention and habitat restoration goals, and requires that federal facilities within the watershed comply with nutrient reduction and other Agreement goals. The legislation also creates a new small watersheds program designed to help local groups preserve and restore stream corridors. The initiative would make ''seed grants'' and technical assistance available to local governments, nonprofit organizations and citizens' groups involved in river and stream-restoration projects. It is my hope that the legislation will enable the Chesapeake Bay Program to continue its leadership and technology transfer to other groups participating in the National Estuary Program, particularly in the areas of nutrient reduction through new technologies, such as biological nutrient removal; air deposition of nitrogen to estuarine and coastal waters; computer modeling; and environmental indicators with an emphasis on measuring improvements to living resources.

Mr. President, in my judgement, the provisions contained in S. 835, will pay significant dividends in the years ahead by helping to preserve and enhance our nation's estuaries, while at the same time improving the quality of life for our citizens. I want to commend the Chairman and ranking member of the Committee, Senators SMITH and BAUCUS, for moving this legislation to the Senate floor. In my judgement, the legislation is a real tribute and fitting legacy to the former Chairman of the Committee and author of the legislation, John Chafee. I also want to express my appreciation to the co-sponsors of the Chesapeake Bay bill, Senators WARNER, MIKULSKI, ROBB and SANTORUM for their assistance. I urge my colleagues to join me in supporting this measure.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Estuary Habitat Restoration Partnership Act, S. 835. When our late colleague, Senator John Chafee, introduced this bill, he did so because he understood the tremendous importance of estuaries to our national economy and environment. At the same time, Senator Chafee was concerned about the considerable challenges the nation's estuaries face, such as habitat loss, concentration of upstream pollutants, and coastal development. S. 835 would enable us to move forward as a nation in addressing those challenges, and I am proud to be a cosponsor of this bill.

Mr. President, I am particularly happy to be here today because this legislation, if passed, would have a real impact on the estuary nearest and dearest to my own heart, the Long Island Sound. Title 3 of the bill reauthorizes the Long Island Sound Office through 2005 and significantly increases the funding authorization. Last fall, with the Connecticut and New York delegations, I introduced S. 1632 to reauthorize the Office and provide significant new funding to implement critical conservation and restoration projects which will directly improve the health of the Sound. I am grateful to my colleagues for including that reauthorization in the Estuary Habitat Restoration Partnership Act.

Having grown up on the coast of Connecticut, I am well aware of the importance of Long Island Sound to the region's economic health and quality of life. Water-quality-dependent activities such as commercial and recreational fishing, boating, and swimming contribute an estimated $5 billion to the regional economy each year. The Sound is the leading producer of oysters along the east coast. In addition, despite the many industrial facilities and residential developments along its shoreline, the Sound is recognized nationally for its distinctive habitat types, including tidal wetlands, tidal flats, beaches, dunes, bluffs, rocky tidal areas, eelgrass, kelp beds, and natural and artificial reefs.

However, the Sound does experience many of the same challenges as other estuaries—residential, commercial, and industrial development have increased pollution and removed or altered habitat, and excess nutrients have resulted in low levels of dissolved oxygen in the waters of the Sound.

The Long Island Sound estuary program predated the National Estuary Program (NEP). As early as 1985, Congress recognized Long Island Sound as a national treasure when it appropriated funding for the Long Island Sound Study to research, monitor, and assess the water quality of the Sound. When the National Estuary Program was created in 1987, the Long Island Sound became a charter member. In the intervening years, Federal and state government, business, labor, environmental groups, and local communities in Connecticut and New York have come together to make a significant commitment to cleaning up the Sound. More recently, in 1994, the Governors of Connecticut and New York and the Administrator of the EPA jointly adopted the Long Island Sound Comprehensive Conservation and Management Plan (CCMP) which incorporated the results of the Long Island Sound Study. Since 1985, Federal, state, and private funds have been well spent on researching the existing conditions of the Sound and identifying conservation and restoration needs.

These efforts bode well for the health of the Long Island Sound; however, much work remains to be done. Last fall, the Long Island Sound lobster fishery experienced a severe die-off, with losses in some ports as high as 90 percent. Preliminary research suggests that a combination of environmental stresses may have caused this dramatic collapse.

