

116TH CONGRESS
1ST SESSION

H. R. 1326

To provide for the preservation of America's outdoor heritage and enhance recreation opportunities on Federal land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2019

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Agriculture, Transportation and Infrastructure, and Appropriations, 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

A BILL

To provide for the preservation of America's outdoor heritage and enhance recreation opportunities on Federal land, 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; SECRETARY DEFINED; TABLE OF**
4 **CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Authorizing Critical Conservation and Enabling Sports-
7 men and Sportswomen Act” or the “ACCESS Act”.

1 (b) SECRETARY DEFINED.—For the purposes of this
 2 Act, the term “Secretary” means the Secretary of the In-
 3 terior unless otherwise specifically indicated.

4 (c) TABLE OF CONTENTS.—The table of contents for
 5 this Act is as follows:

Sec. 1. Short title; Secretary defined; table of contents.

**TITLE I—NORTH AMERICAN WETLANDS CONSERVATION ACT
REAUTHORIZATION**

See. 101. North American Wetlands Conservation Act.

**TITLE II—UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE PROTECTION**

Sec. 201. Short title.
 Sec. 202. Definitions.
 Sec. 203. Liability.
 Sec. 204. Actions.
 Sec. 205. Use of recovered amounts.
 Sec. 206. Donations.
 Sec. 207. Transfer of funds from Natural Resource Damage Assessment and Restoration Fund.

**TITLE III—GREAT LAKES MONITORING, ASSESSMENT, SCIENCE,
AND RESEARCH**

See. 301. Great Lakes monitoring, assessment, science, and research.

**TITLE IV—NATIONAL FISH AND WILDLIFE FOUNDATION
ESTABLISHMENT ACT REAUTHORIZATION**

See. 401. National Fish and Wildlife Foundation Establishment Act.

TITLE V—FISH HABITAT CONSERVATION

See. 501. National fish habitat conservation through partnerships.

**TITLE VI—TARGET PRACTICE AND MARKSMANSHIP TRAINING
SUPPORT**

Sec. 601. Short title.
 Sec. 602. Definition of public target range.
 Sec. 603. Amendments to Pittman-Robertson Wildlife Restoration Act.
 Sec. 604. Limits on liability.
 Sec. 605. Sense of Congress regarding cooperation.

**TITLE VII—WILDLIFE AND HUNTING HERITAGE CONSERVATION
COUNCIL ADVISORY COMMITTEE**

See. 701. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

TITLE VIII—FILM CREWS

Sec. 801. Commercial filming.

TITLE IX—CHESAPEAKE BAY

Sec. 901. Reauthorization of Chesapeake Bay Program.

Sec. 902. Reauthorization of Chesapeake Bay Initiative Act of 1998.

TITLE X—CHRONIC WASTING DISEASE MANAGEMENT

Sec. 1001. Short title.

Sec. 1002. Definitions.

Sec. 1003. Findings.

Sec. 1004. Support for State efforts to manage and control chronic wasting disease.

Sec. 1005. Support for applied research regarding chronic wasting disease.

Sec. 1006. Multi-agency cooperation with States to address chronic wasting disease.

TITLE XI—CHRONIC WASTING DISEASE TRANSMISSION IN CERVIDAE STUDY

Sec. 1101. Short title.

Sec. 1102. Findings.

Sec. 1103. Chronic wasting disease transmission in cervidae resource study.

Sec. 1104. Definitions.

TITLE XII—MISCELLANEOUS PROVISIONS

Sec. 1201. Respect for treaties and rights.

Sec. 1202. No priority over other uses.

Sec. 1203. State authority for fish and wildlife.

1 **TITLE I—NORTH AMERICAN
2 WETLANDS CONSERVATION
3 ACT REAUTHORIZATION**

4 **SEC. 101. NORTH AMERICAN WETLANDS CONSERVATION
5 ACT.**

6 (a) REAL PROPERTY.—Section 6(a)(3) of the North
7 American Wetlands Conservation Act (16 U.S.C.
8 4405(a)(3)) is amended—
9 (1) by striking “(3) in lieu of” and inserting
10 the following:

1 “(3) PROVISION OF FUNDS OR CONVEYANCE OF
2 REAL PROPERTY INTEREST.—

3 “(A) IN GENERAL.—In lieu of’;
4 (2) in the second sentence, by striking “The
5 Secretary shall” and inserting the following:

6 “(B) DETERMINATION.—The Secretary
7 shall”; and

8 (3) by striking the third sentence and inserting
9 the following:

10 “(C) REAL PROPERTY.—Any real property
11 interest conveyed under this paragraph shall be
12 subject to terms and conditions that ensure
13 that—

14 “(i) the real property interest will be
15 administered for the long-term conserva-
16 tion and management of the wetland eco-
17 system and the fish and wildlife dependent
18 on that ecosystem;

19 “(ii) the grantor of a real property in-
20 terest has been provided with information
21 relating to all available conservation op-
22 tions, including conservation options that
23 involve the conveyance of a real property
24 interest for a limited period of time; and

1 “(iii) the provision of the information
2 described in clause (ii) has been docu-
3 mented.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 7(c) of the North American Wetlands Conservation Act
6 (16 U.S.C. 4406(c)) is amended—

7 (1) in paragraph (4), by striking “and”;
8 (2) in paragraph (5), by striking the period at
9 the end and inserting “; and”; and
10 (3) by adding at the end the following:
11 “(6) \$75,000,000 for each of fiscal years 2020
12 through 2024.”.

13 **TITLE II—UNITED STATES FISH
14 AND WILDLIFE SERVICE RE-
15 SOURCE PROTECTION**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “United States Fish
18 and Wildlife Service Resource Protection Act”.

19 **SEC. 202. DEFINITIONS.**

20 In this title:

21 (1) DAMAGES.—The term “damages” means—
22 (A) compensation for—
23 (i)(I) the cost of replacing, restoring,
24 or acquiring the equivalent of a system re-
25 source; and

16 (A) to prevent, minimize, or abate destruc-
17 tion or loss of, or injury to, a system resource;

20 (C) to monitor the ongoing effects of any
21 incident causing such destruction, loss, or in-
22 jury.

1 tural, or archeological resource that is located within
2 the boundaries of—
3 (A) a unit of the National Wildlife Refuge
4 System;
5 (B) a unit of the National Fish Hatchery
6 System; or
7 (C) any other land managed by the United
8 States Fish and Wildlife Service, including any
9 land managed cooperatively with any other Fed-
10 eral or State agency.

11 **SEC. 203. LIABILITY.**

12 (a) IN GENERAL.—Subject to subsection (c), any in-
13 dividual or entity that destroys, causes the loss of, or in-
14 jures any system resource, or that causes the Secretary
15 to carry out any action to prevent, minimize, or abate de-
16 struction or loss of, or injuries or risk to, any system re-
17 source, shall be liable to the United States for any re-
18 sponse costs or damages resulting from the destruction,
19 loss, or injury.

20 (b) LIABILITY IN REM.—Any instrumentality (includ-
21 ing a vessel, vehicle, aircraft, or other equipment or mech-
22 anism) that destroys, causes the loss of, or injures any
23 system resource, or that causes the Secretary to carry out
24 any action to prevent, minimize, or abate destruction or
25 loss of, or injury or risk to, a system resource shall be

1 liable in rem to the United States for any response costs
2 or damages resulting from the destruction, loss, or injury,
3 to the same extent that an individual or entity is liable
4 under subsection (a).

5 (c) DEFENSES.—An individual or entity shall not be
6 liable under this section, if the individual or entity can
7 establish that—

8 (1) the destruction or loss of, or injury to, the
9 system resource was caused solely by an act of God
10 or an act of war; or

11 (2)(A) the individual or entity exercised due
12 care; and

13 (B) the destruction or loss of, or injury to, the
14 system resource was caused solely by an act or omis-
15 sion of a third party, other than an employee or
16 agent of the individual or entity.

17 (d) SCOPE.—The liability established by this section
18 shall be in addition to any other liability arising under
19 Federal or State law.

20 **SEC. 204. ACTIONS.**

21 (a) CIVIL ACTIONS FOR RESPONSE COSTS AND DAM-
22 AGES.—The Attorney General, on request of the Sec-
23 retary, may commence a civil action in the United States
24 district court of appropriate jurisdiction against any indi-

1 vidual, entity, or instrumentality that may be liable under
2 section 203 for response costs or damages.

3 (b) ADMINISTRATIVE ACTIONS FOR RESPONSE

4 COSTS AND DAMAGES.—

5 (1) ACTION BY SECRETARY.—

6 (A) IN GENERAL.—Subject to paragraph
7 (2), the Secretary, after making a finding de-
8 scribed in subparagraph (B), may consider,
9 compromise, and settle a claim for response
10 costs and damages if the claim has not been re-
11 ferred to the Attorney General under subsection
12 (a).

13 (B) DESCRIPTION OF FINDINGS.—A find-
14 ing referred to in subparagraph (A) is a finding
15 that—

16 (i) destruction or loss of, or injury to,
17 a system resource has occurred; or
18 (ii) such destruction, loss, or injury
19 would occur absent an action by the Sec-
20 retary to prevent, minimize, or abate the
21 destruction, loss, or injury.

22 (2) REQUIREMENT.—In any case in which the
23 total amount to be recovered in a civil action under
24 subsection (a) may exceed \$500,000 (excluding in-
25 terest), a claim may be compromised and settled

1 under paragraph (1) only with the prior written ap-
2 proval of the Attorney General.

3 (c) RESPONSE ACTIONS, ASSESSMENTS OF DAM-
4 AGES, AND INJUNCTIVE RELIEF.—

5 (1) IN GENERAL.—The Secretary may carry out
6 all necessary actions (including making a request to
7 the Attorney General to seek injunctive relief)—

8 (A) to prevent, minimize, or abate destruc-
9 tion or loss of, or injury to, a system resource;

10 or

11 (B) to abate or minimize the imminent risk
12 of such destruction, loss, or injury.

13 (2) ASSESSMENT AND MONITORING.—

14 (A) IN GENERAL.—The Secretary may as-
15 sess and monitor the destruction or loss of, or
16 injury to, any system resource for purposes of
17 paragraph (1).

