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GREAT LAKES COORDINATION AND OVERSIGHT ACT OF 2006

SEPTEMBER 20, 2006.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 2912]

The Committee on Environment and Public Works, to which was referred a bill (S. 2912) to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Congress has enacted over 30 Federal laws specifically focused on restoring aspects of the Great Lakes Basin. There are currently nearly 200 programs that provide funding and resources to the Basin for restoration of the Great Lakes.

In 2003, the Government Accountability Office (GAO) released a report that identified several concerns with the restoration effort in the Great Lakes.¹ First, the GAO found that while EPA administers most of the Federal dollars, there was no one organization in charge of coordinating the overall effort. The EPA's Great Lakes National Program Office had been charged with coordinating the restoration effort in the 1987 amendment to the Clean Water Act but had not done so. Second, the GAO noted the need for a comprehensive strategy or plan to clearly articulate goals, objectives and criteria for measuring success. The GAO also cited the need for one decisionmaking body to prioritize funding and weigh the merits of each project as well as additional monitoring and data on the health of the Lakes. Finally, the GAO cited a lack of funding as one

¹Government Accountability Office. An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals. 2003.

of the reasons extensive restoration activity had not occurred. However, in its report to the President, the Great Lakes Interagency Task Force noted that in fiscal year 2004, according to the data presented in this report, the Federal Government alone spent over \$500 million on Great Lakes Basin restoration projects and over the course of the next 10 years, anticipates spending \$5 billion.

In 2004, President George W. Bush signed Executive Order 13340 creating the Great Lakes Interagency Task Force² to “increase and improve collaboration and integration among the more than 140 Federal programs that help fund and implement environmental restoration and management activities throughout the Great Lakes system. It was also designed to help ensure that these programs are funding effective, coordinated, and environmentally sound activities.”³ The Task Force is chaired by the Administrator of the U.S. EPA and contains 10 agency and cabinet-level officers. The Task Force, in collaboration with the Council of Great Lakes Governors, the Great Lakes Cities Initiative, Great Lakes tribes, and the Great Lakes congressional delegation, initiated a process called the Great Lakes Regional Collaboration as called for under the Executive Order. The Collaboration includes the EPA-led Federal agency task force; and representatives from Great Lakes States, local communities, tribes, non-governmental organizations, and other interests in the Great Lakes region.

The first goal of the Collaboration was to create a workable strategy to restore and protect the Great Lakes within 1 year of the creation of the Task Force.⁴ This strategy, known as the Great Lakes Regional Collaboration Strategy, was released as a draft for public comment in July 2005 and finalized in December 2005. While the Collaboration outlined broad goals for the restoration of the Great Lakes, it did not consistently identify priorities including which activities would be carried out at which level of government.

The Collaboration partners continue to serve as a broad forum to address regional Great Lakes issues.

Need for legislation

To provide a framework for the continued operation of the Task Force and to ensure better communication and coordination at each level of government and with community organizations in order to ensure that all resources are used as efficiently and effectively as possible.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

This section provides that the Act may be cited as the “Great Lakes Coordination and Oversight Act of 2006”.

Sec. 2. Definitions

This section sets out definitions for the bill.

² E.O. 12240, May 18, 2004.

³ Senate Committee on Environment and Public Works. Testimony of Stephen Johnson. Hearing on “Great Lakes Regional Collaboration’s Strategy to Restore and Protect the Great Lakes. March 16, 2006.

⁴ For more information, see [<http://www.epa.gov/glnpo/collaboration/index.html>], accessed Mar. 9, 2006.

Sec. 3. Great Lakes Interagency Task Force

SUMMARY

Outlines additional responsibilities beyond those described in the Executive Order for the Great Lakes Interagency Task Force including:

- Ensuring that implementation of programs and projects under their authority is coordinated, effective, and cost-efficient.
- Submit to Congress a biennial report that describes the projects and activities carried out by the Collaboration that describes any actions that Federal agencies can take to address the restoration goals, any Federal expenditures and the amount of non-Federal funding leveraged by those Federal expenditures and the indicators and monitoring used to determine whether the goals will be met.
- Establish a regular communication with the Council of Great Lakes Governors, the Great Lakes and St. Lawrence Cities Initiative and a representative of the Great Lakes Tribes for the exchange of information and recommendations for action.
- Coordinates the activities of the Task Force with the activities of the Lake Champlain Basin Program.

DISCUSSION

Section 3 will ensure that the Task Force fulfills its mission of ensuring Federal Great Lakes programs are coordinated, effective and cost-effective. By requiring regular communication with the Great Lakes Governors, the Great Lakes and St. Lawrence Cities as well as the Great Lakes Tribes, this section ensures information and recommendations are exchanged on a regular basis and that the Federal partners know what actions are being taken by the State, local and tribal partners. This level of communication is critical to the success of Federal programs and the health of the Lakes. The Task Force is also required to account for its activities in a biennial report to Congress detailing actions taken by the Collaboration as well as any actions the Agencies can take to address the restoration goals, as well as Federal expenditures and the amount of non-Federal funds leveraged from those funds. The report will also describe the indicators and monitoring used to determine whether goals were met. Finally, Section 3 requires the Task Force to coordinate its activities with those of the Lake Champlain Basin Program. The Great Lakes and the Basin are connected through the St. Lawrence Seaway.

Sec. 4. Great Lakes Regional Collaboration

SUMMARY

Outlines the makeup and responsibilities of the Collaboration, the Executive Committee, and Subcommittees.

