

***In the Senate of the United States,***

*January 9, 2020.*

*Resolved,* That the bill from the House of Representatives (H.R. 925) entitled “An Act to extend the authorization of appropriations for allocation to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2024.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“America’s Conservation Enhancement Act”.*

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

*Sec. 1. Short title; table of contents.*

***TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION***

*Sec. 101. Theodore Roosevelt Genius Prize for reducing human-predator conflict.*

*Sec. 102. Losses of livestock due to depredation by federally protected species.*

*Sec. 103. Depredation permits for black vultures and common ravens.*

*Sec. 104. Chronic Wasting Disease Task Force.*

- Sec. 105. *Invasive species.*  
 Sec. 106. *North American Wetlands Conservation Act.*  
 Sec. 107. *National Fish and Wildlife Foundation Establishment Act.*  
 Sec. 108. *Modification of definition of sport fishing equipment under Toxic Substances Control Act.*  
 Sec. 109. *Reauthorization of Chesapeake Bay Program.*  
 Sec. 110. *Reauthorization of Chesapeake Bay Initiative Act of 1998.*  
 Sec. 111. *Chesapeake watershed investments for landscape defense.*

**TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS**

- Sec. 201. *Purpose.*  
 Sec. 202. *Definitions.*  
 Sec. 203. *National Fish Habitat Board.*  
 Sec. 204. *Fish Habitat Partnerships.*  
 Sec. 205. *Fish Habitat Conservation Projects.*  
 Sec. 206. *Technical and scientific assistance.*  
 Sec. 207. *Coordination with States and Indian Tribes.*  
 Sec. 208. *Interagency Operational Plan.*  
 Sec. 209. *Accountability and reporting.*  
 Sec. 210. *Effect of this title.*  
 Sec. 211. *Nonapplicability of Federal Advisory Committee Act.*  
 Sec. 212. *Funding.*  
 Sec. 213. *Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.*

**TITLE III—MISCELLANEOUS**

- Sec. 301. *Sense of the Senate regarding conservation agreements and activities.*  
 Sec. 302. *Study to review conservation factors.*  
 Sec. 303. *Study and report on expenditures.*  
 Sec. 304. *Use of value of land for cost sharing.*

**1 TITLE I—WILDLIFE ENHANCE-**  
**2 MENT, DISEASE, AND PREDA-**  
**3 TION**

**4 SEC. 101. THEODORE ROOSEVELT GENIUS PRIZE FOR RE-**  
**5 DUCING HUMAN-PREDATOR CONFLICT.**

- 6 (a) IN GENERAL.**—Section 7001(d) of the John D.  
**7 Dingell, Jr. Conservation, Management, and Recreation Act**  
**8 (16 U.S.C. 742b note; Public Law 116–9) is amended—**  
**9 (1) in paragraphs (2)(C)(v), (3)(C)(v), (4)(C)(v),**  
**10 (5)(C)(v), and (6)(C)(v), by striking “paragraph**

1     (7)(A)” each place it appears and inserting “para-  
2     graph (8)(A)”;

3             (2) in paragraphs (2)(D)(ii), (2)(F)(ii),  
4     (3)(D)(ii), (3)(F)(ii), (4)(D)(ii), (4)(F)(ii), (5)(D)(ii),  
5     (5)(F)(ii), (6)(D)(ii), and (6)(F)(ii) by striking  
6     “paragraph (7)(B)” each place it appears and insert-  
7     ing “paragraph (8)(B)”;

8             (3) in paragraph (6)(C)(iv), in the matter pre-  
9     ceding clause (i), by striking “subparagraph (C)” and  
10    inserting “clause (iii)”;

11            (4) by redesignating paragraph (7) as para-  
12    graph (8);

13            (5) by inserting after paragraph (6) the fol-  
14    lowing:

15            “(7) *THEODORE ROOSEVELT GENIUS PRIZE FOR*  
16    *REDUCING HUMAN-PREDATOR CONFLICT.—*

17            “(A) *DEFINITIONS.—In this paragraph:*

18            “(i) *BOARD.—The term ‘Board’ means*  
19    *the Reducing Human-Predator Conflict*  
20    *Technology Advisory Board established by*  
21    *subparagraph (C)(i).*

