

118TH CONGRESS
1ST SESSION

S. 1335

To establish the New York-New Jersey Watershed Restoration Program,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Mr. BOOKER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish the New York-New Jersey Watershed
Restoration Program, and for other purposes.

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 “New York-New Jersey
5 Watershed Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROVED PLAN.—

1 (A) IN GENERAL.—The term “approved
2 plan” means any plan for management of the
3 Watershed—

4 (i) that has been approved by a Fed-
5 eral, regional, State, Tribal, or local gov-
6 ernmental entity, including State Wildlife
7 Action Plans, Comprehensive Conservation
8 Management Plans, and Watershed Im-
9 provement Plans; or

10 (ii) that is determined by the Sec-
11 retary, in consultation with the entities de-
12 scribed in clause (i), to contribute to the
13 achievement of the purposes of this Act.

14 (B) INCLUSIONS.—The term “approved
15 plan” includes—

16 (i) the New York-New Jersey Harbor
17 & Estuary Program (HEP) Action Agen-
18 da;

19 (ii) the Hudson Raritan Comprehen-
20 sive Restoration Plan;

21 (iii) the Hudson River Comprehensive
22 Restoration Plan;

23 (iv) the Hudson River Estuary Pro-
24 gram Action Agenda;

25 (v) the Mohawk River Action Agenda;

1 (vi) the Sustainable Raritan River Ini-
 2 tiative Action Plan;

3 (vii) the Lower Passaic and Bronx &
 4 Harlem Federal Urban Waters Partnership
 5 Workplans;

6 (viii) the New Jersey Sports and Ex-
 7 hibition Authority Meadowlands Restora-
 8 tion Plan; and

9 (ix) such other conservation projects
 10 in the region that achieve the purposes of
 11 this Act, as determined by the Secretary.

12 (2) ENVIRONMENTAL JUSTICE.—The term “en-
 13 vironmental justice”, with respect to the develop-
 14 ment, implementation, and enforcement of environ-
 15 mental laws, regulations, and policies, means the fair
 16 treatment and meaningful involvement of all people,
 17 regardless of race, color, national origin, or income.

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

20 (4) GRANT PROGRAM.—The term “grant pro-
 21 gram” means the voluntary New York-New Jersey
 22 Watershed Restoration Grant Program established
 23 under section 4(a).

1 (5) PROGRAM.—The term “program” means
2 the New York-New Jersey Watershed Restoration
3 Program established under section 3(a).

4 (6) RESTORATION AND PROTECTION.—The
5 term “restoration and protection” means the con-
6 servation, stewardship, and enhancement of habitat
7 for fish and wildlife, including water quality—

8 (A) to preserve and improve ecosystems
9 and ecological processes on which those fish and
10 wildlife depend; and

11 (B) for use and enjoyment by the public.

12 (7) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior, acting through the Di-
14 rector of the United States Fish and Wildlife Serv-
15 ice.

16 (8) WATERSHED.—The term “Watershed”
17 means the New York-New Jersey Watershed, which
18 is composed of—

19 (A) all land area the surface water of
20 which drains into the New York-New Jersey
21 Harbor;

22 (B) the waters contained within that land
23 area; and

24 (C) the estuaries associated with those wa-
25 tersheds.

1 **SEC. 3. NEW YORK-NEW JERSEY WATERSHED RESTORA-**
2 **TION PROGRAM.**

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

7 (b) PURPOSES.—The purposes of the program shall
8 include—

9 (1) coordinating restoration and protection ac-
10 tivities among Federal, State, Tribal, local, and re-
11 gional entities and conservation partners throughout
12 the Watershed;

13 (2) carrying out coordinated restoration and
14 protection activities, and providing for technical as-
15 sistance for those activities, throughout the Water-
16 shed—

17 (A) to sustain and enhance fish and wild-
18 life habitat;

19 (B) to improve and maintain water quality
20 to support fish, wildlife, and their habitats, as
21 well as to improve opportunities for public ac-
22 cess and recreation in the Watershed consistent
23 with the ecological needs of fish and wildlife
24 habitats;

