

118TH CONGRESS
2D SESSION

H. R. 10432

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

DECEMBER 16, 2024

Mr. MCGARVEY (for himself, Mrs. HOUCHIN, Mr. LANDSMAN, and Mr. DELUZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to establish 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 Basin Res-
5 toration Program Act”.

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

7 Title I of the Federal Water Pollution Control Act
8 (33 U.S.C. 1251 et seq.) is amended by adding at the end
9 the following:

1 **“SEC. 127. OHIO RIVER.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) AGENCY.—The term ‘Agency’ means the
4 Environmental Protection Agency.

5 “(2) OHIO RIVER BASIN.—The term ‘Ohio
6 River Basin’ means the portions of each Ohio River
7 State that contain the watershed of the Ohio River.

8 “(3) OHIO RIVER BASIN RESTORATION PRO-
9 GRAM.—The term ‘Ohio River Basin Restoration
10 Program’ means the Ohio River Basin Restoration
11 Program established by this section.

12 “(4) OHIO RIVER STATE.—The term ‘Ohio
13 River State’ means Ohio, Kentucky, West Virginia,
14 Pennsylvania, Indiana, Illinois, New York, Virginia,
15 Maryland, North Carolina, Georgia, Alabama, Ten-
16 nessee, or Mississippi.

17 “(5) PROGRAM OFFICE.—The term ‘Program
18 Office’ means the Ohio River National Program Of-
19 fice established under this section.

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

22 “(7) TRIBAL GOVERNMENT.—The term ‘Tribal
23 Government’ means the recognized governing body
24 of any Indian tribe individually identified (including
25 parenthetically) in the list published under section

1 104 of the Federally Recognized Indian Tribe List
2 Act of 1994 (25 U.S.C. 5131).

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

4 “(1) IN GENERAL.—The Administrator shall es-
5 tablish an Ohio River National Program Office with-
6 in the Agency to carry out the Ohio River Basin
7 Restoration Program.

8 “(2) PROGRAM DIRECTOR.—The Program Of-
9 fice shall be headed by a Program Director, ap-
10 pointed by the Administrator, who, by reason of
11 management experience and technical expertise re-
12 lating to the Ohio River, is highly qualified to direct
13 the development of programs and plans on a variety
14 of issues related to restoration of the Ohio River
15 Basin.

16 “(3) FUNCTIONS.—The Program Director
17 shall—

18 “(A) coordinate actions of the Agency that
19 seek to protect and restore the Ohio River
20 Basin;

21 “(B) develop, implement, and update the
22 Ohio River Basin Restoration Program and ac-
23 tion plan required by this section, in coordina-
24 tion with relevant Federal agencies and non-
25 Federal entities;

1 “(C) document information and updates
2 related to the development and implementation
3 of the Ohio River Basin Restoration Program
4 and action plan required by this section, and
5 make such information and updates available to
6 the public, including on a public website;

7 “(D) facilitate, in cooperation with the Bu-
8 reau of Indian Affairs, engagement and con-
9 sultation with Tribal Governments and Tribal
10 organizations to ensure Tribal needs and prior-
11 ities are solicited early and throughout the de-
12 velopment of the actionable goals and action
13 plan required by this section; and

14 “(E) submit to Congress, and make avail-
15 able on a public website, the action plan and
16 updates required by this section, and an annual
17 report describing—

18 “(i) progress made in implementing
19 the Ohio River Basin Restoration Pro-
20 gram;

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

24 “(iii) any funds transferred to rel-
25 evant Federal agencies under this section;

1 “(iv) any grants awarded under this
2 section;

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

5 “(vi) agreements with relevant Fed-
6 eral agencies and non-Federal entities.

7 “(4) AGREEMENTS.—In carrying out paragraph
8 (3), the Program Director may enter into agree-
9 ments, as applicable, with relevant Federal agencies
10 and non-Federal entities.

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

12 “(1) ESTABLISHMENT.—There is established
13 within the Agency the Ohio River Basin Restoration
14 Program to advance systemic, large-scale restoration
15 of the Ohio River Basin.

