

110TH CONGRESS
2D SESSION

S. 3558

To amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mr. WICKER (for himself and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gulf of Mexico Res-
5 toration and Protection Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the Gulf of Mexico is a valuable resource of
2 national and international importance, continuously
3 serving the people of the United States and other
4 countries as an important source of food, economic
5 productivity, recreation, beauty, and enjoyment;

6 (2) over many years, the resource productivity
7 and water quality of the Gulf of Mexico and its wa-
8 tershed have been diminished by point and nonpoint
9 source pollution;

10 (3) the United States should seek to attain the
11 protection and restoration of the Gulf of Mexico eco-
12 system as a collaborative regional goal of the Gulf
13 of Mexico Program; and

14 (4) the Administrator of the Environmental
15 Protection Agency, in consultation with other Fed-
16 eral agencies and State and local authorities, should
17 coordinate the effort to meet those goals.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to expand and strengthen cooperative ef-
20 forts to restore and protect the Gulf of Mexico;

21 (2) to expand Federal support for monitoring,
22 management, and restoration activities in the Gulf
23 of Mexico and its watershed;

24 (3) to commit the United States to a com-
25 prehensive cooperative program to achieve improved

1 water quality in, and improvements in the produc-
 2 tivity of living resources of, the Gulf of Mexico; and
 3 (4) to establish a Gulf of Mexico Program to
 4 serve as a national and international model for the
 5 collaborative management of large marine eco-
 6 systems.

7 **SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

8 Title I of the Federal Water Pollution Control Act
 9 (33 U.S.C. 1251 et seq.) is amended—

10 (1) by redesignating the second section 121 (33
 11 U.S.C. 1274) (relating to wet weather watershed
 12 pilot projects) as section 122; and

13 (2) by inserting after section 122 (as des-
 14 ignated by paragraph (1)) the following:

15 **“SEC. 123. GULF OF MEXICO RESTORATION AND PROTEC-**
 16 **TION.**

17 “(a) DEFINITIONS.—In this section;

18 “(1) GULF OF MEXICO ECOSYSTEM.—The term
 19 ‘Gulf of Mexico ecosystem’ means the ecosystem of
 20 the Gulf of Mexico and its watershed.

21 “(2) GULF OF MEXICO EXECUTIVE COUNCIL.—
 22 The term ‘Gulf of Mexico Executive Council’ means
 23 the formal collaborative Federal, State, local, and
 24 private participants in the Program.

1 “(3) PROGRAM.—The term ‘Program’ means
 2 the Gulf of Mexico Program established by the Ad-
 3 ministrator in 1988 as a nonregulatory, inclusive
 4 partnership to provide a broad geographic focus on
 5 the primary environmental issues affecting the Gulf
 6 of Mexico.

7 “(4) PROGRAM OFFICE.—The term ‘Program
 8 Office’ means the office established by the Adminis-
 9 trator to administer the Program that is reestab-
 10 lished by subsection (b)(1)(A).

11 “(b) CONTINUATION OF GULF OF MEXICO PRO-
 12 GRAM.—

13 “(1) GULF OF MEXICO PROGRAM OFFICE.—

14 “(A) REESTABLISHMENT.—The Program
 15 Office established before the date of enactment
 16 of this section by the Administrator is reestab-
 17 lished as an office of the Environmental Protec-
 18 tion Agency.

19 “(B) REQUIREMENTS.—The Program Of-
 20 fice shall be—

21 “(i) headed by a Director who, by rea-
 22 son of management experience and tech-
 23 nical expertise relating to the Gulf of Mex-
 24 ico, is highly qualified to direct the devel-
 25 opment of plans and programs on a variety

1 of Gulf of Mexico issues, as determined by
2 the Administrator; and

3 “(ii) located in a State all or a portion
4 of the coastline of which is on the Gulf of
5 Mexico.

6 “(C) FUNCTIONS.—The Program Office
7 shall—

8 “(i) coordinate the actions of the En-
9 vironmental Protection Agency with the ac-
10 tions of the appropriate officials of other
11 Federal agencies and State and local au-
12 thorities in developing strategies—

13 “(I) to improve the water quality
14 and living resources in the Gulf of
15 Mexico ecosystem; and

16 “(II) to obtain the support of ap-
17 propriate officials;

18 “(ii) in cooperation with appropriate
19 Federal, State, and local authorities, assist
20 in developing and implementing specific ac-
21 tion plans to carry out the Program;

22 “(iii) coordinate and implement pri-
23 ority State-led and community-led restora-
24 tion plans and projects and facilitate
25 science, research, modeling, monitoring,

1 data collection, and other activities that
2 support the Program;

