

108TH CONGRESS
1ST SESSION

H. R. 2720

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

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2003

Mr. EMANUEL (for himself, Mr. REYNOLDS, Mr. KIRK, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. LEVIN, Mr. LATOURETTE, Mr. KENNEDY of Minnesota, Mr. GREEN of Wisconsin, Mr. CHOCOLA, Mr. STUPAK, Mr. MURTHA, Mr. DAVIS of Illinois, Mr. KLECZKA, Mr. BROWN of Ohio, Ms. SLAUGHTER, Ms. MCCOLLUM, Mr. HOEFFEL, and Mr. ENGLISH) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Lakes Restora-
5 tion Financing Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

8 (2) Thirty years after enactment of the Clean
9 Water Act, water quality in the Great Lakes has im-
10 proved, but the Great Lakes remain in a crisis state.

11 (3) Evidence of such deterioration includes—

12 (A) a record 897 Great Lakes beach clos-
13 ings in 2002;

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

17 (C) 1,500 fish consumption advisories re-
18 lating to the Great Lakes issued by State and
19 local authorities.

20 (4) The Great Lakes are the source of drinking
21 water for 28,000,000 people in the United States
22 and 40,000,000 people in both the United States
23 and Canada.

24 (5) It is the responsibility of all governments,
25 local, State, and Federal, to ensure that the Great
26 Lakes remain a source of clean and safe drinking

1 water, fish that are safe to eat, and beaches that are
2 safe for swimming.

3 **SEC. 3. DEFINITIONS.**

4 In this Act, the following definitions apply:

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

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

18 (3) GREAT LAKES SYSTEM.—The term “Great
19 Lakes System” means all the streams, rivers, lakes,
20 and other bodies of water within the drainage basin
21 of the Great Lakes, including ground water that
22 flows into those bodies of water.

23 (4) GREAT LAKES WATER QUALITY AGREE-
24 MENT.—The term “Great Lakes Water Quality
25 Agreement” means the bilateral agreement, between

1 the United States and Canada which was signed in
2 1978 and amended by the Protocol of 1987.

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

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

18 (7) REMEDIAL ACTION PLAN.—The term “Re-
19 medial Action Plan” means a written document
20 which embodies a systematic and comprehensive eco-
21 system approach to restoring and protecting the
22 beneficial uses of areas of concern, in accordance
23 with article VI and Annex 2 of the Great Lakes
24 Water Quality Agreement.

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

2 (a) ESTABLISHMENT.—There is established the
3 Great Lakes Advisory Board.

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

6 (1) develop a biennial comprehensive Great
7 Lakes management plan under section 5;

8 (2) coordinate Great Lakes restoration efforts;
9 and

10 (3) implement a public awareness campaign.

11 (c) MEMBERSHIP.—

12 (1) NUMBER AND APPOINTMENT.—The Board
13 shall be composed of the following members (or des-
14 ignees of the members):

15 (A) 8 shall be the Governors of the Great
16 Lakes States.

17 (B) 1 shall be a representative of the
18 International Joint Commission, to be ap-
19 pointed by the International Joint Commission.

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

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

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

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

1 (G) 1 shall be the Administrator of the
2 National Oceanographic and Atmospheric Ad-
3 ministration.

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

6 (I) 3 shall be representatives of the 3 larg-
7 est Indian tribes in the Great Lakes States (ex-
8 cept that each of the 3 representatives must be
9 from a different State), to be appointed by the
10 President.

11 (J) 3 shall be representatives of businesses
12 with a direct effect on the Great Lakes (includ-
13 ing 1 representative of a large company and one
14 representative of a small business), to be ap-
15 pointed by the President.

16 (K) 3 shall be representatives of private
17 non-profit organizations that are active in
18 Great Lakes restoration work and have at least
19 10,000 members in all of the Great Lakes
20 States or 1,000 members in any single Great
21 Lakes State, to be appointed by the President,
22 with consideration given to selecting representa-
23 tives reflecting the diverse nature of opinions
24 throughout the Great Lakes States.

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

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

8 (A) The Premiers of the Canadian Prov-
9 inces of Ontario and Quebec.

10 (B) A representative of the Government of
11 Canada.

12 (C) A representative of the State Depart-
13 ment.

14 (D) 2 representatives of the environmental
15 community selected by the cochairpersons of the
16 Board.

17 (E) 2 representatives of industry selected
18 by the cochairpersons of the Board.