16 “(2) ACTIVITIES.—Any project or activity car-
17 ried out pursuant to the Ohio River Basin Restora-
18 tion Program shall be designed to address at least
19 1 of the following:

20 “(A) Improvement of water quality in the
21 Ohio River Basin and drinking water in the
22 Ohio River States through—

23 “(i) reductions in the amount of pol-
24 luted runoff, excess agricultural nutrients,
25 and sediment reaching the Ohio River; and

1 “(ii) improvements in water source
2 protections.

3 “(B) Improvement of community resilience
4 through restoration of natural systems in the
5 Ohio River Basin to minimize and ameliorate
6 flood and storm risks.

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

9 “(D) Prevention and control of the spread
10 of aquatic invasive species in the Ohio River
11 Basin.

12 “(E) Remediation of toxic substances and
13 mine-related pollution.

14 “(F) Improvement of opportunities for
15 public access and recreation in the Ohio River
16 Basin consistent with the ecological needs of
17 fish and wildlife habitat.

18 “(G) Improvement of water management
19 to enhance outcomes for fish and wildlife and
20 reduce flood risks.

21 “(H) Collection, monitoring, and evalua-
22 tion of data needed to plan, implement, and as-
23 sess the effectiveness of projects or activities
24 carried out under this section.

1 “(I) Improvement of public outreach, edu-
2 cation, and citizen involvement in the develop-
3 ment and implementation of projects and activi-
4 ties carried out under this section.

5 “(3) APPROACHES.—Projects and activities car-
6 ried out under this section shall prioritize use of nat-
7 ural, nature-based, and non-structural solutions to
8 the maximum extent practicable, including—

9 “(A) protecting or restoring naturally oc-
10 curring hydrologic, geomorphic, and ecological
11 functions and processes; and

12 “(B) removing or modifying structures
13 such as culverts, levees, and dams to restore ec-
14 ological functions and processes.

15 “(4) PROJECT IMPLEMENTATION.—

16 “(A) IN GENERAL.—Funds made available
17 to carry out the Ohio River Basin Restoration
18 Program may be used to implement projects
19 and activities described in paragraph (2) that
20 are carried out by a relevant Federal agency or
21 by a non-Federal entity.

22 “(B) GRANT AUTHORITY.—The Program
23 Director, or the head of any other Federal
24 agency receiving funds to carry out the Ohio
25 River Basin Restoration Program, may make a

1 grant to, or otherwise enter into an agreement
2 with, any non-Federal entity (including any
3 State, local, or Tribal governmental entity, non-
4 profit organization, institution of higher edu-
5 cation, or individual) that the Program Director
6 or agency head determines is qualified to carry
7 out a project or activity described in paragraph
8 (2).

9 “(5) PROJECT SELECTION.—

10 “(A) IN GENERAL.—In carrying out the
11 Ohio River Basin Restoration Program, the
12 Program Director shall collaborate with rel-
13 evant Federal agencies to select projects and
14 activities to be implemented pursuant to this
15 section using appropriate principles and cri-
16 teria, including—

17 “(i) the selection of projects and ac-
18 tivities that are equitably distributed
19 throughout the Ohio River Basin;

20 “(ii) the ability of a project or activity
21 to achieve strategic and measurable envi-
22 ronmental outcomes;

23 “(iii) the recognition that projects and
24 activities may provide benefits to local or

1 regional communities, or to the entire Ohio
2 River Basin;

3 “(iv) the feasibility of prompt imple-
4 mentation, timely achievement of measur-
5 able results, and resource leveraging; and

6 “(v) the opportunity to improve inter-
7 agency, intergovernmental, and inter-
8 organizational coordination and collabora-
9 tion to reduce duplication and improve
10 measurable environmental outcomes.

