

117TH CONGRESS
1ST SESSION

S. 1906

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

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mrs. FEINSTEIN (for herself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay, 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 “San Francisco Bay
5 Restoration Act of 2021”.

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) DIRECTOR.—The term ‘Director’ means
 10 the Director of the Office appointed under sub-
 11 section (b)(2).

12 “(2) 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 “(3) OFFICE.—The term ‘Office’ means the
 18 San Francisco Bay Program Office established
 19 under subsection (b)(1).

20 “(4) SAN FRANCISCO BAY PLAN.—The term
 21 ‘San Francisco Bay Plan’ means—

22 “(A) until the date of the completion of the
 23 plan developed by the Director under subsection
 24 (d)(1), the comprehensive conservation and
 25 management plan approved under section 320
 26 for the San Francisco Bay estuary; and

1 “(B) on and after the date of the comple-
2 tion of the plan developed by the Director under
3 subsection (d)(1), the plan developed by the Di-
4 rector under that subsection.

5 “(b) PROGRAM OFFICE.—

6 “(1) ESTABLISHMENT.—

7 “(A) IN GENERAL.—The Administrator
8 shall establish in the Environmental Protection
9 Agency a San Francisco Bay Program Office.

10 “(B) LOCATION.—The Office shall be lo-
11 cated at the headquarters of Region 9 of the
12 Environmental Protection Agency.

13 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
14 ministrator shall appoint a Director of the Office,
15 who shall—

16 “(A) have management experience and
17 technical expertise relating to the San Fran-
18 cisco Bay; and

19 “(B) be highly qualified to direct the devel-
20 opment and implementation of projects, activi-
21 ties, and studies necessary to implement the
22 San Francisco Bay Plan.

23 “(3) DELEGATION OF AUTHORITY; STAFFING.—

24 The Administrator shall delegate to the Director

1 such authority and provide such staff as may be nec-
2 essary to carry out this section.

3 “(c) ANNUAL PRIORITY LIST.—

4 “(1) IN GENERAL.—After providing public no-
5 tice, the Director shall annually compile a priority
6 list, consistent with the San Francisco Bay Plan,
7 that identifies and prioritizes the projects, activities,
8 and studies to be carried out with amounts made
9 available under subsection (e).

10 “(2) INCLUSIONS.—The annual priority list
11 compiled under paragraph (1) shall include—

12 “(A) projects, activities, and studies to be
13 carried out within the San Francisco Bay estu-
14 ary watershed, including restoration projects
15 and habitat improvement for fish, waterfowl,
16 and wildlife, that advance the goals and objec-
17 tives of the San Francisco Bay Plan for—

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

20 “(ii) wetland, riverine, and estuary
21 restoration and protection;

22 “(iii) nearshore and endangered spe-
23 cies recovery; and

24 “(iv) adaptation to climate change;

1 “(B) information on the projects, activities,
2 and studies described in subparagraph (A), in-
3 cluding—

4 “(i) the identity of each entity receiv-
5 ing assistance under subsection (e); and

6 “(ii) a description of the communities
7 to be served; and

8 “(C) a description of the criteria and
9 methods established by the Director for identi-
10 fication of the projects, activities, and studies to
11 be included on the annual priority list.

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

15 “(A) the Estuary Partnership;

16 “(B) the State of California and affected
17 local governments in the San Francisco Bay es-
18 tuary watershed;

19 “(C) the San Francisco Bay Restoration
20 Authority; and

21 “(D) any other relevant stakeholder in-
22 volved with the protection and restoration of
23 the San Francisco Bay estuary that the Direc-
24 tor determines to be appropriate.

25 “(d) SAN FRANCISCO BAY PLAN.—

1 “(1) IN GENERAL.—Not later than 5 years
2 after the date of enactment of this section, the Di-
3 rector, in conjunction with the Estuary Partnership,
4 shall review and revise the comprehensive conserva-
5 tion and management plan approved under section
6 320 for the San Francisco Bay estuary to develop
7 a plan to guide the projects, activities, and studies
8 of the Office to address the restoration and protec-
9 tion of the San Francisco Bay.

10 “(2) REVISION OF SAN FRANCISCO BAY
11 PLAN.—Not less frequently than once every 5 years
12 after the date of the completion of the plan de-
13 scribed in paragraph (1), the Director shall review,
14 and revise as appropriate, the San Francisco Bay
15 Plan.

16 “(3) OUTREACH.—In carrying out this sub-
17 section, the Director shall—

18 “(A) consult with the Estuary Partnership
19 and Indian tribes; and

20 “(B) solicit input from other non-Federal
21 stakeholders.

22 “(e) GRANT PROGRAM.—

23 “(1) IN GENERAL.—The Director may provide
24 funding through cooperative agreements, grants, or
25 other means to State and local agencies, special dis-

1 tricts, and public or nonprofit agencies, institutions,
 2 and organizations, including the Estuary Partner-
 3 ship, for projects, activities, and studies identified on
 4 the annual priority list compiled under subsection
 5 (e).

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

8 “(A) MAXIMUM AMOUNT OF GRANTS.—

9 Amounts provided to any entity under this sec-
 10 tion for a fiscal year shall not exceed an
 11 amount equal to 75 percent of the total cost of
 12 any projects, activities, and studies that are to
 13 be carried out using those amounts.

14 “(B) NON-FEDERAL SHARE.—Not less

15 than 25 percent of the cost of any project, ac-
 16 tivity, or study carried out using amounts pro-
 17 vided under this section shall be provided from
 18 non-Federal sources.

19 “(f) FUNDING.—

20 “(1) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to carry out
 22 this section \$50,000,000 for each of fiscal years
 23 2022 through 2026.

24 “(2) ADMINISTRATIVE EXPENSES.—Of the

25 amount made available to carry out this section for

1 a fiscal year, the Director may use not more than
2 5 percent to pay administrative expenses incurred in
3 carrying out this section.

4 “(3) PROHIBITION.—No amounts made avail-
5 able under this section may be used for the adminis-
6 tration of a management conference under section
7 320.

8 “(g) ANNUAL BUDGET PLAN.—In each of fiscal
9 years 2022 through 2026, the President, as part of the
10 annual budget submission of the President to Congress
11 under section 1105(a) of title 31, United States Code,
12 shall submit information regarding each Federal depart-
13 ment and agency involved in San Francisco Bay protection
14 and restoration, including—

15 “(1) a report that displays for each Federal
16 agency—

17 “(A) the amounts obligated in the pre-
18 ceding fiscal year for protection and restoration
19 projects, activities, and studies relating to the
20 San Francisco Bay; and

21 “(B) the proposed budget for protection
22 and restoration projects, activities, and studies
23 relating to the San Francisco Bay; and

24 “(2) a description and assessment of the Fed-
25 eral role in the implementation of the San Francisco

1 Bay Plan and the specific role of each Federal de-
2 partment and agency involved in San Francisco Bay
3 protection and restoration, including specific
4 projects, activities, and studies conducted or planned
5 to achieve the identified goals and objectives of the
6 San Francisco Bay Plan.”.

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