

114TH CONGRESS
1ST SESSION

H. R. 3630

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2015

Mr. HECK of Washington (for himself, Ms. DELBENE, Mr. LARSEN of Washington, Mr. KILMER, Mr. McDERMOTT, Mr. REICHERT, Mr. SMITH of Washington, Mr. DEFazio, and Mr. NEWHOUSE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting United Gov-
5 ernment Efforts to Save Our Sound Act” or the “PUGET
6 SOS Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Puget Sound and its tributary waters are
4 one of the most ecologically diverse ecosystems in
5 North America with natural resources that have eco-
6 logical, economic, and cultural importance to the
7 United States. The health and productivity of Puget
8 Sound is not only the cornerstone of the region's
9 quality of life and vibrant economy, but its commer-
10 cial aquaculture, agriculture, and port activities rip-
11 ple throughout the Nation.

12 (2) Threats to Puget Sound, such as water pol-
13 lution, sediment contamination, environmental deg-
14 radation, and habitat loss, jeopardize the economic
15 productivity and natural resources that support the
16 increasing population of the region.

17 (3) For nearly a decade, State, local, and tribal
18 governments, cooperative partnerships, and con-
19 cerned citizens have worked together in a deliberate
20 and coordinated way to manage resource allocation
21 toward habitat restoration, improving water quality
22 and shellfish farms, and developing a body of sci-
23 entific knowledge, all of which have advanced the
24 Puget Sound recovery efforts.

25 (4) Despite significant and nationally recog-
26 nized accomplishments, the rate of damage to Puget

1 Sound still exceeds the rate of recovery. To outpace
2 mounting pollutants and other cascading negative
3 impacts, the next step in fortifying the recovery sys-
4 tem is to align Federal recovery and protection ef-
5 forts seamlessly with State, local, and tribal invest-
6 ments.

7 (5) At this time, water and air pollution, sedi-
8 ment contamination, habitat loss and decline, and
9 water flow disruption continue to devastate the fish,
10 marine mammal, bird, and shellfish populations of
11 Puget Sound, threatening local economies and tribal
12 treaty rights and contributing to—

13 (A) significant declines in the populations
14 of wild Chinook Salmon, Coho Salmon, Summer
15 Chum Salmon, Steelhead, and Pacific Herring,
16 which are essential food sources for humans,
17 fish, seabirds, mammals, and other wildlife;

18 (B) risks to the sustainability of fish and
19 shellfish populations, and their food chains, re-
20 productive cycles, and habitats, which also
21 threaten Federal obligations to protect tribal
22 culture, traditions, and economies;

23 (C) 113 marine species being listed at risk
24 or vulnerable to extinction, according to State,
25 Federal, and provincial lists that identify the

1 species of Puget Sound and surrounding areas,
2 including the iconic population of southern resi-
3 dent Orca whales;

4 (D) sediment contaminated with toxic sub-
5 stances (such as polychlorinated biphenyls
6 (PCBs), heavy metals (mercury), and oil
7 (grease)), all of which are polluting Puget
8 Sound, threatening public health, and posing
9 significant dangers to humans, fish, and wild-
10 life;

11 (E) rivers and beaches that fail to meet
12 water quality standards and become unsafe for
13 business and recreational activities, such as
14 fishing and swimming;

15 (F) the closing of shellfish beds from con-
16 taminated pollution caused by sources such as
17 stormwater and agricultural runoff; and

18 (G) mortalities and morbidity in shellfish
19 due to the acidification of Puget Sound.

20 **SEC. 3. DECLARATION OF POLICY; PURPOSE.**

21 (a) DECLARATION OF POLICY.—It is the policy of the
22 United States that the Federal Government should sup-
23 port, partner, and collaborate with the regional efforts
24 that are addressing environmental and natural resource
25 issues involving Puget Sound because—

1 (1) Puget Sound is a national treasure, the re-
2 covery and protection of which will significantly con-
3 tribute to the environmental, cultural, and economic
4 well-being of the United States;

5 (2) a more deliberate coordination of Federal
6 investments with regional, local, and tribal recovery
7 and preservation efforts will be the most effective
8 and efficient use of public resources; and

9 (3) it is the role of the Federal Government to
10 align its efforts and resources to—

11 (A) fully implement and enforce the goals
12 of the Federal Water Pollution Control Act, the
13 Endangered Species Act of 1973, and all other
14 Federal laws that contribute to the recovery
15 and protection of Puget Sound;

16 (B) uphold Federal trust responsibilities to
17 restore and protect resources crucial to tribal
18 treaty rights;

19 (C) support regional, local, and tribal ef-
20 forts to address environmental challenges and

21 (D) encourage local citizen and community
22 stewardship.

23 (b) PURPOSE.—It is the purpose of this Act to ensure
24 that the recovery and protection programs, projects, and
25 initiatives that the Federal Government undertakes in, or

1 that otherwise impact, Puget Sound are actively coordi-
 2 nated and aligned with the protection of tribal treaty
 3 rights as well as State, regional, local, and tribal Puget
 4 Sound recovery efforts, as reflected in the Action Agenda,
 5 a regionally developed, federally approved plan, in order
 6 to make the most efficient and effective use of Federal
 7 and other public resources.

8 **SEC. 4. PUGET SOUND COORDINATED RECOVERY.**

9 Title I of the Federal Water Pollution Control Act
 10 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 11 the following:

12 **“SEC. 123. PUGET SOUND.**

13 “(a) DEFINITIONS.—In this section, the following
 14 definitions apply:

15 “(1) CO-CHAIRS.—The term ‘Co-Chairs’ means
 16 the co-chairs of the Task Force.