18 (B) JUDICIAL REVIEW.—Any determina-
19 tion or assessment of damage to a system re-
20 source carried out under subparagraph (A)
21 shall be subject to judicial review under sub-
22 chapter II of chapter 5, and chapter 7, of title
23 5, United States Code (commonly known as the
24 “Administrative Procedure Act”), on the basis

1 of the administrative record developed by the
2 Secretary.

3 **SEC. 205. USE OF RECOVERED AMOUNTS.**

4 (a) IN GENERAL.—An amount equal to the total
5 amount of the response costs and damages recovered by
6 the Secretary under this title and any amounts recovered
7 by the Federal Government under any provision of Fed-
8 eral, State, or local law (including regulations) or other-
9 wise as a result of the destruction or loss of, or injury
10 to, any system resource shall be made available to the Sec-
11 retary, without further appropriation, for use in accord-
12 ance with subsection (b).

13 (b) USE.—The Secretary may use amounts made
14 available under subsection (a) only, in accordance with ap-
15 plicable law—

16 (1) to reimburse response costs and damage as-
17 sessments carried out pursuant to this title by the
18 Secretary or such other Federal agency as the Sec-
19 retary determines to be appropriate;

20 (2) to restore, replace, or acquire the equivalent
21 of a system resource that was destroyed, lost, or in-
22 jured; or

23 (3) to monitor and study system resources.

1 **SEC. 206. DONATIONS.**

2 (a) IN GENERAL.—In addition to any other authority
3 to accept donations, the Secretary may accept donations
4 of money or services for expenditure or use to meet ex-
5 pected, immediate, or ongoing response costs and dam-
6 ages.

7 (b) TIMING.—A donation described in subsection (a)
8 may be expended or used at any time after acceptance of
9 the donation, without further action by Congress.

10 **SEC. 207. TRANSFER OF FUNDS FROM NATURAL RESOURCE**
11 **DAMAGE ASSESSMENT AND RESTORATION**
12 **FUND.**

13 The matter under the heading “NATURAL RESOURCE
14 DAMAGE ASSESSMENT AND RESTORATION FUND” under
15 the heading “UNITED STATES FISH AND WILDLIFE SERV-
16 ICE” of title I of the Department of the Interior and Re-
17 lated Agencies Appropriations Act, 1994 (43 U.S.C.
18 1474b–1), is amended by striking “*Provided, That*” and
19 all that follows through “activities.” and inserting the fol-
20 lowing: “*Provided, That* notwithstanding any other provi-
21 sion of law, any amounts appropriated or credited during
22 fiscal year 1992 or any fiscal year thereafter may be trans-
23 ferred to any account (including through a payment to any
24 Federal or non-Federal trustee) to carry out a negotiated
25 legal settlement or other legal action for a restoration ac-
26 tivity under the Comprehensive Environmental Response,

1 Compensation, and Liability Act (42 U.S.C. 9601 et seq.),
2 the Federal Water Pollution Control Act (33 U.S.C. 1251
3 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
4 et seq.), the Act of July 27, 1990 (16 U.S.C. 19jj et seq.),
5 or the United States Fish and Wildlife Service Resource
6 Protection Act, or for any damage assessment activity:
7 *Provided further*, That sums provided by any individual
8 or entity before or after the date of enactment of this Act
9 shall remain available until expended and shall not be lim-
10 ited to monetary payments, but may include stocks, bonds,
11 or other personal or real property, which may be retained,
12 liquidated, or otherwise disposed of by the Secretary for
13 the restoration of injured resources or to conduct any new
14 damage assessment activity.”.

15 **TITLE III—GREAT LAKES MONI-**
16 **TORING, ASSESSMENT,**
17 **SCIENCE, AND RESEARCH**

18 **SEC. 301. GREAT LAKES MONITORING, ASSESSMENT,**
19 **SCIENCE, AND RESEARCH.**

20 (a) DEFINITIONS.—In this section:

21 (1) DIRECTOR.—The term “Director” means
22 the Director of the United States Geological Survey.

23 (2) GREAT LAKES BASIN.—The term “Great
24 Lakes Basin” means the air, land, water, and living
25 organisms in the United States within the drainage

1 basin of the Saint Lawrence River at and upstream
2 from the point at which such river and the Great
3 Lakes become the international boundary between
4 Canada and the United States.

5 (b) FINDINGS.—Congress finds the following:

6 (1) The Great Lakes support a diverse eco-
7 system, on which the vibrant and economically valu-
8 able Great Lakes fisheries depend.

9 (2) To continue successful fisheries manage-
10 ment and coordination, as has occurred since signing
11 of the Convention on Great Lakes Fisheries between
12 the United States and Canada on September 10,
13 1954, management of the ecosystem and its fisheries
14 require sound, reliable science, and the use of mod-
15 ern scientific technologies.

16 (3) Fisheries research is necessary to support
17 multi-jurisdictional fishery management decisions
18 and actions regarding recreational and sport fishing,
19 commercial fisheries, Tribal harvest, allocation deci-
20 sions, and fish stocking activities.

21 (4) President Richard Nixon submitted, and the
22 Congress approved, Reorganization Plan No. 4 (84
23 Stat. 2090), conferring science activities and man-
24 agement of marine fisheries to the National Oceanic
25 and Atmospheric Administration.

9 (c) MONITORING, ASSESSMENT, SCIENCE, AND RE-
10 SEARCH.—

(A) execute a comprehensive, multi-lake, freshwater fisheries science program;

19 (B) coordinate with and work cooperatively
20 with regional, State, Tribal, and local govern-
21 ments; and

(C) consult with other interested entities groups, including academia and relevant Canadian agencies.

1 (3) INCLUDED RESEARCH.—To properly serve
2 the needs of fisheries managers, monitoring, assessment,
3 science, and research under this section may
4 include—
5 (A) deepwater ecosystem sciences;
6 (B) biological and food-web components;
7 (C) fish movement and behavior investiga-
8 tions;
9 (D) fish population structures;
10 (E) fish habitat investigations;
11 (F) invasive species science;
12 (G) use of existing, new, and experimental
13 biological assessment tools, equipment, vessels,
14 other scientific instrumentation and laboratory
15 capabilities necessary to support fishery man-
16 agement decisions; and
17 (H) studies to assess impacts on Great
18 Lakes Fishery resources.

19 (4) SAVINGS CLAUSE.—Nothing in this section
20 is intended or shall be construed to impede, super-
21 sede, or alter the authority of the Great Lakes Fish-
22 ery Commission, States, and Indian Tribes under
23 the Convention on Great Lakes Fisheries between
24 the United States of America and Canada on Sep-

1 tember 10, 1954, and the Great Lakes Fishery Act
2 of 1956 (16 U.S.C. 931 et seq.).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—For
4 each of fiscal years 2020 through 2024, there is author-
5 ized to be appropriated \$15,000,000 to carry out this sec-
6 tion.

7 **TITLE IV—NATIONAL FISH AND**
8 **WILDLIFE FOUNDATION ES-**
9 **TABLISHMENT ACT REAU-**
10 **THORIZATION**

11 **SEC. 401. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**
12 **TABLISHMENT ACT.**

13 (a) BOARD OF DIRECTORS OF FOUNDATION.—

14 (1) IN GENERAL.—Section 3 of the National
15 Fish and Wildlife Foundation Establishment Act (16
16 U.S.C. 3702) is amended—

17 (A) in subsection (b)—

18 (i) by striking paragraph (2) and in-
19 serting the following:

20 “(2) IN GENERAL.—After consulting with the
21 Secretary of Commerce and considering the rec-
22 ommendations submitted by the Board, the Sec-
23 retary of the Interior shall appoint 28 Directors
24 who, to the maximum extent practicable, shall—

1 “(A) be knowledgeable and experienced in
2 matters relating to the conservation of fish,
3 wildlife, or other natural resources; and

4 “(B) represent a balance of expertise in
5 ocean, coastal, freshwater, and terrestrial re-
6 source conservation.”; and

9 “(3) TERMS.—Each Director (other than a Di-
10 rector described in paragraph (1)) shall be appointed
11 for a term of 6 years.”; and

12 (B) in subsection (g)(2)—

Officers" and inserting the following:

18 “(A) IN GENERAL.—Officers”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

1 “(i) appointed by, and serve at the di-
2 rection of, the Board as the chief executive
3 officer of the Foundation; and

4 “(ii) knowledgeable and experienced in
5 matters relating to fish and wildlife con-
6 servation.”.

7 (2) CONFORMING AMENDMENT.—Section
8 4(a)(1)(B) of the North American Wetlands Con-
9 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended
10 by striking “Secretary of the Board” and inserting
11 “Executive Director of the Board”.

12 (b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—
13 Section 4 of the National Fish and Wildlife Foundation
14 Establishment Act (16 U.S.C. 3703) is amended—

15 (1) in subsection (c)—

16 (A) in paragraph (4), by striking “that are
17 insured by an agency or instrumentality of the
18 United States” and inserting “at 1 or more fi-
19 nancial institutions that are members of the
20 Federal Deposit Insurance Corporation or the
21 Securities Investment Protection Corporation”;

22 (B) in paragraph (5), by striking “para-
23 graph (3) or (4)” and inserting “subparagraph
24 (C) or (D)”;

(C) in paragraph (10), by striking “; and”
and inserting a semicolon;

3 (D) by striking paragraph (11);

(E) by striking “For the purposes” and all
that follows through “of the Foundation.”;

(F) by inserting after paragraph (10) the following:

8 “(11) to receive and administer restitution and
9 community service payments, amounts for mitigation
10 of impacts to natural resources, and other amounts
11 arising from legal, regulatory, or administrative pro-
12 ceedings, subject to the condition that the amounts
13 are received or administered for purposes that fur-
14 ther the conservation and management of fish, wild-
15 life, plants, and other natural resources; and

16 “(12) to do acts necessary to carry out the pur-
17 poses of the Foundation.”;

(G) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

21 "“(c) POWERS.—

22 “(1) IN GENERAL.—To carry out the purposes
23 described in”;

24 (H) by redesignating paragraphs (1)
25 through (12) as subparagraphs (A) through

(L), respectively, and indenting appropriately;
and

5 “(2) TREATMENT OF REAL PROPERTY.—

6 “(A) IN GENERAL.—For purposes of this
7 Act, an interest in real property shall be treated
8 as including easements or other rights for pres-
9 ervation, conservation, protection, or enhance-
10 ment by and for the public of natural, scenic,
11 historic, scientific, educational, inspirational, or
12 recreational resources.

