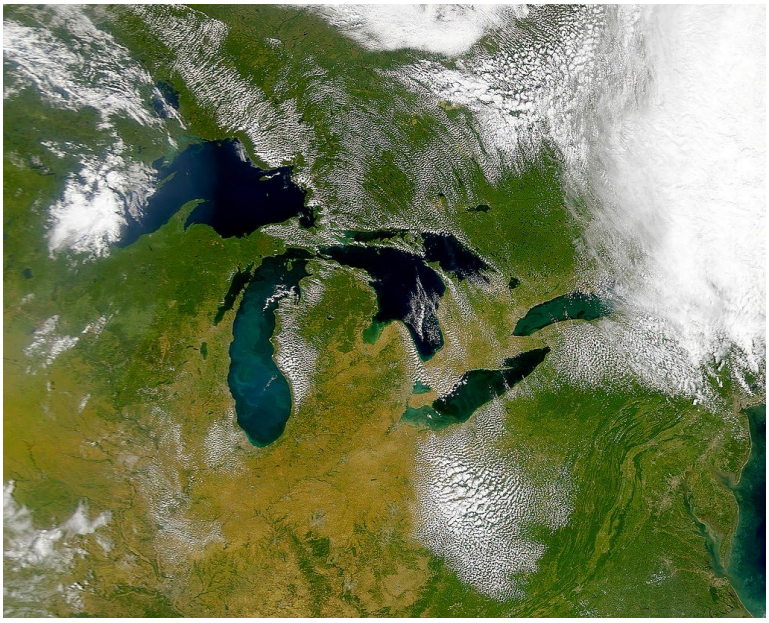
NORTHEAST-MIDWEST INSTITUTE



KEY PROVISIONS IN THE FY 2023 OMNIBUS BILL IMPACTING THE GREAT LAKES

January 2023

Before adjourning for the year, Congress passed a $1.7 trillion federal spending package, including all twelve FY 2023 appropriations bills. The omnibus bill includes $772.5 billion for non-defense discretionary programs and $858 billion in defense funding. This represents spending increases for defense and non-defense spending over the FY 2022 spending levels. The packing also provides funding for bipartisan initiatives passed during the 117th Congress including the PACT Act, the Infrastructure Investment and Jobs Act, and the CHIPS and Science Act.

Many provisions impacting the Great Lakes were included in the spending package. The Northeast-Midwest Institute (NEMWI) has provided this summary highlighting some of the key appropriations bills and accounts pertaining to the Great Lakes.

Commerce, Justice, Science, and Related Agencies

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
NOAA's Great Lakes Environmental Research Laboratory (GLERL)	N/A	N/A	N/A	While no specific number is included for GLERL, $39.5 million was included for NOAA's Ocean Laboratories and Cooperative Institutes account. This is an increase of $3 million from FY 22 and $1.5 million more than the Administration's FY 23 request for that account.
Coastal Zone Management Grants	$85.5 million	$78.5 million	$78.5 million	
National Sea Grant Program	$94 million	$88.5 million	$88 million	There are two accounts under Sea Grant: National Sea Grant College Program, which will receive $80 million in FY 23, an increase of $5 million from FY 22, and the Sea Grant Aquaculture Research Program, which will receive $14 million in FY 23, an increase of $1 million from FY 22. Additionally, within the funding provided for the Sea Grant program, NOAA is encouraged to increase coastal resilience activities across all State programs. This may include recruiting resilience-focused staff and enhancing research, engagement, decision support, and project implementation.
Great Lakes Observing System (GLOS)	N/A	N/A	N/A	While no specific number is included for GLOS, the IOOS Regional Observing account has $42.5 million, an increase of $2.5 million from FY 22 and FY 23 requests.

				Additionally, the agreement includes language that states that at least $3 million shall be used to continue and expand the IOOS HAB pilot programs initiated in FY 20 and to support the existing HAB monitoring and detection test bed.

