

113TH CONGRESS
1ST SESSION

S. _____

To amend the Federal Water Pollution Control Act to protect and restore
the Great Lakes.

IN THE SENATE OF THE UNITED STATES

Mr. LEVIN (for himself, Mr. KIRK, Ms. STABENOW, Ms. KLOBUCHAR, Mr.
BROWN, Mr. DURBIN, Mr. FRANKEN, Mr. SCHUMER, and Ms. BALDWIN)
introduced the following bill; which was read twice and referred to the
Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to protect
and restore the Great Lakes.

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 “Great Lakes Ecological
5 and Economic Protection Act of 2013”.

6 **SEC. 2. GREAT LAKES PROVISION MODIFICATIONS.**

7 (a) FINDINGS; PURPOSE.—Section 118(a) of the
8 Federal Water Pollution Control Act (33 U.S.C. 1268(a))
9 is amended—

1 (1) in paragraph (1)—

2 (A) by striking subparagraph (B) and in-
3 serting the following:

4 “(B) the United States should seek to at-
5 tain the goals embodied in the Great Lakes
6 Restoration Initiative Action Plan, the Great
7 Lakes Regional Collaboration Strategy, and the
8 Great Lakes Water Quality Agreement of 1978
9 (including subsequent amendments); and”;

10 (B) in subparagraph (C), by inserting “,
11 tribal,” after “State”;

12 (2) by striking paragraph (2) and inserting the
13 following:

14 “(2) PURPOSE.—The purpose of this section is
15 to achieve the goals established in the Great Lakes
16 Restoration Initiative Action Plan, the Great Lakes
17 Regional Collaboration Strategy, and the Great
18 Lakes Water Quality Agreement through—

19 “(A) improved organization and definition
20 of mission on the part of the Agency;

21 “(B) the funding of grants, contracts, and
22 interagency agreements for protection, restora-
23 tion, and pollution control in the Great Lakes
24 area; and

25 “(C) improved accountability.”; and

1 (3) by striking paragraph (3) and inserting the
2 following:

3 “(3) DEFINITIONS.—In this section:

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

6 “(B) AREA OF CONCERN.—The term ‘area
7 of concern’ means a geographic area located
8 within the Great Lakes, in which beneficial uses
9 are impaired and which has been officially des-
10 ignated as an area of concern under Annex 2
11 of the Great Lakes Water Quality Agreement.

12 “(C) GREAT LAKES.—The term ‘Great
13 Lakes’ means Lake Ontario, Lake Erie, Lake
14 Huron (including Lake St. Clair), Lake Michi-
15 gan, and Lake Superior, and the connecting
16 channels (Saint Mary’s River, Saint Clair River,
17 Detroit River, Niagara River, and Saint Law-
18 rence River to the Canadian Border).

19 “(D) GREAT LAKES MAYOR.—The term
20 ‘Great lakes mayor’ means a mayor of a mu-
21 nicipality located in a Great Lakes State.

22 “(E) GREAT LAKES REGIONAL COLLABO-
23 RATION STRATEGY.—The term ‘Great Lakes
24 Regional Collaboration Strategy’ means the
25 Great Lakes Regional Collaboration Strategy to

1 Protect and Restore the Great Lakes, released
2 on December 12, 2005, including any amend-
3 ments or updates thereafter.

4 “(F) GREAT LAKES STATE.—The term
5 ‘Great Lakes State’ means any of the States of
6 Illinois, Indiana, Michigan, Minnesota, New
7 York, Ohio, Pennsylvania, and Wisconsin.

8 “(G) GREAT LAKES SYSTEM.—The term
9 ‘Great Lakes System’ means all the streams,
10 rivers, lakes, and other bodies of water within
11 the drainage basin of the Great Lakes.

12 “(H) GREAT LAKES WATER QUALITY
13 AGREEMENT.—The term ‘Great Lakes Water
14 Quality Agreement’ means the Agreement on
15 Great Lakes Water Quality, 1978, signed at
16 Ottawa on November 22, 1978 (30 UST 1383;
17 TIAS 9257), between the United States and
18 Canada.

19 “(I) POTENTIALLY RESPONSIBLE PARTY.—
20 The term ‘potentially responsible party’ means
21 an individual or entity that may be liable under
22 any Federal or State authority that is being
23 used or may be used to facilitate the cleanup
24 and protection of the Great Lakes.