13 “(B) ENCUMBERED REAL PROPERTY.—A
14 gift, devise, or bequest may be accepted by the
15 Foundation even though the gift, devise, or be-
16 quest is encumbered, restricted, or subject to
17 beneficial interests of private persons if any
18 current or future interest in the gift, devise, or
19 bequest is for the benefit of the Foundation.

20 “(3) SAVINGS CLAUSE.—The acceptance and
21 administration of amounts by the Foundation under
22 paragraph (1)(K) does not alter, supersede, or limit
23 any regulatory or statutory requirement associated
24 with those amounts.”;

25 (2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
4 10 of the National Fish and Wildlife Foundation Estab-
5 lishment Act (16 U.S.C. 3709) is amended—

6 (1) in subsection (a), by striking paragraph (1)
7 and inserting the following:

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to carry out this Act for each of fiscal
10 years 2020 through 2024—

11 “(A) \$15,000,000 to the Secretary of the
12 Interior:

13 “(B) \$5,000,000 to the Secretary of Agri-
14 culture; and

15 “(C) \$5,000,000 to the Secretary of Com-
16 merce.”;

17 (2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

20 "(1) AMOUNTS FROM FEDERAL AGENCIES —

21 “(A) IN GENERAL.—In addition to the
22 amounts authorized to be appropriated under
23 subsection (a), Federal departments, agencies,
24 or instrumentalities are authorized to provide
25 funds to the Foundation through Federal finan-

1 cial assistance grants and cooperative agree-
2 ments, subject to the condition that the
3 amounts are used for purposes that further the
4 conservation and management of fish, wildlife,
5 plants, and other natural resources in accord-
6 ance with this Act.

7 “(B) ADVANCES.—Federal departments,
8 agencies, or instrumentalities may advance
9 amounts described in subparagraph (A) to the
10 Foundation in a lump sum without regard to
11 when the expenses for which the amounts are
12 used are incurred.

13 “(C) MANAGEMENT FEES.—The Founda-
14 tion may assess and collect fees for the manage-
15 ment of amounts received under this para-
16 graph.”;

17 (B) in paragraph (2)—
18 (i) in the paragraph heading, by strik-
19 ing “FUNDS” and inserting “AMOUNTS”;
20 (ii) by striking “shall be used” and in-
21 serting “may be used”; and
22 (iii) by striking “and State and local
23 government agencies” and inserting “,
24 State and local government agencies, and
25 other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

3 “(A) IN GENERAL.—In entering into con-
4 tracts, agreements, or other partnerships pursu-
5 ant to this Act, a Federal department, agency,
6 or instrumentality shall have discretion to waive
7 any competitive process applicable to the de-
8 partment, agency, or instrumentality for enter-
9 ing into contracts, agreements, or partnerships
10 with the Foundation if the purpose of the waiver
11 is—

12 “(i) to address an environmental
13 emergency resulting from a natural or
14 other disaster; or

15 “(ii) as determined by the head of the
16 applicable Federal department, agency, or
17 instrumentality, to reduce administrative
18 expenses and expedite the conservation and
19 management of fish, wildlife, plants, and
20 other natural resources.

21 “(B) REPORTS.—The Foundation shall in-
22 clude in the annual report submitted under sec-
23 tion 7(b) a description of any use of the author-
24 ity under subparagraph (A) by a Federal de-

1 partment, agency, or instrumentality in that fis-
2 cal year.”; and

3 (3) by adding at the end the following:

4 “(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF
5 MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-
6 quests of amounts or other property, or any other amounts
7 or other property, transferred to, deposited with, or other-
8 wise in the possession of the Foundation pursuant to this
9 Act, may be made available by the Foundation to Federal
10 departments, agencies, or instrumentalities and may be
11 accepted and expended (or the disposition of the amounts
12 or property directed), without further appropriation, by
13 those Federal departments, agencies, or instrumentalities,
14 subject to the condition that the amounts or property be
15 used for purposes that further the conservation and man-
16 agement of fish, wildlife, plants, and other natural re-
17 sources.”.

18 (d) LIMITATION ON AUTHORITY.—Section 11 of the
19 National Fish and Wildlife Foundation Establishment Act
20 (16 U.S.C. 3710) is amended by inserting “exclusive” be-
21 fore “authority”.

1 **TITLE V—FISH HABITAT**
2 **CONSERVATION**

3 **SEC. 501. NATIONAL FISH HABITAT CONSERVATION**
4 **THROUGH PARTNERSHIPS.**

5 (a) PURPOSE.—The purpose of this section is to en-
6 courage partnerships among public agencies and other in-
7 terested parties to promote fish conservation—

8 (1) to achieve measurable habitat conservation
9 results through strategic actions of Fish Habitat
10 Partnerships that lead to better fish habitat condi-
11 tions and increased fishing opportunities by—

12 (A) improving ecological conditions;
13 (B) restoring natural processes; or
14 (C) preventing the decline of intact and
15 healthy systems;

16 (2) to establish a consensus set of national con-
17 servation strategies as a framework to guide future
18 actions and investment by Fish Habitat Partner-
19 ships;

20 (3) to broaden the community of support for
21 fish habitat conservation by—

22 (A) increasing fishing opportunities;
23 (B) fostering the participation of local
24 communities, especially young people in local
25 communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

4 (4) to fill gaps in the National Fish Habitat As-
5 sessment and the associated database of the Na-
6 tional Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

10 (B) to integrate socioeconomic data in the
11 analysis to improve the lives of humans in a
12 manner consistent with fish habitat conserva-
13 tion goals; and

(b) DEFINITIONS.—In this section:

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources
of the House of Representatives.

(2) BOARD.—The term “Board” means the National Fish Habitat Board established by subsection (c)(1)(A).

16 (5) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 5304).

(7) PARTNERSHIP.—The term “Partnership” means a self-governed entity designated by Congress

1 as a Fish Habitat Partnership under subsection
2 (d)(6) after a recommendation by the Board under
3 subsection (d)(1).

4 (8) REAL PROPERTY INTEREST.—The term
5 “real property interest” means an ownership interest
6 in—

- 7 (A) land; or
8 (B) water (including water rights).

9 (9) STATE.—The term “State” means each of
10 the several States.

11 (10) STATE AGENCY.—The term “State agen-
12 cy” means—

13 (A) the fish and wildlife agency of a State;
14 and

15 (B) any department or division of a de-
16 partment or agency of a State that manages in
17 the public trust the inland or marine fishery re-
18 sources or sustains the habitat for those fishery
19 resources of the State pursuant to State law or
20 the constitution of the State.

21 (c) NATIONAL FISH HABITAT BOARD.—

22 (1) ESTABLISHMENT.—

23 (A) FISH HABITAT BOARD.—There is es-
24 tablished a board, to be known as the National
25 Fish Habitat Board, whose duties are—

(B) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

12 (i) 1 shall be a representative of the
13 Department of the Interior;

18 (iv) 1 shall be a representative of the
19 Department of Agriculture;

1 Southeast, Midwest, and Western regions
2 of the United States;

3 (vii) 1 shall be a representative of ei-
4 ther—

5 (I) Indian Tribes in the State of
6 Alaska; or

7 (II) Indian Tribes in States other
8 than the State of Alaska;

9 (viii) 1 shall be a representative of ei-
10 ther—

11 (I) the Regional Fishery Manage-
12 ment Councils established under sec-
13 tion 302 of the Magnuson-Stevens
14 Fishery Conservation and Manage-
15 ment Act (16 U.S.C. 1852); or

16 (II) the Marine Fisheries Com-
17 missions, which is composed of—

18 (aa) the Atlantic States Ma-
19 rine Fisheries Commission;

20 (bb) the Gulf States Marine
21 Fisheries Commission; and

22 (cc) the Pacific States Ma-
23 rine Fisheries Commission;

(I) the recreational sportfishing industry;

(II) the commercial fishing industry;

10 (III) marine recreational anglers;

(IV) freshwater recreational anglers;

13 (V) habitat conservation organi-
14 zations; and

(VI) science-based fishery organizations;

17 (xi) 1 shall be a representative of a
18 national private landowner organization;

(xii) 1 shall be a representative of an agricultural production organization;

(xiii) 1 shall be a representative of local government interests involved in fish habitat restoration;

(xiv) 2 shall be representatives from different sectors of corporate industries, which may include—

(I) natural resource commodity interests, such as petroleum or mineral extraction;

(III) industries with an interest
in fish and fish habitat conservation;
and

(xv) 1 shall be a leadership private sector or landowner representative of an active Partnership.

15 (C) COMPENSATION.—A member of the
16 Board shall serve without compensation.

25 (2) APPOINTMENT AND TERMS.—

6 (B) INITIAL BOARD MEMBERSHIP.—

(C) TRANSITIONAL TERMS.—Of the members described in paragraph (1)(B)(x) initially appointed to the Board—

10 (D) VACANCIES.—

(E) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

13 (3) CHAIRPERSON.—

20 (4) MEETINGS.—

(B) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

3 (5) PROCEDURES.—

(B) QUORUM.—A majority of the members of the Board shall constitute a quorum.

25 (d) FISH HABITAT PARTNERSHIPS.—

1 (1) AUTHORITY TO RECOMMEND.—The Board
2 may recommend to Congress the designation of Fish
3 Habitat Partnerships in accordance with this sub-
4 section.

5 (2) PURPOSES.—The purposes of a Partnership
6 shall be—

7 (A) to work with other regional habitat
8 conservation programs to promote cooperation
9 and coordination to enhance fish and fish habi-
10 tats;

11 (B) to engage local and regional commu-
12 nities to build support for fish habitat conserva-
13 tion;

14 (C) to involve diverse groups of public and
15 private partners;

16 (D) to develop collaboratively a strategic
17 vision and achievable implementation plan that
18 is scientifically sound;

19 (E) to leverage funding from sources that
20 support local and regional Partnerships;

21 (F) to use adaptive management prin-
22 ciples, including evaluation of project success
23 and functionality;

24 (G) to develop appropriate local or regional
25 habitat evaluation and assessment measures

1 and criteria that are compatible with national
2 habitat condition measures; and

3 (H) to implement local and regional pri-
4 ority projects that improve conditions for fish
5 and fish habitat.

