

AMENDMENT TO RULES COMMITTEE PRINT 117-

47

OFFERED BY MR. TONKO OF NEW YORK

Add at the end the following new title:

1 **TITLE IV—NEW YORK-NEW JER-**
2 **SEY WATERSHED PROTEC-**
3 **TION ACT**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “New York-New Jersey
6 Watershed Protection Act”.

7 **SEC. 402. DEFINITIONS.**

8 In this title:

9 (1) **APPROVED PLANS.**—The term “approved
10 plan”—

11 (A) means any plan for management of the
12 New York-New Jersey Watershed—

13 (i) that has been approved by a Fed-
14 eral, regional, State, or local governmental
15 entity, including State Wildlife Action
16 Plans, Comprehensive Conservation Man-
17 agement Plans, Watershed Improvement
18 Plans; or

1 (ii) that is determined by the Direc-
2 tor, in consultation with such entities, to
3 contribute to the achievement of the pur-
4 poses of this title; and

5 (B) includes the New York-New Jersey
6 Harbor & Estuary Program (HEP) Action
7 Agenda, the Hudson Raritan Comprehensive
8 Restoration Plan, the Hudson River Com-
9 prehensive Restoration Plan, the Hudson River
10 Estuary Program Action Agenda, the Hudson
11 River Park Trust Estuarine Sanctuary Manage-
12 ment Plan, the Mohawk River Action Agenda,
13 the Sustainable Raritan River Initiative Action
14 Plan, the Lower Passaic and Bronx & Harlem
15 Federal Urban Waters Partnership Workplans,
16 the New Jersey Sports and Exhibition Author-
17 ity Meadowlands Restoration Plan, as well as
18 other critical conservation projects in the region
19 that achieve the purposes of this title.

20 (2) DIRECTOR.—The term “Director” means
21 the Director of the United States Fish and Wildlife
22 Service.

23 (3) ENVIRONMENTAL JUSTICE.—The term “en-
24 vironmental justice” means the fair treatment and
25 meaningful involvement of all people regardless of

1 race, color, national origin, or income, with respect
2 to the development, implementation, and enforce-
3 ment of environmental laws, regulations, and poli-
4 cies.

5 (4) FOUNDATION.—The term “Foundation”
6 means the National Fish and Wildlife Foundation.

7 (5) GRANT PROGRAM.—The term “grant pro-
8 gram” means the voluntary New York-New Jersey
9 Watershed Restoration Grant Program established
10 under section 405.

11 (6) PROGRAM.—The term “program” means
12 the New York-New Jersey Watershed Restoration
13 Program established under section 404.

14 (7) RESTORATION AND PROTECTION.—The
15 term “restoration and protection” means the con-
16 servation, stewardship, and enhancement of habitat
17 for fish and wildlife and water quality to preserve
18 and improve ecosystems and ecological processes on
19 which they depend and for use and enjoyment by the
20 public.

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, acting through the Di-
23 rector.

24 (9) SERVICE.—The term “Service” means the
25 United States Fish and Wildlife Service.

1 (10) WATERSHED.—The term “Watershed”
2 means the New York-New Jersey Watershed, which
3 is comprised of all land area whose surface water
4 drains into New York-New Jersey Harbor, the
5 waters contained within that land area, and the es-
6 tuaries associated with those watersheds.

7 **SEC. 403. PROGRAM ESTABLISHMENT.**

8 (a) ESTABLISHMENT.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary shall
10 establish a nonregulatory program to be known as the
11 “New York-New Jersey Watershed Restoration Program”.