11 “(B) COMPATIBILITY.—The Program Di-
12 rector shall ensure that projects and activities
13 carried out under this section are compatible
14 with—

15 “(i) the ability of the Corps of Engi-
16 neers to maintain navigation in the Ohio
17 River; and

18 “(ii) the structural integrity or effec-
19 tiveness of Federal, State, local, or Tribal
20 disaster risk reduction infrastructure.

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

22 “(1) ACTIONABLE GOALS.—Not later than 1
23 year after the date of enactment of this section, the
24 Program Director shall develop actionable goals for
25 the Ohio River Basin Restoration Program, which

1 shall be measurable and shall include criteria for
2 measuring their success in making progress toward
3 restoring the ecological health and resilience of the
4 Ohio River Basin.

5 “(2) ACTION PLAN.—Not later than 2 years
6 after the date of enactment of this section, the Pro-
7 gram Director shall develop an action plan for ad-
8 vancing the actionable goals developed under para-
9 graph (1).

10 “(3) CONTENTS.—The Program Director shall
11 include in the action plan developed under para-
12 graph (2)—

13 “(A) a description of existing Federal,
14 State, Tribal, and regional commissions, and re-
15 gional plans, programs, and activities affecting
16 the Ohio River Basin, that may be used to ad-
17 vance the Ohio River Basin Restoration Pro-
18 gram;

19 “(B) recommendations for a comprehensive
20 approach to advancing systemic, large-scale res-
21 toration of the Ohio River Basin that, where
22 appropriate, leverages existing Federal and
23 State programs;

24 “(C) a multi-year plan that identifies spe-
25 cific objectives with corresponding commitments

1 for activities, research, and measures for
2 progress; and

3 “(D) a plan to monitor the implementation
4 of any specific projects or activities identified in
5 the action plan.

6 “(4) PROJECT RECOMMENDATIONS.—The ac-
7 tion plan may include recommendations for specific
8 projects or activities that advance the action plan
9 objectives, including timelines, anticipated costs, and
10 the identification of entities responsible for the im-
11 plementation of such projects or activities.

12 “(5) UPDATES.—Not less often than once every
13 5 years, the Program Director shall review and up-
14 date the actionable goals and action plan developed
15 under this subsection.

16 “(6) COORDINATION AND CONSULTATION.—In
17 developing and updating the actionable goals and ac-
18 tion plan under this subsection, the Program Direc-
19 tor shall—

20 “(A) consult with Ohio River States, Trib-
21 al Governments within those States, the Sec-
22 retary of the Interior, the Chief of Engineers,
23 and the Secretary of Agriculture;

24 “(B) engage with relevant Federal agen-
25 cies, local governments, nongovernmental orga-

1 nizations, institutions of higher education,
2 interstate compact agencies, and members of
3 the public;

4 “(C) provide public notice and an oppor-
5 tunity for comment; and

6 “(D) engage an independent, scientific
7 panel to review the scientific credibility of the
8 action plan to optimize the likelihood of suc-
9 cessful restoration at appropriate scales.

10 “(e) FUNDING.—

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated such sums
13 as may be necessary to carry out this section.

14 “(2) TRANSFER OF FUNDS TO FEDERAL ENTI-
15 TIES.—With funds made available to carry out this
16 section for each fiscal year, the Administrator
17 may—

18 “(A) transfer funds to the head of any rel-
19 evant Federal agency, with the concurrence of
20 the head of such agency, to carry out activities
21 in accordance with this section; and

22 “(B) enter into an interagency agreement
23 with the head of any relevant Federal agency to
24 carry out activities in accordance with this sec-
25 tion.

1 “(3) LIMITATIONS.—No funds made available
2 to carry out this section may be used for any water
3 infrastructure activity for which financial assistance
4 is received—

5 “(A) from a State water pollution control
6 revolving fund established under section 603;

7 “(B) from a State drinking water revolving
8 loan fund established under section 1452 of the
9 Safe Drinking Water Act (42 U.S.C. 300j–12);
10 or

11 “(C) pursuant to the Water Infrastructure
12 Finance and Innovation Act of 2014 (33 U.S.C.
13 3901 et seq.).

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

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