

117TH CONGRESS  
2D SESSION

# S. 4415

To amend the Federal Water Pollution Control Act to reauthorize and modify the Lake Champlain Basin Program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 16, 2022

Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to reauthorize and modify the Lake Champlain Basin 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 “Lake Champlain Basin  
5 Program Reauthorization Act of 2022”.

6 **SEC. 2. LAKE CHAMPLAIN BASIN PROGRAM.**

7 Section 120 of the Federal Water Pollution Control  
8 Act (33 U.S.C. 1270) is amended to read as follows:

1 **“SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) CHAMPLAIN VALLEY NATIONAL HERITAGE  
4 PARTNERSHIP.—The term ‘Champlain Valley Na-  
5 tional Heritage Partnership’ means the Champlain  
6 Valley National Heritage Partnership established by  
7 section 284(a) of the Champlain Valley National  
8 Heritage Partnership Act of 2006 (54 U.S.C.  
9 320101 note; Public Law 109–338).

10 “(2) EDUCATION AND OUTREACH COM-  
11 MITTEE.—

12 “(A) IN GENERAL.—The term ‘Education  
13 and Outreach Committee’ means a committee  
14 established by the Steering Committee to pro-  
15 vide objective information and funding rec-  
16 ommendations to the Steering Committee upon  
17 request to be used in the decisionmaking proc-  
18 ess of the Steering Committee, including—

19 “(i) funding recommendations relating  
20 to educational and outreach opportunities  
21 and issues; and

22 “(ii) programmatic actions needed to  
23 address those educational or outreach op-  
24 portunities or issues.

25 “(B) INCLUSION.—The term ‘Education  
26 and Outreach Advisory Committee’ includes a

1 committee described in subparagraph (A) estab-  
2 lished before the date of enactment of the Lake  
3 Champlain Basin Program Reauthorization Act  
4 of 2022.

5 “(3) FISCAL AGENT.—The term ‘fiscal agent’  
6 means an organization that is responsible for fiscal  
7 and administrative management of the Program  
8 under the direction of the Steering Committee and  
9 the Administrator.

10 “(4) FOUNDATION.—The term ‘Foundation’  
11 means the Lake Champlain Basin Program Founda-  
12 tion that may be established pursuant to subsection  
13 (d)(1).

14 “(5) LAKE CHAMPLAIN BASIN.—The term  
15 ‘Lake Champlain Basin’ means Lake Champlain and  
16 the natural watershed of Lake Champlain, including  
17 all land, streams, rivers, lakes, and other bodies of  
18 water in the United States and Canada that natu-  
19 rally drain into Lake Champlain, including all or a  
20 portion of—

21 “(A) the counties of Clinton, Franklin,  
22 Warren, Essex, and Washington in the State of  
23 New York; and

24 “(B) the counties of Franklin, Grand Isle,  
25 Chittenden, Addison, Rutland, Bennington,

1 Lamoille, Orange, Washington, Orleans, and  
2 Caledonia in the State of Vermont.

3 “(6) LAKE CHAMPLAIN CITIZENS ADVISORY  
4 COMMITTEE.—

5 “(A) IN GENERAL.—The term ‘Lake  
6 Champlain Citizens Advisory Committee’ means  
7 a committee in the State of Vermont, the State  
8 of New York, and, if the Province of Quebec  
9 elects to participate, the Province of Quebec, es-  
10 tablished by the Governor or executive officer of  
11 the State or province, as applicable, to advise  
12 on the protection and restoration of Lake  
13 Champlain.

14 “(B) INCLUSION.—The term ‘Lake Cham-  
15 plain Citizens Advisory Committee’ includes a  
16 committee described in subparagraph (A) estab-  
17 lished before the date of enactment of the Lake  
18 Champlain Basin Program Reauthorization Act  
19 of 2022.

20 “(7) PLAN.—The term ‘Plan’ means the com-  
21 prehensive pollution prevention, ecosystem protection  
22 and restoration, and climate change response plan  
23 adopted and published under subsection (e)(1), in-  
24 cluding any revisions to that plan.