6 (3) CRITERIA FOR DESIGNATION.—An entity
7 seeking to be designated by Congress as a Partner-
8 ship shall—

9 (A) submit to the Board an application at
10 such time, in such manner, and containing such
11 information as the Board may require; and

12 (B) demonstrate to the Board that the en-
13 tity has—

14 (i) a focus on promoting the health of
15 important fish and fish habitats;

16 (ii) an ability to coordinate the imple-
17 mentation of priority projects that support
18 the goals and national priorities set by the
19 Board that are within the Partnership
20 boundary;

21 (iii) a self-governance structure that
22 supports the implementation of strategic
23 priorities for fish habitat;

24 (iv) the ability to develop local and re-
25 gional relationships with a broad range of

1 entities to further strategic priorities for
2 fish and fish habitat;

3 (v) a strategic plan that details re-
4 quired investments for fish habitat con-
5 servation that addresses the strategic fish
6 habitat priorities of the Partnership and
7 supports and meets the strategic priorities
8 of the Board;

9 (vi) the ability to develop and imple-
10 ment fish habitat conservation projects
11 that address strategic priorities of the
12 Partnership and the Board; and

13 (vii) the ability to develop fish habitat
14 conservation priorities based on sound
15 science and data, the ability to measure
16 the effectiveness of fish habitat projects of
17 the Partnership, and a clear plan as to
18 how Partnership science and data compo-
19 nents will be integrated with the overall
20 Board science and data effort.

21 (4) REQUIREMENTS FOR RECOMMENDATION TO
22 CONGRESS.—The Board may recommend to Con-
23 gress for designation an application for a Partner-
24 ship submitted under paragraph (3)(A) if the Board
25 determines that the applicant—

- 1 (A) meets the criteria described in para-
2 graph (3)(B);
3 (B) identifies representatives to provide
4 support and technical assistance to the Partner-
5 ship from a diverse group of public and private
6 partners, which may include State or local gov-
7 ernments, nonprofit entities, Indian Tribes, and
8 private individuals, that are focused on con-
9 servation of fish habitats to achieve results
10 across jurisdictional boundaries on public and
11 private land;
12 (C) is organized to promote the health of
13 important fish species and important fish habi-
14 tats, including reservoirs, natural lakes, coastal
15 and marine environments, and estuaries;
16 (D) identifies strategic fish and fish habi-
17 tat priorities for the Partnership area in the
18 form of geographical focus areas or key
19 stressors or impairments to facilitate strategic
20 planning and decision making;
21 (E) is able to address issues and priorities
22 on a nationally significant scale;
23 (F) includes a governance structure that—
24 (i) reflects the range of all partners;
25 and

(ii) promotes joint strategic planning and decision making by the applicant;

3 (G) demonstrates completion of, or signifi-
4 cant progress toward the development of, a
5 strategic plan to address the decline in fish pop-
6 ulations, rather than simply treating symptoms,
7 in accordance with the goals and national prior-
8 ities established by the Board; and

(H) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

12 (5) REPORT TO CONGRESS.—

21 (i) identifies any entity that—

22 (I) meets the requirements de-
23 scribed in paragraph (4); and

11 (II) how the recommended Part-
12 nership fulfills the requirements de-
13 scribed in paragraph (4).

14 (B) PUBLIC AVAILABILITY; NOTIFICA-
15 TION.—The Board shall—

16 (i) make the report publicly available,
17 including on the internet; and

1 (7) EXISTING PARTNERSHIPS.—

2 (A) DESIGNATION REVIEW.—Not later
3 than 5 years after the date of enactment of this
4 Act, any fish habitat Partnership receiving Fed-
5 eral funds as of the date of enactment of this
6 Act shall be subject to a designation review by
7 Congress in which Congress shall have the op-
8 portunity to designate the Partnership under
9 paragraph (6).

10 (B) INELIGIBILITY FOR FEDERAL
11 FUNDS.—A Partnership referred to in subpara-
12 graph (A) that Congress does not designate as
13 described in that subparagraph shall be ineli-
14 gible to receive Federal funds under this sec-
15 tion.

16 (e) FISH HABITAT CONSERVATION PROJECTS.—

17 (1) SUBMISSION TO BOARD.—Not later than
18 March 31 of each calendar year, each Partnership
19 shall submit to the Board a list of priority fish habi-
20 tат conservation projects recommended by the Part-
21 nership for annual funding under this section.

22 (2) RECOMMENDATIONS BY BOARD.—Not later
23 than July 1 of each calendar year, the Board shall
24 submit to the Secretary a priority list of fish habitat
25 conservation projects that includes the description,

1 including estimated costs, of each project that the
2 Board recommends that the Secretary approve and
3 fund under this section for the following fiscal year.

4 (3) CRITERIA FOR PROJECT SELECTION.—The
5 Board shall select each fish habitat conservation
6 project to be recommended to the Secretary under
7 paragraph (2) after taking into consideration, at a
8 minimum, the following information:

9 (A) A recommendation of the Partnership
10 that is, or will be, participating actively in im-
11 plementing the fish habitat conservation
12 project.

13 (B) The capabilities and experience of
14 project proponents to implement successfully
15 the proposed project.

16 (C) The extent to which the fish habitat
17 conservation project—

18 (i) fulfills a local or regional priority
19 that is directly linked to the strategic plan
20 of the Partnership and is consistent with
21 the purpose of this section;

22 (ii) addresses the national priorities
23 established by the Board;

24 (iii) is supported by the findings of
25 the Habitat Assessment of the Partnership

1 or the Board, and aligns or is compatible
2 with other conservation plans;

3 (iv) identifies appropriate monitoring
4 and evaluation measures and criteria that
5 are compatible with national measures;

6 (v) provides a well-defined budget
7 linked to deliverables and outcomes;

8 (vi) leverages other funds to imple-
9 ment the project;

10 (vii) addresses the causes and proc-
11 esses behind the decline of fish or fish
12 habitats; and

13 (viii) includes an outreach or edu-
14 cation component that includes the local or
15 regional community.

16 (D) The availability of sufficient non-Fed-
17 eral funds to match Federal contributions for
18 the fish habitat conservation project, as re-
19 quired by paragraph (5).

20 (E) The extent to which the local or re-
21 gional fish habitat conservation project—

22 (i) will increase fish populations in a
23 manner that leads to recreational fishing
24 opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(F) The substantiality of the character and
gn of the fish habitat conservation project.

(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—

No fish habitat conservation project may be

1 recommended by the Board under paragraph
2 (2) or provided financial assistance under this
3 section unless the fish habitat conservation
4 project includes an evaluation plan designed
5 using applicable Board guidance—

6 (i) to appropriately assess the biological,
7 ecological, or other results of the habitat
8 protection, restoration, or enhancement
9 activities carried out using the assistance;

10 (ii) to reflect appropriate changes to
11 the fish habitat conservation project if the
12 assessment substantiates that the fish
13 habitat conservation project objectives are
14 not being met;

15 (iii) to identify improvements to existing
16 fish populations, recreational fishing
17 opportunities, and the overall economic
18 benefits for the local community of the fish
19 habitat conservation project; and

20 (iv) to require the submission to the
21 Board of a report describing the findings
22 of the assessment.

23 (B) ACQUISITION AUTHORITIES.—

24 (i) IN GENERAL.—A State, local government,
25 or other non-Federal entity is eli-

1 gible to receive funds for the acquisition of
2 real property from willing sellers under
3 this section if the acquisition ensures one
4 of—

5 (I) public access for compatible
6 fish and wildlife-dependent recreation;

7 or

8 (II) a scientifically based, direct
9 enhancement to the health of fish and
10 fish populations, as determined by the
11 Board.

12 (ii) STATE AGENCY APPROVAL.—

13 (I) IN GENERAL.—All real prop-
14 erty interest acquisition projects fund-
15 ed under this section are required to
16 be approved by the State agency in
17 the State in which the project is oc-
18 curring.

19 (II) PROHIBITION.—The Board
20 may not recommend, and the Sec-
21 retary may not provide any funding
22 for, any real property interest acqui-
23 sition that has not been approved by
24 the State agency.

(iii) ASSESSMENT OF OTHER AUTHORITIES.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

14 (I) the owner of the real property
15 authorizes the State, local govern-
16 ment, or other non-Federal entity to
17 acquire the real property; and

1 (5) NON-FEDERAL CONTRIBUTIONS.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), no fish habitat conservation
4 project may be recommended by the Board
5 under paragraph (2) or provided financial as-
6 sistance under this section unless at least 50
7 percent of the cost of the fish habitat conserva-
8 tion project will be funded with non-Federal
9 funds.

10 (B) NON-FEDERAL SHARE.—The non-Fed-
11 eral share of the cost of a fish habitat conserva-
12 tion project—

- 13 (i) may not be derived from another
14 Federal grant program; but
- 15 (ii) may include in-kind contributions
16 and cash.

17 (C) SPECIAL RULE FOR INDIAN TRIBES.—
18 Notwithstanding subparagraph (A) or any other
19 provision of law, any funds made available to
20 an Indian Tribe pursuant to this section may be
21 considered to be non-Federal funds for the pur-
22 pose of subparagraph (A).

23 (6) APPROVAL.—

24 (A) IN GENERAL.—Not later than 90 days
25 after the date of receipt of the recommended

1 priority list of fish habitat conservation projects
2 under paragraph (2), subject to the limitations
3 of paragraph (4), and based, to the maximum
4 extent practicable, on the criteria described in
5 paragraph (3), the Secretary, after consulting
6 with the Secretary of Commerce on marine or
7 estuarine projects, shall approve or reject any
8 fish habitat conservation project recommended
9 by the Board.

10 (B) FUNDING.—If the Secretary approves
11 a fish habitat conservation project under sub-
12 paragraph (A), the Secretary shall use amounts
13 made available to carry out this section to pro-
14 vide funds to carry out the fish habitat con-
15 servation project.

16 (C) NOTIFICATION.—If the Secretary re-
17 jects any fish habitat conservation project rec-
18 ommended by the Board under paragraph (2),
19 not later than 180 days after the date of receipt
20 of the recommendation, the Secretary shall pro-
21 vide to the Board, the appropriate Partnership,
22 and the appropriate congressional committees a
23 written statement of the reasons that the Sec-
24 retary rejected the fish habitat conservation
25 project.

