

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. TONKO OF NEW YORK

Add at the end of title LV the following:

1 **SEC. 5505. NEW YORK-NEW JERSEY WATERSHED PROTEC-**
2 **TION.**

3 (a) PROGRAM ESTABLISHMENT.—

4 (1) ESTABLISHMENT.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall establish a nonregulatory program to be
7 known as the “New York-New Jersey Watershed
8 Restoration Program”.

9 (2) DUTIES.—In carrying out the program, the
10 Secretary shall—

11 (A) draw on existing and new approved
12 plans for the Watershed, or portions of the Wa-
13 tershed, and work in consultation with applica-
14 ble management entities, including representa-
15 tives of the New York-New Jersey Harbor and
16 Estuary Program (HEP), Hudson River Estu-
17 ary Program, Mohawk River Basin Program,
18 Sustainable Raritan River Initiative, the Fed-
19 eral Government, and other State and local gov-

1 ernments, and regional and nonprofit organiza-
2 tions, as appropriate, to identify, prioritize, and
3 implement restoration and protection activities
4 within the Watershed; and

5 (B) adopt a Watershed-wide strategy
6 that—

7 (i) supports the implementation of a
8 shared set of science-based restoration and
9 protection activities developed in accord-
10 ance with subparagraph (A);

11 (ii) targets cost-effective projects with
12 measurable results;

13 (iii) maximizes conservation outcomes;

14 (iv) prioritizes the needs of commu-
15 nities lacking in environmental justice; and

16 (v) establishes the voluntary grant
17 and technical assistance programs author-
18 ized in this section.

19 (3) CONSULTATION.—In establishing the pro-
20 gram, the Secretary shall, as appropriate—

21 (A) consult with—

22 (i) the heads of Federal agencies, in-
23 cluding—

24 (I) the Administrator of the En-
25 vironmental Protection Agency;

1 (II) the Administrator of the Na-
2 tional Oceanic and Atmospheric Ad-
3 ministration;

4 (III) the Secretary of Agri-
5 culture; and

6 (IV) the Director of the National
7 Park Service; and

8 (ii) Indian Tribes; and

9 (B) coordinate with —

10 (i) the Governors of New York and
11 New Jersey and the Commissioner of the
12 New York State Department of Environ-
13 mental Conservation and the Director of
14 the New Jersey Division of Fish and Wild-
15 life;

16 (ii) the New York-New Jersey Harbor
17 & Estuary Program; and

18 (iii) other public agencies and organi-
19 zations with authority for the planning and
20 implementation of conservation strategies
21 in the Watershed.

22 (4) PURPOSES.—The purposes of the program
23 include—

24 (A) coordinating restoration and protection
25 activities among Federal, State, local, and re-

1 regional entities and conservation partners
2 throughout the Watershed;

3 (B) carrying out coordinated restoration
4 and protection activities, and providing for tech-
5 nical assistance throughout the Watershed—

6 (i) to sustain and enhance fish and
7 wildlife habitat restoration and protection
8 activities;

9 (ii) to improve and maintain water
10 quality to support fish, wildlife, and their
11 habitat, as well as to improve opportunities
12 for public access and recreation in the Wa-
13 tershed consistent with the ecological needs
14 of fish and wildlife habitat;

15 (iii) to advance the use of natural and
16 nature-based features, living shoreline, and
17 other green infrastructure techniques to
18 maximize the resilience of communities,
19 natural systems, and habitats under
20 changing sea levels, storm risks, and wa-
21 tershed conditions;

22 (iv) to engage the public, communities
23 experiencing environmental injustice,
24 through outreach, education, and commu-
25 nity involvement to increase capacity and

1 support for coordinated restoration and
2 protection activities in the Watershed;

3 (v) to increase scientific capacity to
4 support the planning, monitoring, and re-
5 search activities necessary to carry out co-
6 ordinated restoration and protection activi-
7 ties;

8 (vi) to provide for feasibility and plan-
9 ning studies for green infrastructure
10 projects that achieve habitat restoration
11 and stormwater management goals;

12 (vii) to support land conservation and
13 management activities necessary to fulfill
14 the Watershed-wide strategy adopted
15 under subsection (a)(2)(B);

16 (viii) to provide technical assistance to
17 carry out restoration and protection activi-
18 ties in the Watershed;

19 (ix) to monitor environmental quality
20 to assess progress toward the goals of this
21 section; and

22 (x) to improve fish and wildlife habi-
23 tats, as well as opportunities for personal
24 recreation, along rivers and shore fronts

1 within communities lacking in environ-
2 mental justice; and

3 (C) other activities necessary for the imple-
4 mentation of approved plans.

5 (b) NEW YORK-NEW JERSEY WATERSHED RESTORA-
6 TION GRANT PROGRAM.—

7 (1) ESTABLISHMENT.—The Secretary shall es-
8 tablish a voluntary grant and technical assistance
9 program, to be known as the “New York-New Jersey
10 Watershed Restoration Grant Program”, to provide
11 competitive matching grants of varying amounts to
12 State and local governments, nonprofit organiza-
13 tions, institutions of higher education, and other eli-
14 gible entities to carry out activities described in sub-
15 section (a)(4).