1 (C) by redesignating subparagraphs (C)
2 and (D) as subparagraphs (D) and (E), respec-
3 tively;

4 (D) in subparagraph (D) (as so redesign-
5 ated), by adding “and” at the end;

6 (E) in subparagraph (E) (as so redesign-
7 ated), by striking “; and” and inserting a pe-
8 riod; and

9 (F) by inserting after subparagraph (B)
10 the following:

11 “(C) coordinate with the Great Lakes
12 Interagency Task Force, as required under
13 paragraph (8);”;

14 (2) in paragraph (3)(C), by striking “subpara-
15 graph (c)(1)(C) of this section” and inserting “para-
16 graph (1)(D)”;

17 (3) by striking paragraph (6) and inserting the
18 following:

19 “(6) GREAT LAKES GOVERNANCE AND MANAGE-
20 MENT.—

21 “(A) GREAT LAKES ADVISORY BOARD.—

22 “(i) ESTABLISHMENT.—The Adminis-
23 trator shall establish an advisory board, to
24 be known as the ‘Great Lakes Advisory
25 Board’, to provide advice and recommenda-

1 “(bb) hunting, fishing, and
2 conservation organizations;

3 “(cc) businesses;

4 “(dd) agricultural groups;

5 “(ee) foundations;

6 “(ff) environmental justice
7 organizations;

8 “(gg) academia; and

9 “(hh) State, local, and tribal
10 governments.

11 “(iii) MEETINGS.—The Great Lakes
12 Advisory Board shall meet not less fre-
13 quently than once every 180 days.

14 “(iv) OPERATION.—The Great Lakes
15 Advisory Board shall—

16 “(I) operate on a collaborative
17 basis; and

18 “(II) seek input from a broad va-
19 riety of stakeholders.

20 “(v) COSTS.—The members of the
21 Great Lakes Advisory Board shall be al-
22 lowed travel expenses, including per diem
23 in lieu of subsistence, at rates authorized
24 for employees of agencies under subchapter
25 I of chapter 57 of title 5, United States

1 Code, while away from their homes or reg-
2 ular places of business in the performance
3 of services for the Board.”;

4 (4) by striking paragraph (7) and inserting the
5 following:

6 “(7) GREAT LAKES RESTORATION INITIA-
7 TIVE.—

8 “(A) FINDINGS.—Congress finds that—

9 “(i) the goal of the Great Lakes pro-
10 gram of the Agency is to restore and main-
11 tain the chemical, physical, and biological
12 integrity of the Great Lakes basin eco-
13 system; and

14 “(ii) in 2010, the Agency, in coordina-
15 tion with Federal partners, commenced im-
16 plementation of a new Great Lakes Res-
17 toration Initiative (referred to in this para-
18 graph as the ‘Initiative’), which is de-
19 signed—

20 “(I) to identify programs and
21 projects that are strategically se-
22 lected—

23 “(aa) to target the most sig-
24 nificant environmental problems

1 in the Great Lakes ecosystem;
2 and

3 “(bb) to implement the
4 Great Lakes Regional Collabora-
5 tion Strategy;

6 “(II) to be based on the work of
7 the Great Lakes Interagency Task
8 Force established by paragraph
9 (8)(A); and

10 “(III) to represent the commit-
11 ment of the Federal Government to
12 significantly advancing Great Lakes
13 protection and restoration.

14 “(B) FOCUS AREAS.—The Initiative shall
15 prioritize work done by non-Federal partners
16 using funding made available for the Great
17 Lakes for priority areas for each fiscal year,
18 such as—

19 “(i) the remediation of toxic sub-
20 stances and areas of concern;

21 “(ii) the prevention and control of
22 invasive species and the impacts of invasive
23 species;

1 “(II) timely achievement of re-
2 sults; and

3 “(III) the ability to leverage re-
4 sources; and

5 “(iii) opportunities for improved inter-
6 agency and inter-organizational coordina-
7 tion and collaboration to reduce duplication
8 and streamline efforts.

9 “(D) IMPLEMENTATION OF PROJECTS.—

10 “(i) IN GENERAL.—Funds made avail-
11 able to carry out the Initiative shall be
12 used to strategically implement—

13 “(I) Federal projects; and

14 “(II) projects carried out in co-
15 ordination with States, Indian tribes,
16 municipalities, institutions of higher
17 education, and other organizations.