3 “(iv) implement outreach programs
4 for public information, education, and par-
5 ticipation to foster stewardship of the re-
6 sources of the Gulf of Mexico;

7 “(v) develop and make available,
8 through publications, technical assistance,
9 and other appropriate means, information
10 pertaining to the environmental quality
11 and living resources of the Gulf of Mexico
12 ecosystem;

13 “(vi) serve as the liaison with, and
14 provide information to, the Mexican mem-
15 bers of the Gulf of Mexico States Accord
16 and Mexican counterparts of the Environ-
17 mental Protection Agency; and

18 “(vii) focus the efforts and resources
19 of the Program Office on activities that
20 will result in measurable improvements to
21 water quality and living resources of the
22 Gulf of Mexico ecosystem.

23 “(c) INTERAGENCY AGREEMENTS.—The Adminis-
24 trator may enter into 1 or more interagency agreements
25 with other Federal agencies to carry out this section.

1 “(d) GRANTS.—

2 “(1) IN GENERAL.—In accordance with the
3 Program, the Administrator may provide grants to
4 nonprofit organizations, State and local govern-
5 ments, colleges, universities, interstate agencies, and
6 individuals to carry out this section for use in—

7 “(A) monitoring the water quality and liv-
8 ing resources of the Gulf of Mexico ecosystem;

9 “(B) researching the effects of natural and
10 human-induced environmental changes on the
11 water quality and living resources of the Gulf of
12 Mexico ecosystem;

13 “(C) developing and executing cooperative
14 strategies that address the water quality and
15 living resource needs in the Gulf of Mexico eco-
16 system;

17 “(D) developing and implementing locally-
18 based protection and restoration programs or
19 projects within a watershed that complement
20 those strategies, including the creation, restora-
21 tion, protection, or enhancement of habitat as-
22 sociated with the Gulf of Mexico ecosystem; and

23 “(E) eliminating or reducing point sources
24 that discharge pollutants that contaminate the
25 Gulf of Mexico ecosystem, including activities to

1 eliminate leaking septic systems and construct
2 connections to local sewage systems.

3 “(2) FEDERAL SHARE.—The Federal share of
4 the cost of any project or activity carried out using
5 a grant provided under this section shall not exceed
6 75 percent, as determined by the Administrator.

7 “(3) ADMINISTRATIVE COSTS.—Administrative
8 costs in the form of salaries, overhead, or indirect
9 costs for services provided and charged against pro-
10 grams or projects carried out using funds made
11 available through a grant under this subsection shall
12 not exceed 15 percent of the amount of the grant.

13 “(e) REPORTS.—

14 “(1) ANNUAL REPORT.—Not later than Decem-
15 ber 30, 2009, and annually thereafter, the Director
16 of the Program Office shall submit to the Adminis-
17 trator and make available to the public a report that
18 describes—

19 “(A) each project and activity funded
20 under this section during the previous fiscal
21 year;

22 “(B) the goals and objectives of those
23 projects and activities; and

1 “(C) the net benefits of projects and activi-
2 ties funded under this section during previous
3 fiscal years.

4 “(2) ASSESSMENT.—

5 “(A) IN GENERAL.—Not later than April
6 30, 2010, and every 5 years thereafter, the Ad-
7 ministrator, in coordination with the Gulf of
8 Mexico Executive Council, shall complete an as-
9 sessment, and submit to Congress a comprehen-
10 sive report on the performance, of the Program.

11 “(B) REQUIREMENTS.—The assessment
12 and report described in subparagraph (A)
13 shall—

14 “(i) assess the overall state of the
15 Gulf of Mexico ecosystem;

16 “(ii) compare the current state of the
17 Gulf of Mexico ecosystem with a baseline
18 assessment;

19 “(iii) include specific measures to as-
20 sess any improvements in water quality
21 and living resources of the Gulf of Mexico
22 ecosystem;

23 “(iv) assess the effectiveness of the
24 Program management strategies being im-
25 plemented, and the extent to which the pri-

1 ority needs of the region are being met
 2 through that implementation; and

3 “(v) make recommendations for the
 4 improved management of the Program, in-
 5 cluding strengthening strategies being im-
 6 plemented or adopting improved strategies.

7 “(f) BUDGET ITEM.—The Administrator, in the an-
 8 nual submission to Congress of the budget of the Environ-
 9 mental Protection Agency, shall include a funding line
 10 item request for the Program Office as a separate budget
 11 line item.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to carry out this section,
 14 to remain available until expended—

15 “(1) \$10,000,000 for fiscal year 2009;

16 “(2) \$15,000,000 for fiscal year 2010; and

17 “(3) \$25,000,000 for each of fiscal years 2011
 18 through 2013.”.

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