12 (b) DUTIES.—In carrying out the program, the Sec-
13 retary shall—

14 (1) draw on existing and new approved plans
15 for the Watershed, or portions of the Watershed,
16 and work in consultation with applicable manage-
17 ment entities, including representatives of the New
18 York-New Jersey Harbor and Estuary Program
19 (HEP), Hudson River Estuary Program, Mohawk
20 River Basin Program, Sustainable Raritan River
21 Initiative, the Federal Government, and other State
22 and local governments, and regional and nonprofit
23 organizations, as appropriate, to identify, prioritize,
24 and implement restoration and protection activities
25 within the Watershed; and

1 (2) adopt a Watershed-wide strategy that—

2 (A) supports the implementation of a
3 shared set of science-based restoration and pro-
4 tection activities developed in accordance with
5 paragraph (1);

6 (B) targets cost-effective projects with
7 measurable results;

8 (C) maximizes conservation outcomes;

9 (D) prioritizes the needs of communities
10 lacking in environmental justice; and

11 (E) establishes the voluntary grant and
12 technical assistance programs authorized in this
13 title.

14 (c) CONSULTATION.—In establishing the program,
15 the Secretary shall, as appropriate—

16 (1) consult with—

17 (A) the heads of Federal agencies, includ-
18 ing—

19 (i) the Administrator of the Environ-
20 mental Protection Agency;

21 (ii) the Administrator of the National
22 Oceanic and Atmospheric Administration;

23 (iii) the Secretary of Agriculture; and

24 (iv) the Director of the National Park
25 Service; and

1 (B) Indian Tribes; and

2 (2) coordinate with —

3 (A) the Governors of New York and New
4 Jersey and the Commissioner of the New York
5 State Department of Environmental Conserva-
6 tion and the Director of the New Jersey Divi-
7 sion of Fish and Wildlife;

8 (B) the New York-New Jersey Harbor &
9 Estuary Program; and

10 (C) other public agencies and organizations
11 with authority for the planning and implemen-
12 tation of conservation strategies in the Water-
13 shed.

14 (d) PURPOSES.—The purposes of the program in-
15 clude—

16 (1) coordinating restoration and protection ac-
17 tivities among Federal, State, local, and regional en-
18 tities and conservation partners throughout the Wa-
19 tershed;

20 (2) carrying out coordinated restoration and
21 protection activities, and providing for technical as-
22 sistance throughout the Watershed—

23 (A) to sustain and enhance fish and wild-
24 life habitat restoration and protection activities;

1 (B) to improve and maintain water quality
2 to support fish, wildlife, and their habitat, as
3 well as to improve opportunities for public ac-
4 cess and recreation in the Watershed consistent
5 with the ecological needs of fish and wildlife
6 habitat;

7 (C) to advance the use of natural and na-
8 ture-based features, living shoreline, and other
9 green infrastructure techniques to maximize the
10 resilience of communities, natural systems, and
11 habitats under changing sea levels, storm risks,
12 and watershed conditions;

13 (D) to engage the public, communities ex-
14 periencing environmental injustice, through out-
15 reach, education, and community involvement to
16 increase capacity and support for coordinated
17 restoration and protection activities in the Wa-
18 tershed;

19 (E) to increase scientific capacity to sup-
20 port the planning, monitoring, and research ac-
21 tivities necessary to carry out coordinated res-
22 toration and protection activities;

23 (F) to provide for feasibility and planning
24 studies for green infrastructure projects that

1 achieve habitat restoration and stormwater
2 management goals;

3 (G) to support land conservation and man-
4 agement activities necessary to fulfill the Wa-
5 tershed-wide strategy adopted under subsection
6 (b);

7 (H) to provide technical assistance to carry
8 out restoration and protection activities in the
9 Watershed;

10 (I) to monitor environmental quality to as-
11 sess progress toward the goals of this title; and

12 (J) to improve fish and wildlife habitats,
13 as well as opportunities for personal recreation,
14 along rivers and shore fronts within commu-
15 nities lacking in environmental justice; and

16 (3) other activities necessary for the implemen-
17 tation of approved plans.