18 “(ii) TRANSFER OF FUNDS.—Of
19 amounts made available for environmental
20 programs and management for the Great
21 Lakes Restoration Initiative, the Adminis-
22 trator may—

23 “(I) transfer not more than
24 \$475,000,000 to the head of any Fed-
25 eral department or agency, with the

1 concurrence of the department or
2 agency head, to carry out activities to
3 support the Initiative and the Great
4 Lakes Water Quality Agreement;

5 “(II) enter into an interagency
6 agreement with the head of any Fed-
7 eral department or agency to carry
8 out activities described in subclause
9 (I); and

10 “(III) make grants to govern-
11 mental entities, nonprofit organiza-
12 tions, institutions, and educational in-
13 stitutions for use in carrying out plan-
14 ning, research, monitoring, outreach,
15 training, studies, surveys, investiga-
16 tions, experiments, demonstration
17 projects, and implementation relating
18 to the activities described in subclause
19 (I).

20 “(E) SCOPE.—

21 “(i) IN GENERAL.—Projects shall be
22 carried out pursuant to the Initiative on
23 multiple levels, including—

24 “(I) local;

25 “(II) Great Lakes-wide; and

1 “(III) Great Lakes basin-wide.

2 “(ii) LIMITATION.—No funds made
3 available to carry out the Initiative may be
4 used for any water infrastructure activity
5 (other than a green infrastructure project
6 that improves habitat and other ecosystem
7 functions in the Great Lakes) for which
8 amounts are made available from—

9 “(I) a State water pollution con-
10 trol revolving fund established under
11 title VI; or

12 “(II) a State drinking water re-
13 volving loan fund established under
14 section 1452 of the Safe Drinking
15 Water Act (42 U.S.C. 300j–12).

16 “(F) ACTIVITIES BY OTHER FEDERAL
17 AGENCIES.—Each relevant Federal department
18 and agency shall, to the maximum extent prac-
19 ticable—

20 “(i) maintain the base level of funding
21 for the Great Lakes activities of the agen-
22 cy; and

23 “(ii) identify new activities and
24 projects to support the environmental goals
25 of the Initiative.

1 “(G) FUNDING.—

2 “(i) AUTHORIZATION OF APPROPRIA-
3 TIONS.—There is authorized to be appro-
4 priated to carry out the Initiative
5 \$475,000,000 for each of fiscal years 2014
6 through 2018.

7 “(ii) PARTNERSHIPS.—Of the
8 amounts made available to carry out the
9 Initiative, the Administrator shall transfer
10 expeditiously to the Federal partners of the
11 Initiative such sums as are necessary for
12 subsequent use and distribution by the
13 Federal partners in accordance with this
14 section.”;

15 (5) by striking paragraph (8) and inserting the
16 following:

17 “(8) GREAT LAKES INTERAGENCY TASK
18 FORCE.—

19 “(A) DEFINITION OF TASK FORCE.—In
20 this paragraph, the term ‘Task Force’ means
21 the Great Lakes Interagency Task Force estab-
22 lished under subparagraph (B).

23 “(B) ESTABLISHMENT.—There is estab-
24 lished a task force, to be known as the ‘Great
25 Lakes Interagency Task Force’ as described in

1 Executive Order 13340 (33 U.S.C. 1268 note),
2 relating to the establishment of Great Lakes
3 Interagency Task Force and promotion of re-
4 gional collaboration of national significance for
5 Great Lakes.

6 “(C) MEMBERSHIP.—

7 “(i) COMPOSITION.—The Task Force
8 shall be composed of—

9 “(I) the Administrator, who shall
10 serve as Chair;

11 “(II) the Secretary of State;

12 “(III) the Secretary of Agri-
13 culture;

14 “(IV) the Secretary of Com-
15 merce;

16 “(V) the Secretary of Housing
17 and Urban Development;

18 “(VI) the Secretary of Transpor-
19 tation;

20 “(VII) the Secretary of Home-
21 land Security;

22 “(VIII) the Secretary of the
23 Army;

24 “(IX) the Chair of the Council on
25 Environmental Quality; and

1 “(X) the Secretary of Health and
2 Human Services.

3 “(ii) DELEGATION.—Any member of
4 the Task Force may delegate any duty of
5 the member of the Task force described in
6 this paragraph to any person who—

7 “(I) is a member of the depart-
8 ment, agency, or office of the member;
9 and

10 “(II)(aa) is an officer of the
11 United States appointed by the Presi-
12 dent; or

13 “(bb) is a full-time employee
14 compensated at a rate of pay not less
15 than the minimum annual rate of
16 basic pay for GS–15 under section
17 5332 of title 5, United States Code.