Additional Items of Interest

NOAA's Center of Excellence Operational Ocean and Great Lakes Mapping

The agreement includes $10 million for NOAA's Center of Excellence Operational Ocean and Great Lakes Mapping. The language states that the Center shall work in unison with NOAA's existing capabilities to grow the Nation's deep water, shallow water, and coastal mapping capabilities in partnership with industry. More specifically, the Center shall serve as (1) a focal point for activities transitioning developments in mapping platforms, sensors, and concepts of operations into operations; (2) a focal point for applied training for mapping and surveying operations to grow and diversify the pool of well-qualified talent in this expanding field; (3) an agency-wide capability to provide technical support for ocean mapping technologies to operators in the field on an increasingly diverse set of platforms; and (4) a mechanism to leverage public-private partnerships in advancing the Nation's ocean and Great Lakes mapping goals.

Harmful Algal Blooms (HABs)

The agreement includes at least $14 million for HABs research, including within the Great Lakes ecosystem, and adopts House direction for these funds[1]. Additionally, the agreement states that at least $2 million is provided to explore innovative methods to increase the monitoring and detection of HABs in freshwater systems by partnering with academic institutions with expertise in unmanned aircraft systems.

Marine Sanctuaries and Protected Areas

The agreement provides $68 million for Sanctuaries and Marine Protected Areas. It includes language that NOAA's National Ocean Service shall continue to support ongoing sanctuary designation processes and is encouraged to commence designations of new sites, particularly within the Great Lakes ecosystem.

[1] The House report language is as follows: The Committee encourages this research to include an evaluation of the impacts of HAB-causing nutrients, particularly nitrogen and phosphorus, as they enter coastal areas from tributaries. Further research should prioritize development of methods of prevention, mitigation, and control to reduce the frequency, severity, and impacts of HAB events in freshwater and saltwater systems and provide special attention to research in areas most economically and environmentally impacted by HABs, including the possible contamination of drinking water. The Committee encourages NOAA to work to ensure that new technology and mitigation efforts have minimal environmental impacts.

NOAA Community Project Funding/NOAA Special Projects

Great Lakes Commission will receive $3 million for Great Lakes regional coordination (Sen. Stabenow).

Buffalo Niagara Waterkeeper will receive $480,000 for Shoreline Monitoring and Assessment of the

Energy and Water Development, and Related Agencies

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
Brandon Road Lock and Dam, Aquatic Nuisance Species Barrier, IL	$47.881 million	$47.881 million	$4.94[2]	See details below about the agreement's language guiding the Corps on invasive carp control.
Chicago Sanitary and Ship Canal Dispersal Barriers, IL	$14.33 million	$14.33 million	$12.95 million	The agreement includes language that no funds recommended in this Act may be used to construct hydrologic separation measures. The agreement also states that the Chicago Sanitary and Ship Canal (CSSC) dispersal barrier is a key control mechanism for protecting the Great Lakes from invasive carp. Over the last decade, the Corps has invested significant resources in building a permanent electric barrier on the Chicago Area Waterways System. Maximizing the effectiveness of the CSSC can have significant immediate benefits for preventing the spread of aquatic invasive species into the productive and ecologically diverse Great Lakes system.
Sault Sainte Marie (New Soo Lock), MI	N/A	N/A	$480 million	The agreement strongly encourages the Corps to move forward expeditiously to complete this critical project and to include appropriate funding for these activities in future budget submissions. While the agreement does not include funding for this project, the recently passed NDAA consists of an increased authorization for the Construction of a new lock of $3.2 billion. The Corps announced earlier this fall its intent to allocate an additional $214 million for the construction of the new large look.

[2] $4.94 million was the initial amount budgeted for by USACE, with an additional $225.84 million was included for this project through the Infrastructure Investment and Jobs Act (IIJA).

Great Lakes Coastal Resiliency Study	$3 million	$600,000	$500,000	
Harbor Maintenance Trust Fund	$2.3 billion	$2.03 billion	$1.71 billion	
Great Lakes Fishery & Ecosystem Restoration (GLFER) Program	N/A	N/A	N/A	Recent GLEFER projects have been funded through GLRI.