18 **SEC. 404. NEW YORK-NEW JERSEY WATERSHED RESTORA-**
19 **TION GRANT PROGRAM.**

20 (a) ESTABLISHMENT.—The Secretary shall establish
21 a voluntary grant and technical assistance program, to be
22 known as the “New York-New Jersey Watershed Restora-
23 tion Grant Program”, to provide competitive matching
24 grants of varying amounts to State and local governments,
25 nonprofit organizations, institutions of higher education,

1 and other eligible entities to carry out activities described
2 in section 403(d)(2).

3 (b) CRITERIA.—The Secretary, in consultation with
4 the agencies, organizations, and other persons referred to
5 in section 404(c), shall develop criteria for the grant pro-
6 gram to help ensure that activities funded under this sec-
7 tion accomplish one or more of the purposes identified in
8 section 403(d)(2) and advance the implementation of pri-
9 ority actions or needs identified in the Watershed-wide
10 strategy adopted under section 403(b)(2).

11 (c) CAPACITY BUILDING.—The Secretary shall in-
12 clude grant program provisions designed to increase the
13 effectiveness of organizations that work at the nexus of
14 natural resource and community health issues within the
15 New York-New Jersey Watershed by addressing organiza-
16 tional capacity needs.

17 (d) COST SHARING.—

18 (1) FEDERAL SHARE.—The Federal share of
19 the cost of a project funded under the grant pro-
20 gram shall not exceed 50 percent of the total cost
21 of the activity, as determined by the Secretary.

22 (2) NON-FEDERAL SHARE.—The non-Federal
23 share of the cost of a project funded under the grant
24 program may be provided in cash or in the form of
25 an in-kind contribution of services or materials.

1 (e) ADMINISTRATION.—

2 (1) IN GENERAL.—The Secretary may enter
3 into an agreement to manage the grant program
4 with the National Fish and Wildlife Foundation or
5 a similar organization that offers grant management
6 services.

7 (2) FUNDING.—If the Secretary enters into an
8 agreement under paragraph (1), the organization se-
9 lected shall—

10 (A) for each fiscal year, receive amounts
11 made available to carry out this section in an
12 advance payment of the entire amounts on Oc-
13 tober 1 of that fiscal year, or as soon as prac-
14 ticable thereafter;

15 (B) invest and reinvest those amounts for
16 the benefit of the grant program; and

17 (C) otherwise administer the grant pro-
18 gram to support partnerships between the pub-
19 lic and private sectors in accordance with this
20 title.

21 (3) REQUIREMENTS.—If the Secretary enters
22 into an agreement with the Foundation under para-
23 graph (1), any amounts received by the Foundation
24 under this section shall be subject to the National
25 Fish and Wildlife Foundation Establishment Act (16

1 U.S.C. 3701 et seq.), excluding section 10(a) of that
2 Act (16 U.S.C. 3709(a)).

3 **SEC. 405. ANNUAL REPORTS.**

4 Not later than 180 days after the date of enactment
5 of this Act and annually thereafter, the Secretary shall
6 submit to the Congress a report on the implementation
7 of this title, including a description of each project that
8 has received funding under this title in the preceding fiscal
9 year.

10 **SEC. 406. PROHIBITION ON FEDERAL LAND HOLDINGS.**

11 The Federal Government may not maintain owner-
12 ship of any land acquired under this title except for the
13 purpose of promptly transferring ownership to a State or
14 local entity.

15 **SEC. 407. SUNSET.**

16 This title shall have no force or effect after Sep-
17 tember 30, 2030.

18 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated to the Secretary to carry out this title \$20,000,000
21 for each of fiscal years 2023 through 2028, of which not
22 more than 3 percent shall be used for administrative costs
23 to carry out this title.

24 (b) USE FOR GRANT PROGRAM.—Of any amount
25 made available under this section for each fiscal year, the

1 Secretary shall use at least 75 percent to carry out the
2 grant program under section 404 and to provide, or pro-
3 vide for, technical assistance under such program.