19 (F) The Chairman of the United States
20 section of the International Joint Committee.

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

23 (3) ORGANIZATION.—The Board may organize
24 itself into subcommittees.

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

5 (5) TERM; VACANCIES.—

6 (A) TERM.—Each member to be appointed
7 to the Board shall be appointed for a term of
8 2 years.

9 (B) VACANCIES.—A vacancy on the
10 Board—

11 (i) shall not affect the powers of the
12 Board; and

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

15 (6) INITIAL MEETING.—Not later than 30 days
16 after the date on which all members of the Board
17 have been appointed, the Board shall hold the initial
18 meeting of the Board.

19 (7) MEETINGS.—The Board shall meet at the
20 call of the cochairpersons on at least a quarterly
21 basis.

22 (8) QUORUM.—A majority of the members of
23 the Board shall constitute a quorum, but a lesser
24 number of members may hold hearings.

25 (9) COCHAIRPERSONS.—

1 (A) SELECTION.—The Board shall select 4
2 cochairpersons of the Board, of which cochair-
3 persons—

4 (i) 2 shall be elected by the individ-
5 uals referred to in paragraph (1)(A) from
6 among those individuals, each of whom
7 shall be of different political parties;

8 (ii) 1 shall be elected by the individ-
9 uals referred to in paragraph (1)(L) from
10 among those individuals; and

11 (iii) 1 shall be the Director of the
12 Great Lakes National Program Office.

13 (B) DUTIES.—A majority of the cochair-
14 persons shall—

15 (i) call meetings and hearings; and

16 (ii) make administrative and per-
17 sonnel decisions.

18 (10) SCIENTIFIC WORKING GROUP.—

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

23 (B) QUALIFICATIONS.—Each individual
24 appointed under subparagraph (A) shall be—

1 (i) a faculty member at a nationally
2 accredited university with an accredited
3 natural resources program;

4 (ii) actively involved in a field related
5 to Great Lakes ecology; and

6 (iii) recommended to the Board by the
7 university's president.

8 (C) DUTIES.—The scientific working group
9 shall evaluate the scientific integrity of the
10 Great Lakes restoration effort and assist the
11 Board in its decisionmaking. The scientific
12 working group shall use peer reviewed scientific
13 research in carrying out its duties.

14 (D) CHAIRPERSON AND VICE CHAIR-
15 PERSON.—The scientific working group shall
16 have a chairperson and vice chairperson elected
17 by its members.

18 (d) POWERS.—

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

23 (2) INFORMATION FROM FEDERAL AGENCIES.—

24 (A) IN GENERAL.—The Board may obtain
25 directly from a Federal agency such informa-

1 tion (including all existing information relating
2 to the environmental restoration, protection,
3 and recovery of the Great Lakes) as the Board
4 considers necessary to carry out this Act.

5 (B) PROVISION OF INFORMATION.—On re-
6 quest of a cochairperson of the Board, the head
7 of the agency shall provide the information de-
8 scribed in subparagraph (A) to the Board.

9 (3) POSTAL SERVICES.—The Board may use
10 the United States mails in the same manner and
11 under the same conditions as other agencies of the
12 Federal Government.

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

15 (e) BOARD PERSONNEL MATTERS.—

16 (1) COMPENSATION OF MEMBERS.—

17 (A) NON-FEDERAL EMPLOYEES.—Except
18 as provided in paragraph (2), a member of the
19 Board who is not an officer or employee of the
20 Federal Government shall serve without com-
21 pensation.

22 (B) FEDERAL EMPLOYEES.—Except as
23 provided in paragraph (2), a member of the
24 Board who is an officer or employee of the Fed-
25 eral Government shall serve without compensa-

1 tion in addition to the compensation received
2 for the services of the member as an officer or
3 employee of the Federal Government.

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

12 (3) STAFF.—

13 (A) IN GENERAL.—The cochairpersons of
14 the Board may, without regard to the civil serv-
15 ice laws (including regulations), appoint and
16 terminate an executive director and such other
17 additional personnel as are necessary to enable
18 the Board to perform the duties of the Board.

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

22 (C) COMPENSATION.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), the cochairpersons of the
25 Board may fix the compensation of the ex-

1 executive director and other personnel with-
2 out regard to the provisions of chapter 51
3 and subchapter III of chapter 53 of title 5,
4 United States Code, relating to classifica-
5 tion of positions and General Schedule pay
6 rates.