The agreement includes the following instructions for the Corps regarding its work preventing invasive carp from spreading to the Great Lakes:

> As the Corps prioritizes projects, it shall consider critical projects to prevent the spread of invasive species. The Corps is directed to provide to the Committees quarterly updates on the progress and status of efforts to prevent the further spread of invasive carp, including the Brandon Road Recommended Plan and the second array at the Chicago Sanitary and Ship Canal; the location and density of carp populations; the use of emergency procedures previously authorized by Congress; the development, consideration, and implementation of new technological and structural countermeasures; and progress on preconstruction engineering and design (PED) and construction work. The Corps shall continue to collaborate at levels commensurate with previous years with the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the State of Illinois, and members of the Invasive Carp Regional Coordinating Committee, including identifying navigation protocols that would be beneficial or effective in reducing the risk of vessels inadvertently carrying aquatic invasive species, including invasive carp, through the Brandon Road Lock and Dam in Joliet, Illinois. Any findings of such an evaluation shall be included in the quarterly briefings to the Committees. The Corps is further directed to implement navigation protocols shown to be effective at reducing the risk of entrainment without jeopardizing the safety of vessels and crews. The Corps and other federal and state agencies are conducting ongoing research on additional potential invasive carp solutions. The Corps is directed to provide to the Committees not later than 30 days after enactment of this Act a briefing on such navigation protocols and potential solutions.
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> Reporting Requirement.-The Corps is directed to provide to the Committees a quarterly report that shall include the total budget authority and unobligated balances by year for each program, project, or activity, including any prior year appropriations. The Assistant Secretary of the Army for Civil Works is directed to provide to the Committees a quarterly report that includes the total budget authority and unobligated balances by year for each activity funded in the Office of the Assistant Secretary of the Army for Civil Works account, including any prior year appropriations.
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> Reprogramming-The reprogramming legislation provided in the Energy and Water Development and Related Agencies Appropriations Act, 2020 (Public Law 116-94) is retained.

Regional Sediment Management.

The agreement provides $4 million to develop integrated tools that build coastal resilience across navigation, flood risk management, and ecosystem projects within the program, integrate existing and emerging physical coastal processing tools that focus on sediment management, and apply optimization principles to placement to gain greater value and benefit from dredged sediments, particularly for Civil Works business lines and missions. More specifically for the Great Lakes, the agreement provides $600,000 for cooperation and coordination with the Great Lakes states to develop sediment transport models for Great Lakes tributaries that discharge to federal navigation channels. Regional Sediment Management.

Additional Items of Interest

Department of Energy's Energy Efficiency Programs

The agreement provides $10 million from Clean Energy Manufacturing programs for developing advanced tooling for lightweight automotive components to lead the transition to electric vehicle and mobility solutions to meet the national urgency for market adoption. The Department is directed to foster further the partnership between the MDF, universities, and industry in the Great Lakes region for economic growth and technology innovation and manufacturing scale-up related to mobility and advanced electric vehicles, thereby accelerating technology deployment and increasing technology and competitiveness of U.S. manufacturing industries.

Additionally, the Department of Energy is encouraged to support innovation in water technologies that will incentivize technology developments for the blue economy, including consideration of establishing a Center of Excellence with a focus on the Great Lakes region.

Department of Energy's Biological and Environmental Research

The agreement provides $30 million to continue the development of observational assets and support associated research on the nation's primary land-water interfaces, including the Great Lakes and the Puget Sound, by leveraging national laboratories' assets, local infrastructure, and expertise at universities and other research institutions. The Department is directed to provide the ten-year research plan to the Committees not later than 30 days after enactment of this Act.

Interior, Environment, and Related Agencies

Environmental Protection Agency (EPA)

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
Great Lakes Restoration Initiative (GLRI)	$368 million	$340.11 million	$348 million	The agreement includes language from the House[i] and Senate[ii] reports that provide EPA guidance on GLRI's administration.
BEACH Grants	$10.62 million	$9.81 million	$10.12 million	
Clean Water State Revolving Fund	$1.639 billion	$1.639 billion	$1.639 billion	The agreement directs $863 million of this funding to Community Project Funding/Congressionally Directed Spending grants for constructing waste-water and storm-water infrastructure and water quality protection.
Drinking Water State Revolving Fund	$1.126 billion	$1.126 billion	$1.126 billion	The agreement directs $609 million of this funding to Community Project Funding/Congressionally Directed Spending grants for the construction of drinking water infrastructure.

