

[~118H10432]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Water Pollution Control Act to establish an Ohio
River Basin Restoration Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCGARVEY introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to estab-
lish an Ohio River Basin Restoration Program, 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 “Ohio River Restoration
5 Program Act”.

1 **SEC. 2. OHIO RIVER BASIN RESTORATION PROGRAM.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 127. OHIO RIVER BASIN RESTORATION PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ADVISORY COUNCIL.—The term ‘advisory
8 council’ means the advisory council established
9 under subsection (b)(5).

10 “(2) AGENCY.—The term ‘Agency’ means the
11 Environmental Protection Agency.

12 “(3) OHIO RIVER BASIN.—The term ‘Ohio
13 River Basin’ means the portions of each Ohio River
14 State that contain the watershed of the Ohio River.

15 “(4) OHIO RIVER BASIN RESTORATION PRO-
16 GRAM.—The term ‘Ohio River Basin Restoration
17 Program’ means the Ohio River Basin Restoration
18 Program established by this section.

19 “(5) OHIO RIVER STATE.—The term ‘Ohio
20 River State’ means Ohio, Kentucky, West Virginia,
21 Pennsylvania, Indiana, Illinois, New York, Virginia,
22 Maryland, North Carolina, Georgia, Alabama, Ten-
23 nessee, Mississippi, or South Carolina.

24 “(6) PROGRAM DIRECTOR.—The term ‘Program
25 Director’ means the Director of the Program Office.

1 “(7) PROGRAM OFFICE.—The term ‘Program
2 Office’ means the Ohio River National Program Of-
3 fice established under this section.

4 “(8) TRIBAL GOVERNMENT.—The term ‘Tribal
5 Government’ means the recognized governing body
6 of any Indian tribe individually identified (including
7 parenthetically) in the list published under section
8 104 of the Federally Recognized Indian Tribe List
9 Act of 1994 (25 U.S.C. 5131).

10 “(b) OHIO RIVER NATIONAL PROGRAM OFFICE.—

11 “(1) IN GENERAL.—The Administrator shall es-
12 tablish an Ohio River National Program Office with-
13 in the Agency to carry out the Ohio River Basin
14 Restoration Program.

15 “(2) PROGRAM DIRECTOR.—The Program Of-
16 fice shall be headed by a Program Director, ap-
17 pointed by the Administrator, who, by reason of
18 management experience and technical expertise re-
19 lating to the Ohio River, is highly qualified to direct
20 the development of programs and plans on a variety
21 of issues related to restoration of the Ohio River
22 Basin.

23 “(3) FUNCTIONS.—The Program Director
24 shall—

1 “(A) coordinate actions of the Agency that
2 seek to protect and restore the Ohio River
3 Basin;

4 “(B) develop, implement, and update the
5 Ohio River Basin Restoration Program and ac-
6 tion plan required by this section, in coordina-
7 tion with the advisory council;

8 “(C) document information and updates
9 related to the development and implementation
10 of the Ohio River Basin Restoration Program
11 and action plan required by this section, and
12 make such information and updates available to
13 the public, including on a public website; and

14 “(D) facilitate, in cooperation with the Bu-
15 reau of Indian Affairs, engagement and con-
16 sultation with Tribal Governments and Tribal
17 organizations to ensure Tribal needs and prior-
18 ities are solicited early and throughout the de-
19 velopment of the actionable goals and action
20 plan required by this section.

21 “(4) AGREEMENTS.—In carrying out paragraph
22 (3), the Program Director may enter into agree-
23 ments, as applicable, with relevant Federal agencies
24 and non-Federal entities.

1 “(5) ADVISORY COUNCIL.—In carrying out this
2 section, the Program Director shall establish an ad-
3 visory council consisting of relevant Federal entities
4 and non-Federal stakeholders, including representa-
5 tives from—

6 “(A) each State located in whole or in part
7 in the Ohio River Basin;

8 “(B) each of the lower, middle, and upper
9 basins of the Ohio River;

10 “(C) each Tribal Government located in
11 the Ohio River Basin; and

12 “(D) the Ohio River Valley Water Sanita-
13 tion Commission.