The Collaboration:

- Make up: the members of the Executive Committee and each other individual and entity that notifies the Executive Committee in writing of their desire to participate in the Collaboration and there will be balanced representation on the Collaboration of interested stakeholder groups including industry, property owners, rec-

reational fisheries, recreational boaters and environmental interests.

- Duties: every 3 years they will draft a strategy using the best available science to describe the health of the Great Lakes and identify restoration goals.

The Executive Committee:

- Make up: the Chairperson of the Task Force, a representative of the Council of Great Lakes Governors, a representative of the Great Lakes and Saint Lawrence Cities Initiative, and a designated representative of the Great Lakes Tribes.

- Duties: establish a process for communication with members of the Collaboration; work with the members of the Collaboration to develop a Strategy for the restoration of the Great Lakes as required in section, upon completion of the Strategy, categorize goals to be achieved in both the short-term and long-term and identify which level of government is best able to achieve each goal, hold semiannual public meetings to discuss Great Lakes restoration goals and implementation progress, receive input and consider recommendations from interested parties, including nongovernmental organizations, industry, and academia, with respect to the proposed goals, and ensure there is balanced representation in the Collaboration of industrial, environmental, recreational boating, recreational fishing, citizen, and municipal stakeholder groups and ensure that the strategy developed by the Collaboration is coordinated with the activities of the Lake Champlain Basin Program.

- Submit to the Congress and the Task Force a biennial report that includes: an analysis of progress in carrying out restoration of the Great Lakes; an analysis of progress in meeting the goals and the recommendations in the strategy developed by the Great Lakes Regional Collaboration and under this Act; and contributions made to the effort by Great Lakes States and municipal partners.

Subcommittees:

- The members of the Executive Committee may designate representatives to work as 1 or more subcommittees to provide staff support and otherwise assist in carrying out responsibilities of the Executive Committee relating to the Collaboration.

DISCUSSION

Section 4 will help address GAO's concerns about the lack of coordination of the overall restoration effort. Carefully laying out the duties that the Executive Committee and the Collaboration must undertake, such as hold semiannual public meetings to discuss Great Lakes restoration goals and implementation progress, receive input and consider recommendations from interested parties, including nongovernmental organizations, industry, and academia, with respect to the proposed goals, and ensure there is balanced representation in the Collaboration of stakeholder groups, will facilitate and coordinate the decisionmaking process. Currently, members of the Collaboration include anyone who expressed an interest in joining the Collaboration. However, given the responsibilities assigned to the Collaboration, the committee was concerned that all interested stakeholders be assured an equal voice during future discussions and therefore, the Executive Committee must ensure balanced representation. By revisiting the strategy every 3 years, the Executive Committee will be able to utilize the most cur-

rent information available and will be able to make changes to the strategy to meet new challenges and outline realistic achievable goals reflective of new data and cost limitations. This will allow Federal, State and local funds to be used in a more efficient and effective way.

Sec. 5. Efficiency evaluations of committees and offices

SUMMARY

The Environmental Protection Agency shall review existing committees and offices that have oversight of Great Lakes programs to identify overlap of functions and suggest means by which committees or offices can be streamlined or combined.

DISCUSSION

Section 5 directs the Environmental Protection Agency to identify programs over which it has jurisdiction to ensure that duties are not being replicated and that any program gaps are readily identified.

LEGISLATIVE HISTORY

On August 5, 2002, the Environment and Public Works Committee held a Field Hearing in Cleveland, OH on Lake Erie's dead zone. On August 25, 2003, the committee held a field hearing in Cleveland, Ohio to examine the current and future efforts to restore and protect the Great Lakes. On March 16, 2006 the committee held another hearing to examine the Great Lakes Regional Collaboration's Strategy to Restore and Protect the Great Lakes.

On May 19, 2006, Senator DeWine introduced S. 2912, which was cosponsored by Senators Feingold, Stabenow, Levin, and Voinovich. The bill was read twice and referred to the Committee on Environment and Public Works. The committee met on May 23, 2006, to consider the bill. An amendment offered by Senator Inhofe to make a technical correction to the bill was passed by unanimous consent. S. 2912 was ordered favorably reported, as amended, by voice vote.

HEARINGS

No committee hearings were held on S. 2912.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2912 on May 23, 2006. An amendment offered by Senator Inhofe was approved by unanimous consent. The bill was ordered favorably reported by voice vote. No rollcall votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with Section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 2912 would not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 2912 would not impose Federal intergovernmental unfunded mandates on State, local or tribal governments.

COST OF LEGISLATION

S. 2912, Great Lakes Coordination and Oversight Act of 2006, as ordered reported by the Senate Committee on Environment and Public Works on May 23, 2006

S. 2912 would establish, by statute, the Great Lakes Interagency Task Force within the Environmental Protection Agency (EPA) and the Great Lakes Regional Collaboration. Both groups have already been established by executive order, and according to EPA, are already operating. While enacting this legislation would require the groups to participate in some additional meetings and provide additional reports, CBO estimates that these additional requirements would have no significant budgetary impact. Enacting this legislation would not affect direct spending or receipts.

In 2004, the Great Lakes Interagency Task Force was created by executive order to provide strategic direction on Federal policy for the Great Lakes region. The task force, in collaboration with the other related groups, convened a group called the Great Lakes Regional Collaboration. In 2005, that organization developed a strategy for restoring and protecting the Great Lakes.

S. 2912 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. Any of those governments that choose to participate in the regional collaboration would do so voluntarily.

The CBO staff contact for this estimate is Susanne S. Mehlman. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate require the committee to publish changes in existing law made by the bill as reported. Passage of the bill will make no changes to existing law.