The time has come to move from identifying to implementing the conservation and restoration projects which will directly improve the water quality and habitat of the Long Island Sound. The Estuary Habitat Restoration Partnership Act would help make this possible by leveraging on-the-ground restoration work with Federal funding and by creating market-based incentives for the private sector to work with community-based organizations and local governments on restoration efforts. This is an important

bill for my state and our country, and I look forward to seeing it pass this body.

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any additional statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2904) was agreed to.

The bill (S. 835), as amended, was read a third time and passed, as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Estuary Habitat and Chesapeake Bay Restoration Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.
Sec. 105. Establishment of Collaborative Council.
Sec. 106. Duties of Collaborative Council.
Sec. 107. Cost sharing of estuary habitat restoration projects.
Sec. 108. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 109. Cooperative agreements; memoranda of understanding.
Sec. 110. Distribution of appropriations for estuary habitat restoration activities.
Sec. 111. Authorization of appropriations.
Sec. 112. National estuary program.
Sec. 113. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay restoration.

TITLE III—LONG ISLAND SOUND

Sec. 301. Reauthorization.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Estuary Habitat Restoration Partnership Act of 2000''.

SEC. 102. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the commercial fish and 80 to 90 percent of the recreational fish catches of the United States;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities, through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461)), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

SEC. 104. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term ''Collaborative Council'' means the interagency council established by section 105.

(2) DEGRADED ESTUARY HABITAT.—The term ''degraded estuary habitat'' means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term ''estuary'' means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term ''estuary habitat'' means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term ''estuary habitat'' includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded 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 physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term ''estuary habitat restoration strategy'' means the estuary habitat restoration strategy developed under section 106(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term ''Federal estuary management or habitat restoration plan'' means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 105. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the ''Estuary Habitat Restoration Collaborative Council''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 106. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing

the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this Act or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) 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; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent;

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat; or

(D) the estuary habitat restoration project includes—

(i) pilot testing; or

(ii) a demonstration of an innovative technology having potential for improved cost-effectiveness in restoring—

(I) the estuary that is the subject of the project; or

(II) any other estuary.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2001 through 2005.

SEC. 107. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

(e) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing or a demonstration of an innovative technology described in section 106(b)(3)(D) shall be 100 percent.

SEC. 108. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 110. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 106(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2001;

(2) $50,000,000 for fiscal year 2002; and

(3) $75,000,000 for each of fiscal years 2003 through 2005.

SEC. 112. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation'' after ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 2000, and $25,000,000 for each of fiscal years 2001 and 2002''.

SEC. 113. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Restoration Act of 2000''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY RESTORATION.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a grant award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2001, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this subsection and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this subsection or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2001 through 2006.''.

TITLE III—LONG ISLAND SOUND

SEC. 301. REAUTHORIZATION.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking ''1991 through 2001'' and inserting ''2001 through 2006''; and

(2) in paragraph (2), by striking ''not to exceed $3,000,000 for each of the fiscal years 1991 through 2001'' and inserting ''not to exceed $10,000,000 for each of fiscal years 2001 through 2006''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. On behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Lester L. Lyles, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael E. Zettler, 0000.

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. John W. Handy, 0000.

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James F. Barnette, 0000.
Brig. Gen. Gilbert R. Dardis, 0000.
Brig. Gen. David B. Poythress, 0000.
Brig. Gen. Joseph K. Simeone, 0000.
Brig. Gen. Richard E. Spooner, 0000.
Brig. Gen. Steven W. Thu, 0000.
Brig. Gen. Bruce F. Tuxill, 0000.

