

Calendar No. 452112TH CONGRESS
2^D SESSION**S. 1266****[Report No. 112-183]**

To direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2011

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

JULY 16, 2012

Reported by Mrs. BOXER, with an amendment

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

A BILL

To direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Delaware River Basin
3 Conservation Act of 2011”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the Delaware River Basin is a national
7 treasure of great cultural, environmental, and eco-
8 logical importance;

9 (2) the Basin contains over 12,500 square miles
10 of land in the States of Delaware, New Jersey, New
11 York, and Pennsylvania, including nearly 800 square
12 miles of bay and more than 2,000 tributary rivers
13 and streams;

14 (3) the Basin is home to more than 8,000,000
15 people who depend on the Delaware River and the
16 Delaware Bay as an economic engine, a place of
17 recreation, and a vital habitat for fish and wildlife;

18 (4) the Basin provides clean drinking water to
19 more than 15,000,000 people, including New York
20 City, which relies on the Basin for approximately
21 half of the drinking water supply of the city, and
22 Philadelphia, whose most significant threat to the
23 drinking water supply of the city is forest clearing
24 in the Upper Basin, according to a study conducted
25 by the Philadelphia Water Department;

1 (5) almost 180 species of fish and wildlife are
2 considered special status species in the Basin due to
3 habitat loss and degradation, particularly sturgeon,
4 eastern oyster, and red knots, which have been iden-
5 tified as unique species in need of habitat improve-
6 ment;

7 (6) the Basin provides habitat for over 200
8 resident and migrant fish species, includes signifi-
9 cant recreational fisheries, and is a prolific source of
10 eastern oyster, blue crab, and the largest population
11 of the American horseshoe crab;

12 (7) as of the date of enactment of this Act, oys-
13 ter landings in the Delaware Bay are at 100,000
14 bushels, down from the 500,000 bushels that were
15 harvested in the 1980s, due, in part, to water pollu-
16 tion and disease;

17 (8) the Delaware Bay has the second largest
18 concentration of shorebirds in North America and is
19 designated as 1 of the 4 most important shorebird
20 migration sites in the world;

21 (9) the Basin, 50 percent of which is forested,
22 also has 1,000,000 acres of wetland, more than
23 126,000 acres of which are recognized as inter-
24 nationally important, resulting in a landscape that

1 provides essential ecosystem services, including
2 recreation, commercial, and water quality benefits;

3 (10) much of the remaining exemplary natural
4 landscape in the Basin is vulnerable to further deg-
5 radation, as the Basin gains approximately 14
6 square miles of developed land annually, and with
7 new development, urban watersheds are increasingly
8 covered by impervious surfaces, amplifying the quan-
9 tity of polluted runoff into rivers and streams;

10 (11) the Delaware River is the longest
11 undammed river east of the Mississippi, and a crit-
12 ical component of the National Wild and Scenic Riv-
13 ers System in the Northeast;

14 (12) management of water volume in the Basin
15 is critical to flood mitigation and habitat for fish
16 and wildlife, and following 3 major floods along the
17 Delaware River since 2004, the Governors of the
18 States of Delaware, New Jersey, New York, and
19 Pennsylvania have called for natural flood damage
20 reduction measures to combat the problem, including
21 restoring the function of riparian corridors;

22 (13) the Delaware River Port Complex (includ-
23 ing docking facilities in the States of Delaware, New
24 Jersey, and Pennsylvania) is the largest freshwater
25 port in the world, the Port of Philadelphia handles

1 the largest volume of international tonnage and 70
2 percent of the oil shipped to the East Coast, and the
3 Port of Wilmington, a full-service deepwater port
4 and marine terminal, is the busiest terminal on the
5 Delaware River, handling more than 400 vessels per
6 year with an annual import/export cargo tonnage of
7 more than 4,000,000 tons;

8 (14) the Delaware Estuary, where freshwater
9 from the Delaware River mixes with saltwater from
10 the Atlantic Ocean, is 1 of the largest and most
11 complex of the 28 estuaries in the National Estuary
12 Program, and the Partnership for the Delaware Es-
13 tuary works to improve the environmental health of
14 the Delaware Estuary;

