

Calendar No. 439

114TH CONGRESS
2D SESSION**H. R. 223**

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2016

Received; read twice and placed on the calendar

AN ACT

To authorize the Great Lakes Restoration Initiative, 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 “Great Lakes Restora-
5 tion Initiative Act of 2016”.

6 **SEC. 2. GREAT LAKES RESTORATION INITIATIVE.**

7 Section 118(c)(7) of the Federal Water Pollution
8 Control Act (33 U.S.C. 1268(c)(7)) is amended—

9 (1) by striking subparagraphs (B) and (C) and
10 inserting the following:

1 “(B) FOCUS AREAS.—In carrying out the
2 Initiative, the Administrator shall prioritize pro-
3 grams and projects, to be carried out in coordi-
4 nation with non-Federal partners, that address
5 the priority areas described in the Initiative Ac-
6 tion Plan, including—

7 “(i) the remediation of toxic sub-
8 stances and areas of concern;

9 “(ii) the prevention and control of
10 invasive species and the impacts of invasive
11 species;

12 “(iii) the protection and restoration of
13 nearshore health and the prevention and
14 mitigation of nonpoint source pollution;

15 “(iv) habitat and wildlife protection
16 and restoration, including wetlands res-
17 toration and preservation; and

18 “(v) accountability, monitoring, eval-
19 uation, communication, and partnership
20 activities.

21 “(C) PROJECTS.—

22 “(i) IN GENERAL.—In carrying out
23 the Initiative, the Administrator shall col-
24 laborate with other Federal partners, in-
25 cluding the Great Lakes Interagency Task

1 Force established by Executive Order No.
2 13340 (69 Fed. Reg. 29043), to select the
3 best combination of programs and projects
4 for Great Lakes protection and restoration
5 using appropriate principles and criteria,
6 including whether a program or project
7 provides—

8 “(I) the ability to achieve stra-
9 tegic and measurable environmental
10 outcomes that implement the Initia-
11 tive Action Plan and the Great Lakes
12 Water Quality Agreement;

13 “(II) the feasibility of—

14 “(aa) prompt implementa-
15 tion;

16 “(bb) timely achievement of
17 results; and

18 “(cc) resource leveraging;
19 and

20 “(III) the opportunity to improve
21 interagency, intergovernmental, and
22 inter-organizational coordination and
23 collaboration to reduce duplication
24 and streamline efforts.

1 “(ii) OUTREACH.—In selecting the
2 best combination of programs and projects
3 for Great Lakes protection and restoration
4 under clause (i), the Administrator shall
5 consult with the Great Lakes States and
6 Indian tribes and solicit input from other
7 non-Federal stakeholders.

8 “(iii) HARMFUL ALGAL BLOOM COOR-
9 DINATOR.—The Administrator shall des-
10 ignate a point person from an appropriate
11 Federal partner to coordinate, with Fed-
12 eral partners and Great Lakes States, In-
13 dian tribes, and other non-Federal stake-
14 holders, projects and activities under the
15 Initiative involving harmful algal blooms in
16 the Great Lakes.”;

17 (2) in subparagraph (D)—

18 (A) by striking clause (i) and inserting the
19 following:

20 “(i) IN GENERAL.—Subject to sub-
21 paragraph (J)(ii), funds made available to
22 carry out the Initiative shall be used to
23 strategically implement—

24 “(I) Federal projects;

1 “(II) projects carried out in co-
2 ordination with States, Indian tribes,
3 municipalities, institutions of higher
4 education, and other organizations;
5 and

6 “(III) operations and activities of
7 the Program Office, including remedi-
8 ation of sediment contamination in
9 areas of concern.”;

10 (B) in clause (ii)(I), by striking “(G)(i)”
11 and inserting “(J)(i)”; and

12 (C) by inserting after clause (ii) the fol-
13 lowing:

14 “(iii) AGREEMENTS WITH NON-FED-
15 ERAL ENTITIES.—

16 “(I) IN GENERAL.—The Admin-
17 istrator, or the head of any other Fed-
18 eral department or agency receiving
19 funds under clause (ii)(I), may make
20 a grant to, or otherwise enter into an
21 agreement with, a qualified non-Fed-
22 eral entity, as determined by the Ad-
23 ministrator or the applicable head of
24 the other Federal department or agen-
25 cy receiving funds, for planning, re-

1 search, monitoring, outreach, or im-
2 plementation of a project selected
3 under subparagraph (C), to support
4 the Initiative Action Plan or the Great
5 Lakes Water Quality Agreement.