22            “(ii) *PRIZE COMPETITION.—The term*  
23    *‘prize competition’ means the Theodore Roo-*  
24    *sevelt Genius Prize for reducing human-*

1            *predator conflict established under subpara-*  
2            *graph (B).*

3            “(B) *AUTHORITY.*—*Not later than 180 days*  
4            *after the date of enactment of the America’s Con-*  
5            *servation Enhancement Act, the Secretary shall*  
6            *establish under section 24 of the Stevenson-*  
7            *Wylder Technology Innovation Act of 1980 (15*  
8            *U.S.C. 3719) a prize competition, to be known as*  
9            *the ‘Theodore Roosevelt Genius Prize for reduc-*  
10           *ing human-predator conflict’—*

11                    *“(i) to encourage technological innova-*  
12                    *tion with the potential to advance the mis-*  
13                    *sion of the United States Fish and Wildlife*  
14                    *Service with respect to reducing the fre-*  
15                    *quency of human-predator conflict using*  
16                    *nonlethal means; and*

17                    *“(ii) to award 1 or more prizes annu-*  
18                    *ally for a technological advancement that*  
19                    *promotes reducing human-predator conflict*  
20                    *using nonlethal means, which may include*  
21                    *the application and monitoring of tagging*  
22                    *technologies.*

23            “(C) *ADVISORY BOARD.*—

24                    *“(i) ESTABLISHMENT.*—*There is estab-*  
25                    *lished an advisory board, to be known as*

1           the ‘Reducing Human-Predator Conflict  
2           Technology Advisory Board’.

3           “(ii) *COMPOSITION.*—*The Board shall*  
4           *be composed of not fewer than 9 members*  
5           *appointed by the Secretary, who shall pro-*  
6           *vide expertise in—*

7                       “(I) *predator-human interactions;*

8                       “(II) *the habitats of large preda-*  
9                       *tors;*

10                      “(III) *biology;*

11                      “(IV) *technology development;*

12                      “(V) *engineering;*

13                      “(VI) *economics;*

14                      “(VII) *business development and*  
15                      *management; and*

16                      “(VIII) *any other discipline, as*  
17                      *the Secretary determines to be nec-*  
18                      *essary to achieve the purposes of this*  
19                      *paragraph.*

20           “(iii) *DUTIES.*—*Subject to clause (iv),*  
21           *with respect to the prize competition, the*  
22           *Board shall—*

23                      “(I) *select a topic;*

24                      “(II) *issue a problem statement;*

1                   “(III) advise the Secretary re-  
2                   garding any opportunity for techno-  
3                   logical innovation to reduce human-  
4                   predator conflict using nonlethal  
5                   means; and

6                   “(IV) advise winners of the prize  
7                   competition regarding opportunities to  
8                   pilot and implement winning tech-  
9                   nologies in relevant fields, including in  
10                  partnership with conservation organi-  
11                  zations, Federal or State agencies, fed-  
12                  erally recognized Indian Tribes, pri-  
13                  vate entities, and research institutions  
14                  with expertise or interest relating to  
15                  reducing human-predator conflict  
16                  using nonlethal means.

17                  “(iv) CONSULTATION.—In selecting a  
18                  topic and issuing a problem statement for  
19                  the prize competition under subclauses (I)  
20                  and (II) of clause (iii), respectively, the  
21                  Board shall consult widely with Federal  
22                  and non-Federal stakeholders, including—

23                         “(I) 1 or more Federal agencies  
24                         with jurisdiction over the management

1           *of native wildlife species at risk due to*  
2           *conflict with human activities;*

3           “(II) 1 or more State agencies  
4           with jurisdiction over the management  
5           of native wildlife species at risk due to  
6           conflict with human activities;

7           “(III) 1 or more State, regional,  
8           or local wildlife organizations, the mis-  
9           sion of which relates to the manage-  
10          ment of native wildlife species at risk  
11          due to conflict with human activities;  
12          and

13          “(IV) 1 or more wildlife conserva-  
14          tion groups, technology companies, re-  
15          search institutions, institutions of  
16          higher education, industry associa-  
17          tions, or individual stakeholders with  
18          an interest in the management of na-  
19          tive wildlife species at risk due to con-  
20          flict with human activities.