17 “(2) DIRECTOR.—The term ‘Director’ means
 18 the Director of the Program Office.

19 “(3) EXECUTIVE DIRECTOR.—The term ‘Execu-
 20 tive Director’ means the Executive Director of the
 21 Puget Sound Partnership.

22 “(4) INTERNATIONAL JOINT COMMISSION.—The
 23 term ‘International Joint Commission’ means the
 24 International Joint Commission established by the

1 United States and Canada under the Boundary
2 Waters Treaty of 1909.

3 “(5) PACIFIC SALMON COMMISSION.—The term
4 ‘Pacific Salmon Commission’ means the Pacific
5 Salmon Commission established by the United
6 States and Canada under the Pacific Salmon Trea-
7 ty.

8 “(6) PROGRAM OFFICE; OFFICE.—The term
9 ‘Program Office’ or ‘Office’ means the Puget Sound
10 Recovery National Program Office of the Environ-
11 mental Protection Agency established by this sec-
12 tion.

13 “(7) PUGET SOUND.—The term ‘Puget Sound’
14 means the estuary that is an arm of the Pacific
15 Ocean, extends inland, and meets 19 different river
16 basins. The Puget Sound region includes all of the
17 water that falls on the Olympic and Cascade Moun-
18 tains and flows to meet Puget Sound’s marine
19 waters. The Puget Sound region covers the land and
20 waters in the northwest corner of the State of Wash-
21 ington from the Canadian border to the north to the
22 Pacific Ocean on the west, including Hood Canal
23 and the Strait of Juan de Fuca.

24 “(8) PUGET SOUND ACTION AGENDA; ACTION
25 AGENDA.—The term ‘Puget Sound Action Agenda’

1 or ‘Action Agenda’ means the most recent Puget
2 Sound Action Agenda developed by the Management
3 Conference under the leadership of the Puget Sound
4 Partnership and adopted by the Environmental Pro-
5 tection Agency as the Federal Government’s Puget
6 Sound Comprehensive Conservation Management
7 Plan (CCMP).

8 “(9) PUGET SOUND COMPREHENSIVE CON-
9 SERVATION AND MANAGEMENT PLAN.—The term
10 ‘Puget Sound Comprehensive Conservation and
11 Management Plan’ or ‘Puget Sound CCMP’ means
12 the Puget Sound recovery plan developed by the
13 Management Conference, and approved by the Envi-
14 ronmental Protection Agency under the National Es-
15 tuary Program.

16 “(10) PUGET SOUND ECOSYSTEM COORDINA-
17 TION BOARD.—The term ‘Puget Sound Ecosystem
18 Coordination Board’ means the Puget Sound Eco-
19 system Coordination Board established under the
20 laws of the State of Washington (section 90.71.250
21 of the Revised Code of Washington).

22 “(11) STATE ADVISORY COMMITTEE.—The
23 term ‘State Advisory Committee’ means—

24 “(A) the advisory committee that includes
25 the Chairs and Co-Chairs of the following State

1 of Washington committees: the Puget Sound
2 Leadership Council, the Puget Sound Eco-
3 system Coordination Board, the Puget Sound
4 Salmon Recovery Council, and the Puget Sound
5 Science Panel; and

6 “(B) in addition, includes the Executive
7 Director of the Puget Sound Partnership, 1
8 representative of the Washington State Depart-
9 ment of Ecology, 1 representative of the Wash-
10 ington State Department of Natural Resources,
11 and 1 representative of the Washington State
12 Department of Fish and Wildlife.

13 “(12) TRIBAL ADVISORY COMMITTEE.—The
14 term ‘Tribal Advisory Committee’ means the advi-
15 sory committee that includes the Chairperson of
16 each federally recognized Indian tribe with federally
17 adjudicated, treaty-reserved fishing rights in the
18 Puget Sound region, or their designees.

19 “(13) PUGET SOUND FEDERAL CAUCUS.—The
20 term ‘Puget Sound Federal Caucus’ means the
21 Puget Sound Federal Caucus established in 2007
22 under a memorandum of understanding among 13
23 Federal agencies.

24 “(14) PUGET SOUND FEDERAL LEADERSHIP
25 TASK FORCE; TASK FORCE.—The term ‘Puget Sound

1 Federal Leadership Task Force’ or ‘Task Force’
2 means the Puget Sound Federal Leadership Task
3 Force established by this section.

4 “(15) PUGET SOUND LEADERSHIP COUNCIL.—
5 The term ‘Puget Sound Leadership Council’ means
6 the governing body of the Puget Sound Partnership
7 that—

8 “(A) has 7 members who are leading citi-
9 zens chosen from around the Puget Sound and
10 appointed by the Governor of Washington; and

11 “(B) was established under the laws of the
12 State of Washington (section 90.71.220 of the
13 Revised Code of Washington).

14 “(16) PUGET SOUND PARTNERSHIP.—The term
15 ‘Puget Sound Partnership’ means the State agency
16 that is established under the laws of the State of
17 Washington (section 90.71.210 of the Revised Code
18 of Washington) to protect and restore Puget Sound,
19 and has been designated by the Environmental Pro-
20 tection Agency as the lead entity to support the
21 management conference for Puget Sound, or any
22 successor entity at law.

23 “(17) PUGET SOUND SALMON RECOVERY COUN-
24 CIL.—The term ‘Puget Sound Salmon Recovery

1 Council’ means the regional body of policy decision-
2 makers that—

3 “(A) advise the Puget Sound Leadership
4 Council on decisions relating to salmon recovery
5 and the implementation of the Puget Sound
6 Salmon Recovery Plan; and

7 “(B) includes representatives from agricul-
8 tural, business, and environmental organiza-
9 tions, Federal Government, State government,
10 Indian tribes with federally adjudicated, treaty-
11 reserved fishing rights in the Puget Sound re-
12 gion, and local salmon recovery watersheds.

