

109TH CONGRESS
1ST SESSION

H. R. 792

To authorize appropriations for State programs and activities for the restoration of the Great Lakes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2005

Mr. EMANUEL (for himself, Mr. REYNOLDS, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. EVANS, Mr. STUPAK, Mr. KILDEE, Mr. DINGELL, Mr. ISRAEL, Mr. MEEKS of New York, Mrs. MALONEY, Mr. McNULTY, Ms. SLAUGHTER, Mr. STRICKLAND, Ms. KAPTUR, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. RYAN of Ohio, Mr. DOYLE, Ms. BALDWIN, Mr. JOHNSON of Illinois, Mr. CHOCOLA, Mr. SOUDER, Mr. HOEKSTRA, Mr. CAMP, Mr. ROGERS of Michigan, Mr. McCOTTER, Mr. KENNEDY of Minnesota, Mr. BOEHLERT, Mr. GILLMOR, Mr. ENGLISH of Pennsylvania, Mr. SENSENBRENNER, Mr. PETRI, Mr. GREEN of Wisconsin, Ms. BEAN, Mr. LEVIN, Ms. MCCOLLUM of Minnesota, Mr. SABO, Mr. NADLER, Mr. OWENS, Mr. MURTHA, Ms. MOORE of Wisconsin, Mr. KIRK, Mr. KING of New York, Mr. McHUGH, Ms. HART, and Mr. GERLACH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for State programs and activities for the restoration of the Great Lakes, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Great Lakes Restora-
3 tion Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Great Lakes, and their connecting
7 channels, form the largest freshwater system on
8 Earth, holding $\frac{1}{5}$ of the fresh surface water supply
9 of the world and $\frac{9}{10}$ of the fresh surface water sup-
10 ply of the United States.

11 (2) More than 30 years after enactment of the
12 Clean Water Act, water quality in the Great Lakes
13 has improved, but the Great Lakes remain in a cri-
14 sis state.

15 (3) Evidence of such deterioration includes—

16 (A) a record 1,473 beach closings in 2003
17 on Lake Michigan alone;

18 (B) an increase to 20 percent in the per-
19 centage of Great Lakes shoreline that contains
20 polluted sediments; and

21 (C) 1,500 fish consumption advisories re-
22 lating to the Great Lakes issued by State and
23 local authorities.

24 (4) The Great Lakes are the source of drinking
25 water for 28,000,000 people in the United States

1 and 40,000,000 people in both the United States
2 and Canada.

3 (5) It is the responsibility of all governments,
4 local, State, and Federal, to ensure that the Great
5 Lakes remain a source of clean and safe drinking
6 water, fish that are safe to eat, and beaches that are
7 safe for swimming.

8 **SEC. 3. DEFINITIONS.**

9 In this Act, the following definitions apply:

10 (1) AREA OF CONCERN.—The term “area of
11 concern” means a geographic area located within the
12 Great Lakes, in which beneficial uses are impaired
13 and which has been officially designated as such
14 under Annex 2 of the Great Lakes Water Quality
15 Agreement.

16 (2) GREAT LAKES.—The term “Great Lakes”
17 means Lake Ontario, Lake Erie, Lake Huron (in-
18 cluding Lake Saint Clair), Lake Michigan, and Lake
19 Superior, and the connecting channels (Saint Marys
20 River, Saint Clair River, Detroit River, Niagara
21 River, and Saint Lawrence River to the Canadian
22 Border).

23 (3) GREAT LAKES SYSTEM.—The term “Great
24 Lakes System” means all the streams, rivers, lakes,
25 and other bodies of water within the drainage basin

1 of the Great Lakes, including ground water that
2 flows into those bodies of water.

3 (4) GREAT LAKES WATER QUALITY AGREE-
4 MENT.—The term “Great Lakes Water Quality
5 Agreement” means the bilateral agreement, between
6 the United States and Canada which was signed in
7 1978 and amended by the Protocol of 1987.

8 (5) INTERNATIONAL JOINT COMMISSION.—The
9 term “International Joint Commission” means the
10 International Joint Commission established by the
11 Treaty between the United States and Great Britain
12 Relating to Boundary Waters, and Questions Arising
13 Between the United States and Canada, signed at
14 Washington on January 11, 1909.

