

116TH CONGRESS
2D SESSION

H. R. 5705

To amend the Endangered Species Act of 1973 to restrict the Secretary's ability to alter permits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2020

Ms. CHENEY (for herself, Mr. GOSAR, Mr. McCLINTOCK, Mr. NEWHOUSE, Mr. NORMAN, Mr. GIANFORTE, Mr. CRAWFORD, and Mr. ARMSTRONG) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 amend the Endangered Species Act of 1973 to restrict the Secretary's ability to alter permits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Increasing Access and
5 Multiple Use Act of 2020".

1 **SEC. 2. PERMIT CERTAINTY.**

2 The Endangered Species Act of 1973 (16 U.S.C.
3 1531 et seq.) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 19. PERMIT CHANGES.**

6 “(a) IN GENERAL.—If the holder of a permit issued
7 under this Act for other than scientific purposes is in com-
8 pliance with the terms and conditions of the permit, the
9 Secretary may not require the holder, without the consent
10 of the holder, to adopt any new minimization, mitigation,
11 or other measure with respect to any species adequately
12 covered by the permit during the term of the permit, ex-
13 cept as provided in subsections (b) and (c) to meet cir-
14 cumstances that have changed subsequent to the issuance
15 of the permit.

16 “(b) CHANGED CIRCUMSTANCES IDENTIFIED IN
17 PERMIT.—For any circumstance identified in a permit
18 under this Act that has changed, the Secretary may, in
19 the absence of consent of the permit holder, require only
20 such additional minimization, mitigation, or other meas-
21 ures as are already provided in the permit or incorporated
22 document for such changed circumstance.

23 “(c) CHANGED CIRCUMSTANCES NOT IDENTIFIED IN
24 PERMIT.—For any changed circumstance not identified in
25 a permit under this Act, the Secretary may, in the absence
26 of consent of the permit holder, require only such addi-

1 tional minimization, mitigation, or other measures to ad-
2 dress such changed circumstance that do not involve the
3 commitment of any additional land, water, or financial
4 compensation not otherwise committed, or the imposition
5 of additional restrictions on the use of any land, water
6 or other natural resources otherwise available for develop-
7 ment or use, under the original terms and conditions of
8 the permit or incorporated document.

9 “(d) BURDEN OF PROOF.—The Secretary shall have
10 the burden of proof in demonstrating and documenting,
11 with the best available scientific data, the occurrence of
12 any changed circumstances for purposes of this section.”.

13 **SEC. 3. NO NET LOSS.**

14 A critical habitat designation or listing of a species
15 under the Endangered Species Act of 1973 (16 U.S.C.
16 1531 et seq.) shall not result in a net loss of acreage, per-
17 mits, or leases within grazing allotments or other multiple
18 use activities.

19 **SEC. 4. PRESENCE OF A SPECIES.**

20 The presence of critical habitat or a species listed
21 under the Endangered Species Act shall not the result in
22 the denial of any Federal permit, lease, or expansion of
23 multiple use activities based on the presence of the species
24 or habitat.

1 **SEC. 5. CONSULTATION REQUIREMENT.**

2 The Secretary may not designate lands as critical
3 habitat unless, before such designation, the Secretary—

4 (1) consults with each community, county, mu-
5 nicipality, city, town, or township with boundaries
6 within or adjacent to lands affected by such designa-
7 tion; and

8 (2) obtains the concurrence for the designation
9 from—

10 (A) the governing body of each entity de-
11 scribed in paragraph (1); and

12 (B) the wildlife management and land
13 management authorities and governor of each
14 State in which all or part of the new or ex-
15 panded critical habitat would be located.

16 **SEC. 6. RECREATIONAL FISHING AND HUNTING HERITAGE**
17 **OPPORTUNITIES ACT.**

18 (a) DEFINITIONS.—In this section:

19 (1) FEDERAL PUBLIC LAND.—The term “Fed-
20 eral public land” means any land or water that is
21 owned and managed by the Bureau of Land Man-
22 agement or the Forest Service.

23 (2) FEDERAL PUBLIC LAND MANAGEMENT OF-
24 FICIALS.—The term “Federal public land manage-
25 ment officials” means—

1 (A) the Secretary of the Interior and the
2 Director of the Bureau of Land Management
3 regarding Bureau of Land Management lands
4 and waters; and

5 (B) the Secretary of Agriculture and the
6 Chief of the Forest Service regarding the Na-
7 tional Forest System.