14 “(6) REPORTING REQUIREMENTS.—The Pro-
15 gram Director shall submit to Congress, and make
16 available on a public website, the action plan and
17 updates required by this section, and an annual re-
18 port describing—

19 “(A) progress made in implementing the
20 Ohio River Basin Restoration Program;

21 “(B) coordination of the Ohio River Basin
22 Restoration Program with other Federal, State,
23 Tribal, and local programs;

24 “(C) any funds transferred to relevant
25 Federal agencies under this section;

1 “(D) any grants awarded under this sec-
2 tion;

3 “(E) specific projects and activities carried
4 out pursuant to this section; and

5 “(F) agreements with relevant Federal
6 agencies and non-Federal entities.

7 “(c) OHIO RIVER BASIN RESTORATION PROGRAM.—

8 “(1) ESTABLISHMENT.—There is established
9 within the Agency the Ohio River Basin Restoration
10 Program to carry out projects and activities that ad-
11 vance systemic, large-scale restoration and protec-
12 tion of the Ohio River Basin.

13 “(2) ACTIVITIES.—Any project or activity car-
14 ried out pursuant to the Ohio River Basin Restora-
15 tion Program shall be designed to address at least
16 1 of the following:

17 “(A) Improvement of water quality in the
18 Ohio River Basin and drinking water in the
19 Ohio River States.

20 “(B) Increasing community resilience to
21 flood and storm risk, including through restora-
22 tion of natural systems in the Ohio River
23 Basin.

24 “(C) Protection and restoration of fish and
25 wildlife habitat in the Ohio River Basin.

1 “(D) Prevention and control of the spread
2 of aquatic invasive species in the Ohio River
3 Basin.

4 “(E) Remediation of toxic substances.

5 “(F) Improvement of opportunities for
6 public access and recreation in the Ohio River
7 Basin consistent with the ecological needs of
8 fish and wildlife habitat.

9 “(G) Collection, monitoring, and evaluation
10 of data needed to plan, implement, and assess
11 the effectiveness of projects or activities carried
12 out under this section.

13 “(H) Improvement of public outreach, edu-
14 cation, and citizen involvement in the develop-
15 ment and implementation of projects and activi-
16 ties carried out under this section.

17 “(3) APPROACHES.—Projects and activities car-
18 ried out pursuant to the Ohio River Basin Restora-
19 tion Program shall prioritize use of natural infra-
20 structure, nature-based, and non-structural solutions
21 to the maximum extent practicable, including—

22 “(A) protecting or restoring naturally oc-
23 curring hydrologic, geomorphic, and ecological
24 functions and processes; and

1 “(B) removing or modifying structures
2 such as culverts, levees, and dams to restore ec-
3 ological functions and processes.

4 “(4) PROJECT AND ACTIVITY IMPLEMENTA-
5 TION.—

6 “(A) IN GENERAL.—Funds made available
7 to carry out the Ohio River Basin Restoration
8 Program may be used to plan, design, imple-
9 ment, or construct projects and activities de-
10 scribed in paragraph (2) that are carried out by
11 a relevant Federal agency or by a non-Federal
12 entity in accordance with the action plan devel-
13 oped under subsection (d).

14 “(B) GRANT AUTHORITY.—The Program
15 Director may make a grant to, or otherwise
16 enter into an agreement with, any non-Federal
17 entity (including any State, interstate, regional,
18 local, or Tribal governmental entity, nonprofit
19 organization, institution of higher education, or
20 individual) that the Program Director deter-
21 mines is qualified to carry out a project or ac-
22 tivity described in paragraph (2).

23 “(5) PROJECT AND ACTIVITY SELECTION.—

24 “(A) IN GENERAL.—The Program Direc-
25 tor, in collaboration with the advisory council,

1 shall select projects and activities to be imple-
2 mented pursuant to the Ohio River Basin Res-
3 toration Program using appropriate principles
4 and criteria, including—

5 “(i) the selection of projects and ac-
6 tivities that are equitably distributed
7 throughout the Ohio River Basin;

8 “(ii) the ability of a project or activity
9 to achieve strategic, measurable, and re-
10 portable environmental outcomes in accord-
11 ance with the action plan developed under
12 subsection (d);

13 “(iii) the recognition that projects and
14 activities may provide economic benefits to
15 local or regional communities, or to the en-
16 tire Ohio River Basin;

17 “(iv) the feasibility of prompt imple-
18 mentation, timely achievement of measur-
19 able results, and resource leveraging; and

20 “(v) the opportunity to reduce dupli-
21 cation and improve measurable environ-
22 mental outcomes.