13 “(18) PUGET SOUND SCIENCE PANEL.—The
14 term ‘Puget Sound Science Panel’ means the panel
15 that—

16 “(A) provides independent, nonrepresenta-
17 tional scientific advice and expertise in identi-
18 fying environmental indicators and benchmarks
19 for incorporation into the Puget Sound Action
20 Agenda; and

21 “(B) was established under the laws of the
22 State of Washington (section 90.71.270 of the
23 Revised Code of Washington).

24 “(19) SALISH SEA.—The term ‘Salish Sea’
25 means the network of coastal waterways on the west

1 coast of North America that includes the Puget
2 Sound, the Strait of Georgia, and the Strait of Juan
3 de Fuca.

4 “(b) PRESERVATION OF TREATY OBLIGATIONS AND
5 EXISTING FEDERAL STATUS.—

6 “(1) TRIBAL TREATY RIGHTS.—This section is
7 not intended to nor shall it in any way limit, condi-
8 tion, abrogate, authorize the regulation of, or other-
9 wise adversely affect any right reserved by treaty be-
10 tween the United States and 1 or more Indian
11 tribes.

12 “(2) NATIONAL ESTUARY PROGRAM.—Nothing
13 in this section shall alter the requirements or status
14 of the Puget Sound under the National Estuary
15 Program.

16 “(3) OTHER FEDERAL LAW.—Nothing in this
17 section shall modify the requirements and proce-
18 dures of other Federal law.

19 “(c) ADDITIONAL REQUIREMENTS FOR PUGET
20 SOUND COMPREHENSIVE CONSERVATION MANAGEMENT
21 PLAN.—

22 “(1) IN GENERAL.—The Administrator of the
23 Environmental Protection Agency shall approve the
24 Comprehensive Conservation Management Plan for

1 the Puget Sound region only if that Plan supports,
2 proposes to carry out, and is consistent with—

3 “(A) the protection and preservation of
4 tribal treaty rights, given the status of treaties
5 under the Constitution as the supreme law of
6 the land;

7 “(B) the Endangered Species Act of 1973
8 and the State of Washington’s federally ap-
9 proved salmon recovery plans;

10 “(C) the Coastal Zone Management Act of
11 1972, its reauthorizing amendments, and the
12 State of Washington’s federally approved coast-
13 al nonpoint pollution control program;

14 “(D) this Act and the State of Washing-
15 ton’s federally approved State water quality
16 standards; and

17 “(E) other applicable Federal require-
18 ments.

19 “(d) CONSISTENCY.—

20 “(1) IN GENERAL.—All Federal Agencies rep-
21 resented on the Puget Sound Federal Leadership
22 Task Force shall act consistently with the protection
23 of tribal, treaty-reserved rights and, to the greatest
24 extent practicable given their existing obligations
25 under Federal law, act consistently with the objec-

1 tives and priorities of the Action Agenda, as adopted
2 as the Puget Sound CCMP, when—

3 “(A) conducting Federal agency activities
4 within or outside the Puget Sound ecosystem
5 that affect any land or water use or natural re-
6 sources of Puget Sound and its tributary
7 waters, including activities performed by a con-
8 tractor for the benefit of a Federal agency;

9 “(B) interpreting and enforcing regulations
10 that impact the recovery and preservation of
11 Puget Sound;

12 “(C) issuing Federal licenses or permits
13 that impact the recovery and preservation of
14 Puget Sound; and

15 “(D) granting Federal assistance to State,
16 local, and tribal governments for activities re-
17 lated to the recovery and preservation of Puget
18 Sound.

19 “(2) EXEMPTIONS.—Any Federal agency activ-
20 ity necessary for national security, deemed by the
21 President to be in the paramount interest of the
22 United States, or determined by the Task Force, in
23 consultation with the State Advisory Committee and
24 the Tribal Advisory Committee to be necessary to
25 complete a project that was approved prior to the

1 enactment of this Act shall be exempt from the con-
2 sistency requirements established in paragraph (1).

3 “(e) PUGET SOUND RECOVERY NATIONAL PROGRAM
4 OFFICE.—

5 “(1) ESTABLISHMENT.—There is established in
6 the Environmental Protection Agency a Puget
7 Sound Recovery National Program Office to be lo-
8 cated in the State of Washington.

9 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
10 ministrator shall appoint a Director of the Office,
11 who, by reason of prior leadership and project man-
12 agement experience shall be highly qualified to—

13 “(A) support the integration of multiple
14 project planning efforts and programs from dif-
15 ferent agencies and jurisdictions; and

16 “(B) align numerous and often conflicting
17 needs toward implementing a shared action
18 agenda with visible and measurable outcomes.

19 “(3) DELEGATION OF AUTHORITY; STAFFING.—
20 The Administrator shall delegate to the Director
21 such authority and provide such additional staff as
22 may be necessary to carry out this subsection.