25 (C) to advance the use of natural climate
26 solutions and natural infrastructure, including

1 living shorelines and other green infrastructure
2 techniques, to maximize the resilience of com-
3 munities, natural systems, and habitats experi-
4 encing the impacts of climate change;

5 (D) to engage the public, particularly com-
6 munities experiencing environmental injustice,
7 through outreach, education, and community
8 involvement to increase capacity, support, and
9 workforce development for coordinated restora-
10 tion and protection activities in the Watershed;

11 (E) to increase scientific capacity to sup-
12 port the planning, monitoring, and research ac-
13 tivities necessary to carry out coordinated res-
14 toration and protection activities in the Water-
15 shed;

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

20 (G) to support land conservation and man-
21 agement activities necessary to fulfill the Wa-
22 tershed-wide strategy adopted under subsection
23 (c)(3);

1 (H) to monitor environmental quality to
2 assess progress toward the purposes of this Act;
3 and

4 (I) to improve fish and wildlife habitats, as
5 well as opportunities for personal recreation,
6 along rivers and shore fronts within commu-
7 nities experiencing environmental injustice; and

8 (3) carrying out restoration and protection ac-
9 tivities necessary, as determined by the Secretary,
10 for the implementation of approved plans.

11 (c) DUTIES.—In carrying out the program, the Sec-
12 retary shall—

13 (1) draw on existing and new approved plans
14 for the Watershed, or portions of the Watershed;

15 (2) work in consultation with applicable man-
16 agement entities, including representatives of the
17 New York-New Jersey Harbor and Estuary Program
18 (HEP), the Hudson River Estuary Program, the
19 Mohawk River Basin Program, the Sustainable
20 Raritan River Initiative, the Federal Government,
21 other State and local governments, and regional and
22 nonprofit organizations, including environmental jus-
23 tice organizations, as appropriate, to identify,
24 prioritize, and implement restoration and protection
25 activities within the Watershed; and

1 (3) adopt a Watershed-wide strategy that—

2 (A) supports the implementation of a
3 shared set of science-based restoration and pro-
4 tection activities developed in accordance with
5 paragraph (2);

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

8 (C) maximizes conservation outcomes;

9 (D) prioritizes the needs of communities
10 experiencing environmental injustice; and

11 (E) implements the grant program.

12 (d) CONSULTATION.—In establishing the program,
13 the Secretary shall consult with, as appropriate—

14 (1) the heads of Federal agencies, including—

15 (A) the Administrator of the Environ-
16 mental Protection Agency;

17 (B) the Administrator of the National Oce-
18 anic and Atmospheric Administration;

19 (C) the Secretary of Agriculture;

20 (D) the Director of the National Park
21 Service; and

22 (E) the heads of such other Federal agen-
23 cies as the Secretary determines to be appro-
24 priate;

25 (2) the Governor of New York;

1 (3) the Governor of New Jersey;

2 (4) the Commissioner of the New York State
3 Department of Environmental Conservation;

4 (5) the Director of the New Jersey Division of
5 Fish and Wildlife;

6 (6) the New York-New Jersey Harbor & Estu-
7 ary Program; and

8 (7) other public agencies, Indian Tribes, and
9 organizations with authority for the planning and
10 implementation of conservation strategies in the Wa-
11 tershed, as determined appropriate by the Secretary.

12 **SEC. 4. NEW YORK-NEW JERSEY WATERSHED RESTORA-**
13 **TION GRANT PROGRAM.**

14 (a) ESTABLISHMENT.—Not later than 180 days after
15 the date of enactment of this Act, the Secretary shall es-
16 tablish a voluntary grant and technical assistance pro-
17 gram, to be known as the “New York-New Jersey Water-
18 shed Restoration Grant Program”, to provide competitive
19 matching grants to State, Tribal, and local governments,
20 nonprofit organizations, institutions of higher education,
21 and other eligible entities, as determined by the Secretary,
22 to carry out the coordinated restoration and protection ac-
23 tivities described in section 3(b)(2).