15 (15) the Delaware River Basin Commission is a
16 Federal-interstate compact government agency
17 charged with overseeing a unified approach to man-
18 aging the river system and implementing important
19 water resources management projects and activities
20 throughout the Basin that are in the national inter-
21 est; and

22 (16) restoration activities in the Basin are sup-
23 ported through several Federal and State agency
24 programs, and funding for those important pro-
25 grams should continue and complement the estab-

1 lishment of the Delaware River Basin Restoration
2 Program, which is intended to build on and help co-
3 ordinate restoration and protection funding mecha-
4 nisms at the Federal, State, regional, and local lev-
5 els.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) **BASIN.**—The term “Basin” means the 4-
9 State Delaware Basin region, including all of Dela-
10 ware Bay and portions of the States of Delaware,
11 New Jersey, New York, and Pennsylvania located in
12 the Delaware River watershed.

13 (2) **BASIN STATE.**—The term “Basin State”
14 means each of the States of Delaware, New Jersey,
15 New York, and Pennsylvania.

16 (3) **DIRECTOR.**—The term “Director” means
17 the Director of the United States Fish and Wildlife
18 Service.

19 (4) **FOUNDATION.**—The term “Foundation”
20 means the National Fish and Wildlife Foundation, a
21 congressionally chartered foundation established by
22 section 2 of the National Fish and Wildlife Founda-
23 tion Establishment Act (16 U.S.C. 3701).

1 (5) GRANT PROGRAM.—The term “grant pro-
2 gram” means the Delaware River Basin restoration
3 grant program established under section 5.

4 (6) PROGRAM.—The term “program” means
5 the Delaware River Basin restoration program es-
6 tablished under section 4.

7 (7) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior, acting through the Di-
9 rector.

10 (8) SERVICE.—The term “Service” means the
11 United States Fish and Wildlife Service.

12 **SEC. 4. PROGRAM ESTABLISHMENT.**

13 (a) ESTABLISHMENT.—Not later than 180 days after
14 amounts are made available to carry out this Act, the Sec-
15 retary shall establish a program to be known as the “Dela-
16 ware River Basin restoration program”.

17 (b) DUTIES.—In carrying out the program, the Sec-
18 retary shall—

19 (1) draw on existing and new management
20 plans for the Basin and work in consultation with
21 applicable management entities, including represent-
22 atives of the Partnership for the Delaware Estuary,
23 the Delaware River Basin Commission, the Federal
24 Government, and other State and local governments,
25 and regional and nonprofit organizations, as appro-

1 appropriate, to identify, prioritize, and implement restora-
2 tion and protection activities within the Basin;

3 ~~(2)~~ adopt an investment strategy that—

4 (A) supports the implementation of a
5 shared set of restoration and protection activi-
6 ties developed in accordance with paragraph
7 ~~(1)~~;

8 (B) targets cost-effective conservation
9 projects; and

10 (C) supports measurable conservation ef-
11 forts;

12 ~~(3)~~ establish the grant program in accordance
13 with section ~~5~~; and

14 ~~(4)~~ provide for technical assistance in accord-
15 ance with this Act.

16 ~~(e)~~ COORDINATION.—In establishing the program,
17 the Secretary shall consult, as appropriate, with—

18 ~~(1)~~ the heads of Federal agencies, including—

19 (A) the Administrator of the Environ-
20 mental Protection Agency;

21 (B) the Administrator of the National Oee-
22 anic Atmospheric Administration;

23 (C) the Chief of the Natural Resource
24 Conservation Service;

1 ~~(D)~~ the Chief of Engineers of the United
2 States Army Corps of Engineers;

3 ~~(E)~~ the Director of the National Park
4 Service; and

5 ~~(F)~~ the head of any other applicable agen-
6 cy;

7 ~~(2)~~ the Governors of the Basin States;

8 ~~(3)~~ the Partnership for the Delaware Estuary;

9 ~~(4)~~ the Delaware River Basin Commission;

10 ~~(5)~~ fish and wildlife joint venture partnerships;

11 and

12 ~~(6)~~ other public agencies and organizations with
13 authority for the planning and implementation of
14 conservation strategies in the Basin.

