

117TH CONGRESS  
1ST SESSION

# H. R. 610

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

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## 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

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## 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  
5       Restoration Act”.

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

3 Title I of the Federal Water Pollution Control Act  
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end  
5 the following:

6 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**  
7 **GRAM.**

8 “(a) DEFINITIONS.—In this section:

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

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

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

21 “(B) on and after the date of the comple-  
22 tion of the plan developed by the Director under  
23 subsection (d), the plan developed by the Direc-  
24 tor under subsection (d).

25 “(b) PROGRAM OFFICE.—

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

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

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

17          “(c) ANNUAL PRIORITY LIST.—

18                 “(1) IN GENERAL.—After providing public no-  
19                 tice, the Director shall annually compile a priority  
20                 list, consistent with the San Francisco Bay Plan,  
21                 identifying and prioritizing the projects, activities,  
22                 and studies to be carried out with amounts made  
23                 available under subsection (e).

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

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

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

11          “(ii) wetland, riverine, and estuary  
12      restoration and protection;

13          “(iii) nearshore and endangered spe-  
14      cies recovery; and

15          “(iv) adaptation to climate change.

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

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

22          “(ii) a description of the communities  
23      to be served.

24          “(C) The criteria and methods established  
25      by the Director for identification of projects, ac-

1           tivities, and studies to be included on the an-  
2           nual priority list.

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

6                   “(A) the Estuary Partnership;

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

10                   “(C) the San Francisco Bay Restoration  
11           Authority; and

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

16           “(d) SAN FRANCISCO BAY PLAN.—

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

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

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

10          “(e) GRANT PROGRAM.—

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

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

21               “(A) MAXIMUM AMOUNT OF GRANTS.—

22               Amounts provided to any entity under this sec-  
23               tion for a fiscal year shall not exceed an  
24               amount equal to 75 percent of the total cost of

1 any projects, activities, and studies that are to  
2 be carried out using those amounts.

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

8 “(f) FUNDING.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
10 There is authorized to be appropriated to carry out  
11 this section \$50,000,000 for each of fiscal years  
12 2022 through 2026.

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

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

22 “(g) ANNUAL BUDGET PLAN.—In each of fiscal  
23 years 2022 through 2026, the President, as part of the  
24 annual budget submission of the President to Congress  
25 under section 1105(a) of title 31, United States Code,

1 shall submit information regarding each Federal depart-  
2 ment and agency involved in San Francisco Bay protection  
3 and restoration, including—

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

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

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

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

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