24 (b) CRITERIA.—The Secretary, in consultation with
25 the individuals and entities referred to in section 3(d),

1 shall develop criteria for the grant program to ensure that
2 activities funded under the grant program—

3 (1) accomplish 1 or more of the purposes iden-
4 tified in section 3(b)(2); and

5 (2) advance the implementation of priority ac-
6 tions or needs identified in the Watershed-wide
7 strategy adopted under section 3(c)(3).

8 (c) CAPACITY BUILDING.—In carrying out the grant
9 program, the Secretary shall seek to increase the effective-
10 ness of organizations that carry out restoration and pro-
11 tection activities described in section 3(b)(2) within the
12 Watershed by addressing organizational capacity needs.

13 (d) COST-SHARE.—

14 (1) FEDERAL SHARE.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Federal share of the
17 total cost of a restoration and protection activ-
18 ity carried out under the grant program shall
19 be not more than 50 percent, as determined by
20 the Secretary.

21 (B) SMALL, RURAL, AND DISADVANTAGED
22 COMMUNITIES.—

23 (i) IN GENERAL.—Subject to clause
24 (ii) the Federal share of the total cost of
25 a restoration and protection activity car-

ried out under the grant program that serves a small, rural, or disadvantaged community shall be 90 percent, as determined by the Secretary.

(ii) WAIVER.—The Secretary may increase the Federal share under clause (i) to 100 percent of the total cost of the restoration and protection activity if the Secretary determines that the grant recipient is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the total cost of a restoration and protection activity carried out under the grant program shall be not more than 50 percent, as determined by the Secretary.

(B) FORM OF PAYMENT.—The non-Federal share described in subparagraph (A) may be provided—

(i) in cash; or

(ii) in the form of an in-kind contribution of services or materials.

(e) ADMINISTRATION.—

1 (1) IN GENERAL.—The Secretary may enter
2 into an agreement to manage the grant program
3 with—

4 (A) the Foundation; or

5 (B) a similar organization that offers
6 grant management services.

7 (2) FUNDING.—If the Secretary enters into an
8 agreement under paragraph (1), the Foundation or
9 similar organization selected, as applicable, shall—

10 (A) receive the amounts made available to
11 carry out the grant program under section 7 for
12 each applicable fiscal year in an advance pay-
13 ment of the entire amount on October 1 of that
14 fiscal year, or as soon as practicable thereafter;

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

17 (C) administer the grant program to sup-
18 port partnerships between the public and pri-
19 vate sectors in accordance with this Act.

20 (3) REQUIREMENTS.—If the Secretary enters
21 into an agreement with the Foundation under para-
22 graph (1), any amounts received by the Foundation
23 under this section shall be subject to the National
24 Fish and Wildlife Foundation Establishment Act (16

1 U.S.C. 3701 et seq.), excluding section 10(a) of that
2 Act (16 U.S.C. 3709(a)).

3 **SEC. 5. ANNUAL REPORTS.**

4 Not later than 180 days after the date of enactment
5 of this Act, and annually thereafter, the Secretary shall
6 submit to Congress a report on the implementation of this
7 Act, including a description of each activity that has re-
8 ceived funding under this Act in the preceding fiscal year.

9 **SEC. 6. PROHIBITION ON FEDERAL LAND HOLDINGS.**

10 The Federal Government may not maintain owner-
11 ship of any land acquired under this Act except for the
12 purpose of promptly transferring ownership to an entity
13 described in section 4(a).

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated to the Secretary to carry out this Act \$20,000,000
17 for each of fiscal years 2024 through 2029, of which not
18 more than 5 percent shall be used for administrative costs
19 of carrying out this Act.

20 (b) GRANT PROGRAM.—Of the amounts made avail-
21 able to carry out this Act for each fiscal year, the Sec-
22 retary shall use not less than 75 percent to carry out the
23 grant program, including for technical assistance relating
24 to the grant program.

1 (c) SUPPLEMENT, NOT SUPPLANT.—Amounts made
2 available to carry out this Act for each fiscal year shall
3 supplement, and not supplant, funding for other activities
4 conducted by the Secretary in the Watershed.

5 **SEC. 8. SUNSET.**

6 This Act shall cease to have force or effect on October
7 1, 2030.