15 ~~(d)~~ PURPOSES.—The purposes of the program in-
16 clude—

17 ~~(1)~~ coordinating restoration and protection ac-
18 tivities among Federal, State, local, and regional en-
19 tities and conservation partners throughout the
20 Basin;

21 ~~(2)~~ carrying out coordinated restoration and
22 protection activities throughout the Basin and Basin
23 States—

24 ~~(A)~~ to sustain and enhance habitat restora-
25 tion and protection activities;

- 1 ~~(B)~~ to sustain and enhance water quality
2 improvements, including drinking water quality;
- 3 ~~(C)~~ to sustain and enhance water manage-
4 ment and flood damage mitigation improve-
5 ments to benefit fish and wildlife habitat;
- 6 ~~(D)~~ to improve opportunities for public ac-
7 cess and recreation in the Basin;
- 8 ~~(E)~~ to encourage environmentally sensitive
9 land use planning and development;
- 10 ~~(F)~~ to increase the capacity to implement
11 coordinated restoration and protection activities
12 in the Basin by conducting public outreach and
13 education and promoting citizen involvement;
14 and
- 15 ~~(G)~~ to coordinate, conduct, and support
16 the planning, monitoring, and research activi-
17 ties necessary to carry out coordinated restora-
18 tion and protection activities; and
- 19 ~~(3)~~ providing competitive grants for technical
20 assistance to carry out restoration and protection ac-
21 tivities in the Basin, with priority given to activities
22 with multiple benefits, including habitat, water qual-
23 ity, and flood protection.

1 **SEC. 5. GRANTS AND ASSISTANCE.**

2 (a) DELAWARE RIVER BASIN RESTORATION PRO-
3 GRAM.—To the extent that funds are available to carry
4 out this section, the Secretary shall establish a grant pro-
5 gram to be known as the “Delaware River Basin restora-
6 tion grant program” to provide competitive matching
7 grants of varying amounts to State and local governments,
8 nonprofit organizations, community organizations, institu-
9 tions of higher education, and other eligible entities to
10 carry out activities described in section 4(d).

11 (b) CRITERIA.—The Secretary, in consultation with
12 the organizations described in section 4(c), shall develop
13 criteria for the grant program to help ensure that activi-
14 ties funded under this section accomplish 1 or more of
15 the following:

16 (1) Restoration or protection of fish and wildlife
17 species and the habitats of those species.

18 (2) Improvement or protection of water quality
19 by reducing nonpoint and point source pollutants.

20 (3) Reduction or improvement of the manage-
21 ment of water volume and flooding.

22 (4) Inclusion of priority needs or actions identi-
23 fied in the single investment strategy adopted under
24 section 4(b)(2).

1 (5) Inclusion of restoration and protection ac-
2 tivities with multiple benefits in the Basin, including
3 habitat, water quality, and flood damage reduction.

4 (c) COST SHARING.—

5 (1) FEDERAL SHARE.—The Federal share of
6 the cost of a project funded under the grant pro-
7 gram shall not exceed 75 percent of the total cost
8 of the activity, as determined by the Secretary.

9 (2) NON-FEDERAL SHARE.—The non-Federal
10 share of the cost of a project funded under the grant
11 program may be provided in cash or in the form of
12 an in-kind contribution of services or materials.

13 (d) ADMINISTRATION.—

14 (1) IN GENERAL.—The Secretary may enter
15 into an agreement to manage the grant program
16 with the National Fish and Wildlife Foundation or
17 a similar organization with applicable expertise.

18 (2) FUNDING.—If the Secretary enters into an
19 agreement under paragraph (1), the organization se-
20 lected shall—

21 (A) for each fiscal year, receive amounts to
22 carry out this section in an advance payment of
23 the entire amount on October 1, or as soon as
24 practicable thereafter, of that fiscal year;

1 ~~(B)~~ invest and reinvest those amounts for
2 the benefit of the grant program; and

3 ~~(C)~~ otherwise administer the grant pro-
4 gram to support partnerships between the pub-
5 lic and private sectors in accordance with this
6 Act.