23 “(B) COMPATIBILITY.—The Program Di-
24 rector shall ensure that projects and activities

1 carried out under this section are compatible
2 with—

3 “(i) the ability of the Corps of Engi-
4 neers to maintain navigation and other
5 Federal projects in the Ohio River; and

6 “(ii) the structural integrity or effec-
7 tiveness of Federal, State, local, or Tribal
8 disaster risk reduction infrastructure.

9 “(d) ACTIONABLE GOALS AND ACTION PLAN.—

10 “(1) ACTIONABLE GOALS.—Not later than 1
11 year after the date of enactment of this section, the
12 Program Director shall develop actionable goals for
13 the Ohio River Basin Restoration Program, which
14 shall be measurable and reportable and shall include
15 criteria for measuring their success in making
16 progress toward restoring the ecological health and
17 resilience of the Ohio River Basin.

18 “(2) ACTION PLAN.—Not later than 2 years
19 after the date of enactment of this section, the Pro-
20 gram Director shall develop an action plan for ad-
21 vancing the actionable goals developed under para-
22 graph (1).

23 “(3) CONTENTS.—The Program Director shall
24 include in the action plan developed under para-
25 graph (2)—

1 “(A) a description of existing Federal,
2 State, Tribal, and regional commissions, and re-
3 gional plans, programs, and activities affecting
4 the Ohio River Basin, that may be used to ad-
5 vance the Ohio River Basin Restoration Pro-
6 gram;

7 “(B) recommendations for a comprehensive
8 approach, which (where appropriate) leverages
9 existing Federal, State, and Tribal programs,
10 to—

11 “(i) advancing systemic, large-scale
12 restoration and protection of the Ohio
13 River Basin; and

14 “(ii) improvements to water quality
15 within the Ohio River and its tributaries;

16 “(C) a multi-year plan that identifies spe-
17 cific objectives with corresponding commitments
18 for activities, research, and measures for
19 progress; and

20 “(D) a plan to maintain and monitor the
21 implementation of any specific projects or ac-
22 tivities identified in the action plan.

23 “(4) PROJECT AND ACTIVITY RECOMMENDA-
24 TIONS.—The action plan may include recommenda-
25 tions for specific projects or activities that advance

1 the action plan objectives, including timelines, antici-
2 pated costs, and the identification of entities respon-
3 sible for carrying out such projects or activities.

4 “(5) UPDATES.—Not less often than once every
5 5 years, the Program Director shall review and up-
6 date the actionable goals and action plan developed
7 under this subsection.

8 “(6) CONSULTATION WITH ADVISORY COUN-
9 CIL.—In developing and updating the actionable
10 goals and action plan under this subsection, the Pro-
11 gram Director shall consult with the advisory coun-
12 cil.

13 “(7) PUBLIC ENGAGEMENT.—The Program Di-
14 rector shall provide public notice of, and an oppor-
15 tunity for comment on, the actionable goals and ac-
16 tion plan developed under this subsection, including
17 during each update period under paragraph (5).

18 “(e) FUNDING.—

19 “(1) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this section \$350,000,000 for each of fiscal years
22 2026 through 2030.

23 “(2) TRANSFER OF FUNDS TO FEDERAL ENTI-
24 TIES.—With funds made available to carry out this

1 section for each fiscal year, the Administrator
2 may—

3 “(A) transfer funds to the head of any rel-
4 evant Federal agency, with the concurrence of
5 the head of such agency, to carry out activities
6 in accordance with this section; and

7 “(B) enter into an interagency agreement
8 with the head of any relevant Federal agency to
9 carry out activities in accordance with this sec-
10 tion.

11 “(f) BUDGET ITEM.—The Administrator shall, in the
12 Agency’s annual budget submission to Congress, include
13 a funding request for the Ohio River Basin Restoration
14 Program as a separate budget line item.”.