1 (f) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

2 (1) IN GENERAL.—The Director, the NOAA
3 Assistant Administrator, the EPA Assistant Admin-
4 istrator, and the Director of the United States Geo-
5 logical Survey, in coordination with the Forest Serv-
6 ice and other appropriate Federal departments and
7 agencies, may provide scientific and technical assist-
8 ance to the Partnerships, participants in fish habitat
9 conservation projects, and the Board.

10 (2) INCLUSIONS.—Scientific and technical as-
11 sistance provided pursuant to paragraph (1) may in-
12 clude—

13 (A) providing technical and scientific as-
14 sistance to States, Indian Tribes, regions, local
15 communities, and nongovernmental organiza-
16 tions in the development and implementation of
17 Partnerships;

18 (B) providing technical and scientific as-
19 sistance to Partnerships for habitat assessment,
20 strategic planning, and prioritization;

21 (C) supporting the development and imple-
22 mentation of fish habitat conservation projects
23 that are identified as high priorities by Partner-
24 ships and the Board;

- 1 (D) supporting and providing recommendations
2 regarding the development of science-based monitoring and assessment approaches
3 for implementation through Partnerships;
- 5 (E) supporting and providing recommendations for a national fish habitat assessment;
- 7 (F) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and
- 11 (G) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

15 (g) COORDINATION WITH STATES AND INDIAN TRIBES.—The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or Tribal agency, as applicable, of each State and Indian Tribe within the boundaries of which an activity is planned to be carried out pursuant to this section, including notification, by not later than 30 days before the date on which the activity is implemented.

23 (h) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with

1 the NOAA Assistant Administrator, the EPA Assistant
2 Administrator, the Director of the United States Geologi-
3 cal Survey, and the heads of other appropriate Federal
4 departments and agencies (including at a minimum, those
5 agencies represented on the Board), shall develop an inter-
6 agency operational plan that describes—

7 (1) the functional, operational, technical, sci-
8 entific, and general staff, administrative, and mate-
9 rial needs for the implementation of this section; and
10 (2) any interagency agreements between or
11 among Federal departments and agencies to address
12 those needs.

13 (i) ACCOUNTABILITY AND REPORTING.—

14 (1) REPORTING.—

15 (A) IN GENERAL.—Not later than 5 years
16 after the date of enactment of this Act, and
17 every 5 years thereafter, the Board shall submit
18 to the appropriate congressional committees a
19 report describing the progress of this section.

20 (B) CONTENTS.—Each report submitted
21 under subparagraph (A) shall include—

22 (i) an estimate of the number of
23 acres, stream miles, or acre-feet, or other
24 suitable measures of fish habitat, that was
25 maintained or improved by Partnerships of

1 Federal, State, or local governments, Indian Tribes, or other entities in the United
2 States during the 5-year period ending on
3 the date of submission of the report;

5 (ii) a description of the public access
6 to fish habitats established or improved
7 during that 5-year period;

8 (iii) a description of the improved opportunities for public recreational fishing;
9
10 and

11 (iv) an assessment of the status of
12 fish habitat conservation projects carried
13 out with funds provided under this section
14 during that period, disaggregated by year,
15 including—

16 (I) a description of the fish habitat
17 conservation projects recommended by the Board under subsection
18 (e)(2);

20 (II) a description of each fish
21 habitat conservation project approved by the Secretary under subsection
22 (e)(6), in order of priority for funding;

24 (III) a justification for—

1 (aa) the approval of each
2 fish habitat conservation project;
3 and

(bb) the order of priority for funding of each fish habitat conservation project;

7 (IV) a justification for any rejec-
8 tion of a fish habitat conservation
9 project recommended by the Board
10 under subsection (e)(2) that was
11 based on a factor other than the cri-
12 teria described in subsection (e)(3);
13 and

(V) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects.

4 (C) enhancements or reductions in public
5 access as a result of—

6 (i) the activities of the Partnerships;

7 or

10 (j) EFFECT OF SECTION.—

11 (1) WATER RIGHTS.—Nothing in this section—

15 (B) affects any water right in existence on
16 the date of enactment of this Act;

17 (C) preempts or affects any State water
18 law or interstate compact governing water; or

1 may acquire, under State law, water rights or rights
2 to property.

3 (3) STATE AUTHORITY.—Nothing in this sec-
4 tion—

5 (A) affects the authority, jurisdiction, or
6 responsibility of a State to manage, control, or
7 regulate fish and wildlife under the laws and
8 regulations of the State; or

9 (B) authorizes the Secretary to control or
10 regulate within a State the fishing or hunting
11 of fish and wildlife.

12 (4) EFFECT ON INDIAN TRIBES.—Nothing in
13 this section abrogates, abridges, affects, modifies,
14 supersedes, or alters any right of an Indian Tribe
15 recognized by treaty or any other means, includ-
16 ing—

17 (A) an agreement between the Indian
18 Tribe and the United States;

19 (B) Federal law (including regulations);

20 (C) an Executive order; or

21 (D) a judicial decree.

22 (5) ADJUDICATION OF WATER RIGHTS.—Noth-
23 ing in this section diminishes or affects the ability
24 of the Secretary to join an adjudication of rights to
25 the use of water pursuant to subsection (a), (b), or

1 (c) of section 208 of the Department of Justice Ap-
2 propriation Act, 1953 (43 U.S.C. 666).

3 (6) DEPARTMENT OF COMMERCE AUTHOR-
4 ITY.—Nothing in this section affects the authority,
5 jurisdiction, or responsibility of the Department of
6 Commerce to manage, control, or regulate fish or
7 fish habitats under the Magnuson-Stevens Fishery
8 Conservation and Management Act (16 U.S.C. 1801
9 et seq.).

10 (7) EFFECT ON OTHER AUTHORITIES.—

11 (A) PRIVATE PROPERTY PROTECTION.—
12 Nothing in this section permits the use of funds
13 made available to carry out this section to ac-
14 quire real property or a real property interest
15 without the written consent of each owner of
16 the real property or real property interest.

17 (B) MITIGATION.—Nothing in this section
18 permits the use of funds made available to
19 carry out this section for fish and wildlife miti-
20 gation purposes under—

21 (i) the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1251 et seq.);
23 (ii) the Fish and Wildlife Coordina-
24 tion Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

4 (iv) any other Federal law or court
5 settlement.

10 (k) NONAPPLICABILITY OF FEDERAL ADVISORY
11 COMMITTEE ACT.—The Federal Advisory Committee Act
12 (5 U.S.C. App.) shall not apply to—

15 (l) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—

(iv) \$500,000 to the Secretary for use by the United States Geological Survey.

24 **(3) DONATIONS.—**

25 (A) IN GENERAL.—The Secretary may—

(B) TREATMENT.—A donation accepted under this section—

16 (ii) may be—

22 (m) PROHIBITION AGAINST IMPLEMENTATION OF
23 REGULATORY AUTHORITY BY FEDERAL AGENCIES.—Any
24 Partnership designated under this section—

1 (1) shall be for the sole purpose of promoting
2 fish conservation; and
3 (2) shall not be used to implement any regu-
4 latory authority of any Federal agency.

5 **TITLE VI—TARGET PRACTICE**
6 **AND MARKSMANSHIP TRAIN-**
7 **ING SUPPORT**

8 **SEC. 601. SHORT TITLE.**

9 This title may be cited as the “Target Practice and
10 Marksmanship Training Support Act”.

11 **SEC. 602. DEFINITION OF PUBLIC TARGET RANGE.**

12 In this title, the term “public target range” means
13 a specific location that—

- 14 (1) is identified by a governmental agency for
15 recreational shooting;
- 16 (2) is open to the public;
- 17 (3) may be supervised; and
- 18 (4) may accommodate archery or rifle, pistol, or
19 shotgun shooting.

20 **SEC. 603. AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
21 **LIFE RESTORATION ACT.**

22 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-
23 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-
24 ed—

1 (1) by redesignating paragraphs (2) through
2 (8) as paragraphs (3) through (9), respectively; and
3 (2) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) the term ‘public target range’ means a
6 specific location that—

7 “(A) is identified by a governmental agen-
8 cy for recreational shooting;

9 “(B) is open to the public;

10 “(C) may be supervised; and

11 “(D) may accommodate archery or rifle,
12 pistol, or shotgun shooting;”.

13 (b) EXPENDITURES FOR MANAGEMENT OF WILD-

14 LIFE AREAS AND RESOURCES.—Section 8(b) of the Pitt-

15 man-Robertson Wildlife Restoration Act (16 U.S.C.

16 669g(b)) is amended—

17 (1) by striking “(b) Each State” and inserting
18 the following:

19 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
20 LIFE AREAS AND RESOURCES.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), each State”;

23 (2) in paragraph (1) (as so designated), by
24 striking “construction, operation,” and inserting
25 “operation”;

1 (3) in the second sentence, by striking “The
2 non-Federal share” and inserting the following:

3 “(3) NON-FEDERAL SHARE.—The non-Federal
4 share”;

5 (4) in the third sentence, by striking “The Sec-
6 retary” and inserting the following:

7 “(4) REGULATIONS.—The Secretary”; and

8 (5) by inserting after paragraph (1) (as des-
9 ignated by paragraph (1) of this subsection) the fol-
10 lowing:

11 “(2) EXCEPTION.—Notwithstanding the limita-
12 tion described in paragraph (1), a State may pay up
13 to 90 percent of the cost of acquiring land for, ex-
14 panding, or constructing a public target range.”.

15 (c) FIREARM AND BOW HUNTER EDUCATION AND
16 SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-
17 Robertson Wildlife Restoration Act (16 U.S.C. 669h-1)
18 is amended—

19 (1) in subsection (a), by adding at the end the
20 following:

21 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—
22 Of the amount apportioned to a State for any fiscal
23 year under section 4(b), the State may elect to allo-
24 cate not more than 10 percent, to be combined with
25 the amount apportioned to the State under para-

1 graph (1) for that fiscal year, for acquiring land for,
2 expanding, or constructing a public target range.”;

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b) COST SHARING.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), the Federal share of the cost of any activ-
8 ity carried out using a grant under this section shall
9 not exceed 75 percent of the total cost of the activ-
10 ity.