Department of Interior

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
USFWS Invasive Carp Programs	$31 million	N/A	$25.2	USFWS budget justification includes $48.37 million for aquatic invasive species control, an increase of $7.2 million from FY 2022. The agreement includes $4 million for contract fishing and $27 million for all other invasive carp activities.[3]

[3] The agreement recognizes the importance of the work conducted by the FWS to combat the serious threat of invasive carp and the bill provides $27,000,000 for invasive carp activities, as directed in House Report 117-400 including the direction for contract fishing. The FWS should consider the utility of creating a dedicated funding source to increase the intensity and geographic scope of efforts to prevent entry into the Great Lakes and control in areas where invasive carp are currently located. The Committees encourage the Service to work with those States with existing cooperative agreements, including nonprofits, to develop and implement innovative solutions to reduce invasive carp populations in the Ohio River basin, with emphasis on Kentucky Lake and Lake Barkley. Additionally, while the Committees recognize the importance of studying and understanding invasive carp patterns, the Service is encouraged to take action on a strategy that increases the focus on biomass removal and restricts carp progression by coordinating with other Federal partners on constructing invasive carp barriers. The Committees direct the Service to report back within 60 days of enactment of this Act detailing how fiscal year 2021 and fiscal year 2022 funds have been expended, along with a strategy for targeting and removing increased tonnage of invasive carp in the Ohio, Tennessee, and Cumberland River basins.

Great Lakes Fish and Wildlife Restoration program	$3 million	N/A	$2 million	
Great Lakes Sea Lamprey	$1.01 million	N/A	$1.01 million	USFWS budget justification includes $48.37 million for aquatic invasive species control, an increase of $7.2 million from FY 2022.

USGS's Great Lakes Science Center

The agreement includes no less than $15 million for the USGS's Great Lakes Science Center. Also, it provides the Science Center with $2 million for deepwater fisheries research through the USGS's Species Management Research Program. Additionally, the agreement includes House report language that supports the Great Lakes Science Center's collaboration with the broader Great Lakes Partnership to implement priority science needs for biological assessment tools and technologies. These additional resources will ensure the acquisition of information necessary for fishery management decisions and to support the Center's large vessels.

USGS National Cooperative Geologic Mapping Program

The agreement provides $44.56 million for USGS's National Cooperative Geologic Mapping Program, which includes programs such as the Great Lakes Mapping Coalition.

Additional Items of Interest

EPA

Great Lakes Consent Decree

The agreement includes $1 million for the Great Lakes Consent Decree at EPA.

Great Lakes and Lake Champlain Invasive Species Program

The agreement includes language expressing the appreciation for the ongoing research to combat aquatic nuisance species transported by commercial shipping and ballast water operations to implement the Great Lakes and Lake Champlain Invasive Species Program as authorized by the Vessel Incident Discharge Act (Public Law 115-282). It directs the EPA to use funds from the appropriate Geographic Program to build on these implementation efforts to reduce the risk of introducing invasive species into the Great Lakes and Lake Champlain. EPA is directed to include details of these amounts as part of its operating plan.

Harmful Algal Blooms (HABs)

The agreement provides $6 million to investigate adverse health effects from exposure to HABs and cyanobacteria toxins and to develop methods to monitor, predict, and characterize blooms to allow for early action. Additionally, the Agency is encouraged to research the health issues related to aerosolized exposure to water contaminated with HABs, as stated in the House report.

Other relevant EPA grant programs

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
Reducing Lead in Drinking Water (STAG)	$25.01 million	$182 million	$22.01 million	
Drinking Water Infrastructure Resilience and Sustainability (STAG)	$7 million	$25 million	$5 million	
Technical Assistance for Wastewater Treatment Works (STAG)	$27 million	$18 million	$20 million	
Sewer Overflow and Stormwater Reuse Grants (STAG)	$50 million	$280 million	$43 million	
Water Infrastructure Workforce Investment (STAG)	$6 million	$17.71 million	$4 million	
Nonpoint Source (Sec. 319) (Categorical Grants)	$182 million	$189 million	$178 million	
Pollution Control (Sec. 106) (Categorical Grants)	$237 million	$251.54 million	$231 million	
Public water system supervision (Categorical Grants)	$121.5 million	$132.57 million	$113 million	

WIFIA

The agreement provides $75.64 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program.

U.S. Fish and Wildlife Agency

National Invasive Species Act (NISA)

The agreement includes $2.83 million for NISA State Plans and $1.57 million for NISA implementation, which helps control the spread of invasive carp.