15 (6) LAKEWIDE MANAGEMENT PLAN.—The term
16 “Lakewide Management Plan” means a written doc-
17 ument which embodies a systematic and comprehen-
18 sive ecosystem approach to restoring and protecting
19 the beneficial uses of the open waters of each of the
20 Great Lakes, in accordance with article VI and
21 Annex 2 of the Great Lakes Water Quality Agree-
22 ment.

23 (7) REMEDIAL ACTION PLAN.—The term “Re-
24 medial Action Plan” means a written document
25 which embodies a systematic and comprehensive eco-

1 system approach to restoring and protecting the
2 beneficial uses of areas of concern, in accordance
3 with article VI and Annex 2 of the Great Lakes
4 Water Quality Agreement.

5 **SEC. 4. GREAT LAKES ADVISORY BOARD.**

6 (a) ESTABLISHMENT.—There is established the
7 Great Lakes Advisory Board.

8 (b) DUTIES.—Subject to the requirements of this
9 Act, the Board shall—

10 (1) develop a biennial comprehensive Great
11 Lakes management plan under section 5;

12 (2) coordinate Great Lakes restoration efforts;
13 and

14 (3) implement a public awareness campaign.

15 (c) MEMBERSHIP.—

16 (1) NUMBER AND APPOINTMENT.—The Board
17 shall be composed of the following members (or des-
18 ignees of the members):

19 (A) 8 shall be the Governors of the Great
20 Lakes States.

21 (B) 1 shall be a representative of the
22 International Joint Commission, to be ap-
23 pointed by the International Joint Commission.

1 (C) 1 shall be the Director of the Great
2 Lakes National Program Office of the Environ-
3 mental Protection Agency.

4 (D) 1 shall be the Chief of Engineers.

5 (E) 1 shall be the Director of the United
6 States Fish and Wildlife Service.

7 (F) 1 shall be the Secretary of Agriculture.

8 (G) 1 shall be the Administrator of the
9 National Oceanographic and Atmospheric Ad-
10 ministration.

11 (H) 1 shall be the Secretary of the depart-
12 ment in which the Coast Guard is operating.

13 (I) 3 shall be representatives of the 3 larg-
14 est Indian tribes in the Great Lakes States (ex-
15 cept that each of the 3 representatives must be
16 from a different State), to be appointed by the
17 President.

18 (J) 3 shall be representatives of businesses
19 with a direct effect on the Great Lakes (includ-
20 ing 1 representative of a large company and one
21 representative of a small business), to be ap-
22 pointed by the President.

23 (K) 3 shall be representatives of private
24 non-profit organizations that are active in
25 Great Lakes restoration work and have at least

1 10,000 members in all of the Great Lakes
2 States or 1,000 members in any single Great
3 Lakes State, to be appointed by the President,
4 with consideration given to selecting representa-
5 tives reflecting the diverse nature of opinions
6 throughout the Great Lakes States.

7 (L) 8 shall be chief executives of cities,
8 counties, or municipalities in the Great Lakes
9 States and selected by the Steering Committee
10 of the Great Lakes Cities Initiative, including 1
11 member from each Great Lakes State.

12 (2) NONVOTING OBSERVERS.—The Board may
13 include nonvoting observers, including the following:

14 (A) The Premiers of the Canadian Prov-
15 inces of Ontario and Quebec.

16 (B) A representative of the Government of
17 Canada.

18 (C) A representative of the State Depart-
19 ment.

20 (D) 2 representatives of the environmental
21 community selected by the cochairpersons of the
22 Board.

23 (E) 2 representatives of industry selected
24 by the cochairpersons of the Board.

1 (F) The Chairman of the United States
2 section of the International Joint Committee.

3 (G) The Vice Chair of the United States
4 section of the Great Lakes Fishery Commission.

5 (3) ORGANIZATION.—The Board may organize
6 itself into subcommittees.

7 (4) DATE OF APPOINTMENTS.—The appoint-
8 ment of each member of the Board shall be made
9 not later than 90 days after the date of enactment
10 of this Act.

11 (5) TERM; VACANCIES.—

12 (A) TERM.—Each member to be appointed
13 to the Board shall be appointed for a term of
14 2 years.

15 (B) VACANCIES.—A vacancy on the
16 Board—

17 (i) shall not affect the powers of the
18 Board; and

19 (ii) shall be filled in the same manner
20 as the original appointment was made.