11 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
12 EXPANSION.—The Federal share of the cost of ac-
13 quiring land for, expanding, or constructing a public
14 target range in a State on Federal or non-Federal
15 land pursuant to this section or section 8(b) shall
16 not exceed 90 percent of the cost of the activity.”;
17 and

18 (3) in subsection (c)(1)—

19 (A) by striking “Amounts made” and in-
20 serting the following:

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), amounts made”; and

23 (B) by adding at the end the following:

24 “(B) EXCEPTION.—Amounts provided for
25 acquiring land for, constructing, or expanding a

1 public target range shall remain available for
2 expenditure and obligation during the 5-fiscal-
3 year period beginning on October 1 of the first
4 fiscal year for which the amounts are made
5 available.”.

6 **SEC. 604. LIMITS ON LIABILITY.**

7 (a) DISCRETIONARY FUNCTION.—For purposes of
8 chapter 171 of title 28, United States Code (commonly
9 referred to as the “Federal Tort Claims Act”), any action
10 by an agent or employee of the United States to manage
11 or allow the use of Federal land for purposes of target
12 practice or marksmanship training by a member of the
13 public shall be considered to be the exercise or perform-
14 ance of a discretionary function.

15 (b) CIVIL ACTION OR CLAIMS.—Except to the extent
16 provided in chapter 171 of title 28, United States Code,
17 the United States shall not be subject to any civil action
18 or claim for money damages for any injury to or loss of
19 property, personal injury, or death caused by an activity
20 occurring at a public target range that is—

21 (1) funded in whole or in part by the Federal
22 Government pursuant to the Pittman-Robertson
23 Wildlife Restoration Act (16 U.S.C. 669 et seq.); or
24 (2) located on Federal land.

1 **SEC. 605. SENSE OF CONGRESS REGARDING COOPERATION.**

2 It is the sense of Congress that, consistent with appli-
3 cable laws and regulations, the Chief of the Forest Service
4 and the Director of the Bureau of Land Management
5 should cooperate with State and local authorities and
6 other entities to carry out waste removal and other activi-
7 ties on any Federal land used as a public target range
8 to encourage continued use of that land for target practice
9 or marksmanship training.

10 **TITLE VII—WILDLIFE AND HUNT-
11 ING HERITAGE CONSERVA-
12 TION COUNCIL ADVISORY
13 COMMITTEE**

14 **SEC. 701. WILDLIFE AND HUNTING HERITAGE CONSERVA-
15 TION COUNCIL ADVISORY COMMITTEE.**

16 The Fish and Wildlife Coordination Act (16 U.S.C.
17 661 et seq.) is amended by adding at the end the fol-
18 lowing:

19 **“SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVA-
20 TION COUNCIL ADVISORY COMMITTEE.**

21 “(a) ESTABLISHMENT.—There is established the
22 Wildlife and Hunting Heritage Conservation Council Advi-
23 sory Committee (referred to in this section as the ‘Advi-
24 sory Committee’) to advise the Secretary of the Interior
25 and the Secretary of Agriculture (referred to in this sec-

1 tion as the ‘Secretaries’) on wildlife and habitat conserva-
2 tion, hunting, and recreational shooting.

3 “(b) DUTIES OF THE ADVISORY COMMITTEE.—The
4 Advisory Committee shall advise the Secretaries regard-
5 ing—

6 “(1) implementation of the ‘Recreational Hunt-
7 ing and Wildlife Resource Conservation Plan—A
8 Ten-Year Plan for Implementation’ and any suc-
9 cessor plans, in accordance with Executive Order
10 13443 (16 U.S.C. 661 note; relating to facilitation
11 of hunting heritage and wildlife conservation);

12 “(2) increasing public awareness of, and sup-
13 port for, the Wildlife Restoration Program;

14 “(3) fostering wildlife and habitat conservation
15 and ethics in hunting and shooting sports recreation;

16 “(4) stimulating the participation of sportsmen
17 and sportswomen in the conservation and manage-
18 ment of wildlife and habitat resources through out-
19 reach and education;

20 “(5) fostering communication and coordination
21 among—

22 “(A) the Federal Government and State
23 and Tribal governments;

24 “(B) industry;

1 “(C) sportsmen and sportswomen who
2 hunt and shoot;

3 “(D) wildlife and habitat conservation and
4 management organizations; and

5 “(E) the public;

6 “(6) providing appropriate access to Federal
7 land for recreational shooting and hunting; and

8 “(7) recommendations to improve implementa-
9 tion of Federal conservation programs that benefit
10 wildlife, hunting, and outdoor recreation on private
11 land.

12 “(c) MEMBERSHIP.—

13 “(1) APPOINTMENT.—

14 “(A) IN GENERAL.—The Advisory Com-
15 mittee shall consist of not more than 16 discre-
16 tionary members and 7 ex officio members.

17 “(B) EX OFFICIO MEMBERS.—The ex offi-
18 cio members are—

19 “(i) the Director of the United States
20 Fish and Wildlife Service or a designated
21 representative of the Director;

22 “(ii) the Director of the Bureau of
23 Land Management or a designated rep-
24 resentative of the Director;

1 “(iii) the Director of the National
2 Park Service or a designated representa-
3 tive of the Director;

4 “(iv) the Chief of the Forest Service
5 or a designated representative of the Chief;

6 “(v) the Chief of the Natural Re-
7 sources Conservation Service or a des-
8 ignated representative of the Chief;

9 “(vi) the Administrator of the Farm
10 Service Agency or a designated representa-
11 tive of the Administrator; and

12 “(vii) the Executive Director of the
13 Association of Fish and Wildlife Agencies.

14 “(C) DISCRETIONARY MEMBERS.—The dis-
15 cretionary members shall be appointed jointly
16 by the Secretaries from at least one of each of
17 the following:

18 “(i) State fish and wildlife manage-
19 ment agencies.

20 “(ii) Wildlife and habitat conservation
21 management organizations.

22 “(iii) Game bird hunting organiza-
23 tions.

24 “(iv) Waterfowl hunting organiza-
25 tions.

1 “(v) Big game hunting organizations.

2 “(vi) The tourism, outfitter, or guid-
3 ing industry relating to hunting, fishing,
4 and shooting sports.

5 “(vii) The hunting or shooting equip-
6 ment retail industry.

7 “(viii) Tribal resource management
8 organizations.

9 “(ix) Hunting, shooting, and fishing
10 sports outreach and education organiza-
11 tions.

12 “(x) Women’s hunting and fishing ad-
13 vocacy, outreach, or education organiza-
14 tions.

15 “(xi) Minority hunting and fishing ad-
16 vocacy, outreach, or education organiza-
17 tions.

18 “(xii) Veterans service organizations.

19 “(2) TERMS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), members of the Advisory
22 Committee shall be appointed for a term of 4
23 years. Members shall not be appointed for more
24 than 3 terms.

1 “(B) TERMS OF INITIAL APPOINTEES.—As
2 designated by the Secretaries at the time of ap-
3 pointment, of the members first appointed—

4 “(i) 6 members shall be appointed for
5 a term of 4 years;

6 “(ii) 5 members shall be appointed for
7 a term of 3 years; and

8 “(iii) 5 members shall be appointed
9 for a term of 2 years.

10 “(3) PRESERVATION OF PUBLIC ADVISORY STA-
11 TUS.—No individual may be appointed as a discre-
12 tionary member of the Advisory Committee while
13 serving as an officer or employee of the Federal
14 Government.

15 “(4) VACANCY AND REMOVAL.—

16 “(A) IN GENERAL.—Any vacancy on the
17 Advisory Committee shall be filled in the man-
18 ner in which the original appointment was
19 made.

20 “(B) REMOVAL.—Advisory Committee
21 members shall serve at the discretion of the
22 Secretaries and may be removed at any time for
23 good cause.

24 “(5) CONTINUATION OF SERVICE.—Each ap-
25 pointed member may continue to serve after the ex-

1 piration of the term of office to which such member
2 was appointed until a successor has been appointed.

3 “(6) CHAIRPERSON.—The Chairperson of the
4 Advisory Committee shall be appointed for a 3-year
5 term by the Secretaries, jointly, from among the
6 members of the Advisory Committee. An individual
7 may not be appointed as Chairperson for more than
8 2 terms.

9 “(7) COMPENSATION.—Members of the Advi-
10 sory Committee shall serve without compensation.

11 “(8) TRAVEL EXPENSES.—Members of the Ad-
12 visory Committee may be allowed travel expenses, in-
13 cluding per diem in lieu of subsistence, at rates au-
14 thorized for an employee of an agency under sub-
15 chapter I of chapter 57 of title 5, United States
16 Code, while away from the home or regular place of
17 business of the member in the performance of duties
18 of the Advisory Committee.

19 “(9) MEETINGS.—

20 “(A) IN GENERAL.—The Advisory Com-
21 mittee shall meet at the call of the Chairperson,
22 but not less frequently than twice annually.

23 “(B) OPEN MEETINGS.—Each meeting of
24 the Advisory Committee shall be open to the
25 public.

1 “(C) PRIOR NOTICE OF MEETINGS.—Time-
2 ly notice of each meeting of the Advisory Com-
3 mittee shall be published in the Federal Reg-
4 ister and be submitted to trade publications and
5 publications of general circulation.

6 “(D) SUBGROUPS.—The Advisory Com-
7 mittee may establish such workgroups or sub-
8 groups as the Advisory Committee deems nec-
9 essary for the purpose of compiling information
10 or conducting research.

11 “(10) QUORUM.—A majority of the members of
12 the Advisory Committee shall constitute a quorum.

13 “(d) EXPENSES, ADMINISTRATIVE SUPPORT, TECH-
14 NICAL SERVICES, AND ADVICE.—The Secretaries may
15 provide for expenses, administrative support, technical
16 services, and advice to the Advisory Committee that the
17 Secretaries determine to be appropriate.

18 “(e) ANNUAL REPORT.—

19 “(1) REQUIRED.—Not later than September 30
20 of each year, the Advisory Committee shall submit
21 a report to the Secretaries, the Committee on Nat-
22 ural Resources and the Committee on Agriculture of
23 the House of Representatives, and the Committee on
24 Energy and Natural Resources and the Committee

1 on Agriculture, Nutrition, and Forestry of the Sen-
2 ate.