To be brigadier general

Col. Shelby G. Bryant, 0000.
Col. Kenneth R. Clark, 0000.
Col. Gregory B. Gardner, 0000.
Col. John B. Handy, 0000.
Col. Jon D. Jacobs, 0000.
Col. Clifton W. Leslie, Jr., 0000.
Col. John A. Love, 0000.
Col. Douglas R. Moore, 0000.
Col. Eugene A. Sevi, 0000.
Col. David E.B. Strohm, 0000.
Col. Harry M. Wyatt III, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald E. Keys, 0000.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Gary A. Ambrose, 0000.
Brig. Gen. Brian A. Arnold, 0000.
Brig. Gen. Thomas L. Baptiste, 0000.
Brig. Gen. Leroy Barnidge, Jr., 0000.
Brig. Gen. John L. Barry, 0000.
Brig. Gen. Walter E.L. Buchanan III, 0000.
Brig. Gen. Richard W. Davis, 0000.
Brig. Gen. Robert R. Dierker, 0000.
Brig. Gen. Michael N. Farage, 0000.
Brig. Gen. Jack R. Holbein Jr., 0000.
Brig. Gen. Charles L. Johnson II, 0000.
Brig. Gen. Theodore W. Lay II, 0000.
Brig. Gen. Teddie M. McFarland, 0000.
Brig. Gen. Michael C. McMahan, 0000.
Brig. Gen. Timothy J. McMahon, 0000.
Brig. Gen. Duncan J. McNabb, 0000.
Brig. Gen. Howard J. Mitchell, 0000.
Brig. Gen. Bentley B. Rayburn, 0000.
Brig. Gen. John F. Regni, 0000.
Brig. Gen. Victor E. Renuart, Jr., 0000.
Brig. Gen. Lee P. Rodgers, 0000.
Brig. Gen. Glen D. Shaffer, 0000.
Brig. Gen. Charles N. Simpson, 0000.
Brig. Gen. James N. Soligan, 0000.
Brig. Gen. Michael P. Wiedemer, 0000.
Brig. Gen. Michael W. Wooley, 0000.
Brig. Gen. Bruce A. Wright, 0000.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Wherley, Jr., 0000.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

Col. Robert E. Gaylord, 0000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. David E. Glines, 0000.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. William A. Cugno, 0000.
Brig. Gen. Bradley D. Gambill, 0000.
Brig. Gen. Marianne Mathewson-Chapman, 0000.
Brig. Gen. Michael H. Taylor, 0000.
Brig. Gen. Francis D. Vavala, 0000.

To be brigadier general

Col. John A. Bathke, 0000.
Col. Barbaranette T. Bolden, 0000.
Col. Ronald S. Chastain, 0000.
Col. Ronald G. Crowder, 0000.
Col. Ricky D. Erlandson, 0000.
Col. Dallas W. Fanning, 0000.
Col. Donald J. Goldhorn, 0000.
Col. Larry W. Haltom, 0000.
Col. William E. Ingram, Jr., 0000.
Col. John T. King, Jr., 0000.
Col. Randall D. Mosley, 0000.
Col. Richard C. Nash, 0000.
Col. Phillip E. Oates, 0000.
Col. Richard D. Read, 0000.
Col. Andrew M. Schuster, 0000.
Col. David A. Sprynczynatyk, 0000.
Col. Ronald B. Stewart, 0000.
Col. Warner I. Sumpter, 0000.
Col. Clyde A. Vaughn, 0000.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 3069 and in accordance with Article II, Section 2 of the Constitution of the United States:

To be brigadier general, Nurse Corps

Col. William T. Bester, 0000.

IN THE AIR FORCE

Air Force nominations beginning Terrance A. Harms, and ending Krista K. Wenzel, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Air Force nominations beginning James L. Abernathy, and ending Darryll D.M. Wong, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

IN THE ARMY

Army nominations beginning Jaime Albornoz, and ending Timothy D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Army nominations beginning Lyle W. Cayce, and ending Roger D. Washington, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nominations beginning James M. Dapore, and ending Michael J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning James W. Hutts, and ending Bronislaw A. Zamojda, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Paul R. Hulkovich, and ending Michael A. Weber, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Scott R. Antoine, and ending Patrick J. Woodman, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Martha C. Lupo, and ending Charles L. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Thomas W. Acosta, Jr., and ending Vincent A. Zike, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2000.

Army nominations beginning James G. Ainslie, and ending Thomas M. Penton, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., sections 531 and 624:

To be lieutenant colonel

Jane H. Edwards, 0000

Army nominations beginning Jeffrey J. Adamovicz, and ending John F. Zeto, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Joseph L. Baxter, Jr., 0000

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Stan M. Aufderheide, 0000

The following named officer for appointment to the grade indicated in the United