21 (6) INITIAL MEETING.—Not later than 30 days
22 after the date on which all members of the Board
23 have been appointed, the Board shall hold the initial
24 meeting of the Board.

1 (7) MEETINGS.—The Board shall meet at the
2 call of the cochairpersons on at least a quarterly
3 basis.

4 (8) QUORUM.—A majority of the members of
5 the Board shall constitute a quorum, but a lesser
6 number of members may hold hearings.

7 (9) COCHAIRPERSONS.—

8 (A) SELECTION.—The Board shall select 4
9 cochairpersons of the Board, of which cochair-
10 persons—

11 (i) 2 shall be elected by the individ-
12 uals referred to in paragraph (1)(A) from
13 among those individuals, each of whom
14 shall be of different political parties;

15 (ii) 1 shall be elected by the individ-
16 uals referred to in paragraph (1)(L) from
17 among those individuals; and

18 (iii) 1 shall be the Director of the
19 Great Lakes National Program Office.

20 (B) DUTIES.—A majority of the cochair-
21 persons shall—

22 (i) call meetings and hearings; and

23 (ii) make administrative and per-
24 sonnel decisions.

25 (10) SCIENTIFIC WORKING GROUP.—

1 (A) MEMBERSHIP.—The Board shall have
2 a scientific working group composed of 1 indi-
3 vidual from each Great Lakes State, to be ap-
4 pointed by the Board.

5 (B) QUALIFICATIONS.—Each individual
6 appointed under subparagraph (A) shall be—

7 (i) a faculty member at a nationally
8 accredited university with an accredited
9 natural resources program;

10 (ii) actively involved in a field related
11 to Great Lakes ecology; and

12 (iii) recommended to the Board by the
13 university’s president.

14 (C) DUTIES.—The scientific working group
15 shall evaluate the scientific integrity of the
16 Great Lakes restoration effort and assist the
17 Board in its decisionmaking. The scientific
18 working group shall use peer reviewed scientific
19 research in carrying out its duties.

20 (D) CHAIRPERSON AND VICE CHAIR-
21 PERSON.—The scientific working group shall
22 have a chairperson and vice chairperson elected
23 by its members.

24 (d) POWERS.—

1 (1) HEARINGS.—The Board may hold such
2 hearings, meet and act at such times and places,
3 take such testimony, and receive such evidence as
4 the Board considers advisable to carry out this Act.

5 (2) INFORMATION FROM FEDERAL AGENCIES.—

6 (A) IN GENERAL.—The Board may obtain
7 directly from a Federal agency such informa-
8 tion (including all existing information relating
9 to the environmental restoration, protection,
10 and recovery of the Great Lakes) as the Board
11 considers necessary to carry out this Act.

12 (B) PROVISION OF INFORMATION.—On re-
13 quest of a cochairperson of the Board, the head
14 of the agency shall provide the information de-
15 scribed in subparagraph (A) to the Board.

16 (3) POSTAL SERVICES.—The Board may use
17 the United States mails in the same manner and
18 under the same conditions as other agencies of the
19 Federal Government.

20 (4) GIFTS.—The Board may accept, use, and
21 dispose of gifts or donations of services or property.

22 (e) BOARD PERSONNEL MATTERS.—

23 (1) COMPENSATION OF MEMBERS.—

24 (A) NON-FEDERAL EMPLOYEES.—Except
25 as provided in paragraph (2), a member of the

1 Board who is not an officer or employee of the
2 Federal Government shall serve without com-
3 pensation.

4 (B) FEDERAL EMPLOYEES.—Except as
5 provided in paragraph (2), a member of the
6 Board who is an officer or employee of the Fed-
7 eral Government shall serve without compensa-
8 tion in addition to the compensation received
9 for the services of the member as an officer or
10 employee of the Federal Government.

11 (2) TRAVEL EXPENSES.—A member of the
12 Board shall be allowed travel expenses, including per
13 diem in lieu of subsistence, at rates authorized for
14 an employee of an agency under subchapter I of
15 chapter 57 of title 5, United States Code, while
16 away from the home or regular place of business of
17 the member in the performance of the duties of the
18 Board.