3 “(2) CONTENTS.—The report required under
4 paragraph (1) shall describe—

5 “(A) the activities of the Advisory Com-
6 mittee during the preceding year;

7 “(B) the reports and recommendations
8 made by the Advisory Committee to the Secre-
9 taries during the preceding year; and

10 “(C) an accounting of actions taken by the
11 Secretaries as a result of the recommendations.

12 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The
13 Advisory Committee shall be exempt from the Federal Ad-
14 visory Committee Act (5 U.S.C. App.).”.

15 **TITLE VIII—FILM CREWS**

16 **SEC. 801. COMMERCIAL FILMING.**

17 (a) IN GENERAL.—Section 1 of Public Law 106–206
18 (16 U.S.C. 460l–6d) is amended—

19 (1) by redesignating subsections (a) through (f)
20 as subsections (b) through (g), respectively;

21 (2) by inserting before subsection (b) (as so re-
22 designated) the following:

23 “(a) DEFINITION OF SECRETARY.—The term ‘Sec-
24 retary’ means the Secretary of the Interior or the Sec-

1 retary of Agriculture, as applicable, with respect to land
2 under the respective jurisdiction of the Secretary.”;

3 (3) in subsection (b) (as so redesignated)—

4 (A) in paragraph (1)—

5 (i) in the first sentence—

6 (I) by striking “of the Interior or
7 the Secretary of Agriculture (here-
8 after individually referred to as the
9 ‘Secretary’ with respect to land (ex-
10 cept land in a System unit as defined
11 in section 100102 of title 54, United
12 States Code) under their respective
13 jurisdictions”); and

14 (II) by striking “or similar
15 projects”;

16 (ii) in subparagraph (A), by striking
17 “or similar project”; and

18 (iii) in subparagraph (B), by inserting
19 “, except in the case of film crews of three
20 or fewer individuals” before the period at
21 the end; and

22 (B) by adding at the end the following:

23 “(3) FEE SCHEDULE.—Not later than 180 days
24 after the date of enactment of the Sportsmen’s Act,
25 to enhance consistency in the management of Fed-

1 eral land, the Secretaries shall publish a single joint
2 land use fee schedule for commercial filming and
3 still photography.”;

4 (4) in subsection (c) (as so redesignated), in the
5 second sentence, by striking “subsection (a)” and in-
6 serting “subsection (b)”;

7 (5) in subsection (d) (as so redesignated), in
8 the heading, by inserting “commercial” before
9 “still”;

10 (6) in paragraph (1) of subsection (f) (as so re-
11 designated), by inserting “in accordance with the
12 Federal Lands Recreation Enhancement Act (16
13 U.S.C. 6801 et seq.),” after “without further appro-
14 priation,”;

15 (7) in subsection (g) (as so redesignated)—

16 (A) by striking “The Secretary shall” and
17 inserting the following:

18 “(1) IN GENERAL.—The Secretary shall”; and

19 (B) by adding at the end the following:

20 “(2) CONSIDERATIONS.—The Secretary shall
21 not consider subject matter or content as a criterion
22 for issuing or denying a permit under this Act.”;
23 and

24 (8) by adding at the end the following:

1 “(h) EXEMPTION FROM COMMERCIAL FILMING OR
2 STILL PHOTOGRAPHY PERMITS AND FEES.—The Sec-
3 retary shall not require persons holding commercial use
4 authorizations or special recreation permits to obtain an
5 additional permit or pay a fee for commercial filming or
6 still photography under this Act if—

7 “(1) the filming or photography conducted is
8 incidental to the permitted activity that is the sub-
9 ject of the commercial use authorization or special
10 recreation permit; and

11 “(2) the holder of the commercial use author-
12 ization or special recreation permit is an individual
13 or small business concern (within the meaning of
14 section 3 of the Small Business Act (15 U.S.C.
15 632)).

16 “(i) EXCEPTION FROM CERTAIN FEES.—Commercial
17 filming or commercial still photography shall be exempt
18 from fees under this Act, but not from recovery of costs
19 under subsection (c), if the activity—

20 “(1) is conducted by an entity that is a small
21 business concern (within the meaning of section 3 of
22 the Small Business Act (15 U.S.C. 632));

23 “(2) is conducted by a crew of not more than
24 3 individuals; and

25 “(3) uses only a camera and tripod.

1 “(j) APPLICABILITY TO NEWS GATHERING ACTIVI-
2 TIES.—

3 “(1) IN GENERAL.—News gathering shall not
4 be considered a commercial activity.

5 “(2) INCLUDED ACTIVITIES.—In this sub-
6 section, the term ‘news gathering’ includes, at a
7 minimum, the gathering, recording, and filming of
8 news and information related to news in any me-
9 dium.”.

10 (b) CONFORMING AMENDMENTS.—Chapter 1009 of
11 title 54, United States Code, is amended—

12 (1) by striking section 100905; and
13 (2) in the table of sections for chapter 1009 of
14 title 54, United States Code, by striking the item re-
15 lating to section 100905.

16 **TITLE IX—CHESAPEAKE BAY**

17 **SEC. 901. REAUTHORIZATION OF CHESAPEAKE BAY PRO- 18 GRAM.**

19 Section 117(j) of the Federal Water Pollution Control
20 Act (33 U.S.C. 1267) is amended to read as follows:

21 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$90,000,000 for each of fiscal years 2020 through 2024.”.

1 **SEC. 902. REAUTHORIZATION OF CHESAPEAKE BAY INITIA-**

2 **TIVE ACT OF 1998.**

3 Section 502(c) of the Chesapeake Bay Initiative Act
4 of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat.
5 2579) is amended by striking “2017” and inserting
6 “2024”.

7 **TITLE X—CHRONIC WASTING**
8 **DISEASE MANAGEMENT**

9 **SEC. 1001. SHORT TITLE.**

10 This title may be cited as the “Chronic Wasting Dis-
11 ease Management Act”.

12 **SEC. 1002. DEFINITIONS.**

13 In this title:

14 (1) **CHRONIC WASTING DISEASE.**—The term
15 “chronic wasting disease” means the animal disease
16 afflicting among deer, elk, and moose populations
17 that—

18 (A) is a transmissible disease of the nerv-
19 ous system resulting in distinctive lesions in the
20 brain; and

21 (B) belongs to the group of diseases known
22 as transmissible spongiform encephalopathies,
23 which group includes scrapie, bovine spongiform
24 encephalopathy, and Creutzfeldt-Jakob disease.

25 (2) **ELIGIBLE GRANT RECIPIENT.**—The term
26 “eligible grant recipient” means a State department

1 of wildlife, State department of agriculture, college
2 or university, or related research center conducting
3 scientific applied research regarding chronic wasting
4 disease.

5 (3) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given the term in section 4 of the
7 Indian Self-Determination and Education Assistance
8 Act (25 U.S.C. 450b).

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture, acting through the Ani-
11 mal and Plant Health Inspection Service-Wildlife
12 Services.

13 **SEC. 1003. FINDINGS.**

14 Congress finds the following:

15 (1) Pursuant to State and Federal law, the
16 States retain primary and policymaking authority
17 with regard to wildlife management, and nothing in
18 this title interferes with or otherwise affects the pri-
19 mary authority of the States in managing wildlife
20 generally, or managing, surveying, and monitoring
21 the incidence of chronic wasting disease.

22 (2) Chronic wasting disease, the fatal neuro-
23 logical disease found in cervids, is a fundamental
24 threat to the health and vibrancy of deer, elk, and
25 moose populations, and the increased occurrence of

1 chronic wasting disease in regionally diverse loca-
2 tions in recent months necessitates an escalation in
3 applied research, surveillance, monitoring, and man-
4 agement activities focused on containing and man-
5 aging this lethal disease.

6 (3) As the States move to manage existing lev-
7 els of chronic wasting disease and insulate non-
8 infected wild and captive cervid populations from the
9 disease, the Federal Government should endeavor to
10 provide integrated and holistic financial and tech-
11 nical support to these States and the many State de-
12 partments of wildlife, State departments of agri-
13 culture, colleges and universities, and related re-
14 search centers conducting scientific applied research
15 regarding chronic wasting disease.

16 (4) The Secretary should provide consistent, co-
17 herent, and integrated support structures and pro-
18 grams for the benefit of State wildlife and agricul-
19 tural administrators, as chronic wasting disease can
20 move freely between captive and wild cervids across
21 the broad array of Federal, State, Tribal, and local
22 land management jurisdictions.

23 (5) The Secretary can provide consistent, coher-
24 ent, and integrated support systems under existing
25 legal authorities to States and the many State de-

1 parts of wildlife, State departments of agri-
2 culture, colleges and universities, and related re-
3 search centers conducting scientific applied research
4 regarding chronic wasting disease.

**5 SEC. 1004. SUPPORT FOR STATE EFFORTS TO MANAGE AND
6 CONTROL CHRONIC WASTING DISEASE.**

7 (a) AVAILABILITY OF ASSISTANCE.—The Secretary
8 shall allocate funds made available under subparagraphs
9 (A) and (B) of subsection (e)(1) directly to State and
10 Tribal agencies responsible for wildlife management to
11 support State and Tribal efforts to develop and implement
12 management strategies to address chronic wasting disease.

13 (b) PETITION PROCESS.—A State or Tribal agency
14 shall petition the Secretary for a portion of the funds
15 available under subsection (a).

16 (c) FUNDING PRIORITIES.—In determining the
17 amounts to be allocated to State and Tribal agencies
18 under subsection (a), the Secretary shall give priority to
19 States and Tribal agencies based on the following criteria:

24 (2) State or Tribal expenditures on chronic
25 wasting disease management, monitoring, surveil-

1 lance, and applied research, with priority given to
2 those States and Indian Tribes that have shown the
3 greatest financial commitment to managing, moni-
4 toring, surveying, and researching chronic wasting
5 disease.

6 (3) Comprehensive and integrated State or
7 Tribal policies and programs focused on chronic
8 wasting disease management between involved State
9 or Tribal wildlife and agricultural agencies, with pri-
10 ority given to those States and Indian Tribes that
11 have integrated the programs and policies of all in-
12 volved agencies related to chronic wasting disease
13 management.

14 (4) Rapid response to new outbreaks of chronic
15 wasting disease, whether occurring in areas in which
16 chronic wasting disease is already found or areas
17 with first infections, with the intent of containing
18 the disease in any new area of infection.