8 (3) HUNTING.—

9 (A) IN GENERAL.—Except as provided in
10 clause (ii), the term “hunting” means use of a
11 firearm, bow, or other authorized means in the
12 lawful—

13 (i) pursuit, shooting, capture, collec-
14 tion, trapping, or killing of wildlife;

15 (ii) attempt to pursue, shoot, capture,
16 collect, trap, or kill wildlife; or

17 (iii) the training of hunting dogs, in-
18 cluding field trials.

19 (B) EXCLUSION.—The term “hunting”
20 does not include the use of skilled volunteers to
21 cull excess animals (as defined by other Federal
22 law).

23 (4) RECREATIONAL FISHING.—The term “rec-
24 reational fishing” means the lawful—

1 (A) pursuit, capture, collection, or killing
2 of fish; or

3 (B) attempt to capture, collect, or kill fish.

4 (5) RECREATIONAL SHOOTING.—The term
5 “recreational shooting” means any form of sport,
6 training, competition, or pastime, whether formal or
7 informal, that involves the discharge of a rifle, hand-
8 gun, or shotgun, or the use of a bow and arrow.

9 (b) RECREATIONAL FISHING, HUNTING, AND SHOOT-
10 ING.—

11 (1) IN GENERAL.—Subject to valid existing
12 rights and paragraph (7), and cooperation with the
13 respective State fish and wildlife agency, Federal
14 public land management officials shall exercise au-
15 thority under existing law, including provisions re-
16 garding land use planning, to facilitate use of and
17 access to Federal public lands, including National
18 Monuments, Wilderness Areas, Wilderness Study
19 Areas, and lands administratively classified as wil-
20 derness eligible or suitable and primitive or semi-
21 primitive areas, for recreational fishing, hunting,
22 and shooting, except as limited by—

23 (A) statutory authority that authorizes ac-
24 tion or withholding action for reasons of na-

1 tional security, public safety, or resource con-
2 servation;

3 (B) any other Federal statute that specifi-
4 cally precludes recreational fishing, hunting, or
5 shooting on specific Federal public lands,
6 waters, or units thereof; or

7 (C) discretionary limitations on rec-
8 reational fishing, hunting, and shooting deter-
9 mined to be necessary and reasonable as sup-
10 ported by the best scientific evidence and ad-
11 vanced through a transparent public process.

12 (2) MANAGEMENT.—Consistent with paragraph
13 (1), the head of each Federal public land manage-
14 ment agency shall exercise its land management dis-
15 cretion—

16 (A) in a manner that supports and facili-
17 tates recreational fishing, hunting, and shooting
18 opportunities;

19 (B) to the extent authorized under applica-
20 ble State law; and

21 (C) in accordance with applicable Federal
22 law.

23 (3) PLANNING.—

24 (A) EVALUATION OF EFFECTS ON OPPOR-
25 TUNITIES TO ENGAGE IN RECREATIONAL FISH-

1 ING, HUNTING, OR SHOOTING.—Federal public
2 land planning documents, including land re-
3 sources management plans, resource manage-
4 ment plans, and comprehensive conservation
5 plans, shall include a specific evaluation of the
6 effects of such plans on opportunities to engage
7 in recreational fishing, hunting, or shooting.

8 (B) NO MAJOR FEDERAL ACTION.—No ac-
9 tion taken under this title, or under section 4
10 of the National Wildlife Refuge System Admin-
11 istration Act of 1966 (16 U.S.C. 668dd), either
12 individually or cumulatively with other actions
13 involving Federal public lands or lands man-
14 aged by the United States Fish and Wildlife
15 Service, shall be considered under the National
16 Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) to be a major Federal action sig-
18 nificantly affecting the quality of the human en-
19 vironment, and no additional identification,
20 analysis, or consideration of environmental ef-
21 fects, including cumulative effects, is necessary
22 or required with respect to such an action.

23 (C) OTHER ACTIVITY NOT CONSIDERED.—
24 Federal public land management officials are
25 not required to consider the existence or avail-

1 ability of recreational fishing, hunting, or shoot-
2 ing opportunities on adjacent or nearby public
3 or private lands in the planning for or deter-
4 mination of which Federal public lands are
5 open for these activities or in the setting of lev-
6 els of use for these activities on Federal public
7 lands, unless the combination or coordination of
8 such opportunities would enhance the rec-
9 reational fishing, hunting, or shooting opportu-
10 nities available to the public.