19 (3) STAFF.—

20 (A) IN GENERAL.—The cochairpersons of
21 the Board may, without regard to the civil serv-
22 ice laws (including regulations), appoint and
23 terminate an executive director and such other
24 additional personnel as are necessary to enable
25 the Board to perform the duties of the Board.

1 (B) CONFIRMATION OF EXECUTIVE DIREC-
2 TOR.—The employment of an executive director
3 shall be subject to confirmation by the Board.

4 (C) COMPENSATION.—

5 (i) IN GENERAL.—Except as provided
6 in clause (ii), the cochairpersons of the
7 Board may fix the compensation of the ex-
8 ecutive director and other personnel with-
9 out regard to the provisions of chapter 51
10 and subchapter III of chapter 53 of title 5,
11 United States Code, relating to classifica-
12 tion of positions and General Schedule pay
13 rates.

14 (ii) MAXIMUM RATE OF PAY.—The
15 rate of pay for the executive director and
16 other personnel shall not exceed the rate
17 payable for level V of the Executive Sched-
18 ular under section 5316 of title 5, United
19 States Code.

20 (4) DETAIL OF FEDERAL GOVERNMENT EM-
21 PLOYEES.—

22 (A) IN GENERAL.—An employee of the
23 Federal Government may be detailed to the
24 Board without reimbursement.

1 (B) CIVIL SERVICE STATUS.—The detail of
2 the employee shall be without interruption or
3 loss of civil service status or privilege.

4 (5) PROCUREMENT OF TEMPORARY AND INTER-
5 MITTENT SERVICES.—The cochairpersons of the
6 Board may procure temporary and intermittent serv-
7 ices in accordance with section 3109(b) of title 5,
8 United States Code, at rates for individuals that do
9 not exceed the daily equivalent of the annual rate of
10 basic pay prescribed for level V of the Executive
11 Schedule under section 5316 of that title.

12 (f) NONAPPLICABILITY OF FACCA.—The Board shall
13 not be subject to the Federal Advisory Committee Act (5
14 U.S.C. App.).

15 (g) ANNUAL REPORT.—On or before December 31st
16 of each year, the Board shall transmit to Congress a re-
17 port on the activities of the Board in the preceding year.

18 **SEC. 5. COMPREHENSIVE GREAT LAKES MANAGEMENT**

19 **PLAN.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, and every 2 years there-
22 after, the Great Lakes Advisory Board shall transmit to
23 the President, the appropriate committees of Congress,
24 the Governor of each Great Lakes State, and the Great

1 Lakes mayors a Comprehensive Great Lakes Management
2 Plan (in this section referred to as the “plan”).

3 (b) PURPOSE.—The plan shall establish goals for the
4 future of the Great Lakes System and programmatic steps
5 to achieve the goals. The plan shall also contain a detailed
6 statement of the findings and conclusions of the Board
7 and recommended funding levels to assist the Great Lakes
8 States in achieving the goals.

9 (c) GOALS ASSESSMENT.—In developing the plan, the
10 Board shall consider the following as possible goals for the
11 Great Lakes ecosystem:

12 (1) TOXIC HOT SPOTS.—Implementing clean up
13 activities at not less than 10 of the 31 areas of con-
14 cerns in the United States within 2 years of the date
15 of enactment of this Act.

16 (2) INVASIVE SPECIES.—Establishing proce-
17 dures and programs to eliminate the introduction of
18 invasive species into the Great Lakes and to dra-
19 matically reduce the population of nonindigenous
20 species in the Great Lakes. Further, States should
21 coordinate with the Federal Government to reestab-
22 lish Great Lakes native species populations.

23 (3) POLLUTION.—Dramatically decreasing the
24 introduction of pollution into the Great Lakes
25 through nonpoint source pollution, and eliminating

1 all forms of toxic deposition in the Great Lakes, in-
2 cluding mercury, arsenic, polychlorinated biphenyls
3 (PCB's), and other hazardous materials within 10
4 years of the date of enactment of this Act.

5 (4) RESTORING AND CONSERVING WETLANDS
6 AND CRITICAL COASTAL HABITAT.—Preserving, re-
7 storing, and enhancing at least 100,000 acres of
8 coastal and inland wetlands within the Great Lakes
9 System in order to improve water quality.

10 (5) ELIMINATING DEAD ZONES.—Increasing ef-
11 forts to eliminate dead zones in the Great Lakes, in-
12 cluding research into and elimination of hypoxia and
13 harmful algal bloom in the Great Lakes.