7 (ii) MAXIMUM RATE OF PAY.—The
8 rate of pay for the executive director and
9 other personnel shall not exceed the rate
10 payable for level V of the Executive Sched-
11 ular under section 5316 of title 5, United
12 States Code.

13 (4) DETAIL OF FEDERAL GOVERNMENT EM-
14 PLOYEES.—

15 (A) IN GENERAL.—An employee of the
16 Federal Government may be detailed to the
17 Board without reimbursement.

18 (B) CIVIL SERVICE STATUS.—The detail of
19 the employee shall be without interruption or
20 loss of civil service status or privilege.

21 (5) PROCUREMENT OF TEMPORARY AND INTER-
22 MITTENT SERVICES.—The cochairpersons of the
23 Board may procure temporary and intermittent serv-
24 ices in accordance with section 3109(b) of title 5,
25 United States Code, at rates for individuals that do

1 not exceed the daily equivalent of the annual rate of
2 basic pay prescribed for level V of the Executive
3 Schedule under section 5316 of that title.

4 (f) NONAPPLICABILITY OF FACAs.—The Board shall
5 not be subject to the Federal Advisory Committee Act (5
6 U.S.C. App.).

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

10 **SEC. 5. COMPREHENSIVE GREAT LAKES MANAGEMENT**
11 **PLAN.**

12 (a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of this Act, and every 2 years there-
14 after, the Great Lakes Advisory Board shall transmit to
15 the President, the appropriate committees of Congress,
16 the Governor of each Great Lakes State, and the Great
17 Lakes mayors a Comprehensive Great Lakes Management
18 Plan (in this section referred to as the “plan”).

19 (b) PURPOSE.—The plan shall establish goals for the
20 future of the Great Lakes System and programmatic steps
21 to achieve the goals. The plan shall also contain a detailed
22 statement of the findings and conclusions of the Board
23 and recommended funding levels to assist the Great Lakes
24 States in achieving the goals.

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

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

8 (2) INVASIVE SPECIES.—Establishing proce-
9 dures and programs to eliminate the introduction of
10 invasive species into the Great Lakes and to dra-
11 matically reduce the population of nonindigenous
12 species in the Great Lakes. Further, States should
13 coordinate with the Federal Government to reestab-
14 lish Great Lakes native species populations.

15 (3) POLLUTION.—Dramatically decreasing the
16 introduction of pollution into the Great Lakes
17 through nonpoint source pollution, and eliminating
18 all forms of toxic deposition in the Great Lakes, in-
19 cluding mercury, arsenic, polychlorinated biphenyls
20 (PCB's), and other hazardous materials within 10
21 years of the date of enactment of this Act.

22 (4) RESTORING AND CONSERVING WETLANDS
23 AND CRITICAL COASTAL HABITAT.—Preserving, re-
24 storing, and enhancing at least 100,000 acres of

1 coastal and inland wetlands within the Great Lakes
2 System in order to improve water quality.

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

7 (6) ENSURING THE SUSTAINABLE USE OF
8 WATER RESOURCES.—Ensuring the sustainable use
9 and management of Great Lakes water resources to
10 protect environmental quality in the Great Lakes
11 States.

12 (7) PUBLIC PARTICIPATION.—Encouraging pub-
13 lic participation in Great Lakes restoration, includ-
14 ing—

15 (A) by 2004, establishment of a public
16 website to enable individuals to obtain informa-
17 tion on water quality, beach conditions, sewage
18 overflows, and industrial discharge throughout
19 the Great Lakes;

20 (B) by 2004, ensuring that all Great
21 Lakes States have beach monitoring facilities at
22 all public beaches; and

23 (C) by 2004, ensuring that Great Lakes
24 States begin educating the public on proper
25 Great Lakes stewardship.

1 (d) DEVELOPMENT OF PLAN.—In developing the
2 plan, the Board shall—

3 (1) consider existing research on the Great
4 Lakes System, including the Great Lakes Strategy
5 2002, individual Lakewide Management Plans, and
6 research by nongovernmental organizations;

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

11 (3) evaluate the current funding structure for
12 Great Lakes restoration and recommend a process
13 for developing a single funding source;

14 (4) avoid duplication of effort;

15 (5) strive to incorporate the ideas of the
16 Board's working groups and develop compromises
17 when conflicts arise among the working groups;

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

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

23 (e) PUBLIC INPUT.—In preparing the plan, the
24 Board shall provide notice and an opportunity for public
25 comment.

