

Union Calendar No. 34

117TH CONGRESS
1ST SESSION

H. R. 610

[Report No. 117–51, Part I]

To amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Ms. SPEIER (for herself, Ms. PELOSI, Mr. HUFFMAN, Mr. GARAMENDI, Mr. THOMPSON of California, Mr. MCNERNEY, Mr. DESAULNIER, Ms. LEE of California, Mr. KHANNA, Ms. ESHOO, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 4, 2021

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 4, 2021

Committee on the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 28, 2021]

A BILL

To amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay.

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 “San Francisco Bay Res-*
 5 *toration Act”.*

6 **SEC. 2. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
 7 **GRAM.**

8 *Title I of the Federal Water Pollution Control Act (33*
 9 *U.S.C. 1251 et seq.) is amended by adding at the end the*
 10 *following:*

11 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
 12 **GRAM.**

13 “(a) *DEFINITIONS.—In this section:*

14 “(1) *ESTUARY PARTNERSHIP.—The term ‘Estu-*
 15 *ary Partnership’ means the San Francisco Estuary*
 16 *Partnership, designated as the management con-*
 17 *ference for the San Francisco Bay under section 320.*

18 “(2) *SAN FRANCISCO BAY PLAN.—The term ‘San*
 19 *Francisco Bay Plan’ means—*

20 “(A) *until the date of the completion of the*
 21 *plan developed by the Director under subsection*
 22 *(d), the comprehensive conservation and manage-*
 23 *ment plan approved under section 320 for the*
 24 *San Francisco Bay estuary; and*

1 “(B) on and after the date of the completion
2 of the plan developed by the Director under sub-
3 section (d), the plan developed by the Director
4 under subsection (d).

5 “(b) PROGRAM OFFICE.—

6 “(1) ESTABLISHMENT.—The Administrator shall
7 establish in the Environmental Protection Agency a
8 San Francisco Bay Program Office. The Office shall
9 be located at the headquarters of Region 9 of the En-
10 vironmental Protection Agency.

11 “(2) APPOINTMENT OF DIRECTOR.—The Admin-
12 istrator shall appoint a Director of the Office, who
13 shall have management experience and technical ex-
14 pertise relating to the San Francisco Bay and be
15 highly qualified to direct the development and imple-
16 mentation of projects, activities, and studies necessary
17 to implement the San Francisco Bay Plan.

18 “(3) DELEGATION OF AUTHORITY; STAFFING.—
19 The Administrator shall delegate to the Director such
20 authority and provide such staff as may be necessary
21 to carry out this section.

22 “(c) ANNUAL PRIORITY LIST.—

23 “(1) IN GENERAL.—After providing public no-
24 tice, the Director shall annually compile a priority
25 list, consistent with the San Francisco Bay Plan,

1 *identifying and prioritizing the projects, activities,*
2 *and studies to be carried out with amounts made*
3 *available under subsection (e).*

4 “(2) *INCLUSIONS.—The annual priority list*
5 *compiled under paragraph (1) shall include the fol-*
6 *lowing:*

7 “(A) *Projects, activities, and studies, in-*
8 *cluding restoration projects and habitat improve-*
9 *ment for fish, waterfowl, and wildlife, that ad-*
10 *vance the goals and objectives of the San Fran-*
11 *cisco Bay Plan, for—*

12 “(i) *water quality improvement, in-*
13 *cluding the reduction of marine litter;*

14 “(ii) *wetland, riverine, and estuary*
15 *restoration and protection;*

16 “(iii) *nearshore and endangered species*
17 *recovery; and*

18 “(iv) *adaptation to climate change.*

19 “(B) *Information on the projects, activities,*
20 *and studies specified under subparagraph (A),*
21 *including—*

22 “(i) *the identity of each entity receiv-*
23 *ing assistance pursuant to subsection (e);*
24 *and*

1 “(ii) a description of the communities
2 to be served.

3 “(C) The criteria and methods established
4 by the Director for identification of projects, ac-
5 tivities, and studies to be included on the annual
6 priority list.