Quagga and Zebra Mussels

The agreement includes $3.5 million to prevent the spread of quagga and zebra mussels.

U.S. Geological Survey (USGS)

Invasive Carp

The agreement includes $11 million for invasive carp research, of which $3 million is for research on grass carp.

Harmful Algal Bloom (HABs) Research (Environmental Health Program)

The agreement includes at least a $2 million increase above the enacted level for research on harmful algal bloom (the FY 22 omnibus bill included no less than $2.75 million for HAB research).

PFAS (Environmental Health Program)

The agreement includes $2.7 million for research on the transmission of per- and polyfluoroalkyl substances (PFOA/PFAS) in watersheds and aquifers.

Plastics

The agreement includes a provision urging the USGS to emphasize plastics research, including microplastics and nanoplastics research, in the environmental health strategic vision the USGS is developing and to brief the Committees on its findings after the release of the review.

National Water Quality Program

The agreement includes $100 million for the National Water Quality program and $7.49 million for harmful algal bloom research. The agreement provides an increase of $500,000 to support PFAS substances research. The Survey is directed to consult with States and Tribes to determine priority mapping areas for PF AS contamination.

New Center to Study Freshwater Cycles and Watersheds

The agreement includes $5 million to establish a center to study complete water cycles and watersheds from mountaintops to shorelines. The center should focus on freshwater ecosystems with 28 diverse industries, water use, and geological surroundings that impact the local watershed. All aspects of the water cycle should be considered, including adverse outcomes such as drought, flooding, and harmful algal blooms. This center should be located near and work in collaboration with at least one Water Resources Research Institute and collaborate with other relevant water institutes such as Sea Grant and the Northeastern States Research Cooperative.

State, Foreign Operations, and Related Programs

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
Great Lakes Fishery Commission	$50 million	$38 million	$47.06 million	The agreement includes the following breakdown of GLFC funding: $10 million for Lake Champlain and Lake Memphremagog basins. $1 million for grass carp activities. $500,000 for Lake Memphremagog's fishery.
International Joint Commission (IJC)	$10.88 million	$10.88 million	$10.8	

Transportation, Housing and Urban Development, and Related Agencies

Program	FY 23 Funding	FY 23 Request	FY 22 Funding	Notes
Great Lakes St. Lawrence Seaway Development Corporation (GLSLSDC)	$38.5 million	$38.5 million	$38 million	The agreement directs that at least $14.8 million be provided for the seaway infrastructure program. The agreement provides $1 million for trade and economic development activities at the GLS, to be carried out with system stakeholders. The agreement directs the GLS to continue to submit an annual report to the House and Senate Committees on Appropriations, not later than 90 days after enactment of this act, summarizing the activities of the seaway infrastructure program during the immediately preceding fiscal year.
MARAD's Port Infrastructure Development Program	$212.20 million	$230 million	$234.31 million	The agreement directs MARAD to set aside 25 percent of the funds for small inland river and coastal ports and terminals, as required by 46 U.S.C. 54301. The agreement directs the MARAD to allow Federal cost shares above 80 percent for projects in rural areas,

Other Provisions of Interest to the Great Lakes

Establishment of the Great Lakes Authority

Sec. 401 of Title IV - Environment and Public Works Matters, in Division O - Extenders and Technical Corrections of the omnibus bill, establishes the Great Lakes Authority as a regional commission for the Great Lakes region by adding the GLA to the part of the U.S. Code (40 U.S.C. § 15101 et seq.) that currently has three other regional commissions (Southeast Crescent Regional Commission, Southwest Border Regional Commission, and Northern Border Regional Commission). In doing so, the GLA would have the same authorities and capabilities as those regional commissions, as well as their authorization: $33 million through FY 23. The GLA will serve the areas in the watershed of the Great Lakes and the Great Lakes System in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, as defined by the Great Lakes Restoration Initiative (GLRI) (33 U.S.C. 1268(a)(3)).

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[i] The Committee directs the Agency and other federal partners to continue to work in coordination with the Great Lakes States, Tribes, local authorities, and nonfederal stakeholders to prioritize action-oriented projects across the five focus areas in lieu of additional studies, monitoring, and evaluations. Such projects include, but are not limited to, remediating and delisting Areas of Concern, reducing nutrient runoff, preventing, and controlling invasive species, improving water quality, and increasing coastal resiliency through restoration and protection of streambanks, natural coastlines, and shorelines. As the Agency distributes funds across the five focus areas, Tribal related activities should be maintained at not less than $15,000,000.

