

Calendar No. 501

111TH CONGRESS
2^D SESSION

S. 1311

[Report No. 111–241]

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

JUNE 19, 2009

Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. VITTER, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 2, 2010

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the Gulf of Mexico is a valuable resource of
7 national and international importance; continuously
8 serving the people of the United States and other
9 countries as an important source of food; economic
10 productivity; recreation; beauty; and enjoyment;

11 (2) over many years, the resource productivity
12 and water quality of the Gulf of Mexico and its wa-
13 tershed have been diminished by point and nonpoint
14 source pollution;

15 (3) the United States should seek to attain the
16 protection and restoration of the Gulf of Mexico eco-
17 system as a collaborative regional goal of the Gulf
18 of Mexico Program; and

19 (4) the Administrator of the Environmental
20 Protection Agency, in consultation with other Fed-
21 eral agencies and State and local authorities, should
22 coordinate the effort to meet those goals.

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

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

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

4 (3) to commit the United States to a com-
 5 prehensive cooperative program to achieve improved
 6 water quality in, and improvements in the produc-
 7 tivity of living resources of, the Gulf of Mexico; and
 8 (4) to establish a Gulf of Mexico Program to
 9 serve as a national and international model for the
 10 collaborative management of large marine eco-
 11 systems.

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

13 Title I of the Federal Water Pollution Control Act
 14 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 15 the following:

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

18 “(a) DEFINITIONS.—In this section;

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

22 “(2) GULF OF MEXICO EXECUTIVE COUNCIL.—
 23 The term ‘Gulf of Mexico Executive Council’ means
 24 the formal collaborative Federal, State, local, and
 25 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 “(e) 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 ~~“(c) 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, 2011, 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 2010;
 16 “(2) \$15,000,000 for fiscal year 2011; and
 17 “(3) \$25,000,000 for each of fiscal years 2012
 18 through 2014.”.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Gulf of Mexico Restora-*
 21 *tion and Protection Act”.*

22 **SEC. 2. FINDINGS AND PURPOSES.**

23 *(a) FINDINGS.—Congress finds that—*

24 *(1) the Gulf of Mexico is a valuable resource of*
 25 *national and international importance, continuously*

1 *serving the people of the United States and other*
2 *countries as an important source of food, economic*
3 *productivity, recreation, beauty, and enjoyment;*

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

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

12 *(4) the Administrator of the Environmental Pro-*
13 *tection Agency, in consultation with other Federal*
14 *agencies and State and local authorities, should co-*
15 *ordinate the effort to meet those goals.*

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

17 *(1) to expand and strengthen cooperative vol-*
18 *untary efforts to restore and protect the Gulf of Mex-*
19 *ico;*

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

23 *(3) to commit the United States to a comprehen-*
24 *sive cooperative program to achieve improved water*

1 *quality in, and improvements in the productivity of*
 2 *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 ecosystems.*

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

7 *Title I of the Federal Water Pollution Control Act (33*
 8 *U.S.C. 1251 et seq.) is amended by adding at the end the*
 9 *following:*

10 **“SEC. 123. GULF OF MEXICO RESTORATION AND PROTEC-**
 11 **TION.**

12 “(a) *DEFINITIONS.—In this section;*

13 “(1) *GULF OF MEXICO ECOSYSTEM.—The term*
 14 *‘Gulf of Mexico ecosystem’ means the ecosystem of the*
 15 *Gulf of Mexico and its watershed.*

16 “(2) *GULF OF MEXICO EXECUTIVE COUNCIL.—*
 17 *The term ‘Gulf of Mexico Executive Council’ means*
 18 *the formal collaborative Federal, State, local, and pri-*
 19 *vate participants in the Program.*

20 “(3) *PROGRAM.—The term ‘Program’ means the*
 21 *Gulf of Mexico Program established by the Adminis-*
 22 *trator in 1988 as a nonregulatory, inclusive partner-*
 23 *ship to provide a broad geographic focus on the pri-*
 24 *mary environmental issues affecting the Gulf of Mex-*
 25 *ico.*

1 “(4) *PROGRAM OFFICE.*—*The term ‘Program Of-*
 2 *fice’ means the office established by the Administrator*
 3 *to administer the Program that is reestablished by*
 4 *subsection (b)(1)(A).*

5 “(b) *CONTINUATION OF GULF OF MEXICO PROGRAM.*—

6 “(1) *GULF OF MEXICO PROGRAM OFFICE.*—

7 “(A) *REESTABLISHMENT.*—*The Program*
 8 *Office established before the date of enactment of*
 9 *this section by the Administrator is reestablished*
 10 *as an office of the Environmental Protection*
 11 *Agency.*

12 “(B) *REQUIREMENTS.*—*The Program Office*
 13 *shall be—*

14 “(i) *headed by a Director who, by rea-*
 15 *son of management experience and technical*
 16 *expertise relating to the Gulf of Mexico, is*
 17 *highly qualified to direct the development of*
 18 *plans and programs on a variety of Gulf of*
 19 *Mexico issues, as determined by the Admin-*
 20 *istrator; and*

21 “(ii) *located in a State all or a portion*
 22 *of the coastline of which is on the Gulf of*
 23 *Mexico.*

24 “(C) *FUNCTIONS.*—*The Program Office*
 25 *shall—*

1 “(i) coordinate the actions of the Envi-
 2 ronmental Protection Agency with the ac-
 3 tions of the appropriate officials of other
 4 Federal agencies and State and local au-
 5 thorities in developing strategies—