11 (4) FEDERAL PUBLIC LANDS.—

12 (A) LANDS OPEN.—Notwithstanding any
13 other law, lands under the jurisdiction of the
14 Bureau of Land Management or the Forest
15 Service, including Wilderness Areas, Wilderness
16 Study Areas, lands designated as wilderness or
17 administratively classified as wilderness eligible
18 or suitable and primitive or semi-primitive areas
19 and National Monuments, but excluding lands
20 on the Outer Continental Shelf, shall be open to
21 recreational fishing, hunting, and shooting un-
22 less the managing Federal agency acts to close
23 lands to such activity. Lands may be made sub-
24 ject to closure to or restriction on recreational
25 fishing, hunting, or shooting if determined by

1 the head of the agency concerned to be nec-
2 essary and reasonable and supported by facts
3 and evidence, for purposes including resource
4 conservation, public safety, energy or mineral
5 production, energy generation or transmission
6 infrastructure, water supply facilities, protec-
7 tion of other permittees, protection of private
8 property rights or interest, national security, or
9 compliance with other law.

10 (B) SHOOTING RANGES.—

11 (i) IN GENERAL.—The head of each
12 Federal agency shall use his or her au-
13 thorities in a manner consistent with this
14 title and other applicable law, to—

15 (I) lease or permit use of lands
16 under the jurisdiction of the agency
17 for shooting ranges; and

18 (II) designate specific lands
19 under the jurisdiction of the agency
20 for recreational shooting activities.

21 (ii) LIMITATION ON LIABILITY.—Any
22 designation under clause (i)(II) shall not
23 subject the United States to any civil ac-
24 tion or claim for monetary damages for in-
25 jury or loss of property or personal injury

1 or death caused by any activity occurring
2 at or on such designated lands.

3 (5) NECESSITY IN WILDERNESS AREAS AND
4 “WITHIN AND SUPPLEMENTAL TO” WILDERNESS
5 PURPOSES.—

6 (A) MINIMUM REQUIREMENTS FOR ADMIN-
7 ISTRATION.—The provision of opportunities for
8 recreational fishing, hunting, and shooting and
9 the conservation of fish and wildlife to provide
10 sustainable use recreational opportunities on
11 designated Federal wilderness areas shall con-
12 stitute measures necessary to meet the min-
13 imum requirements for the administration of
14 the wilderness area, provided that this deter-
15 mination shall not authorize or facilitate com-
16 modity development, use, or extraction, motor-
17 ized recreational access or use that is not other-
18 wise allowed under the Wilderness Act (16
19 U.S.C. 1131 et seq.), or permanent road con-
20 struction or maintenance within designated wil-
21 derness areas.

22 (B) APPLICATION OF WILDERNESS ACT.—
23 Provisions of the Wilderness Act (16 U.S.C.
24 1131 et seq.), stipulating that wilderness pur-
25 poses are “within and supplemental to” the

1 purposes of the underlying Federal land unit
2 are reaffirmed. When seeking to carry out fish
3 and wildlife conservation programs and projects
4 or provide fish and wildlife dependent recre-
5 ation opportunities on designated wilderness
6 areas, the head of each Federal agency shall
7 implement these supplemental purposes so as to
8 facilitate, enhance, or both, but not to impede
9 the underlying Federal land purposes when
10 seeking to carry out fish and wildlife conserva-
11 tion programs and projects or provide fish and
12 wildlife dependent recreation opportunities in
13 designated wilderness areas, provided that such
14 implementation shall not authorize or facilitate
15 commodity development, use or extraction, or
16 permanent road construction or use within des-
17 igned wilderness areas.

18 (6) REPORT.—Beginning on the second October
19 1 after the date of the enactment of this Act and bi-
20 ennially on October 1 thereafter, the head of each
21 Federal agency who has authority to manage Fed-
22 eral public land on which recreational fishing, hunt-
23 ing, or shooting occurs shall submit to the Com-
24 mittee on Natural Resources of the House of Rep-
25 resentatives and the Committee on Energy and Nat-

1 ural Resources of the Senate a report that de-
2 scribes—

3 (A) any Federal public land administered
4 by the agency head that was closed to rec-
5 reational fishing, hunting, or shooting at any
6 time during the preceding year; and

7 (B) the reason for the closure.

