

111TH CONGRESS
2D SESSION

H. R. 4755

To amend the Federal Water Pollution Control Act to protect and restore
the Great Lakes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2010

Mr. EHLERS (for himself, Mr. DINGELL, Mr. KIRK, and Ms. SLAUGHTER) in-
troduced the following bill; which was referred to the Committee on
Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to protect
and restore the Great Lakes.

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 “Great Lakes Eco-
5 system Protection Act of 2010”.

6 **SEC. 2. GREAT LAKES PROVISION MODIFICATIONS.**

7 (a) FINDINGS; PURPOSE.—Section 118(a) of the
8 Federal Water Pollution Control Act (33 U.S.C. 1268(a))
9 is amended—

10 (1) in paragraph (1)—

1 (A) by striking subparagraph (B) and in-
2 serting the following:

3 “(B) the United States should seek to at-
4 tain the goals embodied in the Great Lakes
5 Restoration Initiative Action Plan, the Great
6 Lakes Regional Collaboration Strategy, and the
7 Great Lakes Water Quality Agreement; and”;
8 and

9 (B) in subparagraph (C), by inserting “,
10 tribal,” after “State”; and

11 (2) by striking paragraph (2) and inserting the
12 following:

13 “(2) PURPOSE.—The purpose of this section is
14 to achieve the goals established in the Great Lakes
15 Restoration Initiative Action Plan, the Great Lakes
16 Regional Collaboration Strategy, and the Great
17 Lakes Water Quality Agreement through—

18 “(A) improved organization and definition
19 of mission on the part of the Agency;

20 “(B) the funding of grants for protection,
21 restoration, and pollution control in the Great
22 Lakes area; and

23 “(C) improved accountability.”.

1 (b) GREAT LAKES MANAGEMENT.—Section 118(c) of
2 the Federal Water Pollution Control Act (33 U.S.C.
3 1268(c)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (A), by striking “;”
6 and inserting a semicolon;

7 (B) by striking subparagraph (E);

8 (C) by redesignating subparagraphs (C)
9 and (D) as subparagraphs (E) and (F), respec-
10 tively;

11 (D) in subparagraph (E) (as so redesign-
12 ated), by adding “and” at the end;

13 (E) in subparagraph (F) (as so redesign-
14 ated), by striking “; and” and inserting a pe-
15 riod; and

16 (F) by inserting after subparagraph (B)
17 the following:

18 “(C) provide the support described in para-
19 graph (6);

20 “(D) coordinate with the Great Lakes
21 Interagency Task Force, as required under
22 paragraph (7);”;

23 (2) in paragraph (3)(C), by striking “subpara-
24 graph (c)(1)(C) of this section” and inserting “para-
25 graph (1)(E)”;

1 (3) by striking paragraph (6) and inserting the
2 following:

3 “(6) GREAT LAKES GOVERNANCE AND MANAGE-
4 MENT.—

5 “(A) GREAT LAKES LEADERSHIP COUN-
6 CIL.—

7 “(i) ESTABLISHMENT.—There is es-
8 tablished a council, to be known as the
9 Great Lakes Leadership Council (referred
10 to in this paragraph as the ‘Council’).

11 “(ii) DUTIES.—The Council shall—

12 “(I) develop and establish Great
13 Lakes protection and restoration pol-
14 icy;

15 “(II) approve long-term goals
16 and objectives relating to Great Lakes
17 protection and restoration, including
18 the Great Lakes Restoration Initia-
19 tive;

20 “(III) establish annual priorities
21 with respect to Great Lakes protec-
22 tion and restoration, including prior-
23 ities for the Great Lakes Restoration
24 Initiative;

1 “(IV) submit to Congress, the
2 President, and the public reports de-
3 scribing progress made during the re-
4 porting period with respect to Great
5 Lakes protection and restoration;

6 “(V) seek consensus among units
7 of government and stakeholders re-
8 garding disputes relating to Great
9 Lakes protection and restoration;

10 “(VI) determine a process for
11 participation in relevant international
12 forums, such as the Great Lakes
13 Water Quality Agreement; and

14 “(VII) provide input annually re-
15 garding Federal budget priorities and
16 levels for Great Lakes protection and
17 restoration, including the Great Lakes
18 Restoration Initiative.