18 “(D) COORDINATION AND ASSISTANCE.—
19 The Program Office shall—

20 “(i) coordinate, to the maximum ex-
21 tent practicable, with the Task Force; and

22 “(ii) assist the Task Force with the
23 performance of the functions of the Task
24 Force.

1 “(E) DUTIES.—The Task Force, as a body
2 or through member agencies, shall—

3 “(i) collaborate with Canada, prov-
4 inces of Canada, and binational bodies in-
5 volved in the Great Lakes region regarding
6 policies, strategies, projects, and priorities
7 for the Great Lakes System;

8 “(ii)(I) coordinate the development of
9 Federal policies, strategies, projects, and
10 priorities for addressing the restoration
11 and protection of the Great Lakes System
12 consistent with—

13 “(aa) the Great Lakes Water
14 Quality Agreement;

15 “(bb) the Great Lakes Regional
16 Collaboration Strategy; and

17 “(cc) the Great Lakes Restora-
18 tion Initiative Action Plan;

19 “(II) take into consideration any rec-
20 ommendations of the Great Lakes Advisory
21 Board; and

22 “(III) assist in the appropriate man-
23 agement of the Great Lakes System;

24 “(iii) develop outcome-based goals for
25 the Great Lakes System (relying on exist-

1 ing data and science-based indicators of
2 water quality, related environmental fac-
3 tors, and other information) that—

4 “(I) focus on outcomes such as
5 cleaner water, improved public health,
6 sustainable fisheries, and biodiversity
7 of the Great Lakes System;

8 “(II) ensure that Federal poli-
9 cies, strategies, projects, and priorities
10 support measurable results; and

11 “(III) are consistent with the
12 Great Lakes Regional Collaboration
13 Strategy and the Great Lakes Res-
14 toration Initiative Action Plan;

15 “(iv) exchange information regarding
16 policies, strategies, projects, and activities
17 of the agencies represented on the Task
18 Force relating to—

19 “(I) the Great Lakes System;

20 “(II) the Great Lakes Water
21 Quality Agreement;

22 “(III) the Great Lakes Restora-
23 tion Initiative Action Plan; and

24 “(IV) the Great Lakes Regional
25 Collaboration Strategy;

1 mayors, tribal leaders, and nongovern-
2 mental organizations—

3 “(aa) review the Great
4 Lakes Regional Collaboration
5 Strategy and the Great Lakes
6 Restoration Initiative Action
7 Plan; and

8 “(bb) update and revise the
9 Great Lakes Restoration Initia-
10 tive Action Plan—

11 “(AA) to reflect the
12 most comprehensive sci-
13 entific information available;
14 and

15 “(BB) to improve the
16 implementation of the Great
17 Lakes Regional Collabora-
18 tion Strategy; and

19 “(II) submit a report to Congress
20 on what actions have and have not
21 been implemented with respect to the
22 recommendations made by—

23 “(aa) the Great Lakes Advi-
24 sory Board;

1 “(bb) the Great Lakes may-
2 ors;

3 “(cc) the Great Lakes Gov-
4 ernors; and

5 “(dd) tribal leaders in Great
6 Lakes States.”;

7 (6) by striking paragraph (10) and inserting
8 the following:

9 “(10) REPORTS.—

10 “(A) ANNUAL COMPREHENSIVE RESTORA-
11 TION REPORT.—Not later than 90 days after
12 the end of each fiscal year, the Administrator
13 shall submit to Congress and make publicly
14 available a comprehensive report on the overall
15 health of the Great Lakes that includes—

16 “(i) a description of the achievements
17 during the fiscal year in implementing the
18 Great Lakes Water Quality Agreement and
19 any other applicable agreements and
20 amendments that—

21 “(I) demonstrate, by category
22 (including categories for judicial en-
23 forcement, research, State cooperative
24 efforts, and general administration)
25 the amounts expended on Great Lakes

1 water quality initiatives for the fiscal
2 year;

3 “(II) describe the progress made
4 during the fiscal year in implementing
5 the system of surveillance of the water
6 quality in the Great Lakes System, in-
7 cluding the monitoring of groundwater
8 and sediment, with a particular focus
9 on toxic pollutants;