7 ~~(3)~~ REQUIREMENTS.—If the Secretary enters
8 into an agreement with the Foundation under para-
9 graph ~~(1)~~, any amounts received by the Foundation
10 under this section shall be subject to the National
11 Fish and Wildlife Foundation Establishment Act (16
12 U.S.C. 3701 et seq.), excluding section 10(a) of that
13 Act (16 U.S.C. 3709(a)).

14 ~~(e)~~ TECHNICAL ASSISTANCE.—The Secretary may
15 provide, or provide for, technical assistance to carry out
16 this section, on a nonreimbursable basis, to—

- 17 ~~(1)~~ other Federal agencies;
18 ~~(2)~~ State and local governments;
19 ~~(3)~~ nonprofit organizations;
20 ~~(4)~~ community organizations;
21 ~~(5)~~ institutions of higher education; or
22 ~~(6)~~ other entities, as the Secretary determines
23 to be appropriate.

1 **SEC. 6. ANNUAL REPORTS.**

2 Not later than 180 days after the date of enactment
3 of this Act and annually thereafter, the Secretary shall
4 submit to Congress a report on the implementation of this
5 Act, including a description of each project that has re-
6 ceived funding under this Act.

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

8 (a) ~~IN GENERAL.~~—There is authorized to be appro-
9 priated to the Secretary to carry out this Act \$5,000,000
10 for each of fiscal years 2012 through 2017.

11 (b) ~~USE.~~—Of any amount made available for each
12 fiscal year, the Secretary shall use at least 75 percent to
13 carry out the grant program and to provide, or provide
14 for, technical assistance under section 5(e).

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Delaware River Basin*
17 *Conservation Act of 2011”.*

18 **SEC. 2. FINDINGS.**

19 *Congress finds that—*

20 (1) *the Delaware River Basin is a national*
21 *treasure of great cultural, environmental, and ecologi-*
22 *cal importance;*

23 (2) *the Basin contains over 12,500 square miles*
24 *of land in the States of Delaware, New Jersey, New*
25 *York, and Pennsylvania, including nearly 800 square*

1 *miles of bay and more than 2,000 tributary rivers*
2 *and streams;*

3 *(3) the Basin is home to more than 8,000,000*
4 *people who depend on the Delaware River and the*
5 *Delaware Bay as an economic engine, a place of*
6 *recreation, and a vital habitat for fish and wildlife;*

7 *(4) the Basin provides clean drinking water to*
8 *more than 15,000,000 people, including New York*
9 *City, which relies on the Basin for approximately*
10 *half of the drinking water supply of the city, and*
11 *Philadelphia, whose most significant threat to the*
12 *drinking water supply of the city is forest clearing in*
13 *the Upper Basin, according to a study conducted by*
14 *the Philadelphia Water Department;*

15 *(5) almost 180 species of fish and wildlife are*
16 *considered special status species in the Basin due to*
17 *habitat loss and degradation, particularly sturgeon,*
18 *eastern oyster, and red knots, which have been identi-*
19 *fied as unique species in need of habitat improve-*
20 *ment;*

21 *(6) the Basin provides habitat for over 200 resi-*
22 *dent and migrant fish species, includes significant*
23 *recreational fisheries, and is a prolific source of east-*
24 *ern oyster, blue crab, and the largest population of the*
25 *American horseshoe crab;*

1 (7) *as of the date of enactment of this Act, oyster*
2 *landings in the Delaware Bay are at 100,000 bushels,*
3 *down from the 500,000 bushels that were harvested in*
4 *the 1980s, due, in part, to water pollution and dis-*
5 *ease;*

6 (8) *the Delaware Bay has the second largest con-*
7 *centration of shorebirds in North America and is des-*
8 *ignated as 1 of the 4 most important shorebird migra-*
9 *tion sites in the world;*