19 “(iii) MEMBERSHIP.—

20 “(I) IN GENERAL.—The member-
21 ship of the Council shall include—

22 “(aa) 8 heads of Federal de-
23 partments and agencies, to be
24 appointed by the President, in-
25 cluding—

1 “(AA) the Adminis-
2 trator;

3 “(BB) the Chief of En-
4 gineers;

5 “(CC) the Secretary of
6 the Interior;

7 “(DD) the Secretary of
8 Agriculture;

9 “(EE) the Secretary of
10 Commerce; and

11 “(FF) the head of the
12 department in which the
13 Coast Guard is operating;

14 “(bb) the governors of the
15 Great Lake States;

16 “(cc) 8 representatives of
17 tribal governments, to be ap-
18 pointed by the Indian tribes lo-
19 cated in the Great Lakes basin;
20 and

21 “(dd) 8 mayors, including
22 mayors participating in the Great
23 Lakes and St. Lawrence Cities
24 Initiative, to be appointed by the

1 mayors of areas located in the
2 Great Lakes basin.

3 “(II) CHAIRPERSON.—The Ad-
4 ministrators shall serve as chairperson
5 of the Council.

6 “(III) SECRETARY.—The Direc-
7 tor of the Program Office shall serve
8 as secretary of, and provide adminis-
9 trative support to, the Council.

10 “(IV) OBSERVER MEMBERS.—
11 The membership of the Council shall
12 include 1 observer member from each
13 of—

14 “(aa) the International Joint
15 Commission;

16 “(bb) the Great Lakes Fish-
17 ery Commission;

18 “(cc) the Great Lakes Com-
19 mission; and

20 “(dd) Canada.

21 “(iv) COMMITTEES.—The Council
22 may establish such committees as the
23 Council determines to be appropriate for
24 issues including—

25 “(I) executive issues;

1 “(II) science issues;

2 “(III) implementation issues; and

3 “(IV) funding issues.

4 “(v) MEETINGS.—

5 “(I) IN GENERAL.—The Council
6 shall meet not less frequently than
7 once each year.

8 “(II) OPEN TO PUBLIC.—The
9 meetings of the Council shall be held
10 open to the public.

11 “(vi) OPERATION.—The Council shall
12 operate on a consensus basis.

13 “(vii) COSTS.—The Agency shall pay
14 the operating costs of the Council.

15 “(B) GREAT LAKES MANAGEMENT COM-
16 MITTEE.—

17 “(i) ESTABLISHMENT.—There is es-
18 tablished within the Council a committee,
19 to be known as the ‘Great Lakes Manage-
20 ment Committee’.

21 “(ii) DUTIES.—The Great Lakes
22 Management Committee shall—

23 “(I) submit reports to the Coun-
24 cil, including recommendations re-
25 garding relevant issues;

1 “(II) provide direction for the
2 planning, assessment, and reporting
3 efforts of the Council;

4 “(III) monitor and assist in im-
5 plementation activities relating to
6 Great Lakes management; and

7 “(IV) engage in ongoing problem
8 solving regarding Great Lakes man-
9 agement.

10 “(iii) MEMBERSHIP.—

11 “(I) MEMBERSHIP.—The Great
12 Lakes Management Committee shall
13 consist of 11 members, of whom—

14 “(aa) 1 shall be appointed
15 by each unit of government in-
16 cluded in the membership of the
17 Council;

18 “(bb) 1 shall be appointed
19 by the Great Lakes Commission;

20 “(cc) 1 shall be appointed by
21 the International Joint Commis-
22 sion;

23 “(dd) 1 shall be appointed
24 by the Great Lakes Fishery Com-
25 mission;

1 “(ee) 1 shall be a represent-
2 ative of the environmental com-
3 munity in the Great Lakes, to be
4 appointed by the Administrator,
5 after soliciting advice from that
6 community;

7 “(ff) 1 shall be a representa-
8 tive of the agricultural commu-
9 nity, to be appointed by the Ad-
10 ministrator, after soliciting ad-
11 vice from that community;

12 “(gg) 1 shall be a represent-
13 ative of Great Lakes industry, to
14 be appointed by the Adminis-
15 trator, after soliciting advice
16 from that industry;

17 “(hh) 1 shall be a represent-
18 ative of the scientific community,
19 to be appointed by the Adminis-
20 trator, after soliciting advice
21 from that community; and

22 “(ii) 1 shall be a representa-
23 tive of Canada, who shall serve
24 as an observer member.

1 “(II) CHAIRPERSON.—The senior
2 advisor on Great Lakes of the Agency
3 (or a designee) shall serve as chair-
4 person of the Great Lakes Manage-
5 ment Committee.

6 “(III) SECRETARY.—The Direc-
7 tor of the Program Office shall serve
8 as secretary of, and provide adminis-
9 trative support to, the Great Lakes
10 Management Committee.