8 (7) CLOSURES OR SIGNIFICANT RESTRICTIONS
9 OF 640 OR MORE ACRES.—

10 (A) IN GENERAL.—Other than closures es-
11 tablished or prescribed by land planning actions
12 referred to in paragraph (4) or emergency clo-
13 sures described in subparagraph (C), a perma-
14 nent or temporary withdrawal, change of classi-
15 fication, or change of management status of
16 Federal public land that effectively closes or
17 significantly restricts 640 or more contiguous
18 acres of Federal public land to access or use for
19 recreational fishing or hunting or activities re-
20 lated to recreational fishing or hunting, or both,
21 shall take effect only if, before the date of with-
22 drawal or change, the head of the Federal agen-
23 cy that has jurisdiction over the Federal public
24 land—

- 1 (i) publishes appropriate notice of the
2 withdrawal or change, respectively;
- 3 (ii) demonstrates that coordination
4 has occurred with a State fish and wildlife
5 agency; and
- 6 (iii) submits to the Committee on
7 Natural Resources of the House of Rep-
8 resentatives and the Committee on Energy
9 and Natural Resources of the Senate writ-
10 ten notice of the withdrawal or change, re-
11 spectively.

12 (B) AGGREGATE OR CUMULATIVE EF-
13 FECTS.—If the aggregate or cumulative effect
14 of separate withdrawals or changes effectively
15 closes or significantly restricts 1,280 or more
16 acres of land or water, such withdrawals and
17 changes shall be treated as a single withdrawal
18 or change for purposes of subparagraph (A).

19 (C) EMERGENCY CLOSURES.—Nothing in
20 this title prohibits a Federal land management
21 agency from establishing or implementing emer-
22 gency closures or restrictions of the smallest
23 practicable area to provide for public safety, re-
24 source conservation, national security, or other
25 purposes authorized by law. Such an emergency

1 closure shall terminate after a reasonable period
2 of time unless converted to a permanent closure
3 consistent with this section.

4 (8) NATIONAL PARK SERVICE UNITS NOT AF-
5 FECTED.—Nothing in this title shall affect or modify
6 management or use of units of the National Park
7 System.

8 (9) NO PRIORITY.—Nothing in this title re-
9 quires a Federal land management agency to give
10 preference to recreational fishing, hunting, or shoot-
11 ing over other uses of Federal public land or over
12 land or water management priorities established by
13 Federal law.

14 (10) CONSULTATION WITH COUNCILS.—In ful-
15 filling the duties set forth in this section, the heads
16 of Federal agencies shall consult with respective ad-
17 visory councils as established in Executive Order
18 Nos. 12962 and 13443.

19 (11) AUTHORITY OF THE STATES.—

20 (A) IN GENERAL.—Nothing in this title
21 shall be construed as interfering with, dimin-
22 ishing, or conflicting with the authority, juris-
23 diction, or responsibility of any State to exercise
24 primary management, control, or regulation of
25 fish and wildlife under State law (including reg-

1 ulations) on land or water within the State, in-
2 cluding on Federal public land.

3 (B) FEDERAL LICENSES.—Nothing in this
4 title shall be construed to authorize the head of
5 a Federal agency to require a license, fee, or
6 permit to fish, hunt, or trap on land or water
7 in a State, including on Federal public land in
8 the States, except that this paragraph shall not
9 affect the Migratory Bird Stamp requirement
10 set forth in the Migratory Bird Hunting and
11 Conservation Stamp Act (16 U.S.C. 718 et
12 seq.).

13 (c) VOLUNTEER HUNTERS; REPORTS; CLOSURES
14 AND RESTRICTIONS.—

15 (1) DEFINITIONS.—For the purposes of this
16 subsection:

17 (A) PUBLIC LAND.—The term “public
18 land” means—

19 (i) units of the National Park System;

20 (ii) National Forest System lands;

21 and

22 (iii) land and interests in land owned
23 by the United States and under the admin-
24 istrative jurisdiction of—

1 (I) the United States Fish and
2 Wildlife Service; or

3 (II) the Bureau of Land Manage-
4 ment.