10 (9) *the Basin, 50 percent of which is forested,*
11 *also has 1,000,000 acres of wetland, more than*
12 *126,000 acres of which are recognized as internation-*
13 *ally important, resulting in a landscape that provides*
14 *essential ecosystem services, including recreation,*
15 *commercial, and water quality benefits;*

16 (10) *much of the remaining exemplary natural*
17 *landscape in the Basin is vulnerable to further deg-*
18 *radation, as the Basin gains approximately 14 square*
19 *miles of developed land annually, and with new devel-*
20 *opment, urban watersheds are increasingly covered by*
21 *impervious surfaces, amplifying the quantity of pol-*
22 *luted runoff into rivers and streams;*

23 (11) *the Delaware River is the longest*
24 *undammed river east of the Mississippi, and a crit-*

1 *ical component of the National Wild and Scenic Riv-*
2 *ers System in the Northeast;*

3 *(12) management of water volume in the Basin*
4 *is critical to flood mitigation and habitat for fish and*
5 *wildlife, and following 3 major floods along the Dela-*
6 *ware River since 2004, the Governors of the States of*
7 *Delaware, New Jersey, New York, and Pennsylvania*
8 *have called for natural flood damage reduction meas-*
9 *ures to combat the problem, including restoring the*
10 *function of riparian corridors;*

11 *(13) the Delaware River Port Complex (includ-*
12 *ing docking facilities in the States of Delaware, New*
13 *Jersey, and Pennsylvania) is the largest freshwater*
14 *port in the world, the Port of Philadelphia handles*
15 *the largest volume of international tonnage and 70*
16 *percent of the oil shipped to the East Coast, and the*
17 *Port of Wilmington, a full-service deepwater port and*
18 *marine terminal, is the busiest terminal on the Dela-*
19 *ware River, handling more than 400 vessels per year*
20 *with an annual import/export cargo tonnage of more*
21 *than 4,000,000 tons;*

22 *(14) the Delaware Estuary, where freshwater*
23 *from the Delaware River mixes with saltwater from*
24 *the Atlantic Ocean, is 1 of the largest and most com-*
25 *plex of the 28 estuaries in the National Estuary Pro-*

1 *gram, and the Partnership for the Delaware Estuary*
2 *works to improve the environmental health of the*
3 *Delaware Estuary;*

4 *(15) the Delaware River Basin Commission is a*
5 *Federal-interstate compact government agency*
6 *charged with overseeing a unified approach to man-*
7 *aging the river system and implementing important*
8 *water resources management projects and activities*
9 *throughout the Basin that are in the national inter-*
10 *est; and*

11 *(16) restoration activities in the Basin are sup-*
12 *ported through several Federal and State agency pro-*
13 *grams, and funding for those important programs*
14 *should continue and complement the establishment of*
15 *the Delaware River Basin Restoration Program,*
16 *which is intended to build on and help coordinate res-*
17 *toration and protection funding mechanisms at the*
18 *Federal, State, regional, and local levels.*

19 **SEC. 3. DEFINITIONS.**

20 *In this Act:*

21 *(1) BASIN.—The term “Basin” means the 4-*
22 *State Delaware Basin region, including all of Dela-*
23 *ware Bay and portions of the States of Delaware,*
24 *New Jersey, New York, and Pennsylvania located in*
25 *the Delaware River watershed.*

1 (2) *BASIN STATE.*—*The term “Basin State”*
2 *means each of the States of Delaware, New Jersey,*
3 *New York, and Pennsylvania.*

4 (3) *DIRECTOR.*—*The term “Director” means the*
5 *Director of the United States Fish and Wildlife Serv-*
6 *ice.*

7 (4) *FOUNDATION.*—*The term “Foundation”*
8 *means the National Fish and Wildlife Foundation, a*
9 *congressionally chartered foundation established by*
10 *section 2 of the National Fish and Wildlife Founda-*
11 *tion Establishment Act (16 U.S.C. 3701).*

12 (5) *GRANT PROGRAM.*—*The term “grant pro-*
13 *gram” means the Delaware River Basin restoration*
14 *grant program established under section 5.*