23 “(4) DUTIES.—The Director shall—

24 “(A) coordinate and manage the timely
25 execution of the Environmental Protection

1 Agency’s role described in this section, includ-
2 ing the formation and meetings of the Task
3 Force and the reporting requirements described
4 in subsection (i);

5 “(B) coordinate Puget Sound recovery,
6 protection, and restoration actions, programs,
7 grants, science, research, and initiatives across
8 the Agency;

9 “(C) coordinate and align the Agency’s
10 strategies, policies, studies, programs, and ac-
11 tivities with the Puget Sound Action Agenda;

12 “(D) promote the efficient use of Agency
13 resources in pursuit of Puget Sound recovery;

14 “(E) serve on the Task Force and collabo-
15 rate with, help coordinate, and implement strat-
16 egies, policies, studies, programs, and activities
17 with other Federal agencies that have respon-
18 sibilities involving Puget Sound recovery and
19 protection;

20 “(F) provide or procure such other advice,
21 technical assistance, research, assessments,
22 monitoring, or other support or enforcement as
23 is deemed necessary or prudent to most effi-
24 ciently and effectively fulfill the objectives and
25 priorities of the Action Agenda consistent with

1 the methodologies and systems of the Puget
2 Sound Partnership and to ensure that the
3 health of the system is thereafter maintained;

4 “(G) track the progress of the Environ-
5 mental Protection Agency toward meeting the
6 Agency’s specified goals and objectives within
7 the Action Agenda in a manner consistent with
8 the methodologies used by the Puget Sound
9 Partnership;

10 “(H) utilize systems, methodologies, and
11 frameworks that are—

12 “(i) effective and cost-efficient;

13 “(ii) consistent with the Agency’s
14 goals, and the same as, or readily compat-
15 ible with, the systems, methodologies, clas-
16 sifications and frameworks, of the Action
17 Agenda, and regulatory permitting proc-
18 esses; and

19 “(iii) consistent with the implementa-
20 tion of this Act, the Endangered Species
21 Act of 1973, and all other Federal laws
22 that contribute to the recovery and protec-
23 tion of Puget Sound, including those that
24 protect tribal treaty rights;

1 “(I) serve as liaison and coordinate
2 projects, programs, and studies for the recovery
3 and protection of the Salish Sea, with Canadian
4 authorities, the Pacific Salmon Commission,
5 and the International Joint Commission; and

6 “(J) carry out such additional duties as
7 the Administrator determines necessary and ap-
8 propriate.

9 “(f) PUGET SOUND FEDERAL LEADERSHIP TASK
10 FORCE.—

11 “(1) ESTABLISHMENT.—There is established a
12 Puget Sound Federal Leadership Task Force.

13 “(2) PURPOSE.—The purpose of the Task
14 Force shall be to build upon the current membership
15 of the Puget Sound Federal Caucus in order to—

16 “(A) provide a venue for dialogue and co-
17 ordination across all Federal agencies on the
18 Task Force to align Federal resources for the
19 purposes of achieving this section and all other
20 Federal laws that contribute to the recovery
21 and protection of Puget Sound, including those
22 that protect tribal treaty rights;

23 “(B) work with the Tribal Advisory Com-
24 mittee and the State Advisory Committee to
25 align and coordinate Federal actions impacting

1 Puget Sound with the actions of State, local,
2 and tribal governments and other stakeholders
3 as they have been coordinated and prioritized in
4 the Puget Sound Action Agenda;

5 “(C) raise national awareness of the sig-
6 nificance Puget Sound and thereby increase the
7 importance of investment in its recovery, res-
8 toration and protection efforts;

9 “(D) promote the efficient use of govern-
10 ment resources in pursuit of Puget Sound re-
11 covery through coordination and collaboration;
12 and

13 “(E) catalyze public leaders at all levels to
14 work together toward shared goals by dem-
15 onstrating interagency best practices coming
16 from the Federal partners.

17 “(3) DUTIES.—

18 “(A) PARTICIPATION OF TRIBAL ADVISORY
19 COMMITTEE AND STATE ADVISORY COM-
20 MITTEE.—The Task Force shall carry out its
21 duties with input from and in collaboration with
22 the Tribal Advisory Committee and the State
23 Advisory Committee.

24 “(B) GENERAL DUTIES.—The Task Force
25 shall—

1 “(i) enable and encourage the Federal
2 agencies represented on the Puget Sound
3 Federal Leadership Task Force to act con-
4 sistently with the objectives and priorities
5 of the Action Agenda and the protection of
6 tribal treaty rights, as described in sub-
7 section (d);

8 “(ii) facilitate the coordination of
9 Federal activities that impact the recovery
10 and protection of Puget Sound;

11 “(iii) facilitate the delivery of feed-
12 back given by Federal agencies to the
13 Puget Sound Partnership during the devel-
14 opment of the Action Agenda; and

15 “(iv) facilitate the resolution of (and,
16 if necessary, seek to mediate in cooperation
17 with the Executive Office of the President)
18 interagency conflicts associated with the
19 recovery and protection of Puget Sound
20 among the agencies represented on the
21 Task Force.

22 “(C) FEEDBACK BY FEDERAL AGEN-
23 CIES.—The feedback given by Federal agencies
24 under subparagraph (B)(iii) shall consider, at a

1 minimum, possible Federal actions designed
2 to—

3 “(i) further the strategic initiatives,
4 strategies, goals, targets, and actions of
5 the Action Agenda;

6 “(ii) implement and enforce this Act,
7 the Endangered Species Act of 1973, and
8 all other Federal laws that contribute to
9 the recovery and protection of Puget
10 Sound, including those that protect tribal
11 treaty rights;

12 “(iii) prevent the introduction and
13 spread of invasive species;

14 “(iv) prevent the destruction of ma-
15 rine and wildlife habitats;

16 “(v) protect, restore, and conserve for-
17 ests, wetlands, riparian zones, and near-
18 shore waters that provide marine and wild-
19 life habitat;

20 “(vi) promote resilience to climate
21 change and ocean acidification effects;

22 “(vii) improve water quality and re-
23 store cleaner water;

1 “(viii) conserve and recover endan-
2 gered species under the Endangered Spe-
3 cies Act of 1973;

4 “(ix) restore fisheries so that they are
5 sustainable and productive;

6 “(x) preserve biodiversity;

7 “(xi) restore and protect ecosystem
8 services that provide clean water, filter
9 toxic chemicals, and increase ecosystem re-
10 silience; and

11 “(xii) improve water quality and re-
12 store wildlife habitat by preventing and
13 managing stormwater runoff, incorporating
14 erosion control techniques, and using sus-
15 tainable stormwater practices.

