

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5012, the bill just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

GREAT LAKES LEGACY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1070) to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purpose, as amended.

The Clerk read as follows:

H.R. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Legacy Act of 2002".

SEC. 2. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

"(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

"(A) IN GENERAL.—In accordance with this paragraph, the Administrator, acting through the Great Lakes National Program Office and in coordination with the Office of Research and Development, may carry out qualified projects.

"(B) QUALIFIED PROJECT.—In this paragraph, a qualified project is a project to be carried out in an area of concern located wholly or in part in the United States that—

"(i) monitors or evaluates contaminated sediment;

"(ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or

"(iii) prevents further or renewed contamination of sediment.

"(C) PRIORITY.—In selecting projects to carry out under this paragraph, the Administrator shall give priority to a project that—

"(i) constitutes remedial action for contaminated sediment;

"(ii) has been identified in a Remedial Action Plan submitted pursuant to paragraph (3) and is ready to be implemented; or

"(iii) will use an innovative approach, technology, or technique that may provide greater

environmental benefits or equivalent environmental benefits at a reduced cost.

"(D) LIMITATION.—The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern—

"(i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or

"(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

"(E) NON-FEDERAL MATCHING REQUIREMENT.—

"(i) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph shall be not less than 35 percent.

"(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor, including any in-kind service performed under an administrative order on consent or judicial consent decree, but not including any in-kind services performed under a unilateral administrative order or court order.

"(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

"(F) MAINTENANCE OF EFFORT.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in its 2 fiscal years preceding the date on which the project is initiated.

"(G) COORDINATION.—In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as possible.

"(H) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph \$50,000,000 for each of fiscal years 2003 through 2007.

"(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended."

SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.

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

(1) by striking "construed to affect" and inserting the following: "construed—

"(1) to affect";

(2) by striking the period at the end and inserting "; or";

(3) by adding at the end the following:

"(2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes."; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this section) with paragraph (2) (as added by paragraph (3) of this section).

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—In coordination with other Federal and local officials, the Administrator of the Environmental Protection Agency is authorized to conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment

contamination in areas of concern in the Great Lakes.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2003 through 2007.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1070, the Great Lakes Legacy Act of 2002. H.R. 1070 reflects a consensus approach to addressing sediment contamination in the Great Lakes.

The Great Lakes are, without question, a vital resource for both the United States and Canada. The Great Lakes system provides a waterway to move goods; water supply for drinking, industrial and agricultural purposes; a source of hydroelectric power; and swimming and many other recreational activities.

The industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. As a result, many of the Great Lakes are under fish advisories warning people not to eat fish that may be in the water there.

By treaty, the United States and Canada are developing cleanup plans for the Great Lakes and for specific areas of concern. Unfortunately, only one area of concern, located in Canada, has been cleaned up. Most of the activity at U.S. areas of concern has occurred as a result of Superfund enforcement action or threat of such action.

However, Superfund's suitability for cleaning up the Great Lakes is limited. The Great Lakes sediments became contaminated as a result of pollution from many sources over several generations. Applying Superfund could make virtually every citizen of the Great Lakes Basin a liable party.

There are better ways to address this problem. One solution is to encourage cooperative efforts through public-private partnerships. That is the solution recommended by the bill H.R. 1070, the Great Lakes Legacy Act of 2002.

H.R. 1070 would authorize \$50 million a year for 5 years to clean up contaminated sediment in areas of concern in the Great Lakes. This Federal funding must be matched with at least a 35 percent non-Federal share, encouraging local and private sector investment. This bill also makes sure that these funds are well spent.

At some sites, removing sediments will be the best way to address short- and long-term risks. At other sites, the last thing we want to do is go in and