15 (6) *PROGRAM.*—*The term “program” means the*
16 *Delaware River Basin restoration program estab-*
17 *lished under section 4.*

18 (7) *RESTORATION AND PROTECTION.*—*The term*
19 *“restoration and protection” means the conservation,*
20 *protection, and enhancement of fish and wildlife, as*
21 *well as the habitats of fish and wildlife.*

22 (8) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of the Interior, acting through the Di-*
24 *rector.*

1 (9) *SERVICE.*—*The term “Service” means the*
2 *United States Fish and Wildlife Service.*

3 **SEC. 4. PROGRAM ESTABLISHMENT.**

4 (a) *ESTABLISHMENT.*—*Not later than 180 days after*
5 *amounts are made available to carry out this Act, the Sec-*
6 *retary shall establish a program to be known as the “Dela-*
7 *ware River Basin restoration program”.*

8 (b) *DUTIES.*—*In carrying out the program, the Sec-*
9 *retary shall—*

10 (1) *draw on existing and new management plans*
11 *for the Basin, or portions of the Basin, and work in*
12 *consultation with applicable management entities, in-*
13 *cluding representatives of the Partnership for the*
14 *Delaware Estuary, the Delaware River Basin Com-*
15 *mission, the Federal Government, and other State*
16 *and local governments, and regional and nonprofit*
17 *organizations, as appropriate, to identify, prioritize,*
18 *and implement restoration and protection activities*
19 *within the Basin;*

20 (2) *adopt a basin-wide strategy that—*

21 (A) *supports the implementation of a*
22 *shared set of science-based restoration and pro-*
23 *tection activities developed in accordance with*
24 *paragraph (1);*

1 (B) targets cost-effective conservation
2 projects; and

3 (C) supports measurable conservation ef-
4 forts;

5 (3) establish the grant program in accordance
6 with section 5; and

7 (4) provide for technical assistance in accordance
8 with this Act.

9 (c) COORDINATION.—In establishing the program, the
10 Secretary shall consult, as appropriate, with—

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

12 (A) the Administrator of the Environmental
13 Protection Agency;

14 (B) the Administrator of the National Oce-
15 anic Atmospheric Administration;

16 (C) the Chief of the Natural Resource Con-
17 servation Service;

18 (D) the Chief of Engineers of the Corps of
19 Engineers; and

20 (E) the head of any other applicable agency;

21 (2) the Governors of the Basin States;

22 (3) the Partnership for the Delaware Estuary;

23 (4) the Delaware River Basin Commission;

24 (5) fish and wildlife joint venture partnerships;

25 and

1 (6) other public agencies and organizations with
2 authority for the planning and implementation of
3 conservation strategies in the Basin.

4 (d) *PURPOSES.*—The purposes of the program in-
5 clude—

6 (1) coordinating restoration and protection ac-
7 tivities among Federal, State, local, and regional en-
8 tities and conservation partners throughout the
9 Basin;

10 (2) carrying out coordinated restoration and
11 protection activities throughout the Basin and Basin
12 States—

13 (A) to sustain and enhance fish and wildlife
14 habitat restoration and protection activities;

15 (B) to improve and maintain water quality
16 to support fish and wildlife, as well as the habi-
17 tats of fish and wildlife;

18 (C) to sustain and enhance water manage-
19 ment and flood damage mitigation improvements
20 to benefit fish and wildlife habitat;

21 (D) to improve opportunities for public ac-
22 cess and recreation in the Basin;

23 (E) to encourage environmentally sensitive
24 land use planning and development;

1 (F) to increase the capacity to implement
 2 coordinated restoration and protection activities
 3 in the Basin by conducting public outreach and
 4 education and promoting citizen involvement;
 5 and

6 (G) to increase scientific capacity to sup-
 7 port the planning, monitoring, and research ac-
 8 tivities necessary to carry out coordinated res-
 9 toration and protection activities; and

10 (3) providing competitive grants for technical as-
 11 sistance to carry out restoration and protection ac-
 12 tivities in the Basin, with priority given to activities
 13 with multiple benefits, as described in paragraph (2).