16 (2) CRITERIA.—The Secretary, in consultation
17 with the agencies, organizations, and other persons
18 referred to in section 404(c), shall develop criteria
19 for the grant program to help ensure that activities
20 funded under this section accomplish one or more of
21 the purposes identified in subsection (a)(4) and ad-
22 vance the implementation of priority actions or
23 needs identified in the Watershed-wide strategy
24 adopted under subsection (a)(2)(B).

1 (3) CAPACITY BUILDING.—The Secretary shall
2 include grant program provisions designed to in-
3 crease the effectiveness of organizations that work at
4 the nexus of natural resource and community health
5 issues within the New York-New Jersey Watershed
6 by addressing organizational capacity needs.

7 (4) COST SHARING.—

8 (A) DEPARTMENT OF THE INTERIOR
9 SHARE.—The Department of the Interior share
10 of the cost of a project funded under the grant
11 program shall not exceed 50 percent of the total
12 cost of the activity, as determined by the Sec-
13 retary.

14 (B) NON-DEPARTMENT OF THE INTERIOR
15 SHARE.—The non-Department of the Interior
16 share of the cost of a project funded under the
17 grant program may be provided in cash or in
18 the form of an in-kind contribution of services
19 or materials.

20 (c) ADMINISTRATION.—

21 (1) IN GENERAL.—The Secretary may enter
22 into an agreement to manage the grant program
23 with the National Fish and Wildlife Foundation or
24 a similar organization that offers grant management
25 services.

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

4 (A) for each fiscal year, receive amounts
5 made available to carry out this section in an
6 advance payment of the entire amounts on Oc-
7 tober 1 of that fiscal year, or as soon as prac-
8 ticable thereafter;

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

11 (C) otherwise administer the grant pro-
12 gram to support partnerships between the pub-
13 lic and private sectors in accordance with this
14 section.

15 (3) REQUIREMENTS.—If the Secretary enters
16 into an agreement with the Foundation under sub-
17 paragraph (A), any amounts received by the Foun-
18 dation under this section shall be subject to the Na-
19 tional Fish and Wildlife Foundation Establishment
20 Act (16 U.S.C. 3701 et seq.), excluding section
21 10(a) of that Act (16 U.S.C. 3709(a)).

22 (d) ANNUAL REPORTS.—Not later than 180 days
23 after the date of enactment of this Act and annually there-
24 after, the Secretary shall submit to the Congress a report
25 on the implementation of this section, including a descrip-

1 tion of each project that has received funding under this
2 section in the preceding fiscal year.

3 (e) PROHIBITION ON FEDERAL LAND HOLDINGS.—

4 The Federal Government may not maintain ownership of
5 any land acquired under this section except for the pur-
6 pose of promptly transferring ownership to a State or local
7 entity.

8 (f) SUNSET.—This section shall have no force or ef-
9 fect after September 30, 2030.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated to the Secretary to carry out this sec-
13 tion \$20,000,000 for each of fiscal years 2023
14 through 2028, of which not more than 3 percent
15 shall be used for administrative costs to carry out
16 this section.

17 (2) USE FOR GRANT PROGRAM.—Of any
18 amount made available under this section for each
19 fiscal year, the Secretary shall use at least 75 per-
20 cent to carry out the grant program under sub-
21 section (b) and to provide, or provide for, technical
22 assistance under such program.

23 (h) DEFINITIONS.—In this section:

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

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

3 (i) that has been approved by a Fed-
4 eral, regional, State, or local governmental
5 entity, including State Wildlife Action
6 Plans, Comprehensive Conservation Man-
7 agement Plans, Watershed Improvement
8 Plans; or

9 (ii) that is determined by the Direc-
10 tor, in consultation with such entities, to
11 contribute to the achievement of the pur-
12 poses of this section; and

13 (B) includes the New York-New Jersey
14 Harbor & Estuary Program (HEP) Action
15 Agenda, the Hudson Raritan Comprehensive
16 Restoration Plan, the Hudson River Com-
17 prehensive Restoration Plan, the Hudson River
18 Estuary Program Action Agenda, the Hudson
19 River Park Trust Estuarine Sanctuary Manage-
20 ment Plan, the Mohawk River Action Agenda,
21 the Sustainable Raritan River Initiative Action
22 Plan, the Lower Passaic and Bronx & Harlem
23 Federal Urban Waters Partnership Workplans,
24 the New Jersey Sports and Exhibition Author-
25 ity Meadowlands Restoration Plan, as well as

1 other critical conservation projects in the region
2 that achieve the purposes of this section.

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

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

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

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

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

22 (7) RESTORATION AND PROTECTION.—The
23 term “restoration and protection” means the con-
24 servation, stewardship, and enhancement of habitat
25 for fish and wildlife and water quality to preserve

1 and improve ecosystems and ecological processes on
2 which they depend and for use and enjoyment by the
3 public.

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

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

9 (10) WATERSHED.—The term “Watershed”
10 means the New York-New Jersey Watershed, which
11 is comprised of all land area whose surface water
12 drains into New York-New Jersey Harbor, the
13 waters contained within that land area, and the es-
14 tuaries associated with those watersheds.