14 (6) ENSURING THE SUSTAINABLE USE OF
15 WATER RESOURCES.—Ensuring the sustainable use
16 and management of Great Lakes water resources to
17 protect environmental quality in the Great Lakes
18 States.

19 (7) PUBLIC PARTICIPATION.—Encouraging pub-
20 lic participation in Great Lakes restoration, includ-
21 ing—

22 (A) by 2006, establishment of a public
23 website to enable individuals to obtain informa-
24 tion on water quality, beach conditions, sewage

1 overflows, and industrial discharge throughout
2 the Great Lakes;

3 (B) by 2006, ensuring that all Great
4 Lakes States have beach monitoring facilities at
5 all public beaches; and

6 (C) by 2006, ensuring that Great Lakes
7 States begin educating the public on proper
8 Great Lakes stewardship.

9 (d) DEVELOPMENT OF PLAN.—In developing the
10 plan, the Board shall—

11 (1) consider existing research on the Great
12 Lakes System, including the work of the Great
13 Lakes Regional Collaboration, individual Lakewide
14 Management Plans, and research by nongovern-
15 mental organizations;

16 (2) evaluate current State and Federal pro-
17 grams to restore the Great Lakes System and rec-
18 ommend whether the programs should be continued,
19 eliminated, or combined with other efforts;

20 (3) evaluate the current funding structure for
21 Great Lakes restoration and recommend a process
22 for developing a single funding source;

23 (4) avoid duplication of effort;

1 (5) strive to incorporate the ideas of the
2 Board's working groups and develop compromises
3 when conflicts arise among the working groups;

4 (6) develop a series of scientifically sound indi-
5 cators for the health of the Great Lakes System;
6 and

7 (7) overall, work to dramatically improve the
8 quality of the Great Lakes System.

9 (e) PUBLIC INPUT.—In preparing the plan, the
10 Board shall provide notice and an opportunity for public
11 comment.

12 **SEC. 6. STATE GREAT LAKES MANAGEMENT PLANS.**

13 (a) ELIGIBILITY FOR APPORTIONMENTS.—

14 (1) IN GENERAL.—In order to be eligible to re-
15 ceive an apportionment under section 7 for a fiscal
16 year, a Great Lakes State shall have in effect a
17 State Great Lakes Management Plan (in this section
18 referred to as a “State plan”) that has been devel-
19 oped by the Governor of the State and approved by
20 the Administrator of the Environmental Protection
21 Agency.

22 (2) INITIAL APPORTIONMENT.—For the first
23 fiscal year for which amounts are appropriated to
24 carry out this Act, the Administrator may make an
25 apportionment to a Great Lakes State under section

1 7 even if the State does not have in effect a State
2 plan that has been approved by the Administrator if
3 the State provides assurances satisfactory to the Ad-
4 ministrator that the State will—

5 (A) use not to exceed \$500,000 of the
6 amount of the apportionment for the develop-
7 ment of a State plan; and

8 (B) submit a State plan to the Adminis-
9 trator for approval, not later than 180 days
10 after the date of receipt of the apportionment.

11 The Administrator may withhold a portion of a
12 State's initial apportionment until approval of the
13 State's plan.

14 (b) APPROVAL OF PLANS.—

15 (1) IN GENERAL.—The Administrator shall ap-
16 prove a State plan if the State plan—

17 (A)(i) is consistent with the Comprehensive
18 Great Lakes Management Plan developed under
19 section 5; or

20 (ii) with respect to State plans submitted
21 before completion of the Comprehensive Great
22 Lakes Management Plan, is consistent with
23 Lakewide Management Plans, the Great Lakes
24 Strategy 2002 developed by the United States
25 Policy Committee for the Great Lakes, dated

1 April 2002, and the work of the Great Lakes
2 Regional Collaboration;

3 (B) utilizes sound scientific approaches, as
4 defined by the Board's scientific working group;
5 and

6 (C) otherwise meets the requirements of
7 this section.

8 (2) PERIOD OF REVIEW.—The Administrator
9 shall approve or disapprove a State plan of a Great
10 Lakes State, or an update of a State plan submitted
11 under subsection (c), on or before the date that is
12 60 days after the date of receipt of the plan or up-
13 date. If the Administrator does not approve or dis-
14 approve a State plan or update before that date, the
15 State plan or update shall be deemed approved.

