

116TH CONGRESS
2^D SESSION

H. R. 1132

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2020

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “San Francisco Bay
3 Restoration Act”.

4 **SEC. 2. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
5 **GRAM.**

6 Title I of the Federal Water Pollution Control Act
7 (33 U.S.C. 1251 et seq.) is amended by adding at the end
8 the following:

9 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
10 **GRAM.**

11 “(a) DEFINITIONS.—In this section:

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

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

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

24 “(B) on and after the date of the comple-
25 tion of the plan developed by the Director under

1 subsection (d), the plan developed by the Direc-
2 tor under subsection (d).

3 “(b) PROGRAM OFFICE.—

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

9 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
10 ministrator shall appoint a Director of the Office,
11 who shall have management experience and technical
12 expertise relating to the San Francisco Bay and be
13 highly qualified to direct the development and imple-
14 mentation of projects, activities, and studies nec-
15 essary to implement the San Francisco Bay Plan.

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

20 “(c) ANNUAL PRIORITY LIST.—

21 “(1) IN GENERAL.—After providing public no-
22 tice, the Director shall annually compile a priority
23 list, consistent with the San Francisco Bay Plan,
24 identifying and prioritizing the projects, activities,

1 and studies to be carried out with amounts made
2 available under subsection (e).

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

6 “(A) Projects, activities, and studies, in-
7 cluding restoration projects and habitat im-
8 provement for fish, waterfowl, and wildlife, that
9 advance the goals and objectives of the San
10 Francisco Bay Plan, for—

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

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

15 “(iii) nearshore and endangered spe-
16 cies recovery; and

17 “(iv) adaptation to climate change.

18 “(B) Information on the projects, activi-
19 ties, and studies specified under subparagraph
20 (A), including—

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

24 “(ii) a description of the communities
25 to be served.

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

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

8 “(A) the Estuary Partnership;

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

12 “(C) the San Francisco Bay Restoration
13 Authority; and

14 “(D) any other relevant stakeholder in-
15 volved with the protection and restoration of
16 the San Francisco Bay estuary that the Direc-
17 tor determines to be appropriate.

18 “(d) SAN FRANCISCO BAY PLAN.—

19 “(1) IN GENERAL.—Not later than 5 years
20 after the date of enactment of this section, the Di-
21 rector, in conjunction with the Estuary Partnership,
22 shall review and revise the comprehensive conserva-
23 tion and management plan approved under section
24 320 for the San Francisco Bay estuary to develop
25 a plan to guide the projects, activities, and studies

1 of the Office to address the restoration and protec-
2 tion of the San Francisco Bay.

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

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

12 “(e) GRANT PROGRAM.—

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

21 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
22 ERAL SHARE.—

23 “(A) MAXIMUM AMOUNT OF GRANTS.—
24 Amounts provided to any entity under this sec-
25 tion for a fiscal year shall not exceed an

1 amount equal to 75 percent of the total cost of
2 any projects, activities, and studies that are to
3 be carried out using those amounts.

4 “(B) NON-FEDERAL SHARE.—Not less
5 than 25 percent of the cost of any project, ac-
6 tivity, or study carried out using amounts pro-
7 vided under this section shall be provided from
8 non-Federal sources.

9 “(f) FUNDING.—

10 “(1) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this section \$25,000,000 for each of fiscal years
13 2021 through 2025.

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

19 “(3) PROHIBITION.—No amounts made avail-
20 able under this section may be used for the adminis-
21 tration of a management conference under section
22 320.

23 “(g) ANNUAL BUDGET PLAN.—In each of fiscal
24 years 2021 through 2025, the President, as part of the
25 annual budget submission of the President to Congress

1 under section 1105(a) of title 31, United States Code,
2 shall submit information regarding each Federal depart-
3 ment and agency involved in San Francisco Bay protection
4 and restoration, including—

5 “(1) a report that displays for each Federal
6 agency—

7 “(A) the amounts obligated in the pre-
8 ceding fiscal year for protection and restoration
9 projects, activities, and studies relating to the
10 San Francisco Bay; and

11 “(B) the proposed budget for protection
12 and restoration projects, activities, and studies
13 relating to the San Francisco Bay; and

14 “(2) a description and assessment of the Fed-
15 eral role in the implementation of the San Francisco
16 Bay Plan and the specific role of each Federal de-
17 partment and agency involved in San Francisco Bay
18 protection and restoration, including specific
19 projects, activities, and studies conducted or planned