6 “(I) to improve the water quality
 7 and living resources in the Gulf of
 8 Mexico ecosystem; and

9 “(II) to obtain the support of ap-
 10 propriate officials;

11 “(ii) in cooperation with appropriate
 12 Federal, State, and local authorities, assist
 13 in developing and implementing specific ac-
 14 tion plans to carry out the Program;

15 “(iii) coordinate and implement pri-
 16 ority State-led and community-led restora-
 17 tion plans and projects, and facilitate
 18 science, research, modeling, monitoring,
 19 data collection, and other activities that
 20 support the Program through the provision
 21 of grants under subsection (d);

22 “(iv) implement outreach programs for
 23 public information, education, and partici-
 24 pation to foster stewardship of the resources
 25 of the Gulf of Mexico;

1 “(v) develop and make available,
 2 through publications, technical assistance,
 3 and other appropriate means, information
 4 pertaining to the environmental quality
 5 and living resources of the Gulf of Mexico
 6 ecosystem;

7 “(vi) serve as the liaison with, and
 8 provide information to, the Mexican mem-
 9 bers of the Gulf of Mexico States Accord and
 10 Mexican counterparts of the Environmental
 11 Protection Agency; and

12 “(vii) focus the efforts and resources of
 13 the Program Office on activities that will
 14 result in measurable improvements to water
 15 quality and living resources of the Gulf of
 16 Mexico ecosystem.

17 “(c) *INTERAGENCY AGREEMENTS.*—*The Administrator*
 18 *may enter into 1 or more interagency agreements with other*
 19 *Federal agencies to carry out this section.*

20 “(d) *GRANTS.*—

21 “(1) *IN GENERAL.*—*In accordance with the Pro-*
 22 *gram, the Administrator, acting through the Program*
 23 *Office, may provide grants to nonprofit organizations,*
 24 *State and local governments, colleges, universities,*

1 *interstate agencies, and individuals to carry out this*
 2 *section for use in—*

3 *“(A) monitoring the water quality and liv-*
 4 *ing resources of the Gulf of Mexico ecosystem;*

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 6 *human-induced environmental changes on the*
 7 *water quality and living resources of the Gulf of*
 8 *Mexico ecosystem;*

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 10 *strategies that address the water quality and liv-*
 11 *ing resource needs in the Gulf of Mexico eco-*
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 15 *projects within a watershed that complement*
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 18 *ciated with the Gulf of Mexico ecosystem; and*

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 20 *sources that discharge pollutants that contami-*
 21 *nate the Gulf of Mexico ecosystem, including ac-*
 22 *tivities to eliminate leaking septic systems and*
 23 *construct connections to local sewage systems.*

24 *“(2) FEDERAL SHARE.—The Federal share of the*
 25 *cost of any project or activity carried out using a*

1 *grant provided under this section shall not exceed 75*
 2 *percent, as determined by the Administrator.*

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

9 “(e) *REPORTS.—*

10 “(1) *ANNUAL REPORT.—Not later than December*
 11 *30, 2009, and annually thereafter, the Director of the*
 12 *Program Office shall submit to the Administrator and*
 13 *make available to the public a report that describes—*

14 “(A) *each project and activity funded under*
 15 *this section during the previous fiscal year;*

16 “(B) *the goals and objectives of those*
 17 *projects and activities; and*

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 19 *ties funded under this section during previous*
 20 *fiscal years.*

21 “(2) *ASSESSMENT.—*

22 “(A) *IN GENERAL.—Not later than April*
 23 *30, 2011, and every 5 years thereafter, the Ad-*
 24 *ministrator, in coordination with the Gulf of*
 25 *Mexico Executive Council, shall complete an as-*

1 *sessment, and submit to Congress a comprehen-*
 2 *sive report on the performance, of the Program.*

3 “(B) *REQUIREMENTS.*—*The assessment and*
 4 *report described in subparagraph (A) shall—*

5 “(i) *assess the overall state of the Gulf*
 6 *of Mexico ecosystem;*

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 8 *Gulf of Mexico ecosystem with a baseline as-*
 9 *essment;*

10 “(iii) *include specific measures to as-*
 11 *sess any improvements in water quality*
 12 *and living resources of the Gulf of Mexico*
 13 *ecosystem;*

14 “(iv) *assess the effectiveness of the Pro-*
 15 *gram management strategies being imple-*
 16 *mented, and the extent to which the priority*
 17 *needs of the region are being met through*
 18 *that implementation; and*

19 “(v) *make recommendations for the im-*
 20 *proved management of the Program, includ-*
 21 *ing strengthening strategies being imple-*
 22 *mented or adopting improved strategies.*

23 “(f) *BUDGET ITEM.*—*The Administrator, in the an-*
 24 *nual submission to Congress of the budget of the Environ-*
 25 *mental Protection Agency, shall include a funding line item*

1 *request for the Program Office as a separate budget line*
 2 *item.*

3 “(g) *LIMITATION ON REGULATORY AUTHORITY.—*
 4 *Nothing in this section establishes any new legal or regu-*
 5 *latory authority of the Administrator other than the author-*
 6 *ity to provide grants in accordance with this section.*

7 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*
 8 *are authorized to be appropriated to carry out this section,*
 9 *to remain available until expended—*

10 “(1) \$10,000,000 for fiscal year 2010;

11 “(2) \$15,000,000 for fiscal year 2011; and

12 “(3) \$25,000,000 for each of fiscal years 2012
 13 *through 2014.”.*

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