AMENDMENT TO RULES COMMITTEE PRINT 117–47

OFFERED BY MR. TONKO OF NEW YORK

Add at the end the following new title:

TITLE IV—NEW YORK-NEW JERSEY WATERSHED PROTECTION ACT

SEC. 401. SHORT TITLE.

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

SEC. 402. DEFINITIONS.

In this title:

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

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

(i) that has been approved by a Federal, regional, State, or local governmental entity, including State Wildlife Action Plans, Comprehensive Conservation Management Plans, Watershed Improvement Plans; or
(ii) that is determined by the Director, in consultation with such entities, to contribute to the achievement of the purposes of this title; and

(B) includes the New York-New Jersey Harbor & Estuary Program (HEP) Action Agenda, the Hudson Raritan Comprehensive Restoration Plan, the Hudson River Comprehensive Restoration Plan, the Hudson River Estuary Program Action Agenda, the Hudson River Park Trust Estuarine Sanctuary Management Plan, the Mohawk River Action Agenda, the Sustainable Raritan River Initiative Action Plan, the Lower Passaic and Bronx & Harlem Federal Urban Waters Partnership Workplans, the New Jersey Sports and Exhibition Authority Meadowlands Restoration Plan, as well as other critical conservation projects in the region that achieve the purposes of this title.

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

(3) ENVIRONMENTAL JUSTICE.—The term “environmental justice” means the fair treatment and meaningful involvement of all people regardless of
race, color, national origin, or income, with respect to the development, implementation, and enforce-
ment of environmental laws, regulations, and poli-
cies.

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

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

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

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

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

(9) SERVICE.—The term “Service” means the United States Fish and Wildlife Service.
(10) **WATERSHED.**—The term “Watershed” means the New York-New Jersey Watershed, which is comprised of all land area whose surface water drains into New York-New Jersey Harbor, the waters contained within that land area, and the estuaries associated with those watersheds.

**SEC. 403. PROGRAM ESTABLISHMENT.**

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

(b) **DUTIES.**—In carrying out the program, the Secretary shall—

(1) draw on existing and new approved plans for the Watershed, or portions of the Watershed, and work in consultation with applicable management entities, including representatives of the New York-New Jersey Harbor and Estuary Program (HEP), Hudson River Estuary Program, Mohawk River Basin Program, Sustainable Raritan River Initiative, the Federal Government, and other State and local governments, and regional and nonprofit organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Watershed; and
(2) adopt a Watershed-wide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (1);

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

(C) maximizes conservation outcomes;

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

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

(e) Consultation.—In establishing the program, the Secretary shall, as appropriate—

(1) consult with—

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

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

(iii) the Secretary of Agriculture; and

(iv) the Director of the National Park Service; and
(B) Indian Tribes; and

(2) coordinate with —

(A) the Governors of New York and New Jersey and the Commissioner of the New York State Department of Environmental Conservation and the Director of the New Jersey Division of Fish and Wildlife;

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

(C) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Watershed.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Watershed;

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance throughout the Watershed—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;
(B) to improve and maintain water quality to support fish, wildlife, and their habitat, as well as to improve opportunities for public access and recreation in the Watershed consistent with the ecological needs of fish and wildlife habitat;

(C) to advance the use of natural and nature-based features, living shoreline, and other green infrastructure techniques to maximize the resilience of communities, natural systems, and habitats under changing sea levels, storm risks, and watershed conditions;

(D) to engage the public, communities experiencing environmental injustice, through outreach, education, and community involvement to increase capacity and support for coordinated restoration and protection activities in the Watershed;

(E) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities;

(F) to provide for feasibility and planning studies for green infrastructure projects that
achieve habitat restoration and stormwater management goals;

(G) to support land conservation and management activities necessary to fulfill the Watershed-wide strategy adopted under subsection (b);

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

(I) to monitor environmental quality to assess progress toward the goals of this title; and

(J) to improve fish and wildlife habitats, as well as opportunities for personal recreation, along rivers and shore fronts within communities lacking in environmental justice; and

(3) other activities necessary for the implementation of approved plans.

SEC. 404. NEW YORK-NEW JERSEY WATERSHED RESTORATION GRANT PROGRAM.

(a) Establishment.—The Secretary shall establish a voluntary grant and technical assistance program, to be known as the “New York-New Jersey Watershed Restoration Grant Program”, to provide competitive matching grants of varying amounts to State and local governments, nonprofit organizations, institutions of higher education,
and other eligible entities to carry out activities described in section 403(d)(2).

(b) CRITERIA.—The Secretary, in consultation with the agencies, organizations, and other persons referred to in section 404(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 403(d)(2) and advance the implementation of priority actions or needs identified in the Watershed-wide strategy adopted under section 403(b)(2).

c) CAPACITY BUILDING.—The Secretary shall include grant program provisions designed to increase the effectiveness of organizations that work at the nexus of natural resource and community health issues within the New York-New Jersey Watershed by addressing organizational capacity needs.

d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the activity, as determined by the Secretary.

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

(1) In general.—The Secretary may enter into an agreement to manage the grant program with the National Fish and Wildlife Foundation or a similar organization that offers grant management services.

(2) Funding.—If the Secretary enters into an agreement under paragraph (1), the organization selected shall—

(A) for each fiscal year, receive amounts made available to carry out this section in an advance payment of the entire amounts on October 1 of that fiscal year, or as soon as practicable thereafter;

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

(C) otherwise administer the grant program to support partnerships between the public and private sectors in accordance with this title.

(3) Requirements.—If the Secretary enters into an agreement with the Foundation under paragraph (1), any amounts received by the Foundation under this section shall be subject to the National Fish and Wildlife Foundation Establishment Act (16
U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 405. ANNUAL REPORTS.

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

SEC. 406. PROHIBITION ON FEDERAL LAND HOLDINGS.

The Federal Government may not maintain ownership of any land acquired under this title except for the purpose of promptly transferring ownership to a State or local entity.

SEC. 407. SUNSET.

This title shall have no force or effect after September 30, 2030.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

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

(b) USE FOR GRANT PROGRAM.—Of any amount made available under this section for each fiscal year, the
Secretary shall use at least 75 percent to carry out the grant program under section 404 and to provide, or provide for, technical assistance under such program.