14 **SEC. 5. GRANTS AND ASSISTANCE.**

15 (a) *DELAWARE RIVER BASIN RESTORATION PRO-*
 16 *GRAM.*—To the extent that funds are available to carry out
 17 this section, the Secretary shall establish a grant program
 18 to be known as the “Delaware River Basin restoration
 19 grant program” to provide competitive matching grants of
 20 varying amounts to State and local governments, nonprofit
 21 organizations, community organizations, institutions of
 22 higher education, and other eligible entities to carry out ac-
 23 tivities described in section 4(d).

24 (b) *CRITERIA.*—The Secretary, in consultation with
 25 the organizations described in section 4(c), shall develop cri-

1 *teria for the grant program to help ensure that activities*
2 *funded under this section accomplish 1 or more of the fol-*
3 *lowing:*

4 (1) *Restoration or protection of fish and wildlife*
5 *and the habitats of fish and wildlife.*

6 (2) *Improvement or protection of water quality*
7 *by reducing pollutants and restoring headwater areas*
8 *and drinking water basins.*

9 (3) *Improvement of the management of water*
10 *volume and mitigation of flood damage to support the*
11 *ecological needs of fish and wildlife and the habitats*
12 *of fish and wildlife.*

13 (4) *Inclusion of priority needs or actions identi-*
14 *fied in the basin-wide strategy adopted under section*
15 *4(b)(2).*

16 (5) *Inclusion of restoration and protection ac-*
17 *tivities with multiple benefits in the Basin, including*
18 *habitat, water quality, and flood damage mitigation.*

19 *(c) COST SHARING.—*

20 (1) *FEDERAL SHARE.—The Federal share of the*
21 *cost of a project funded under the grant program shall*
22 *not exceed 50 percent of the total cost of the activity,*
23 *as determined by the Secretary.*

24 (2) *NON-FEDERAL SHARE.—The non-Federal*
25 *share of the cost of a project funded under the grant*

1 *program may be provided in cash or in the form of*
2 *an in-kind contribution of services or materials.*

3 *(d) ADMINISTRATION.—*

4 *(1) IN GENERAL.—The Secretary may enter into*
5 *an agreement to manage the grant program with the*
6 *National Fish and Wildlife Foundation or a similar*
7 *organization that offers grant management services.*

8 *(2) FUNDING.—If the Secretary enters into an*
9 *agreement under paragraph (1), the organization se-*
10 *lected shall—*

11 *(A) for each fiscal year, receive amounts to*
12 *carry out this section in an advance payment of*
13 *the entire amount on October 1, or as soon as*
14 *practicable thereafter, of that fiscal year;*

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

17 *(C) otherwise administer the grant program*
18 *to support partnerships between the public and*
19 *private 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 (e) *TECHNICAL ASSISTANCE.*—*The Secretary may pro-*
4 *vide, or provide for, technical assistance to carry out this*
5 *section, on a nonreimbursable basis, to—*

6 (1) *other Federal agencies;*

7 (2) *State and local governments;*

8 (3) *nonprofit organizations;*

9 (4) *community organizations;*

10 (5) *institutions of higher education; or*

11 (6) *other entities, as the Secretary determines to*
12 *be appropriate.*

13 **SEC. 6. ANNUAL REPORTS.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act and annually thereafter, the Secretary shall sub-*
16 *mit to Congress a report on the implementation of this Act,*
17 *including a description of each project that has received*
18 *funding under this Act.*

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) *IN GENERAL.*—*There is authorized to be appro-*
21 *priated to the Secretary to carry out this Act \$5,000,000*
22 *for each of fiscal years 2012 through 2017.*

23 (b) *USE.*—*Of any amount made available for each fis-*
24 *cal year, the Secretary shall use at least 75 percent to carry*

- 1 *out the grant program and to provide, or provide for, tech-*
- 2 *nical assistance under section 5(e).*

Calendar No. 452

112TH CONGRESS
2^D SESSION

S. 1266

[Report No. 112-183]

A BILL

To direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes.

JULY 16, 2012

Reported with an amendment