5 (B) SECRETARY.—The term “Secretary”
6 means—

7 (i) the Secretary of the Interior and
8 includes the Director of the National Park
9 Service, with regard to units of the Na-
10 tional Park System;

11 (ii) the Secretary of the Interior and
12 includes the Director of the United States
13 Fish and Wildlife Service, with regard to
14 United States Fish and Wildlife Service
15 lands and waters;

16 (iii) the Secretary of the Interior and
17 includes the Director of the Bureau of
18 Land Management, with regard to Bureau
19 of Land Management lands and waters;
20 and

21 (iv) the Secretary of Agriculture and
22 includes the Chief of the Forest Service,
23 with regard to National Forest System
24 lands.

1 (C) VOLUNTEER FROM THE HUNTING
2 COMMUNITY.—The term “volunteer from the
3 hunting community” means a volunteer who
4 holds a valid hunting license issued by a State.

5 (2) VOLUNTEER HUNTERS.—When planning
6 wildlife management involving reducing the size of a
7 wildlife population on public land, the Secretary
8 shall consider the use of and may use volunteers
9 from the hunting community as agents to assist in
10 carrying out wildlife management on public land.
11 The Secretary shall not reject the use of volunteers
12 from the hunting community as agents without the
13 concurrence of the appropriate State wildlife man-
14 agement authorities.

15 (3) REPORT.—Beginning on the second October
16 1 after the date of the enactment of this Act and bi-
17 ennially on October 1 thereafter, the Secretary shall
18 submit to the Committee on Natural Resources of
19 the House of Representatives and the Committee on
20 Energy and Natural Resources of the Senate a re-
21 port that describes—

22 (A) any public land administered by the
23 Secretary that was closed to fishing, hunting,
24 and recreational shooting at any time during
25 the preceding year; and

1 (B) the reason for the closure.

2 (4) CLOSURES OR SIGNIFICANT RESTRIC-
3 TIONS.—

4 (A) IN GENERAL.—Other than closures es-
5 tablished or prescribed by land planning actions
6 referred to in subparagraph (B), a permanent
7 or temporary withdrawal, change of classifica-
8 tion, or change of management status of public
9 land that effectively closes or significantly re-
10 stricts any acreage of public land to access or
11 use for fishing, hunting, recreational shooting,
12 or activities related to fishing, hunting, or rec-
13 reational shooting, or a combination of those
14 activities, shall take effect only if, before the
15 date of withdrawal or change, the Secretary—

16 (i) publishes appropriate notice of the
17 withdrawal or change, respectively;

18 (ii) demonstrates that coordination
19 has occurred with a State fish and wildlife
20 agency; and

21 (iii) submits to the Committee on
22 Natural Resources of the House of Rep-
23 resentatives and the Committee on Energy
24 and Natural Resources of the Senate writ-

1 ten notice of the withdrawal or change, re-
2 spectively.

3 (B) EMERGENCY CLOSURES.—Nothing in
4 this section prohibits the Secretary from estab-
5 lishing or implementing emergency closures or
6 restrictions of the smallest practicable area to
7 provide for public safety, resource conservation,
8 national security, or other purposes authorized
9 by law. Such an emergency closure shall termi-
10 nate after a reasonable period of time unless
11 converted to a permanent closure consistent
12 with this section.

13 **SEC. 7. HUNTING AND RECREATIONAL FISHING WITHIN**
14 **THE NATIONAL FOREST SYSTEM AND NA-**
15 **TIONAL WILDLIFE REFUGE SYSTEM.**

16 The Secretary concerned may not establish policies,
17 directives, or regulations that restrict the type, season, or
18 method of hunting or recreational fishing on lands within
19 the National Forest System or National Wildlife Refuge
20 System that are otherwise open to those activities.

21 **SEC. 8. ROADS AND TRAILS WITHIN THE NATIONAL FOREST**
22 **SYSTEM AND NATIONAL WILDLIFE REFUGE**
23 **SYSTEM.**

24 The Secretary concerned may not establish policies,
25 directives, or regulations that restrict public access to pub-

1 lie lands, including any change in access to claims, leases,
2 or access using motorized vehicles or nonmotorized means
3 resulting from—

4 (1) the decommissioning in whole or in part of
5 a road, trail, or combination road and trail system;

6 (2) a change in the status of a road as open or
7 closed; or

8 (3) a change in road densities.