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

2 (a) ELIGIBILITY FOR APPORTIONMENTS.—

3 (1) IN GENERAL.—In order to be eligible to re-
4 ceive an apportionment under section 7 for a fiscal
5 year, a Great Lakes State shall have in effect a
6 State Great Lakes Management Plan (in this section
7 referred to as a “State plan”) that has been devel-
8 oped by the Governor of the State and approved by
9 the Administrator of the Environmental Protection
10 Agency.

11 (2) INITIAL APPORTIONMENT.—For the first
12 fiscal year for which amounts are appropriated to
13 carry out this Act, the Administrator may make an
14 apportionment to a Great Lakes State under section
15 7 even if the State does not have in effect a State
16 plan that has been approved by the Administrator if
17 the State provides assurances satisfactory to the Ad-
18 ministrator that the State will—

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

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

1 The Administrator may withhold a portion of a
2 State's initial apportionment until approval of the
3 State's plan.

4 (b) APPROVAL OF PLANS.—

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

7 (A)(i) is consistent with the Comprehensive
8 Great Lakes Management Plan developed under
9 section 5; or

10 (ii) with respect to State plans submitted
11 before completion of the Comprehensive Great
12 Lakes Management Plan, is consistent with
13 Lakewide Management Plans and the Great
14 Lakes Strategy 2002 developed by the United
15 States Policy Committee for the Great Lakes,
16 dated April 2002;

17 (B) utilizes sound scientific approaches, as
18 defined by the Board's scientific working group;
19 and

20 (C) otherwise meets the requirements of
21 this section.

22 (2) PERIOD OF REVIEW.—The Administrator
23 shall approve or disapprove a State plan of a Great
24 Lakes State, or an update of a State plan submitted
25 under subsection (c), on or before the date that is

1 60 days after the date of receipt of the plan or up-
2 date. If the Administrator does not approve or dis-
3 approve a State plan or update before that date, the
4 State plan or update shall be deemed approved.

5 (3) APPEALS AND RESUBMISSIONS.—The Ad-
6 ministrator shall establish procedures for appealing
7 a decision to disapprove a plan under this section
8 and for resubmission of modified plans following a
9 disapproval.

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

13 (d) IMPLEMENTATION OF PLANS.—

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

19 (A) Reduction and elimination of toxic
20 sediments.

21 (B) Elimination of invasive species.

22 (C) Reduction of pollution from runoff and
23 sewage overflows.

1 (D) Restoration and conservation of wet-
2 lands and critical habitat within the Great
3 Lakes System.

4 (E) Increasing public education on Great
5 Lakes restoration issues.

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

11 (3) LIMITATIONS.—

12 (A) EXPERIMENTAL PROGRAMS.—Not
13 more than 5 percent of the amounts appor-
14 tioned to a State under section 7 in a fiscal
15 year may be used for experimental programs, as
16 determined by the Administrator.

17 (B) PROHIBITED PROJECTS.—Amounts
18 apportioned to a State under section 7 in a fis-
19 cal year may not be used for any of the fol-
20 lowing:

21 (i) Road projects (other than projects
22 required for sewer upgrades).

23 (ii) Beautification projects (other than
24 projects developed in conjunction with a

1 restoration project and consistent with
2 Lakewide Management Plans).

3 (iii) Projects to address violations of
4 the Federal Water Pollution Control Act
5 (33 U.S.C. 1251 et seq.), the Endangered
6 Species Act of 1973 (16 U.S.C. 1531 et
7 seq.), or any other environmental law or
8 regulation.

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

14 (1) The State will contribute from non-Federal
15 sources 30 percent of the cost of carrying out pro-
16 grams and activities funded using amounts from the
17 apportionments. Such contributions may include in-
18 kind contributions.

19 (2) The State will maintain expenditures for
20 Great Lakes management programs and activities at
21 a level that does not fall below the average level of
22 such expenditures for the preceding 2 fiscal years of
23 the State.

24 (3) The State will expend not more than 1 per-
25 cent of the amounts received by the State in appor-

1 tionments in a fiscal year for the State's administra-
2 tive expenses.

3 (f) **INELIGIBLE STATES.**—If one or more of the Great
4 Lakes States is not eligible to receive apportionments
5 under section 7 for a fiscal year, the Administrator shall
6 apportion amounts that would otherwise be apportioned
7 to the State or States among the eligible Great Lakes
8 States.