19 (d) RAPID RESPONSE FUND.—The Secretary shall
20 use funds made available under subsection (e)(1)(C) as
21 a rapid response fund to support State and Tribal efforts
22 to control the spread of chronic wasting disease upon the
23 detection of chronic wasting disease among deer, elk, or
24 moose populations not previously infected.

25 (e) AUTHORIZATION OF APPROPRIATIONS.—

19 SEC. 1005. SUPPORT FOR APPLIED RESEARCH REGARDING
20 CHRONIC WASTING DISEASE.

21 (a) EXPANSION OF APPLIED RESEARCH GRANTS.—
22 The Secretary shall make grants to support efforts to ex-
23 pand and accelerate applied research on chronic wasting
24 disease, including (but not limited to) research regarding
25 the following:

1 (1) Sustainable cervid harvest management
2 practices to reduce chronic wasting disease occur-
3 rence and to prevent or limit spatial spread of
4 chronic wasting disease.

5 (2) Management experiments and strategies de-
6 signed for long-term suppression of chronic wasting
7 disease.

8 (3) Harvest management practices and other
9 practices that exacerbate chronic wasting disease oc-
10 currence, with an emphasis on retrospective analyses
11 of available harvest management and chronic wast-
12 ing disease trend data.

13 (4) Factors contributing to local emergence of
14 chronic wasting disease, increased prevalence of
15 chronic wasting disease, and distribution of chronic
16 wasting disease, including mechanisms of disease
17 transmission and effective barriers to transmission.

18 (5) Methods and products to effectively detect
19 infectious prions in, and decontaminate infectious
20 prions from natural environments and inorganic sur-
21 faces.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary \$10,000,000 to make
25 grants under subsection (a).

1 (2) AVAILABILITY.—Funds appropriated pursuant
2 to the authorization of appropriations in para-
3 graph (1) shall remain available until expended.

4 (3) LIMITATION ON ADMINISTRATIVE COSTS.—
5 Not more than three percent of the amount appropri-
6 ated pursuant to the authorization of appropri-
7 ations in paragraph (1) may be used to cover admin-
8 istrative expenses incurred by the Secretary.

9 **SEC. 1006. MULTI-AGENCY COOPERATION WITH STATES TO**
10 **ADDRESS CHRONIC WASTING DISEASE.**

11 Land management agencies of the Department of Ag-
12 riculture and the Department of the Interior shall work
13 cooperatively with States—

14 (1) in the conduct of applied research regarding
15 chronic wasting disease; and

16 (2) in the implementation of State chronic
17 wasting disease response plans to reduce the spread
18 and prevalence of chronic wasting disease.

19 **TITLE XI—CHRONIC WASTING**
20 **DISEASE TRANSMISSION IN**
21 **CERVIDAE STUDY**

22 **SEC. 1101. SHORT TITLE.**

23 This title may be cited as the “Chronic Wasting Dis-
24 ease Transmission in Cervidae Study Act”.

1 **SEC. 1102. FINDINGS.**

2 Congress makes the following findings:

3 (1) Chronic wasting disease continues to spread
4 in wild, free-ranging cervid herds and in captive
5 cervid herds across the United States and Canada,
6 and as of December 2018, is in 26 States and three
7 Canadian provinces.

8 (2) From December 2017 to December 2018
9 alone, the disease was detected for the first time in
10 free-ranging cervid herds in Mississippi, Montana,
11 and Tennessee, and there were new positive detec-
12 tions of the disease in 13 captive cervid herds from
13 Illinois, Michigan, Minnesota, Ohio, Pennsylvania,
14 Wisconsin, and Quebec, Canada.

15 (3) Six of such herds are being monitored by
16 the National Chronic Wasting Disease Herd Certifi-
17 cation Program of the Animal and Plant Health In-
18 spection Service, and therefore are considered to be
19 at low risk for chronic wasting disease.

20 (4) From June 2017 to September 2018, 10
21 States, including Arkansas, Illinois, Kansas, Min-
22 nesota, Missouri, Nebraska, Texas, West Virginia,
23 Wisconsin, and Wyoming, are already fighting to
24 control the transmission and spread of chronic wast-
25 ing disease and found positive detections for the dis-
26 ease in additional wild, free-ranging cervid herds.

1 (5) New positive detections in captive cervid
2 herds were found in Illinois, Michigan, Minnesota,
3 Ohio, Pennsylvania, and Wisconsin.

4 (6) There is no known cure for chronic wasting
5 disease, no reliable live animal test to detect the dis-
6 ease, and only a post-mortem test that provides
7 some measure of reliable detection of the disease.

8 (7) Chronic wasting disease is 100 percent fatal
9 and is arguably the most important disease threat-
10 ening North American cervid resources.

11 (8) The spread of chronic wasting disease con-
12 tinues to increasingly and adversely affect the eco-
13 nomic well-being of rural communities, the hunting
14 public, farmed cervid producers, and State wildlife
15 and agricultural agencies, because the only known
16 measure for reducing the spread of chronic wasting
17 disease is the complete depopulation of herds that
18 test positive for the disease, a drastic measure which
19 comes with great costs for all.

20 (9) The long-term environmental persistence of
21 chronic wasting disease's causative agent means that
22 State wildlife management agencies, State depart-
23 ments of agriculture, and private cervid farmers
24 have relatively few options to mitigate the effects of
25 such disease.

1 (10) There are ongoing debates about the pre-
2 dominant transmission pathways that are causing
3 the new detections and continued spread of chronic
4 wasting disease in cervids across the United States
5 and Canada.

6 **SEC. 1103. CHRONIC WASTING DISEASE TRANSMISSION IN**
7 **CERVIDAE RESOURCE STUDY.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Secretaries shall enter
10 into an arrangement with the Academy under which
11 the Academy shall conduct, and submit to the Secre-
12 taries a report—

13 (A) describing the findings of, a special re-
14 source study to identify the predominant path-
15 ways and mechanisms of the transmission of
16 chronic wasting disease in wild, captive, and
17 farmed populations of cervids in the United
18 States; and

19 (B) which may include the potential im-
20 pacts on the disease from transmissions from
21 Canada.

22 (2) REQUIREMENTS.—The arrangement under
23 paragraph (1) shall provide that the actual expenses
24 incurred by the Academy in conducting the study

1 under paragraph (1) shall be paid by the Secre-
2 taries.

3 (b) CONTENTS OF THE STUDY.—Within and between
4 wild, captive, and farmed cervid populations, the study—

5 (1) may include, to the extent the United States
6 is affected on a continental scale, the potential im-
7 pacts on the disease from transmissions from Can-
8 ada; and

9 (2) shall—

10 (A) identify—

11 (i) the pathways and mechanisms for
12 the transmission of chronic wasting disease
13 in cervids and cervid products;

14 (ii) the dosage and infection rates for
15 each such pathway and mechanism; and

16 (iii) the relative frequency of each
17 mode of such transmission;

18 (B) identify anthropogenic and environ-
19 mental factors contributing to new chronic
20 wasting disease emergence events, the develop-
21 ment of geographic areas with increased chronic
22 wasting disease prevalence, and overall geo-
23 graphic patterns of chronic wasting disease dis-
24 tribution;

(C) identify significant gaps in current scientific knowledge regarding the transmission pathways identified under subparagraph (A);

(D) identify and prioritize scientific research projects that will address the knowledge gaps referred to in subparagraph (C); and

12 (i) the National Chronic Wasting Dis-
13 ease Herd Certification Program of the
14 Animal and Plant Health Inspection Serv-
15 ice;

24 (c) DEADLINE.—Not later than 6 months after the
25 date on which funds are first made available for the study

1 under subsection (a), the Secretaries shall submit to the
2 Committee on Agriculture of the House of Representa-
3 tives, the Committee on Natural Resources of the House
4 of Representatives, the Committee on Environment and
5 Public Works of the Senate, and the Committee on Agri-
6 culture, Nutrition, and Forestry of the Senate a report
7 that describes—

8 (1) the findings of the study; and
9 (2) any conclusions and recommendations that
10 the Secretary determines to be appropriate.

11 (d) DATA SHARING.—The Secretaries shall share
12 with the entity conducting the study under subsection (a)
13 data and access to databases on chronic wasting disease
14 under the jurisdiction of—

15 (1) the Veterinary Services Program of the Ani-
16 mal and Plant Health Inspection Service; and
17 (2) the United States Geological Survey.

18 **SEC. 1104. DEFINITIONS.**

19 In this title:

20 (1) ACADEMY.—The term “Academy” means
21 the National Academy of Sciences.

22 (2) CERVID.—The term “cervid” means any
23 species within the family Cervidae.

24 (3) CHRONIC WASTING DISEASE.—The term
25 “chronic wasting disease” means the animal disease

1 afflicting deer, elk, reindeer, and moose populations
2 that—

3 (A) is a transmissible disease of the nervous
4 system resulting in distinctive lesions in the
5 brain; and

6 (B) belongs to the group of diseases known
7 as transmissible spongiform encephalopathies,
8 which group includes scrapie, bovine spongiform
9 encephalopathy, and Creutzfeldt-Jakob disease.

10 (4) SECRETARIES.—The term “Secretaries”
11 means—

12 (A) the Secretary of Agriculture, acting
13 through the Administrator of the Animal and
14 Plant Health Inspection Service; and

15 (B) the Secretary of the Interior, acting
16 through the Director of the United States Geographical Survey.

18 **TITLE XII—MISCELLANEOUS 19 PROVISIONS**

20 **SEC. 1201. RESPECT FOR TREATIES AND RIGHTS.**

21 Nothing in this Act or the amendments made by this
22 Act shall be construed to affect or modify any treaty or
23 other right of any federally recognized Indian Tribe.

1 **SEC. 1202. NO PRIORITY OVER OTHER USES.**

2 Nothing in this Act or the amendments made by this
3 Act provides a preference to hunting, fishing, or rec-
4 reational shooting over any other use of Federal land or
5 water.

6 **SEC. 1203. STATE AUTHORITY FOR FISH AND WILDLIFE.**

7 Nothing in this Act—

- 8 (1) authorizes the Secretary of Agriculture or
9 the Secretary to require Federal licenses or permits
10 to hunt and fish on Federal land; or
11 (2) enlarges or diminishes the responsibility or
12 authority of States with respect to fish and wildlife
13 management.

