

119TH CONGRESS
2D SESSION

S. 3796

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2026

Mr. FETTERMAN (for himself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 Restoration
5 Program Act of 2026”.

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 BASIN RESTORATION PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

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

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

9 “(3) OHIO RIVER BASIN RESTORATION PRO-
10 GRAM.—The term ‘Ohio River Basin Restoration
11 Program’ means the Ohio River Basin Restoration
12 Program established by subsection (c)(1).

13 “(4) OHIO RIVER STATE.—The term ‘Ohio
14 River State’ means each of the States of Ohio, Ken-
15 tucky, West Virginia, Pennsylvania, Indiana, Illinois,
16 New York, Virginia, Maryland, North Carolina,
17 Georgia, Alabama, Tennessee, Mississippi, and
18 South Carolina.

19 “(5) PROGRAM DIRECTOR.—The term ‘Program
20 Director’ means the Director of the Program Office
21 appointed under subsection (b)(2).

22 “(6) PROGRAM OFFICE.—The term ‘Program
23 Office’ means the Ohio River National Program Of-
24 fice established under subsection (b)(1).

25 “(7) TRIBAL GOVERNMENT.—The term ‘Tribal
26 Government’ means the recognized governing body

1 of any Indian tribe individually identified (including
2 parenthetically) in the list published under section
3 104 of the Federally Recognized Indian Tribe List
4 Act of 1994 (25 U.S.C. 5131).

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

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

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

18 “(3) FUNCTIONS.—The Program Director
19 shall—

20 “(A) coordinate actions of the Environ-
21 mental Protection Agency that seek to protect
22 and restore the Ohio River Basin;

23 “(B) develop, implement, and update the
24 Ohio River Basin Restoration Program and ac-

1 tion plan required under subsection (d)(2), in
2 coordination with the advisory council;

3 “(C) document information and updates
4 related to the development and implementation
5 of the Ohio River Basin Restoration Program
6 and action plan required under subsection
7 (d)(2), and make that information and those
8 updates available to the public, including on a
9 public website; and

10 “(D) facilitate, in cooperation with the Bu-
11 reau of Indian Affairs, engagement and con-
12 sultation with Tribal Governments and Tribal
13 organizations to ensure Tribal needs and prior-
14 ities are solicited early and throughout the de-
15 velopment of the actionable goals required
16 under subsection (d)(1) and action plan re-
17 quired under subsection (d)(2).

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

22 “(5) ADVISORY COUNCIL.—In carrying out this
23 section, the Program Director shall establish an ad-
24 visory council consisting of relevant Federal entities

1 and non-Federal stakeholders, including representa-
2 tives from—

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

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

7 “(C) each Tribal Government located in
8 the Ohio River Basin; and

9 “(D) the Ohio River Valley Water Sanita-
10 tion Commission.

11 “(6) REPORTING REQUIREMENTS.—The Pro-
12 gram Director shall submit to Congress, and make
13 available on a public website, the action plan re-
14 quired under subsection (d)(2), updates to that ac-
15 tion plan required by this section, and an annual re-
16 port describing—

17 “(A) progress made in implementing the
18 Ohio River Basin Restoration Program;

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

22 “(C) any funds transferred to relevant
23 Federal agencies under this section;

24 “(D) any grants awarded under subsection
25 (c)(4)(B);

1 “(E) specific projects and activities carried
2 out pursuant to this section; and

3 “(F) agreements with relevant Federal
4 agencies and non-Federal entities.

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

6 “(1) ESTABLISHMENT.—There is established
7 within the Environmental Protection Agency the
8 Ohio River Basin Restoration Program to carry out
9 projects and activities that advance systemic, large-
10 scale restoration and protection of the Ohio River
11 Basin, including measurable improvements to water
12 quality and the ecological condition of the Ohio
13 River and the tributaries of the Ohio River.

14 “(2) PROJECTS AND ACTIVITIES.—Any project
15 or activity carried out pursuant to the Ohio River
16 Basin Restoration Program shall be designed to ac-
17 complish at least 1 of the following goals:

18 “(A) Improve water quality in the Ohio
19 River Basin and drinking water in the Ohio
20 River States.

21 “(B) Increase community resilience in the
22 Ohio River Basin to flood and storm risk, in-
23 cluding through restoration of natural systems
24 in the Ohio River Basin.

1 “(C) Protect and restore fish and wildlife
2 habitat in the Ohio River Basin.

3 “(D) Prevent and control the spread of
4 aquatic invasive species in the Ohio River
5 Basin.

6 “(E) Remediate toxic substances in the
7 Ohio River Basin.

8 “(F) Improve opportunities for public ac-
9 cess and recreation in the Ohio River Basin
10 consistent with the ecological needs of fish and
11 wildlife habitat.

12 “(G) Collect, monitor, and evaluate data
13 needed to plan, implement, and assess the effec-
14 tiveness of projects or activities carried out
15 under this section.

16 “(H) Improve public outreach, education,
17 and citizen involvement in the development and
18 implementation of projects and activities carried
19 out under this section.