21          “(v) REQUIREMENTS.—The Board  
22          shall comply with all requirements under  
23          paragraph (8)(A).

24          “(D) AGREEMENT WITH NATIONAL FISH  
25          AND WILDLIFE FOUNDATION.—

1           “(i) *IN GENERAL.*—*The Secretary shall*  
2           *offer to enter into an agreement under*  
3           *which the National Fish and Wildlife Foun-*  
4           *dation shall administer the prize competi-*  
5           *tion.*

6           “(ii) *REQUIREMENTS.*—*An agreement*  
7           *entered into under clause (i) shall comply*  
8           *with all requirements under paragraph*  
9           *(8)(B).*

10          “(E) *JUDGES.*—

11           “(i) *APPOINTMENT.*—*The Secretary*  
12           *shall appoint not fewer than 3 judges who*  
13           *shall, except as provided in clause (ii), se-*  
14           *lect the 1 or more annual winners of the*  
15           *prize competition.*

16           “(ii) *DETERMINATION BY SEC-*  
17           *RETARY.*—*The judges appointed under*  
18           *clause (i) shall not select any annual win-*  
19           *ner of the prize competition if the Secretary*  
20           *makes a determination that, in any fiscal*  
21           *year, none of the technological advance-*  
22           *ments entered into the prize competition*  
23           *merits an award.*

24          “(F) *CONSULTATION WITH NOAA.*—*The Sec-*  
25           *retary shall consult with the Secretary of Com-*

1        *merce, acting through the Administrator of the*  
2        *National Oceanic and Atmospheric Administra-*  
3        *tion, in the case of a cash prize awarded under*  
4        *the prize competition for a technology that ad-*  
5        *dresses conflict between marine predators under*  
6        *the jurisdiction of the Secretary of Commerce,*  
7        *acting through the Administrator of the National*  
8        *Oceanic and Atmospheric Administration, and*  
9        *humans.*

10        *“(G) REPORT TO CONGRESS.—Not later*  
11        *than 60 days after the date on which a cash*  
12        *prize is awarded under this paragraph, the Sec-*  
13        *retary shall submit to the Committee on Envi-*  
14        *ronment and Public Works of the Senate and the*  
15        *Committee on Natural Resources of the House of*  
16        *Representatives a report on the prize competition*  
17        *that includes—*

18                *“(i) a statement by the Board that de-*  
19                *scribes the activities carried out by the*  
20                *Board relating to the duties described in*  
21                *subparagraph (C)(iii);*

22                *“(ii) if the Secretary has entered into*  
23                *an agreement under subparagraph (D)(i), a*  
24                *statement by the National Fish and Wildlife*  
25                *Foundation that describes the activities car-*

1           ried out by the National Fish and Wildlife  
2           Foundation relating to the duties described  
3           in paragraph (8)(B); and

4                   “(iii) a statement by 1 or more of the  
5           judges appointed under subparagraph (E)  
6           that explains the basis on which the winner  
7           of the cash prize was selected.

8                   “(H) *TERMINATION OF AUTHORITY.*—The  
9           Board and all authority provided under this  
10          paragraph shall terminate on December 31,  
11          2023.”; and

12          (6) in paragraph (8) (as so redesignated)—

13                   (A) in subparagraph (A), in the matter pre-  
14          ceding clause (i), by striking “or (6)(C)(i)” and  
15          inserting “(6)(C)(i), or (7)(C)(i)”; and

16                   (B) in subparagraph (B)—

17                           (i) in the matter preceding clause (i),  
18          by striking “or (6)(D)(i)” and inserting  
19          “(6)(D)(i), or (7)(D)(i)”; and

20                           (ii) in clause (i)(VII), by striking “and  
21          (6)(E)” and inserting “(6)(E), and (7)(E)”.