16 (3) APPEALS AND RESUBMISSIONS.—The Ad-
17 ministrator shall establish procedures for appealing
18 a decision to disapprove a plan under this section
19 and for resubmission of modified plans following a
20 disapproval.

21 (c) UPDATED PLANS.—A Great Lakes State shall up-
22 date its State plan every 2 years and submit the updated
23 plan to the Administrator for approval.

24 (d) IMPLEMENTATION OF PLANS.—

1 (1) IN GENERAL.—Amounts apportioned to a
2 Great Lakes State under section 7 shall be used by
3 the State to carry out programs and activities de-
4 scribed in its State plan that address one or more
5 of the following purposes:

6 (A) Reduction and elimination of toxic
7 sediments.

8 (B) Elimination of invasive species.

9 (C) Reduction of pollution from runoff and
10 sewage overflows.

11 (D) Restoration and conservation of wet-
12 lands and critical habitat within the Great
13 Lakes System.

14 (E) Increasing public education on Great
15 Lakes restoration issues.

16 (2) PRIORITY.—In allocating amounts received
17 in apportionments under section 7, a State shall give
18 priority to programs and activities for the remedi-
19 ation of toxic sediments and slowing non-point
20 source pollution.

21 (3) LIMITATIONS.—

22 (A) EXPERIMENTAL PROGRAMS.—Not
23 more than 5 percent of the amounts appor-
24 tioned to a State under section 7 in a fiscal

1 year may be used for experimental programs, as
2 determined by the Administrator.

3 (B) PROHIBITED PROJECTS.—Amounts
4 apportioned to a State under section 7 in a fis-
5 cal year may not be used for any of the fol-
6 lowing:

7 (i) Road projects (other than projects
8 required for sewer upgrades).

9 (ii) Beautification projects (other than
10 projects developed in conjunction with a
11 restoration project and consistent with
12 Lakewide Management Plans).

13 (iii) Projects to address violations of
14 the Federal Water Pollution Control Act
15 (33 U.S.C. 1251 et seq.), the Endangered
16 Species Act of 1973 (16 U.S.C. 1531 et
17 seq.), or any other environmental law or
18 regulation.

19 (e) OTHER FUNDING REQUIREMENTS.—In order to
20 be eligible to receive an apportionment under section 7 for
21 a fiscal year, a Great Lakes State shall provide assurances
22 satisfactory to the Administrator that the State will com-
23 ply with the following terms and conditions:

24 (1) The State will contribute from non-Federal
25 sources 30 percent of the cost of carrying out pro-

1 grams and activities funded using amounts from the
2 apportionments. Such contributions may include in-
3 kind contributions.

4 (2) The State will maintain expenditures for
5 Great Lakes management programs and activities at
6 a level that does not fall below the average level of
7 such expenditures for the preceding 2 fiscal years of
8 the State.

9 (3) The State will expend not more than 1 per-
10 cent of the amounts received by the State in appor-
11 tionments in a fiscal year for the State's administra-
12 tive expenses.

13 (f) INELIGIBLE STATES.—If one or more of the Great
14 Lakes States is not eligible to receive apportionments
15 under section 7 for a fiscal year, the Administrator shall
16 apportion amounts that would otherwise be apportioned
17 to the State or States among the eligible Great Lakes
18 States.

19 **SEC. 7. FUNDING.**

20 (a) APPORTIONMENT FORMULA.—Amounts made
21 available to carry out this section for a fiscal year shall
22 be apportioned by the Administrator of the Environmental
23 Protection Agency on the first day of the fiscal year
24 among the Great Lakes States eligible for an appor-
25 tionment as follows:

1 (1) 30 percent of the amounts in the ratio
2 that—

3 (A) the population of each Great Lakes
4 State bears to

5 (B) the population of all Great Lakes
6 States.

7 (2) 13.3 percent of the amounts in the ratio
8 that—

9 (A) the number of square miles of Great
10 Lakes watershed in each Great Lakes State;
11 bears to

12 (B) the number of square miles of Great
13 Lakes watershed in all Great Lakes States.