9 **SEC. 7. FUNDING.**

10 (a) **APPORTIONMENT FORMULA.**—Amounts made
11 available to carry out this section for a fiscal year shall
12 be apportioned by the Administrator of the Environmental
13 Protection Agency on the first day of the fiscal year
14 among the Great Lakes States eligible for an apporportion-
15 ment as follows:

16 (1) 30 percent of the amounts in the ratio
17 that—

18 (A) the population of each Great Lakes
19 State bears to

20 (B) the population of all Great Lakes
21 States.

22 (2) 13.3 percent of the amounts in the ratio
23 that—

1 (A) the number of square miles of Great
2 Lakes watershed in each Great Lakes State;
3 bears to

4 (B) the number of square miles of Great
5 Lakes watershed in all Great Lakes States.

6 (3) 13.3 percent of the amounts in the ratio
7 that—

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

10 (B) the number of areas of concern in all
11 Great Lakes States.

12 (4) 13.3 percent of the amounts in the ratio
13 that—

14 (A) the number of critical areas (as de-
15 fined by the Director of the United States Fish
16 and Wildlife Service) in each Great Lakes
17 State; bears to

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

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

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

1 (B) the number of households that in cal-
2 endar year 2000 received water from the Great
3 Lakes in all Great Lakes States.

4 (b) MAXIMUM AND MINIMUM APPORTIONMENTS.—
5 Notwithstanding subsection (a), a Great Lakes State that
6 is eligible to receive an apportionment under this section
7 for a fiscal year may not receive more than 30 percent,
8 nor less than 6 percent, of the amounts apportioned for
9 the fiscal year.

10 (c) APPORTIONMENT DETERMINATIONS.—

11 (1) IN GENERAL.—Determinations made by the
12 Administrator in making apportionments under sub-
13 section (a) shall be final.

14 (2) WATER USE.—The Administrator shall re-
15 duce the amount that otherwise would be appor-
16 tioned to a Great Lakes State under subsection
17 (a)(5) if the State allows water from the Great
18 Lakes to be exported beyond its borders. The
19 amount of the reduction shall be determined by the
20 Administrator based on the amount of water ex-
21 ported.

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

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

5 (2) \$300,000 of the amounts, to be allocated to
6 the Administrator for administrative expenses in
7 carrying out this section;

8 (3) \$15,000,000 of the amounts, to be allocated
9 to the Administrator for strengthening enforcement
10 activities under the Federal Water Pollution Control
11 Act (33 U.S.C. 1251 et seq.) for the Great Lakes
12 System; and

13 (4) 2 percent of the amounts, to be allocated to
14 the State of Illinois for a project to establish a per-
15 manent invasive species barrier between the Mis-
16 sissippi River and Lake Michigan until completion of
17 the project or until the project has received suffi-
18 cient funding from other Federal sources.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to carry out this section \$800,000,000
22 for each of fiscal years 2004 through 2008. Such
23 sums shall remain available until expended.

24 (2) GREAT LAKES NATIONAL PROGRAM OF-
25 FICE.—In addition to amounts authorized in other

1 Acts, there is authorized to be appropriated to the
2 Great Lakes National Program Office of the Envi-
3 ronmental Protection Agency \$5,000,000 for each of
4 fiscal years 2004 through 2008. Such sums shall re-
5 main available until expended.

6 **SEC. 8. APPOINTMENT OF SPECIAL MASTERS FOR AREAS**
7 **OF CONCERN.**

8 (a) APPOINTMENT.—Notwithstanding any other pro-
9 vision of law, the Administrator of the Environmental Pro-
10 tection Agency may appoint a special master to direct the
11 remediation of an area of concern.

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

16 (c) POWERS.—Notwithstanding any other provision
17 of law, the special master shall have the authority to direct
18 the remediation of an area of concern, consistent with all
19 applicable Federal, State, and local environmental laws.

20 (d) CONSULTATION.—Following the publication of
21 notice of the appointment of a special master under sub-
22 section (b), the Administrator shall facilitate the coordina-
23 tion of all appropriate Federal, State, and local authorities
24 for remediation of the area of concern.

1 (e) FINAL APPOINTMENT.—Before final appointment
2 of the special master, the Administrator shall reevaluate
3 the need for the appointment.

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