11 “(iv) MEETINGS.—

12 “(I) IN GENERAL.—The Great
13 Lakes Management Committee shall
14 meet not less frequently than once
15 each quarter.

16 “(II) OPEN TO PUBLIC.—

17 “(aa) IN GENERAL.—Sub-
18 ject to item (bb), the meetings of
19 the Great Lakes Management
20 Committee shall be held open to
21 the public.

22 “(bb) EXECUTIVE SES-
23 SIONS.—The Great Lakes Man-
24 agement Committee may hold ex-

1 executive sessions that are closed to
2 the public.

3 “(v) OPERATION.—The Great Lakes
4 Management Committee shall operate on a
5 consensus basis.

6 “(vi) COSTS.—The Agency shall pay
7 the operating costs of the Great Lakes
8 Management Committee.”;

9 (4) by striking paragraph (7) and inserting the
10 following:

11 “(7) GREAT LAKES INTERAGENCY TASK
12 FORCE.—

13 “(A) ESTABLISHMENT.—There is estab-
14 lished a task force, to be known as the ‘Great
15 Lakes Interagency Task Force’.

16 “(B) COORDINATION.—The Program Of-
17 fice shall coordinate, to the maximum extent
18 practicable, with the Great Lakes Interagency
19 Task Force established by subparagraph (A).”;
20 (5) in paragraph (8)—

21 (A) by redesignating subparagraphs (A)
22 through (C) as clauses (i) through (iii), respec-
23 tively, and indenting the clauses appropriately;

24 (B) by striking “The Administrator” and
25 inserting the following:

1 “(A) IN GENERAL.—The Administrator”;

2 and

3 (C) by adding at the end the following:

4 “(B) ANNUAL REPORTS.—Not later than
5 30 days after the date of publication of the
6 budget for a fiscal year, the Administrator shall
7 submit to Congress a report that describes—

8 “(i) with respect to each organiza-
9 tional element of the Agency referred to in
10 subparagraph (A)—

11 “(I) the budget of the element
12 for Great Lakes restoration activities
13 for the applicable fiscal year;

14 “(II) each Great Lakes restora-
15 tion activity to be carried out by the
16 element during the applicable fiscal
17 year; and

18 “(III) the means by which
19 progress made on those activities will
20 be evaluated; and

21 “(ii) with respect to each rec-
22 ommendation submitted by the Great
23 Lakes Leadership Council during the pre-
24 ceding fiscal year, the reasons why the Ad-

1 administrator approved or disapproved the
2 recommendation.”;

3 (6) in paragraph (12)(H), by striking clause (i)
4 and inserting the following:

5 “(i) AUTHORIZATION.—In addition to
6 other amounts authorized to be appro-
7 priated pursuant to this section, there are
8 authorized to be appropriated to carry out
9 this paragraph—

10 “(I) \$50,000,000 for each of fis-
11 cal years 2004 through 2010; and

12 “(II) \$150,000,000 for each of
13 fiscal years 2011 through 2015.”; and

14 (7) by adding at the end the following:

15 “(14) GREAT LAKES RESTORATION INITIA-
16 TIVE.—

17 “(A) FINDINGS.—Congress finds that—

18 “(i) the goal of the Great Lakes pro-
19 gram of the Agency is to restore and main-
20 tain the chemical, physical, and biological
21 integrity of the Great Lakes basin eco-
22 system; and

23 “(ii) in 2010, the Agency, in coordina-
24 tion with Federal partners, will commence
25 implementation of a new Great Lakes Res-

1 toration Initiative (referred to in this para-
2 graph as the ‘Initiative’), which will—

3 “(I) identify programs and
4 projects that are strategically selected
5 to target the most significant environ-
6 mental problems in the Great Lakes
7 ecosystem;

8 “(II) be based on the work of—

9 “(aa) the Great Lakes Inter-
10 agency Task Force established by
11 paragraph (7)(A); and

12 “(bb) the stakeholders and
13 nongovernmental partners of the
14 Great Lakes Leadership Council;
15 and

16 “(III) represent the commitment
17 of the Federal Government to signifi-
18 cantly advancing Great Lakes protec-
19 tion and restoration.

20 “(B) PRIORITY.—The Initiative shall give
21 priority to work done by non-Federal partners
22 using funding made available for the Great
23 Lakes for—

24 “(i) the remediation of toxic sub-
25 stances in Areas of Concern;

1 “(ii)(I) the prevention of invasive spe-
2 cies; and

3 “(II) the mitigation and restoration of
4 the impacts of invasive species;

5 “(iii)(I) the protection and restoration
6 of nearshore health; and

7 “(II) the prevention of nonpoint
8 source pollution;

9 “(iv) habitat and wildlife protection
10 and restoration; and

11 “(v) accountability, monitoring, eval-
12 uation, communication, and partnership
13 activities.