1           “(8) PROGRAM.—The term ‘Program’ means  
2           the Lake Champlain Basin Program established by  
3           subsection (b)(1).

4           “(9) STEERING COMMITTEE.—The term ‘Steer-  
5           ing Committee’ means the Steering Committee es-  
6           tablished and maintained under the most recent  
7           Memorandum of Understanding on Environmental  
8           Cooperation on the Management of Lake Champlain  
9           entered into between the State of New York, the  
10          State of Vermont, and, if the Province of Quebec  
11          elects to participate, the Province of Quebec, as  
12          modified pursuant to this section.

13          “(10) TECHNICAL ADVISORY COMMITTEE.—

14                 “(A) IN GENERAL.—The term ‘Technical  
15                 Advisory Committee’ means a committee estab-  
16                 lished by the Steering Committee to provide ob-  
17                 jective information and funding recommenda-  
18                 tions to the Steering Committee upon request  
19                 to be used in the decisionmaking process of the  
20                 Steering Committee, including—

21                         “(i) funding recommendations relating  
22                         to technical and scientific management  
23                         issues; and

1 “(ii) research or actions needed to ad-  
 2 dress those technical or scientific manage-  
 3 ment issues.

4 “(B) INCLUSION.—The term ‘Technical  
 5 Advisory Committee’ includes a committee de-  
 6 scribed in subparagraph (A) established before  
 7 the date of enactment of the Lake Champlain  
 8 Basin Program Reauthorization Act of 2022.

9 “(b) ESTABLISHMENT.—

10 “(1) IN GENERAL.—There is established a pro-  
 11 gram within the Environmental Protection Agency,  
 12 to be known as the ‘Lake Champlain Basin Pro-  
 13 gram’, that shall coordinate efforts among the Fed-  
 14 eral Government, applicable State governments, ap-  
 15 plicable local governments, the Province of Quebec  
 16 (if the Province of Quebec elects to participate), and  
 17 other partners to develop, adopt, and implement the  
 18 Plan.

19 “(2) IMPLEMENTATION.—In implementing the  
 20 Program, the Administrator—

21 “(A) may, with no competitive process,  
 22 provide support to the State of Vermont, the  
 23 State of New York, and the Foundation; and

24 “(B) shall coordinate actions of the Envi-  
 25 ronmental Protection Agency under subpara-

1 graph (A) with the actions of other appropriate  
 2 Federal agencies.

3 “(c) STEERING COMMITTEE.—

4 “(1) MAINTENANCE.—The Steering Committee  
 5 shall assist in carrying out and overseeing the Pro-  
 6 gram and the Plan.

7 “(2) MEMBERSHIP.—

8 “(A) IN GENERAL.—Each of the following  
 9 shall be a member of the Steering Committee:

10 “(i) The highest level official (or a  
 11 designee) of each of the following:

12 “(I) The State environmental  
 13 agency of the State of New York.

14 “(II) The State environmental  
 15 agency of the State of Vermont.

16 “(III) The Ministry for the Envi-  
 17 ronment of the Province of Quebec, if  
 18 that ministry elects to participate.

19 “(ii) A representative of—

20 “(I) the State agriculture agency  
 21 from each of the States of New York  
 22 and Vermont; and

23 “(II) the Quebec Agricultural  
 24 Ministry, if that ministry elects to  
 25 participate.

“(iii) The State Historic Preservation Officer from each of the States of New York and Vermont, or a designee of that officer.

“(iv) 6 representatives of units of local government entirely within the Lake Champlain Basin, of which—

“(I) 2 shall be representatives of units of local government in the State of New York;

“(II) 2 shall be representatives of units of local government in the State of Vermont; and

“(III) 2 shall be representatives of units of local government in the Province of Quebec, if the Province of Quebec elects to send representatives.

“(v) The chairperson of—

“(I) the Lake Champlain Citizens Advisory Committee of the State of New York;

“(II) the Lake Champlain Citizens Advisory Committee of the State of Vermont; and

1 “(III) if the Province of Quebec  
 2 elects to participate, the Lake Cham-  
 3 plain Citizens Advisory Committee of  
 4 the Province of Quebec.

