

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6460
OFFERED BY MR. OBERSTAR OF MINNESOTA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Great Lakes Legacy
3 Reauthorization Act of 2008”.

4 SEC. 2. DEFINITIONS.

5 Section 118(a)(3) of the Federal Water Pollution
6 Control Act (33 U.S.C. 1268(a)(3)) is amended—

7 (1) in subparagraph (I) by striking “and” at
8 the end;

9 (2) in subparagraph (J) by striking the period
10 and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(K) ‘site characterization’ means a proc-
13 ess for monitoring and evaluating the nature
14 and extent of sediment contamination in ac-
15 cordance with the Environmental Protection
16 Agency’s guidance for the assessment of con-
17 taminated sediment in an area of concern lo-

1 cated wholly or partially within the United
2 States; and

3 “(L) ‘potentially responsible party’ means
4 an individual or entity that may be liable under
5 any Federal or State authority that is being
6 used or may be used to facilitate the cleanup
7 and protection of the Great Lakes.”.

8 **SEC. 3. REMEDIATION OF SEDIMENT CONTAMINATION IN**
9 **AREAS OF CONCERN.**

10 (a) **ELIGIBLE PROJECTS.**—Section 118(c)(12)(B)(ii)
11 of the Federal Water Pollution Control Act (33 U.S.C.
12 1268(c)(12)(B)(ii)) is amended by striking “sediment”
13 and inserting “sediment, including activities to restore
14 aquatic habitat that are carried out in conjunction with
15 a project for the remediation of contaminated sediment”.

16 (b) **LIMITATIONS.**—Section 118(c)(12)(D) of such
17 Act (33 U.S.C. 1268(c)(12)(D)) is amended—

18 (1) in the subparagraph heading by striking
19 “LIMITATION” and inserting “LIMITATIONS”;

20 (2) in clause (i) by striking “or” at the end;

21 (3) in clause (ii) by striking the period and in-
22 serting a semicolon; and

23 (4) by adding at the end the following:

24 “(iii) unless each non-Federal sponsor
25 for the project has entered into a written

1 project agreement with the Administrator
2 under which the party agrees to carry out
3 its responsibilities and requirements for
4 the project; or

5 “(iv) unless the Administrator pro-
6 vides assurance that the Agency has con-
7 ducted a reasonable inquiry to identify po-
8 tentially responsible parties connected with
9 the site.”.

10 (c) IN-KIND CONTRIBUTIONS.—Section
11 118(c)(12)(E)(ii) of such Act (33 U.S.C.
12 1268(c)(12)(E)(ii)) is amended to read as follows:

13 “(ii) IN-KIND CONTRIBUTIONS.—

14 “(I) IN GENERAL.—The non-
15 Federal share of the cost of a project
16 carried out under this paragraph may
17 include the value of an in-kind con-
18 tribution provided by a non-Federal
19 sponsor.

20 “(II) CREDIT.—A project agree-
21 ment described in subparagraph
22 (D)(iii) may provide, with respect to a
23 project, that the Administrator shall
24 credit toward the non-Federal share
25 of the cost of the project the value of

1 an in-kind contribution made by the
2 non-Federal sponsor, if the Adminis-
3 trator determines that the material or
4 service provided as the in-kind con-
5 tribution is integral to the project.

6 “(III) WORK PERFORMED BE-
7 FORE PROJECT AGREEMENT.—In any
8 case in which a non-Federal sponsor
9 is to receive credit under subclause
10 (II) for the cost of work carried out
11 by the non-Federal sponsor and such
12 work has not been carried out by the
13 non-Federal sponsor as of the date of
14 enactment of this subclause, the Ad-
15 ministrator and the non-Federal spon-
16 sor shall enter into an agreement
17 under which the non-Federal sponsor
18 shall carry out such work, and only
19 work carried out following the execu-
20 tion of the agreement shall be eligible
21 for credit.

22 “(IV) LIMITATION.—Credit au-
23 thorized under this clause for a
24 project carried out under this para-
25 graph—

1 “(aa) shall not exceed the
2 non-Federal share of the cost of
3 the project; and

4 “(bb) shall not exceed the
5 actual and reasonable costs of
6 the materials and services pro-
7 vided by the non-Federal spon-
8 sor, as determined by the Admin-
9 istrator.

10 “(V) INCLUSION OF CERTAIN
11 CONTRIBUTIONS.—In this subpara-
12 graph, the term ‘in-kind contribution’
13 may include the costs of planning (in-
14 cluding data collection), design, con-
15 struction, and materials that are pro-
16 vided by the non-Federal sponsor for
17 implementation of a project under this
18 paragraph.”.

19 (d) NON-FEDERAL SHARE.—Section 118(c)(12)(E)
20 of such Act (33 U.S.C. 1268(c)(12)(E)) is amended—

21 (1) by redesignating clauses (iii) and (iv) as
22 clauses (iv) and (v), respectively;

23 (2) by inserting after clause (ii) the following:

24 “(iii) TREATMENT OF CREDIT BE-
25 TWEEN PROJECTS.—Any credit provided

1 under this subparagraph towards the non-
2 Federal share of the cost of a project car-
3 ried out under this paragraph may be ap-
4 plied towards the non-Federal share of the
5 cost of any other project carried out under
6 this paragraph by the same non-Federal
7 sponsor for a site within the same area of
8 concern.”; and

9 (3) in clause (iv) (as redesignated by paragraph
10 (1) of this subsection) by striking “service” each
11 place it appears and inserting “contribution”.

12 (e) SITE CHARACTERIZATION.—Section
13 118(c)(12)(F) of such Act (33 U.S.C. 1268(c)(12)(F)) is
14 amended to read as follows:

15 “(F) SITE CHARACTERIZATION.—

16 “(i) IN GENERAL.—The Adminis-
17 trator, in consultation with any affected
18 State or unit of local government, shall
19 carry out at Federal expense the site char-
20 acterization of a project under this para-
21 graph for the remediation of contaminated
22 sediment.

23 “(ii) LIMITATION.—For purposes of
24 clause (i), the Administrator may carry out

1 one site assessment per discrete site within
2 a project at Federal expense.”.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
4 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H))
5 is amended—

6 (1) by striking clause (i) and inserting the fol-
7 lowing:

8 “(i) IN GENERAL.—In addition to
9 other amounts authorized under this sec-
10 tion, there is authorized to be appropriated
11 to carry out this paragraph—

12 “(I) \$50,000,000 for each of fis-
13 cal years 2004 through 2008; and

14 “(II) \$150,000,000 for each of
15 fiscal years 2009 through 2013.”; and

16 (2) by adding at the end the following:

17 “(iii) ALLOCATION OF FUNDS.—Not
18 more than 20 percent of the funds appro-
19 priated pursuant to clause (i)(II) for a fis-
20 cal year may be used to carry out subpara-
21 graph (F).”.

22 (g) PUBLIC INFORMATION PROGRAM.—Section
23 118(c)(13)(B) of such Act (33 U.S.C. 1268(c)(13)(B)) is
24 amended by striking “2008” and inserting “2013”.

1 **SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.**

2 Section 106(b)(1) of the Great Lakes Legacy Act of
3 2002 (33 U.S.C. 1271a(b)(1)) is amended to read as fol-
4 lows:

5 “(1) IN GENERAL.—In addition to amounts au-
6 thORIZED under other laws, there is authorized to be
7 appropriated to carry out this section—

8 “(A) \$3,000,000 for each of fiscal years
9 2004 through 2008; and

10 “(B) \$5,000,000 for each of fiscal years
11 2009 through 2013.”.