16 “(D) ADDITIONAL DUTIES.—The Task
17 Force shall carry out the following additional
18 duties:

19 “(i) Provide a forum for exchanging
20 information among agencies regarding re-
21 sources, programs, projects, and activities
22 being conducted, including obstacles or ef-
23 ficiencies found, during Puget Sound re-
24 covery and protection activities.

1 “(ii) Ensure that the science nec-
2 essary for recovery and protection of Puget
3 Sound is coordinated, planned, and imple-
4 mented efficiently across the Federal Gov-
5 ernment. Provide advice and support on
6 scientific and technical issues and act as a
7 forum for the exchange of scientific infor-
8 mation about Puget Sound. Ensure that
9 new information, science, and data is in-
10 corporated into agency feedback on the Ac-
11 tion Agenda.

12 “(iii) Work in collaboration with the
13 Administrator and the Secretary of State
14 on international issues concerning Puget
15 Sound. Ensure that Puget Sound recovery
16 and protection projects, programs, and
17 studies are consistent with ongoing recov-
18 ery and protection and related efforts in
19 the Salish Sea that are being conducted by
20 Canadian authorities, the Pacific Salmon
21 Commission, and the International Joint
22 Commission.

23 “(iv) Convene and establish a process
24 for collaboration among Task Force mem-
25 bers and, if necessary, other stakeholders.

1 Establish any necessary working groups or
2 advisory committees necessary to assist the
3 Task Force in its duties, including public
4 policy and scientific issues.

5 “(v) Work with the Office of Manage-
6 ment and Budget to give necessary input
7 on the crosscut budget to be developed
8 under this subsection (l).

9 “(vi) Provide outreach and education
10 on the recovery and protection of Puget
11 Sound, including what others can do to
12 help with its recovery.

13 “(vii) Approve allocations of donated
14 funds, ensuring that the allocations are
15 consistent with Puget Sound recovery and
16 protection projects, activities, and pro-
17 grams detailed in the Action Agenda.

18 “(viii) Develop a biennial report, as
19 described in subsection (k), to be sub-
20 mitted to the President, Congress, and the
21 Governor of Washington.

22 “(4) MEMBERSHIP.—

23 “(A) IN GENERAL.—The membership of
24 the Task Force shall include representatives of
25 Federal agencies that have responsibilities and

1 authorities that govern recovery, conservation,
2 and protection of the Puget Sound ecosystem,
3 its tributaries, and watersheds.

4 “(B) QUALIFICATIONS.—Members ap-
5 pointed under this paragraph shall have experi-
6 ence and expertise in matters of recovery and
7 protection of large watersheds and bodies of
8 water or related experience that will benefit the
9 recovery and protection effort of the Puget
10 Sound ecosystem.

11 “(C) COMPOSITION.—The Task Force
12 shall be composed of the following members:

13 “(i) SECRETARY OF AGRICULTURE.—
14 The following individuals appointed by the
15 Secretary of Agriculture (or the Sec-
16 retary’s designee).

17 “(I) A representative of the Na-
18 tional Forest Service.

19 “(II) A representative of the Na-
20 tional Resources Conservation Service.

21 “(ii) BONNEVILLE POWER ADMINIS-
22 TRATION.—A representative of the Bonne-
23 ville Power Administration appointed by
24 the Administrator of the Bonneville Power

1 Administration (or the Administrator's
2 designee).

3 “(iii) SECRETARY OF COMMERCE.—A
4 representative of the National Oceanic and
5 Atmospheric Administration appointed by
6 the Secretary of Commerce (or the Sec-
7 retary's designee).

8 “(iv) SECRETARY OF DEFENSE.—The
9 following individuals appointed by the Sec-
10 retary of Defense (or the Secretary's des-
11 ignee):

12 “(I) A representative of the
13 Corps of Engineers.

14 “(II) A representative of the
15 Joint Base Lewis McChord.

16 “(III) A representative of the
17 Navy Region Northwest.

18 “(v) ADMINISTRATOR OF ENVIRON-
19 MENTAL PROTECTION AGENCY.—A rep-
20 resentative of the Puget Sound Recovery
21 National Program Office appointed by the
22 Administrator (or the Administrator's des-
23 ignee).

24 “(vi) SECRETARY OF HOUSING AND
25 URBAN DEVELOPMENT.—A representative

1 of the Department of Housing and Urban
2 Development appointed by the Secretary of
3 Housing and Urban Development (or the
4 Secretary's designee).

5 “(vii) SECRETARY OF HOMELAND SE-
6 CURITY.—The following individuals ap-
7 pointed by the Secretary of Homeland Se-
8 curity (or the Secretary's designee):

9 “(I) A representative of the
10 Coast Guard.

11 “(II) A representative of the
12 Federal Emergency Management
13 Agency.

14 “(viii) SECRETARY OF INTERIOR.—
15 The following individuals appointed by the
16 Secretary of the Interior (or the Sec-
17 retary's designee):

18 “(I) A representative of the Bu-
19 reau of Indian Affairs.

20 “(II) A representative of the
21 United States Fish and Wildlife Serv-
22 ice.

23 “(III) A representative of the
24 United States Geological Survey.

