

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6006

To affirm that waters of the Great Lakes Basin are impressed with a public trust and managed consistent with public trust principles and other standards to protect the navigational, conservation, and public interests in such waters, to provide for enforcement, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. KUCINICH introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To affirm that waters of the Great Lakes Basin are impressed with a public trust and managed consistent with public trust principles and other standards to protect the navigational, conservation, and public interests in such waters, to provide for enforcement, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROTECTING WATER RESOURCES IN THE**  
2 **GREAT LAKES.**

3 (a) AMENDMENTS TO FINDINGS.—Section 1109(a) of  
4 the Water Resources Development Act of 1986 (42 U.S.C.  
5 1962d–20(a)) is amended—

6 (1) in paragraph (1) by striking “the Great  
7 Lakes are a most important natural resource” and  
8 inserting “the Great Lakes and the waters of the  
9 Great Lakes Basin are impressed with a public trust  
10 and are critical”;

11 (2) by redesignating paragraphs (2) through  
12 (4) as paragraphs (3) through (5); and

13 (3) by inserting after paragraph (1) the fol-  
14 lowing:

15 “(2) the Great Lakes, their connecting waters,  
16 tributary streams, lakes, and groundwater are a sin-  
17 gular hydrologic system which must be protected, con-  
18 served, and maintained as a whole;”.

19 (b) AMENDMENTS TO PURPOSE AND POLICY.—Sec-  
20 tion 1109(b) of such Act (42 U.S.C. 1962d–20(b)) is  
21 amended—

22 (1) in paragraph (2) by striking “water con-  
23 servation and” and inserting “water conservation,  
24 public trust, maintaining flows and levels of navi-  
25 gable waters, and water”;

26 (2) in paragraph (3)—

1 (A) by striking “diversion” both places it  
2 appears and inserting “diversion or export”;  
3 and

4 (B) by striking “; and” and inserting “in  
5 accordance and consistent with the mechanism,  
6 standard, and principles described in paragraph  
7 (2);”;

8 (3) in paragraph (4) by striking the period at  
9 the end and inserting “; and”; and

10 (4) by adding at the end the following:

11 “(5) to provide for the enforcement of the pro-  
12 hibitions and requirements of this section.”.

13 (c) OTHER TECHNICAL AND CONFORMING AMEND-  
14 MENTS.—Section 1109(d) of such Act (42 U.S.C. 1962d-  
15 20(d)) is amended—

16 (1) by striking “tributary” and inserting “trib-  
17 utary, including tributary groundwater,”; and

18 (2) by striking the period at the end and insert-  
19 ing “in accordance and consistent with the mecha-  
20 nism, standard, and principles described in sub-  
21 section (b)(2).”

22 (d) CIVIL SUIT PROVISION.—Section 1109 of such  
23 Act (42 U.S.C. 1962d-20) is amended—

24 (1) by redesignating subparagraph (f) as sub-  
25 paragraph (g); and

1           (2) by inserting after subparagraph (e) the fol-  
2       lowing:

3       “(f) The prohibition on any diversion or export of  
4       water under subsection (d) may be enforced through a civil  
5       suit filed by the Federal Government, a State or local gov-  
6       ernment, or by any person or organization whose property  
7       or other legally recognized interest will be adversely af-  
8       fected. The proper venue for the civil suit shall be the Fed-  
9       eral judicial district with jurisdiction over any portion of  
10      the Great Lakes Basin and from which the diversion or  
11      export of water will occur or has occurred. The court may  
12      award attorney fees, expert witness fees, and costs as the  
13      interests of justice may require.”.

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