14 (3) 13.3 percent of the amounts in the ratio
15 that—

16 (A) the number of areas of concern in each
17 Great Lakes State; bears to

18 (B) the number of areas of concern in all
19 Great Lakes States.

20 (4) 13.3 percent of the amounts in the ratio
21 that—

22 (A) the number of critical areas (as de-
23 fined by the Director of the United States Fish
24 and Wildlife Service) in each Great Lakes
25 State; bears to

1 (B) the number of critical areas (as de-
2 fined by the Director of the United States Fish
3 and Wildlife Service) in all Great Lakes States.

4 (5) The remainder of the amounts in the ratio
5 that—

6 (A) the number of households that in cal-
7 endar year 2000 received water from the Great
8 Lakes in each Great Lakes State; bears to

9 (B) the number of households that in cal-
10 endar year 2000 received water from the Great
11 Lakes in all Great Lakes States.

12 (b) MAXIMUM AND MINIMUM APPORTIONMENTS.—
13 Notwithstanding subsection (a), a Great Lakes State that
14 is eligible to receive an apportionment under this section
15 for a fiscal year may not receive more than 30 percent,
16 nor less than 6 percent, of the amounts apportioned for
17 the fiscal year.

18 (c) APPORTIONMENT DETERMINATIONS.—

19 (1) IN GENERAL.—Determinations made by the
20 Administrator in making apportionments under sub-
21 section (a) shall be final.

22 (2) WATER USE.—The Administrator shall re-
23 duce the amount that otherwise would be appor-
24 tioned to a Great Lakes State under subsection
25 (a)(5) if the State allows water from the Great

1 Lakes to be exported beyond its borders. The
2 amount of the reduction shall be determined by the
3 Administrator based on the amount of water ex-
4 ported.

5 (d) DEDUCTIONS.—Whenever an apportionment is
6 made of the amounts made available to carry out this sec-
7 tion, the Administrator shall deduct—

8 (1) 2 percent of the amounts, to be allocated to
9 the Great Lakes Advisory Board for administration,
10 research, and public education, including awarding
11 grants to museums and advertising expenses;

12 (2) \$300,000 of the amounts, to be allocated to
13 the Administrator for administrative expenses in
14 carrying out this section;

15 (3) \$15,000,000 of the amounts, to be allocated
16 to the Administrator for strengthening enforcement
17 activities under the Federal Water Pollution Control
18 Act (33 U.S.C. 1251 et seq.) for the Great Lakes
19 System; and

20 (4) 2 percent of the amounts, to be allocated to
21 the State of Illinois for a project to establish a per-
22 manent invasive species barrier between the Mis-
23 sissippi River and Lake Michigan until completion of
24 the project or until the project has received suffi-
25 cient funding from other Federal sources.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated to carry out this section \$800,000,000
4 for each of fiscal years 2006 through 2010. Such
5 sums shall remain available until expended.

6 (2) GREAT LAKES NATIONAL PROGRAM OF-
7 FICE.—In addition to amounts authorized in other
8 Acts, there is authorized to be appropriated to the
9 Great Lakes National Program Office of the Envi-
10 ronmental Protection Agency \$5,000,000 for each of
11 fiscal years 2006 through 2010. Such sums shall re-
12 main available until expended.

13 **SEC. 8. APPOINTMENT OF SPECIAL MASTERS FOR AREAS**
14 **OF CONCERN.**

15 (a) APPOINTMENT.—Notwithstanding any other pro-
16 vision of law, the Administrator of the Environmental Pro-
17 tection Agency may appoint a special master to direct the
18 remediation of an area of concern.

19 (b) NOTICE.—The Administrator shall publish in the
20 Federal Register notice of the appointment of a special
21 master under subsection (a) at least 12 months before the
22 date of the appointment.

23 (c) POWERS.—Notwithstanding any other provision
24 of law, the special master shall have the authority to direct

1 the remediation of an area of concern, consistent with all
2 applicable Federal, State, and local environmental laws.

3 (d) CONSULTATION.—Following the publication of
4 notice of the appointment of a special master under sub-
5 section (b), the Administrator shall facilitate the coordina-
6 tion of all appropriate Federal, State, and local authorities
7 for remediation of the area of concern.

8 (e) FINAL APPOINTMENT.—Before final appointment
9 of the special master, the Administrator shall reevaluate
10 the need for the appointment.

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