1 “(IV) A representative of the Re-
2 silient Lands and Waters Initiative.

3 “(V) A representative of the Na-
4 tional Park Service.

5 “(ix) SECRETARY OF STATE.—A rep-
6 resentative of the Office of Treaty Affairs
7 appointed by the Secretary of State (or the
8 Secretary’s designee).

9 “(x) SECRETARY OF TRANSPOR-
10 TATION.—The following individuals ap-
11 pointed by the Secretary of Transportation
12 (or the Secretary’s designee):

13 “(I) A representative of the Fed-
14 eral Highway Administration.

15 “(II) A representative of the
16 Federal Transit Administration.

17 “(xi) TASK FORCE.—Representatives
18 of such other agencies, programs, and ini-
19 tiatives as the Task Force determines nec-
20 essary.

21 “(5) LEADERSHIP.—The Co-Chairs shall ensure
22 the Task Force completes its duties through robust
23 discussion of all relevant issues and with the partici-
24 pation of all members. The Co-Chairs shall share
25 leadership responsibilities equally.

1 “(6) CO-CHAIRS.—The following members of
2 the Task Force appointed under paragraph (4) shall
3 serve as Co-Chairs of the Task Force:

4 “(A) The representative of the National
5 Oceanic and Atmospheric Administration.

6 “(B) The representative of the Environ-
7 mental Protection Agency’s Puget Sound Re-
8 covery National Program Office.

9 “(C) The representative of the United
10 States Fish and Wildlife Service.

11 “(7) MEETINGS.—

12 “(A) INITIAL MEETING.—The Task Force
13 shall meet not later than 180 days after the
14 date of enactment of this section—

15 “(i) to determine if all Federal agen-
16 cies are properly represented;

17 “(ii) to establish the bylaws of the
18 Task Force;

19 “(iii) to establish necessary working
20 groups or committees; and

21 “(iv) to determine subsequent meeting
22 times, dates, and logistics.

23 “(B) SUBSEQUENT MEETINGS.—After the
24 initial meeting, the Task Force shall meet, at a

1 minimum, twice per year to carry out the duties
2 of the Task Force.

3 “(C) WORKING GROUP MEETINGS.—Meet-
4 ings of any established working groups or com-
5 mittees of the Task Force shall not count to-
6 ward the minimum biannual meeting require-
7 ment of the full Task Force.

8 “(D) JOINT MEETINGS.—The Task Force
9 shall meet jointly with the Tribal Advisory
10 Committee and the State Advisory Committee,
11 at a minimum, twice per year. These meetings
12 may substitute for the minimum biannual meet-
13 ings of the full Task Force, if mutually agreed
14 upon by all participants.

15 “(E) QUORUM.—A majority number of the
16 members of the Task Force shall constitute a
17 quorum.

18 “(F) VOTING.—For the Task Force to
19 pass a measure, a two-thirds percentage of the
20 quorum must vote in the affirmative.

21 “(g) TRIBAL ADVISORY COMMITTEE.—

22 “(1) PROVIDING ADVICE AND RECOMMENDA-
23 TIONS FOR TASK FORCE.—The Task Force shall
24 seek the advice and recommendations of the Tribal
25 Advisory Committee on the actions, progress, and

1 issues pertaining to recovery and protection of Puget
2 Sound.

3 “(2) DUTIES.—Congress recognizes that the
4 duties of the Tribal Advisory Committee shall in-
5 clude the following:

6 “(A) Serve as a liaison to the Task Force
7 on Puget Sound recovery in order to promote
8 and coordinate the protection of tribal treaty
9 rights.

10 “(B) Advise the Task Force on progress
11 and barriers toward the protection of tribal
12 treaty rights.

13 “(C) Advise the Task Force on the consist-
14 ency of Federal agency activities with the Ac-
15 tion Agenda and the protection of tribal treaty
16 rights, as described in subsection (d).

17 “(D) Consult on nongovernmental projects
18 and projects sponsored by State, local, and trib-
19 al governments to ensure that Federal actions
20 are not duplicative of other recovery efforts and
21 are conducted in an efficient manner.

22 “(E) Serve as a liaison between the Tribes
23 of the Puget Sound region and the Task Force
24 on the development of necessary guidelines, cri-
25 teria, schedules, and due dates for projects, pro-

1 grams, and actions to be included in the Action
2 Agenda.

3 “(F) Provide recommendations on the Fed-
4 eral resources necessary to fully protect tribal
5 treaty rights.

6 “(G) Provide an annual list of projects,
7 programs, and studies to implement the pro-
8 grams and actions necessary for Puget Sound
9 recovery and the protection of tribal treaty
10 rights.

11 “(H) Advise the Task Force on the nec-
12 essary outreach and educational programs re-
13 lated to—

14 “(i) tribal treaty rights;

15 “(ii) the state of Puget Sound;

16 “(iii) the programs and actions being
17 implemented; and

18 “(iv) how communities and the public
19 can help with prevention, recovery, and
20 protection efforts.

21 “(h) STATE ADVISORY COMMITTEE.—

22 “(1) PROVIDING ADVICE AND RECOMMENDA-
23 TIONS FOR TASK FORCE.—The Task Force shall
24 seek the advice and recommendations of the State
25 Advisory Committee on the actions, progress, and

1 issues pertaining to recovery and protection of Puget
2 Sound.

3 “(2) DUTIES.—Congress recognizes that the
4 duties of the State Advisory Committee shall include
5 the following:

6 “(A) Serve as a liaison to the Task Force
7 on Puget Sound recovery in order to coordinate
8 the continuing work of the Action Agenda to
9 prioritize, coordinate, track, and assess the
10 work of State, local, tribal and other partners.