5 “(vi) The chairperson of the Technical  
 6 Advisory Committee.

7 “(vii) The chairperson of the Edu-  
 8 cation and Outreach Committee.

9 “(viii) The chairperson of the advisory  
 10 committee for the Champlain Valley Na-  
 11 tional Heritage Partnership.

12 “(ix) A representative from each of—

13 “(I) the Region 1 office of the  
 14 Environmental Protection Agency;

15 “(II) the Region 2 office of the  
 16 Environmental Protection Agency;

17 “(III) the Region 5 office of the  
 18 United States Fish and Wildlife Serv-  
 19 ice;

20 “(IV) the Natural Resources  
 21 Conservation Service New York State  
 22 office;

23 “(V) the Natural Resources Con-  
 24 servation Service Vermont State of-  
 25 fice;

1 “(VI) the National Park Service;

2 and

3 “(VII) the New York District of

4 the Corps of Engineers.

5 “(x) The Director of the Lake Cham-

6 plain Sea Grant Institute.

7 “(xi) A representative of the Great

8 Lakes Fishery Commission.

9 “(xii) Such additional members as

10 may be confirmed by the Steering Com-

11 mittee.

12 “(B) CHAIRPERSON.—The position of

13 chairperson of the Steering Committee shall

14 regularly rotate among the members of the

15 Steering Committee described in subparagraph

16 (A)(i).

17 “(C) RATIFICATION.—Any actions of the

18 Steering Committee taken before the date of

19 enactment of the Lake Champlain Basin Pro-

20 gram Reauthorization Act of 2022 are ratified

21 and confirmed.

22 “(d) LAKE CHAMPLAIN BASIN PROGRAM FOUNDA-

23 TION.—

24 “(1) ESTABLISHMENT.—The Administrator and

25 the Steering Committee may, in the discretion of the

1 Administrator and by a vote of the Steering Com-  
2 mittee, jointly establish a foundation, to be known as  
3 the ‘Lake Champlain Basin Foundation’, as a chari-  
4 table and nonprofit corporation.

5 “(2) NOT AN AGENCY.—If established under  
6 paragraph (1), the Foundation shall not be an agen-  
7 cy or establishment of the United States.

8 “(3) PURPOSES.—The purposes of the Founda-  
9 tion, if established under paragraph (1), are—

10 “(A) to undertake and conduct activities  
11 that support—

12 “(i) the work of the Program; and

13 “(ii) the purposes of this section;

14 “(B) to accept and manage funds of the  
15 Foundation for the implementation of the Plan,  
16 including—

17 “(i) amounts made available to the  
18 Foundation by the Administrator; and

19 “(ii) amounts made available to Fed-  
20 eral agencies under subsection (i)(2) for  
21 transfer to the Foundation;

22 “(C) to make subgrants, enter into con-  
23 tracts, and administer funds of the Foundation  
24 to carry out activities described in subpara-  
25 graph (A); and

“(D) to participate with, and otherwise assist, Canada and the Province of Quebec in undertaking and conducting activities that further the work of the Program in fulfilling the purposes of this section and implementing the Plan.

“(4) BOARD OF DIRECTORS.—

“(A) IN GENERAL.—If the Foundation is established under paragraph (1), the Foundation shall be governed by a board of directors (referred to in this subsection as the ‘Board’).

“(B) MEMBERSHIP.—Members of the Board shall include—

“(i) each member of the Steering Committee, unless the member declines to serve on the Board; and

“(ii) such additional members as may be appointed by the Steering Committee.

“(C) RECUSAL.—Members of the Steering Committee may recuse themselves from votes on the Board.

“(D) WITHDRAWAL.—Members of the Board, including members of the Steering Committee that serve as members of the Board, may withdraw from membership on the Board.

1           “(E) REMOVAL.—Members appointed to  
2           the Board under subparagraph (B)(ii) may be  
3           removed by the Steering Committee.