7 “(3) CONSULTATION.—In compiling the annual
8 priority list under paragraph (1), the Director shall
9 consult with, and consider the recommendations of—

10 “(A) the Estuary Partnership;

11 “(B) the State of California and affected
12 local governments in the San Francisco Bay es-
13 tuary watershed;

14 “(C) the San Francisco Bay Restoration
15 Authority; and

16 “(D) any other relevant stakeholder involved
17 with the protection and restoration of the San
18 Francisco Bay estuary that the Director deter-
19 mines to be appropriate.

20 “(d) SAN FRANCISCO BAY PLAN.—

21 “(1) IN GENERAL.—Not later than 5 years after
22 the date of enactment of this section, the Director, in
23 conjunction with the Estuary Partnership, shall re-
24 view and revise the comprehensive conservation and
25 management plan approved under section 320 for the

1 *San Francisco Bay estuary to develop a plan to guide*
2 *the projects, activities, and studies of the Office to ad-*
3 *dress the restoration and protection of the San Fran-*
4 *cisco Bay.*

5 “(2) *REVISION OF SAN FRANCISCO BAY PLAN.*—
6 *Not less often than once every 5 years after the date*
7 *of the completion of the plan described in paragraph*
8 *(1), the Director shall review, and revise as appro-*
9 *priate, the San Francisco Bay Plan.*

10 “(3) *OUTREACH.*—*In carrying out this sub-*
11 *section, the Director shall consult with the Estuary*
12 *Partnership and Indian tribes and solicit input from*
13 *other non-Federal stakeholders.*

14 “(e) *GRANT PROGRAM.*—

15 “(1) *IN GENERAL.*—*The Director may provide*
16 *funding through cooperative agreements, grants, or*
17 *other means to State and local agencies, special dis-*
18 *tricts, and public or nonprofit agencies, institutions,*
19 *and organizations, including the Estuary Partner-*
20 *ship, for projects, activities, and studies identified on*
21 *the annual priority list compiled under subsection*
22 *(c).*

23 “(2) *MAXIMUM AMOUNT OF GRANTS; NON-FED-*
24 *ERAL SHARE.*—

1 “(A) *MAXIMUM AMOUNT OF GRANTS.*—
 2 *Amounts provided to any entity under this sec-*
 3 *tion for a fiscal year shall not exceed an amount*
 4 *equal to 75 percent of the total cost of any*
 5 *projects, activities, and studies that are to be*
 6 *carried out using those amounts.*

7 “(B) *NON-FEDERAL SHARE.*—*Not less than*
 8 *25 percent of the cost of any project, activity, or*
 9 *study carried out using amounts provided under*
 10 *this section shall be provided from non-Federal*
 11 *sources.*

12 “(f) *FUNDING.*—

13 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—
 14 *There is authorized to be appropriated to carry out*
 15 *this section \$25,000,000 for each of fiscal years 2022*
 16 *through 2026.*

17 “(2) *ADMINISTRATIVE EXPENSES.*—*Of the*
 18 *amount made available to carry out this section for*
 19 *a fiscal year, the Director may not use more than 5*
 20 *percent to pay administrative expenses incurred in*
 21 *carrying out this section.*

22 “(3) *PROHIBITION.*—*No amounts made available*
 23 *under this section may be used for the administration*
 24 *of a management conference under section 320.*

1 “(g) *ANNUAL BUDGET PLAN.*—In each of fiscal years
2 2022 through 2026, the President, as part of the annual
3 budget submission of the President to Congress under sec-
4 tion 1105(a) of title 31, United States Code, shall submit
5 information regarding each Federal department and agency
6 involved in San Francisco Bay protection and restoration,
7 including—

8 “(1) a report that displays for each Federal
9 agency—

10 “(A) the amounts obligated in the preceding
11 fiscal year for protection and restoration
12 projects, activities, and studies relating to the
13 San Francisco Bay; and

14 “(B) the proposed budget for protection and
15 restoration projects, activities, and studies relat-
16 ing to the San Francisco Bay; and

17 “(2) a description and assessment of the Federal
18 role in the implementation of the San Francisco Bay
19 Plan and the specific role of each Federal department
20 and agency involved in San Francisco Bay protection
21 and restoration, including specific projects, activities,
22 and studies conducted or planned to achieve the iden-
23 tified goals and objectives of the San Francisco Bay
24 Plan.”.

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