6 “(II) QUALIFIED NON-FEDERAL
7 ENTITY.—For purposes of this clause,
8 a qualified non-Federal entity may in-
9 clude a governmental entity, nonprofit
10 organization, institution, or indi-
11 vidual.”; and

12 (3) by striking subparagraphs (E) through (G)
13 and inserting the following:

14 “(E) SCOPE.—

15 “(i) IN GENERAL.—Projects may be
16 carried out under the Initiative on multiple
17 levels, including—

18 “(I) locally;

19 “(II) Great Lakes-wide; or

20 “(III) Great Lakes basin-wide.

21 “(ii) LIMITATION.—No funds made
22 available to carry out the Initiative may be
23 used for any water infrastructure activity
24 (other than a green infrastructure project
25 that improves habitat and other ecosystem

1 functions in the Great Lakes) for which fi-
2 nancial assistance is received—

3 “(I) from a State water pollution
4 control revolving fund established
5 under title VI;

6 “(II) from a State drinking water
7 revolving loan fund established under
8 section 1452 of the Safe Drinking
9 Water Act (42 U.S.C. 300j–12); or

10 “(III) pursuant to the Water In-
11 frastructure Finance and Innovation
12 Act of 2014 (33 U.S.C. 3901 et seq.).

13 “(F) ACTIVITIES BY OTHER FEDERAL
14 AGENCIES.—Each relevant Federal department
15 or agency shall, to the maximum extent prac-
16 ticable—

17 “(i) maintain the base level of funding
18 for the Great Lakes activities of that de-
19 partment or agency without regard to
20 funding under the Initiative; and

21 “(ii) identify new activities and
22 projects to support the environmental goals
23 of the Initiative.

24 “(G) REVISION OF INITIATIVE ACTION
25 PLAN.—

1 “(i) IN GENERAL.—Not less often
2 than once every 5 years, the Adminis-
3 trator, in conjunction with the Great Lakes
4 Interagency Task Force, shall review, and
5 revise as appropriate, the Initiative Action
6 Plan to guide the activities of the Initiative
7 in addressing the restoration and protec-
8 tion of the Great Lakes system.

9 “(ii) OUTREACH.—In reviewing and
10 revising the Initiative Action Plan under
11 clause (i), the Administrator shall consult
12 with the Great Lakes States and Indian
13 tribes and solicit input from other non-
14 Federal stakeholders.

15 “(H) MONITORING AND REPORTING.—The
16 Administrator shall—

17 “(i) establish and maintain a process
18 for monitoring and periodically reporting
19 to the public on the progress made in im-
20 plementing the Initiative Action Plan;

21 “(ii) make information about each
22 project carried out under the Initiative Ac-
23 tion Plan available on a public website; and

24 “(iii) provide to the House Committee
25 on Transportation and Infrastructure and

1 the Senate Committee on Environment and
2 Public Works a yearly detailed description
3 of the progress of the Initiative and
4 amounts transferred to participating Fed-
5 eral departments and agencies under sub-
6 paragraph (D)(ii).

7 “(I) INITIATIVE ACTION PLAN DEFINED.—

8 In this paragraph, the term ‘Initiative Action
9 Plan’ means the comprehensive, multi-year ac-
10 tion plan for the restoration of the Great
11 Lakes, first developed pursuant to the Joint
12 Explanatory Statement of the Conference Re-
13 port accompanying the Department of the Inte-
14 rior, Environment, and Related Agencies Ap-
15 propriations Act, 2010 (Public Law 111–88).

16 “(J) FUNDING.—

17 “(i) IN GENERAL.—There is author-
18 ized to be appropriated to carry out this
19 paragraph \$300,000,000 for each of fiscal
20 years 2017 through 2021.

21 “(ii) LIMITATION.—Nothing in this
22 paragraph creates, expands, or amends the
23 authority of the Administrator to imple-
24 ment programs or projects under—

25 “(I) this section;

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