The Committee remains concerned by the rise in harmful algal blooms (HABs) due to an increase in extreme weather events and climate variability throughout the Great Lakes, and believes that investing GLRI funding in innovative projects including wetland and other natural infrastructure project designs, technologies, algae remediation through harvesting or cultivation, or through other approaches, both nutrient and HAB reduction benefits can be achieved at landscape scales. The Agency is directed to brief the Committee on its current and historical allocation of funds among the five focus areas, with a focus on Area 3 (nutrients) and Area 4 (habitat) in fiscal year 2022. Additionally, the Committee urges the Agency to focus on HAB reduction efforts in Great Lakes regions where nutrient loading contributes the most to HABs. The Committee strongly supports projects that have cross-cutting benefits across focus areas and directs the Agency to use GLRI funding to support efforts that yield benefits to more than one focus area by combining resources from multiple focus areas and to develop a more flexible and responsive allocation process which ensures that States and local communities have the capacity and tools to respond to the growing threat that HABs and other environmental challenges pose to the Great Lakes.

The Committee encourages Agency funds to be made available to expand breakwaters and advance local shoreline mitigation measures that protect water quality and provide much needed protection for Great Lakes shorelines threatened by rising lake levels.

The Committee also recognizes that environment-based mitigation measures such as the creation of wetlands, conservation easements, and natural flood plains to slow the flow rate of rivers, creeks, and streams, are innovative tools to mitigate the severity of future floods in the Great Lakes Bay region. The Committee urges the Agency to work in coordination with the U.S. Department of Agriculture, Federal Emergency Management Agency, National Oceanic and Atmospheric Administration, and U.S. Army Corps of Engineers, as well as state, local, and tribal governments, and business and non-profit stakeholders, on developing conservation and environment-based flood mitigation measures to reduce the impact of floods on communities within the Great Lakes Bay region, including the Tittabawassee River Watershed.

[ii] A long-term goal of the Great Lakes Restoration Initiative [GLRI] articulated in the GLRI Action Plan calls for land use, recreation, and economic activities that are managed to ensure that nearshore aquatic, wetland, and upland habitats will sustain the health and function of natural communities. The Committee is aware that metropolitan planning organizations in the region are working on site-specific land-use and economic development projects with local communities bordering the Great Lakes that can help advance this effort. The Agency is encouraged to work with these groups to advance this long-term goal as they allocate funding under the GLRI. The Committee encourages Agency funds for Great Lakes projects to be made available for projects in the historic Great Lakes Basin, which includes the Chicago River Watershed.

The Committee encourages the Agency to work with the other members of the Great Lakes Interagency Taskforce to incorporate environmental justice and equity into the GLRI program and to prioritize grantmaking for projects benefiting environmental justice and historically underserved communities. The Agency is urged to examine barriers and limitations under existing grant practices, promote community engagement and local capacity building, and implement new practices that encourage community-driven projects and equitable access to the benefits resulting from GLRI investments, thereby increasing the share of GLRI grants to communities of color, Indigenous communities, and low-income communities. In undertaking this examination, the Committee encourages the Agency to reconvene the Great Lakes Regional Collaboration, which was first established under E.O. 13340, to review the strategy published in 2005 and revise and reissue updated strategic recommendations that guide the GLRI program, along with the Great Lakes Water Quality Agreement, so as to incorporate principles of environmental justice and climate change in the restoration and protection of the Great Lakes and its tributaries. The Committee directs the Agency to brief the Committee in 180 days of enactment of this act on the status of this effort.

The Committee is encouraged by the Agency's commitment to accelerate the clean-up of Areas of Concern. The Committee notes that there is currently no community representation standard for Areas of Concern Public Advisory Councils, which are the entities charged with increasing public awareness, representing public priorities, and ensuring project implementation. The Committee urges the Agency to brief the Committee on how communities most impacted by Areas of Concern are represented in decision-making processes, steps to enhance community engagement and local capacity building, and the Agency's plan for engaging the Great Lakes community in the development of Action Plan IV.