4           “(5) POWERS OF THE FOUNDATION.—Subject  
5           to any conditions imposed on the Foundation by the  
6           Steering Committee and subject to approval by the  
7           Board, the Foundation may—

8                   “(A) receive funds, including funds made  
9                   available to Federal agencies under subsection  
10                  (i)(2) for transfer to the Foundation;

11                  “(B) retain staff;

12                  “(C) issue subgrants;

13                  “(D) enter into contracts;

14                  “(E) own property; and

15                  “(F) serve as fiscal agent for the Program,  
16           if selected to serve as the fiscal agent by the  
17           Administrator.

18           “(6) DISSOLUTION.—

19                   “(A) IN GENERAL.—The Administrator  
20           and the Steering Committee may jointly dis-  
21           solve the Foundation.

22                   “(B) RETURN OF FUNDS.—If the Adminis-  
23           trator and the Steering Committee jointly dis-  
24           solve the Foundation under subparagraph (A),  
25           during the dissolution process, the Foundation

1 shall return all unobligated funds to each Fed-  
2 eral agency that provided funds to the Founda-  
3 tion in a manner that is proportional to the  
4 amount of funds received from that Federal  
5 agency.

6 “(e) POLLUTION PREVENTION, ECOSYSTEM PROTEC-  
7 TION AND RESTORATION, AND CLIMATE CHANGE RE-  
8 SPONSE PLAN.—

9 “(1) ADOPTION.—

10 “(A) IN GENERAL.—The Steering Com-  
11 mittee shall adopt and publish a comprehensive  
12 pollution prevention, ecosystem protection and  
13 restoration, and climate change response plan  
14 for Lake Champlain that protects and benefits  
15 the water quality, fisheries, wetlands, wildlife,  
16 and cultural resources of Lake Champlain and  
17 within the Lake Champlain basin.

18 “(B) INCLUSIONS.—The Plan shall include  
19 strategies to advance clean water, healthy eco-  
20 systems, thriving communities, and an informed  
21 and involved public in the Lake Champlain  
22 Basin with respect to Lake Champlain.

23 “(C) REVISION.—

24 “(i) IN GENERAL.—The Steering  
25 Committee shall update and readopt the

1 Plan not less frequently than once every 10  
 2 years, but may update and readopt the  
 3 Plan more frequently as necessary to im-  
 4 plement the Program.

5 “(ii) GOAL.—The Steering Committee  
 6 shall have the goal of updating and re-  
 7 adopting the Plan every 5 years.

8 “(iii) EFFECT.—A Plan adopted by  
 9 the Steering Committee shall remain in ef-  
 10 fect until readopted by the Steering Com-  
 11 mittee pursuant to clause (i).

12 “(2) USE OF PLAN.—The Plan shall guide the  
 13 work of the Program.

14 “(f) GRANT ASSISTANCE.—

15 “(1) IMPLEMENTATION GRANTS.—

16 “(A) IN GENERAL.—The Administrator  
 17 may, in consultation with the Steering Com-  
 18 mittee, make grants to State, interstate, and re-  
 19 gional water pollution control agencies and pub-  
 20 lic or nonprofit agencies, institutions, and orga-  
 21 nizations for the purpose of implementing the  
 22 Plan.

23 “(B) FEDERAL SHARE.—

24 “(i) IN GENERAL.—Subject to clause  
 25 (ii), the amount of a grant under subpara-

graph (A) shall not exceed 75 percent of the cost of the research, survey, study, or other work to be carried out using grant funds.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—The Administrator may, on a case-by-case basis and in consultation with the Steering Committee, increase the Federal share under clause (i) to 85 percent of the costs described in that clause.

“(II) REQUIREMENT.—In carrying out subclause (I), the Administrator shall be guided by policy adopted by the Steering Committee.

“(C) REQUIREMENTS.—The Administrator may establish such requirements for the administration of grants under subparagraph (A) as the Administrator determines to be appropriate.

“(2) FISCAL AGENT GRANTS.—

“(A) IN GENERAL.—The Administrator may award grants to a qualified entity to serve as a fiscal agent for purposes of oversight of the Program.