11 “(B) Advise the Task Force on progress
12 and barriers toward reaching the shared goals,
13 objectives, and targets in the Action Agenda.

14 “(C) Advise the Task Force on the consist-
15 ency of Federal agency activities with the Ac-
16 tion Agenda and the protection of tribal treaty
17 rights, as described in subsection (d).

18 “(D) Consult on nongovernmental projects
19 and projects sponsored by State, local, and trib-
20 al governments to ensure that Federal actions
21 are not duplicative of other recovery efforts and
22 are conducted in an efficient manner.

23 “(E) Serve as a liaison between the Puget
24 Sound Partnership and the Task Force on the
25 development of necessary guidelines, criteria,

1 schedules, and due dates for projects, programs,
 2 and actions to be included in the Action Agen-
 3 da.

4 “(F) Provide recommendations on the Fed-
 5 eral resources necessary to implement the ac-
 6 tions, programs, and initiatives identified as
 7 priorities under the Action Agenda.

8 “(G) Provide an annual list of projects,
 9 programs, and studies to implement the pro-
 10 grams and actions necessary for Puget Sound
 11 recovery.

12 “(H) Advise on the necessary outreach and
 13 educational programs related to—

14 “(i) the state of Puget Sound;

15 “(ii) the programs and actions being
 16 implemented; and

17 “(iii) how communities and the public
 18 can help with prevention, recovery, and
 19 protection efforts.

20 “(i) TASK FORCE, TRIBAL ADVISORY COMMITTEE,
 21 AND STATE ADVISORY COMMITTEE PROCEDURES AND
 22 ADVICE.—

23 “(1) PUBLIC PARTICIPATION.—

24 “(A) IN GENERAL.—The Task Force shall
 25 implement procedures to facilitate public par-

1 participation in the advisory process, if necessary,
2 including providing advance notice of meetings,
3 providing adequate opportunity for public input
4 and comment, maintaining appropriate records,
5 and making a record of proceedings of meetings
6 available to the public.

7 “(B) OVERSIGHT.—The Co-Chairs shall
8 ensure that the procedures described in sub-
9 paragraph (A) are adopted and implemented
10 and that the records described in subparagraph
11 (A) are accurately maintained and available to
12 the public.

13 “(2) ADVISORS.—The Task Force, and any
14 working group of the Task Force, may seek advice
15 and input from any interested, knowledgeable, or af-
16 fected party as the Task Force or working group, re-
17 spectively, determines necessary to perform its du-
18 ties.

19 “(3) FEDERAL ADVISORY COMMITTEE ACT.—

20 “(A) IN GENERAL.—The Task Force, and
21 any working group of the Task Force, shall not
22 be considered an advisory committee under the
23 Federal Advisory Committee Act (5 U.S.C.
24 App.).

1 “(B) SEEKING ADVICE AND INPUT.—Seek-
2 ing advice and input from the Tribal Advisory
3 Committee, State Advisory Committee, or other
4 interested, knowledgeable, or affected persons,
5 shall not be considered an advisory committee
6 under the Federal Advisory Committee Act (5
7 U.S.C. App.) when working on behalf of the
8 Task Force.

9 “(4) COMPENSATION.—A member of the Task
10 Force shall receive no additional compensation for
11 service as a member on the Task Force.

12 “(5) TRAVEL EXPENSES.—Travel expenses in-
13 curred by a member of the Task Force in the per-
14 formance of services for the Task Force shall be
15 paid by the agency or department that the member
16 represents.

17 “(6) ADVISORY COMMITTEE MEETINGS.—The
18 Tribal Advisory Committee and State Advisory Com-
19 mittee may meet independently of the Task Force at
20 the discretion of their members.

21 “(j) DONATIONS.—

22 “(1) ESTABLISHMENT.—There is established in
23 the Treasury a Save America’s Puget Sound Fund
24 (in this section referred to as the ‘Fund’) consisting

1 of amounts deposited into the Fund under para-
2 graph (3).

3 “(2) AUTHORITY TO ACCEPT GIFTS.—The Sec-
4 retary of the Interior may accept, hold, administer,
5 and spend any gift, devise, or bequest of real prop-
6 erty, personal property, or money made on the con-
7 dition that the gift, devise, or bequest be used in a
8 manner that is consistent with this subsection.

9 “(3) DEPOSITS.—The Secretary of the Treas-
10 ury shall deposit into the Fund—

11 “(A) all gifts and bequests of money, and
12 the proceeds of the sale of property, received
13 under paragraph (2); and

14 “(B) other amounts appropriated to the
15 Fund.

16 “(4) AVAILABILITY TO SECRETARY.—Monies
17 deposited into the Fund shall be available to the
18 Secretary of the Interior, without further appropria-
19 tion, to assist in conducting Puget Sound recovery
20 and protection projects, activities, and programs
21 that are detailed in the Action Agenda and approved
22 after due consultation with the Puget Sound Part-
23 nership.

24 “(5) TRANSFER OF FUNDS.—Subject to concur-
25 rence by the Task Force, the Secretary of the Inte-

rior may transfer amounts made available under paragraph (4) to the head of any Federal department or agency that is represented on the Task Force. Such amounts shall be available to the head for entering into obligations and making expenditures to carry out projects, programs, or activities to support the Action Agenda.

“(6) DONATIONS FOR PROTECTION OF TRIBAL TREATY RIGHTS.—For any donations of funds or other property under this subsection specifically donated for the protection of tribal treaty rights, the Secretary of the Interior, with concurrence of the Task Force, shall to the maximum extent practicable use the donated funds or property in accordance with the terms of the donation and in furthering any project, program, or activity that will protect and strengthen treaty rights while also restoring Puget Sound.