20 “(3) APPROACHES.—Projects and activities car-
21 ried out pursuant to the Ohio River Basin Restora-
22 tion Program shall prioritize use of natural infra-
23 structure and nature-based and non-structural solu-
24 tions to the maximum extent practicable, including
25 protecting or restoring naturally occurring hydro-

1 logic, geomorphic, and ecological functions and proc-
 2 esses.

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

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

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

22 “(5) PROJECT AND ACTIVITY SELECTION.—

23 “(A) IN GENERAL.—The Program Direc-
 24 tor, in collaboration with the advisory council,
 25 shall select projects and activities to be imple-

1 mented pursuant to the Ohio River Basin Res-
2 toration Program using appropriate principles
3 and criteria, including—

4 “(i) the selection of projects and ac-
5 tivities that are reasonably expected to
6 achieve measurable improvements to water
7 quality and the ecological condition of the
8 Ohio River while ensuring geographic dis-
9 tribution of projects and activities across
10 the Ohio River Basin over time;

11 “(ii) the ability of a project or activity
12 to achieve strategic, measurable, and re-
13 portable environmental outcomes in accord-
14 ance with the action plan developed under
15 subsection (d)(2);

16 “(iii) the recognition that projects and
17 activities may provide economic benefits to
18 local or regional communities or to the en-
19 tire Ohio River Basin;

20 “(iv) the feasibility of prompt imple-
21 mentation, timely achievement of measur-
22 able results, and resource leveraging; and

23 “(v) the opportunity to reduce dupli-
24 cation and improve measurable environ-
25 mental outcomes.

1 “(B) COMPATIBILITY.—The Program Di-
 2 rector shall ensure that projects and activities
 3 carried out under this section are compatible
 4 with—

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

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

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

12 “(1) ACTIONABLE GOALS.—Not later than 1
 13 year after the date of enactment of this section, the
 14 Program Director shall develop actionable goals for
 15 the Ohio River Basin Restoration Program, which
 16 shall—

17 “(A) be measurable and reportable; and

18 “(B) include criteria for measuring the
 19 success of the goals in making progress toward
 20 restoring the ecological health and resilience of
 21 the Ohio River Basin.

22 “(2) ACTION PLAN.—Not later than 2 years
 23 after the date of enactment of this section, the Pro-
 24 gram Director shall develop an action plan for ad-

1 vancing the actionable goals developed under para-
2 graph (1).

3 “(3) CONTENTS.—The Program Director shall
4 include in the action plan required under paragraph
5 (2)—

6 “(A) a description of existing Federal,
7 State, Tribal, and regional commissions, and re-
8 gional plans, programs, and activities affecting
9 the Ohio River Basin that may be used to ad-
10 vance the Ohio River Basin Restoration Pro-
11 gram;

12 “(B) recommendations for a comprehensive
13 approach—

14 “(i) to—

15 “(I) advancing systemic, large-
16 scale restoration and protection of the
17 Ohio River Basin; and

18 “(II) improving water quality
19 within the Ohio River and the tribu-
20 taries of the Ohio River; and

21 “(ii) that, where appropriate,
22 leverages existing Federal, State, and Trib-
23 al 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 maintain and monitor the
4 implementation of any specific projects or ac-
5 tivities identified in the action plan.

6 “(4) PROJECT AND ACTIVITY RECOMMENDA-
7 TIONS.—The action plan required under paragraph
8 (2) may include recommendations for specific
9 projects or activities that advance the action plan
10 objectives, including timelines, anticipated costs, and
11 the identification of entities responsible for carrying
12 out those projects or activities.

13 “(5) UPDATES.—Not less frequently than once
14 every 5 years, the Program Director shall review and
15 update the actionable goals required under para-
16 graph (1) and the action plan required under para-
17 graph (2).

18 “(6) CONSULTATION WITH ADVISORY COUN-
19 CIL.—In developing and updating the actionable
20 goals required under paragraph (1) and the action
21 plan required under paragraph (2), the Program Di-
22 rector shall consult with the advisory council.

23 “(7) PUBLIC ENGAGEMENT.—The Program Di-
24 rector shall provide public notice of, and an oppor-
25 tunity for comment on, the actionable goals required

1 under paragraph (1) and the action plan required
2 under paragraph (2), including during each update
3 period under paragraph (5).

4 “(e) FUNDING.—

5 “(1) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 this section \$350,000,000 for each of fiscal years
8 2027 through 2031.

9 “(2) TRANSFER OF FUNDS TO FEDERAL ENTI-
10 TIES.—With funds made available to carry out this
11 section for each fiscal year, the Administrator
12 may—

13 “(A) transfer funds to the head of any rel-
14 evant Federal agency, with the concurrence of
15 the head of that Federal agency, to carry out
16 activities in accordance with this section; and

17 “(B) enter into an interagency agreement
18 with the head of any relevant Federal agency to
19 carry out activities in accordance with this sec-
20 tion.

21 “(f) BUDGET ITEM.—The Administrator shall, in the
22 annual budget submission of the Environmental Protec-
23 tion Agency to Congress, include a funding request for the

- 1 Ohio River Basin Restoration Program as a separate
- 2 budget line item.”.