14 “(C) PROJECTS.—Pursuant to the Initia-
15 tive, the Agency shall consult with Federal
16 partners and take into consideration the rec-
17 ommendations of the Council to select the best
18 combination of programs and projects for Great
19 Lakes protection and restoration using prin-
20 ciples and criteria such as—

21 “(i) the ability to achieve strategic
22 and measurable environmental outcomes;

23 “(ii) the feasibility of—

24 “(I) prompt implementation;

1 “(II) timely achievement of re-
2 sults; and

3 “(III) the ability to leverage re-
4 sources; and

5 “(iii) opportunities for interagency
6 and interorganizational coordination and
7 collaboration.

8 “(D) IMPLEMENTATION OF PROJECTS.—

9 “(i) IN GENERAL.—Funds made avail-
10 able to carry out the Initiative shall be
11 used to strategically implement—

12 “(I) Federal projects; and

13 “(II) projects carried out in co-
14 ordination with States, Indian tribes,
15 municipalities, institutions of higher
16 education, and other organizations.

17 “(ii) TRANSFER OF FUNDS.—Of
18 amounts made available for environmental
19 programs and management for the Great
20 Lakes Initiative, the Administrator may—

21 “(I) transfer not more than
22 \$475,000,000 to the head of any Fed-
23 eral department or agency, with the
24 concurrence of the department or
25 agency head, to carry out activities to

1 support the Great Lakes Restoration
2 Initiative and the Great Lakes Water
3 Quality Agreement of 1978;

4 “(II) enter into an interagency
5 agreement with the head of any Fed-
6 eral department or agency to carry
7 out activities described in subclause
8 (I); and

9 “(III) make grants to govern-
10 mental entities, nonprofit organiza-
11 tions, institutions, and individuals for
12 planning, research, monitoring, out-
13 reach, and implementation relating to
14 the activities described in subclause
15 (I).

16 “(E) SCOPE.—

17 “(i) IN GENERAL.—Projects shall be
18 carried out pursuant to the Initiative on
19 multiple levels, including—

20 “(I) local;

21 “(II) Great Lake-wide; and

22 “(III) Great Lakes basin-wide.

23 “(ii) LIMITATION.—No funds made
24 available to carry out the Initiative may be
25 used for any water infrastructure activity

1 that is carried out using funds made avail-
2 able under the clean water or drinking
3 water State revolving fund program.

4 “(F) ACTIVITIES BY OTHER FEDERAL
5 AGENCIES.—Each relevant Federal department
6 and agency shall, to the maximum extent prac-
7 ticable—

8 “(i) maintain the base level of funding
9 for the Great Lakes activities of the agen-
10 cy; and

11 “(ii) identify new activities and
12 projects to support the environmental goals
13 of the Initiative.

14 “(G) FUNDING.—

15 “(i) AUTHORIZATION OF APPROPRIA-
16 TIONS.—There is authorized to be appro-
17 priated to carry out the Initiative
18 \$475,000,000 for each of fiscal years 2011
19 through 2016.

20 “(ii) PARTNERSHIPS.—Of the
21 amounts made available to carry out the
22 Initiative, the Administrator shall transfer
23 expeditiously to the Federal partners of the
24 Initiative such sums as are necessary for
25 subsequent use and distribution by the

1 Federal partners in accordance with this
2 section.”.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
4 118 of the Federal Water Pollution Control Act (33
5 U.S.C. 1268) is amended by striking subsection (h) and
6 inserting the following:

7 “(h) AUTHORIZATION OF APPROPRIATIONS FOR PRO-
8 GRAM OFFICE.—There is authorized to be appropriated
9 to the Administrator to carry out this section \$25,000,000
10 for each of fiscal years 2011 through 2016.”.

11 (d) EFFECT OF SECTION.—Nothing in this section
12 or an amendment made by this section affects—

13 (1) the jurisdiction, powers, or prerogatives
14 of—

15 (A) any department, agency, or officer
16 of—

17 (i) the Federal Government; or

18 (ii) any State or tribal government; or

19 (B) any international body established by
20 treaty with authority relating to the Great
21 Lakes (as defined in section 118(a)(3) of the
22 Federal Water Pollution Control Act (33 U.S.C.
23 1268(a)(3))); or

1 (2) any other Federal or State authority that is
2 being used or may be used to facilitate the cleanup
3 and protection of the Great Lakes (as so defined).

○