9 **SEC. 9. VACANT GRAZING ALLOTMENTS MADE AVAILABLE**
10 **TO CERTAIN GRAZING PERMIT HOLDERS.**

11 (a) IN GENERAL.—The Secretary concerned shall, to
12 the maximum extent practicable, make vacant grazing al-
13 lotments available to a holder of a grazing permit or lease
14 issued by such Secretary if the such Secretary determines
15 that the lands covered by such permit or lease are unus-
16 able because of—

17 (1) a natural disaster (including a drought or
18 wildfire);

19 (2) court-issued injunction; or

20 (3) a conflict with wildlife.

21 (b) TERMS AND CONDITIONS.—The terms and condi-
22 tions contained in a permit or lease for a vacant grazing
23 allotment made available pursuant to subsection (a) shall
24 be the terms and conditions of the most recent permit or
25 lease that was applicable to such allotment. If the terms

1 and conditions of the most recent permit or lease do not
2 support the maximum allowable access, the permit or lease
3 holder shall have immediate access to the allotment under
4 the terms and conditions of the most recent permit or
5 lease and the Secretary and the permit or lease holder
6 shall enter into a negotiation not to exceed 30 days to
7 achieve accessible use that is equal or greater than the
8 use of a lease or permit that the Secretary concerned de-
9 termines unusable under subsection (a).

10 (c) COURT-ISSUED INJUNCTIONS.—A court may not
11 issue any order enjoining the use of any allotment for
12 which a permit or lease has been issued by the Secretary
13 concerned and continues in effect unless the Secretary
14 concerned can make a vacant grazing allotment available
15 to the holder of such permit or lease.

16 (d) ENVIRONMENTAL ASSESSMENT UNDER THE NA-
17 TIONAL ENVIRONMENTAL POLICY ACT.—Activities car-
18 ried out by the Secretary concerned pursuant to sub-
19 section (a) are a category of actions hereby designated as
20 being categorically excluded from the preparation of an
21 environmental assessment or an environmental impact
22 statement under section 102 of the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4332).

1 **SEC. 10. CERTAIN ACTIONS DEEMED IN COMPLIANCE.**

2 (a) ACTIONS DEEMED IN COMPLIANCE.—During the
3 period beginning on the date of the enactment of this Act
4 and ending on the date described in subsection (b), any
5 action that is taken by a Federal agency, State agency,
6 or other person and that complies with the Federal Insec-
7 ticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et
8 seq.) is deemed to comply with sections 7(a)(2) and
9 9(a)(1)(B) of the Endangered Species Act of 1973 (16
10 U.S.C. 1536(a)(2), 1538(a)(1)(B)) (as amended by this
11 Act) and regulations issued under section 4(d) of such Act
12 (16 U.S.C. 1533(d)).

13 (b) TERMINATION DATE.—The date referred to in
14 subsection (a) is the earlier of—

15 (1) the date that is 5 years after the date of en-
16 actment of this Act; and

17 (2) the date of the completion of any procedure
18 required under subpart D of part 402 of title 50,
19 Code of Federal Regulations, with respect to the ac-
20 tion referred to in subsection (a).

21 (c) LIMITATION ON APPLICATION.—This section shall
22 not affect any procedure pursuant to part 402 of title 50,
23 Code of Federal Regulations, that is required by any court
24 order issued before the date of the enactment of this Act.

1 **SEC. 11. REIMBURSEMENT FOR DEPREDATION OF LIVE-**
2 **STOCK BY REINTRODUCED SPECIES.**

3 (a) IN GENERAL.—The Secretary of the Interior, act-
4 ing through the Director of the United States Fish and
5 Wildlife Service, may reimburse the owner of livestock for
6 any loss of livestock resulting from depredation by any
7 population of a species if the population is listed under
8 as threatened or endangered under the Endangered Spe-
9 cies Act of 1973 (16 U.S.C. 1531 et seq.) and includes
10 or derives from members of the species that were reintro-
11 duced into the wild.

12 (b) LIMITATION ON REQUIREMENT TO PRESENT
13 BODY.—The Secretary may not require the owner of live-
14 stock to present the body of individual livestock as a condi-
15 tion of payment of reimbursement under this section.

16 (c) USE OF DONATIONS.—The Secretary may accept
17 and use donations of funds to pay reimbursement under
18 this section.

19 **SEC. 12. DEFINITIONS.**

20 In this Act:

21 (1) The term “Secretary” means the Secretary
22 of the Interior.

23 (2) The term “Secretary concerned” means—

24 (A) the Secretary of Agriculture, with re-
25 spect to National Forest System Lands; and

1 (B) the Secretary of the Interior, with re-
2 spect to public land.

○