10 “(III) describe the prospects of
11 meeting the goals and objectives of
12 the Great Lakes Water Quality Agree-
13 ment; and

14 “(IV) provide a comprehensive
15 assessment of the planned efforts to
16 be pursued in the succeeding fiscal
17 year for implementing the Great
18 Lakes Water Quality Agreement and
19 any other applicable agreements and
20 amendments that—

21 “(aa) indicate, by category
22 (including categories for judicial
23 enforcement, research, State co-
24 operative efforts, and general ad-
25 ministration) the amount antici-

1 pated to be expended on Great
2 Lakes water quality initiatives
3 for the applicable fiscal year; and

4 “(bb) include a report on
5 programs administered by other
6 Federal agencies that make re-
7 sources available for Great Lakes
8 water quality management ef-
9 forts;

10 “(ii) a detailed list of accomplish-
11 ments of the Great Lakes Restoration Ini-
12 tiative with respect to each organizational
13 element of the Initiative and the means by
14 which progress will be evaluated;

15 “(iii) recommendations for stream-
16 lining the work of advisory and coordi-
17 nating committees (such as the Great
18 Lakes Regional Collaboration and the
19 United States Policy Committee), including
20 a recommendation for eliminating any such
21 entity if the work of the entity—

22 “(I) is duplicative; or

23 “(II) complicates the protection
24 and restoration of the Great Lakes;
25 and

1 “(iv) with respect to each priority es-
2 tablished under paragraph (8)(E)(ix) dur-
3 ing the fiscal year, the reasons why the
4 Administrator implemented, or did not im-
5 plement, the priorities and recommenda-
6 tions.

7 “(B) CROSSCUT BUDGET.—Not later than
8 45 days after the date of submission of the
9 budget of the President to Congress, the Direc-
10 tor of the Office of Management and Budget, in
11 coordination with the Governor of each Great
12 Lakes State and the Task Force, shall submit
13 to Congress and make publicly available a fi-
14 nancial report, certified by the head of each
15 agency that has budget authority for Great
16 Lakes restoration activities, containing—

17 “(i) an interagency budget crosscut
18 report that—

19 “(I) describes the budget pro-
20 posed, including funding allocations
21 by each agency for the Great Lakes
22 Restoration Initiative;

23 “(II) identifies any adjustments
24 from the budget request;

1 project, authorization level, and project
2 status) to be carried out in the subsequent
3 fiscal year with the Federal share of funds
4 for activities; and

5 “(iv) a listing of all projects to be un-
6 dertaken in the subsequent fiscal year with
7 the Federal share of funds for activities.”;
8 and

9 (7) in paragraph (12)(H), by striking clause (i)
10 and inserting the following:

11 “(i) AUTHORIZATION.—In addition to
12 other amounts authorized to be appro-
13 priated pursuant to this section, there are
14 authorized to be appropriated to carry out
15 this paragraph—

16 “(I) \$50,000,000 for each of fis-
17 cal years 2004 through 2010; and

18 “(II) \$150,000,000 for each of
19 fiscal years 2014 through 2018.”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
21 118(h) of the Federal Water Pollution Control Act (33
22 U.S.C. 1268(h)) is amended—

23 (1) by redesignating paragraphs (1) through
24 (3) as subparagraphs (A) through (C), respectively,
25 and indenting the subparagraphs appropriately;

1 (2) by striking “There are authorized” and in-
2 serting the following:

3 “(1) IN GENERAL.—There are authorized”; and

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

5 “(2) PROGRAM OFFICE.—There is authorized to
6 be appropriated to the Program Office to carry out
7 this section \$25,000,000 for each of fiscal years
8 2014 through 2018.”.

9 (d) EFFECT OF SECTION.—Nothing in this section
10 or an amendment made by this section affects—

11 (1) the jurisdiction, powers, or prerogatives
12 of—

13 (A) any department, agency, or officer
14 of—

15 (i) the Federal Government; or

16 (ii) any State or tribal government; or

17 (B) any international body established by
18 treaty with authority relating to the Great
19 Lakes (as defined in section 118(a)(3) of the
20 Federal Water Pollution Control Act (33 U.S.C.
21 1268(a)(3))); or

22 (2) any other Federal or State authority that is
23 being used or may be used to facilitate the cleanup
24 and protection of the Great Lakes (as so defined).