1           “(B) ASSESSMENT.—The Administrator  
2           and the Steering Committee shall—

3                   “(i) as necessary but not less fre-  
4                   quently than once every 10 years, assess  
5                   the effectiveness of the fiscal agent for the  
6                   purposes described in subparagraph (A);  
7                   and

8                   “(ii) if appropriate, select a new quali-  
9                   fied entity through a competitive process to  
10                  serve as a fiscal agent for the purposes de-  
11                  scribed in that subparagraph.

12           “(C) NO COMPETITIVE PROCESS.—

13                   “(i) FOUNDATION.—If the Founda-  
14                   tion is established pursuant to subsection  
15                   (d)(1) and is selected to serve as fiscal  
16                   agent by the Administrator, the Adminis-  
17                   trator may award the grants under sub-  
18                   paragraph (A) to the Foundation with no  
19                   competitive process.

20                   “(ii) OTHER ENTITIES.—If a qualified  
21                   entity is selected to serve as a fiscal agent  
22                   through a competitive process pursuant to  
23                   subparagraph (B)(ii), the Administrator  
24                   may award grants under subparagraph (A)

1 to the qualified entity with no competitive  
2 process.

3 “(g) GREAT LAKES FISHERY COMMISSION.—

4 “(1) IN GENERAL.—The Great Lakes Fishery  
5 Commission may undertake, fund, and support work  
6 on Lake Champlain, in the Lake Champlain Basin,  
7 and other areas within the Saint Lawrence River  
8 basin in Vermont, including through—

9 “(A) fisheries and aquatic ecosystem re-  
10 search, monitoring, restoration, and manage-  
11 ment;

12 “(B) sea lamprey control;

13 “(C) aquatic invasive species prevention  
14 and mitigation;

15 “(D) public engagement and education;  
16 and

17 “(E) other work to implement the Plan.

18 “(2) AUTHORIZATION.—In carrying out para-  
19 graph (1), the Great Lakes Fishery Commission  
20 may work with the Program, the Foundation, Fed-  
21 eral and State agencies, institutions of higher edu-  
22 cation, nonprofit organizations, units of local govern-  
23 ment, and Canadian federal and Quebec provincial  
24 authorities.

25 “(h) SAVINGS PROVISIONS.—

1 “(1) NO EFFECT ON CERTAIN AUTHORITY.—

2 Nothing in this section—

3 “(A) affects the jurisdiction or powers of—

4 “(i) any department or agency of the  
5 Federal Government or any State govern-  
6 ment; or

7 “(ii) except as provided in subsection  
8 (g), any international organization or enti-  
9 ty related to Lake Champlain created by  
10 treaty or memorandum to which the  
11 United States is a signatory;

12 “(B) provides new regulatory authority for  
13 the Environmental Protection Agency; or

14 “(C) affects section 304 of the Great  
15 Lakes Critical Programs Act of 1990 (33  
16 U.S.C. 1270 note; Public Law 101–596).

17 “(2) NO EFFECT ON OBLIGATIONS.—Nothing in  
18 this section affects the obligations of Canada, the  
19 Province of Quebec, or any agencies or representa-  
20 tives of Canada or the Province of Quebec ref-  
21 erenced in this section.

22 “(i) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There is authorized to be  
24 appropriated to the Environmental Protection Agen-

1       cy to carry out the Program \$50,000,000 for each  
2       of fiscal years 2023 through 2033.

3           “(2) FOUNDATION.—If the Foundation is es-  
4       tablished pursuant to subsection (d)(1), there is au-  
5       thorized to be appropriated for each fiscal year be-  
6       ginning with the fiscal year during which the Foun-  
7       dation is established through fiscal year 2033 for  
8       transfer to the Foundation—

9           “(A) \$15,000,000 to the United States  
10       Fish and Wildlife Service;

11           “(B) \$5,000,000 to the Natural Resources  
12       Conservation Service; and

13           “(C) \$5,000,000 to the National Oceanic  
14       and Atmospheric Administration.”.

○