“(7) MATCHING FUNDS.—The Secretary of the Interior may obligate monies made available under paragraph (4) to be used as matching funds for Federal grants awarded to carry out projects, programs, or activities to support the Action Agenda.

1 “(8) PERIOD OF AVAILABILITY.—Amounts in
2 the Fund shall be available without fiscal year limi-
3 tation.

4 “(9) MAINTENANCE OF EFFORT.—Amounts of
5 the Fund shall be used to supplement and not sup-
6 plant other Federal, State, regional, tribal, and local
7 funds provided for activities under this section.

8 “(10) ADMINISTRATIVE EXPENSES.—Of the
9 amounts in the Fund available for each fiscal year,
10 the Secretary of the Interior may expend not more
11 than 3 percent, or up to \$80,000, whichever is
12 greater, to pay the administrative expenses nec-
13 essary to carry out this subsection.

14 “(k) TASK FORCE BIENNIAL REPORT ON PUGET
15 SOUND RECOVERY ACTIVITIES.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this section, and biennially
18 thereafter, the Task Force, in collaboration with the
19 Tribal Advisory Committee and the State Advisory
20 Committee, shall submit to the President, Congress,
21 and the Governor of Washington a report that sum-
22 marizes the progress, challenges, and milestones of
23 the Task Force on the recovery and protection of
24 Puget Sound.

1 “(2) CONTENTS.—The report shall include a
2 description of the following:

3 “(A) The roles of each Federal, State, and
4 local government entity that has jurisdiction in
5 the Puget Sound watershed and the progress
6 made toward meeting the identified goals and
7 objectives of the Action Agenda.

8 “(B) If available, the roles and progress of
9 tribal governments that have jurisdiction in the
10 Puget Sound watershed toward meeting the
11 identified goals and objectives of the Action
12 Agenda.

13 “(C) A summary of the progress each Fed-
14 eral agency has made in implementing their
15 specific responsibilities under the Action Agen-
16 da.

17 “(D) The role of each Federal agency in
18 protecting tribal treaty rights and a summary
19 of the progress each agency has made in pro-
20 tecting those rights.

21 “(E) A summary of specific recommenda-
22 tions concerning implementation of the Action
23 Agenda, including challenges barriers, and an-
24 ticipated milestones, targets, and timelines.

1 “(F) A description of any donated funds
2 received from outside parties and allocations
3 made from each donation, including any admin-
4 istrative costs and other pertinent data.

5 “(1) CROSSCUT BUDGET REPORT.—

6 “(1) FINANCIAL REPORT.—Not later than 1
7 year after the date of enactment of this section, and
8 every 5 years thereafter, the Director of the Office
9 of Management and Budget, in consultation with the
10 Task Force, shall submit to Congress and make
11 available to the public, including on the Internet, a
12 financial report that is certified by the head of each
13 agency represented by the Task Force.

14 “(2) CONTENTS.—The financial report shall
15 contain the following:

16 “(A) An interagency crosscut budget relat-
17 ing to Puget Sound recovery and protection ac-
18 tivities that displays—

19 “(i) the proposed funding for any
20 Federal recovery and protection activity to
21 be carried out in the succeeding fiscal year,
22 including any planned interagency or intra-
23 agency transfer, for each of the Federal
24 agencies that carry out recovery and pro-
25 tection activities;

1 “(ii) if available, the estimated fund-
2 ing for State and local recovery and pro-
3 tection activities that use Federal funds to
4 be carried out in the succeeding fiscal year;

5 “(iii) the estimated expenditures for
6 Federal recovery and protection activities
7 from the preceding 2 fiscal years, the cur-
8 rent fiscal year, and the succeeding fiscal
9 year;

10 “(iv) the estimated expenditures for
11 State recovery and protection activities
12 that use Federal funds during the equiva-
13 lent time; and

14 “(v) any donations received from out-
15 side parties and allocations made from
16 each donation.

17 “(B) An accounting of all funds received
18 and obligated by all Federal agencies for recov-
19 ery and protection activities during the current
20 and preceding fiscal years.

21 “(C) An accounting from the State of all
22 funds received and obligated from a Federal
23 agency for recovery and protection activities
24 during the current and preceding fiscal years.

1 “(D) A description of each of the proposed
2 Federal and State recovery and protection ac-
3 tivities that will use Federal funds to be carried
4 out in the succeeding fiscal year, including—

5 “(i) the project description, timeline,
6 benchmarks, and status;

7 “(ii) Federal or State statutory or
8 regulatory authority, programs, or respon-
9 sible agencies;

10 “(iii) authorization level for appro-
11 priations; and

12 “(iv) the relevant goals and priorities
13 of the Action Agenda.

14 “(3) INCLUDED RECOVERY ACTIVITIES.—The
15 financial report shall only describe activities that—

16 “(A) for Federal recovery or protection ac-
17 tivities, have funding amounts greater than or
18 equal to \$100,000; and

19 “(B) for federally funded State recovery or
20 protection activities, have funding amounts
21 greater than or equal to \$50,000.

22 “(4) SUBMISSION TO CONGRESS.—The Director
23 shall submit the financial report to—

24 “(A) the Committee on Appropriations, the
25 Committee on Natural Resources, the Com-

1 mittee on Energy and Commerce, and the Com-
2 mittee on Transportation and Infrastructure of
3 the House of Representatives; and

4 “(B) the Committee on Appropriations, the
5 Committee on Environment and Public Works,
6 and the Committee on Commerce, Science, and
7 Transportation of the Senate.”.

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