22          (b) *SENSE OF CONGRESS.*—It is the sense of Congress  
23          that data collected from the tagging of predators can inform  
24          innovative management of those predators and innovative  
25          education activities to minimize human-predator conflict.

1 **SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDAATION BY**  
2 **FEDERALLY PROTECTED SPECIES.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *DEPREDAATION.—*

5 (A) *IN GENERAL.—The term “depredation”*  
6 *means actual death, injury, or destruction of*  
7 *livestock that is caused by a federally protected*  
8 *species.*

9 (B) *EXCLUSIONS.—The term “depredation”*  
10 *does not include damage to real or personal*  
11 *property other than livestock, including—*

12 (i) *damage to—*

13 (I) *other animals;*

14 (II) *vegetation;*

15 (III) *motor vehicles; or*

16 (IV) *structures;*

17 (ii) *diseases;*

18 (iii) *lost profits; or*

19 (iv) *consequential damages.*

20 (2) *FEDERALLY PROTECTED SPECIES.—The term*  
21 *“federally protected species” means a species that is*  
22 *or previously was protected under—*

23 (A) *the Act of June 8, 1940 (commonly*  
24 *known as the “Bald and Golden Eagle Protec-*  
25 *tion Act”)* (54 Stat. 250, chapter 278; 16 U.S.C.  
26 *668 et seq.);*

1           (B) *the Endangered Species Act of 1973 (16*  
2           *U.S.C. 1531 et seq.)*; or

3           (C) *the Migratory Bird Treaty Act (16*  
4           *U.S.C. 703 et seq.)*.

5           (3) *INDIAN TRIBE.*—*The term “Indian tribe” has*  
6           *the meaning given the term in section 4 of the Indian*  
7           *Self-Determination and Education Assistance Act (25*  
8           *U.S.C. 5304).*

9           (4) *LIVESTOCK.*—

10           (A) *IN GENERAL.*—*The term “livestock”*  
11           *means horses, mules and asses, rabbits, llamas,*  
12           *cattle, bison, swine, sheep, goats, poultry, bees,*  
13           *honey and beehives, or any other animal gen-*  
14           *erally used for food or in the production of food*  
15           *or fiber.*

16           (B) *INCLUSION.*—*The term “livestock” in-*  
17           *cludes guard animals actively engaged in the*  
18           *protection of livestock described in subparagraph*  
19           *(A).*

20           (5) *PROGRAM.*—*The term “program” means the*  
21           *grant program established under subsection (b)(1).*

22           (6) *SECRETARIES.*—*The term “Secretaries”*  
23           *means—*

1           (A) *the Secretary of the Interior, acting*  
2           *through the Director of the United States Fish*  
3           *and Wildlife Service; and*

4           (B) *the Secretary of Agriculture, acting*  
5           *through the Administrator of the Animal and*  
6           *Plant Health Inspection Service.*

7           (b) *GRANT PROGRAM FOR LOSSES OF LIVESTOCK DUE*  
8           *TO DEPREDATION BY FEDERALLY PROTECTED SPECIES.—*

9           (1) *IN GENERAL.—The Secretaries shall establish*  
10          *a program to provide grants to States and Indian*  
11          *tribes to supplement amounts provided by States, In-*  
12          *Indian tribes, or State agencies under 1 or more pro-*  
13          *grams established by the States and Indian tribes (in-*  
14          *cluding programs established after the date of enact-*  
15          *ment of this Act)—*

16               (A) *to assist livestock producers in carrying*  
17               *out—*

18                       (i) *proactive and nonlethal activities to*  
19                       *reduce the risk of livestock loss due to depre-*  
20                       *dation by federally protected species occur-*  
21                       *ring on—*

22                               (I) *Federal, State, or private land*  
23                               *within the applicable State; or*

1                   (II) land owned by, or held in  
2                   trust for the benefit of, the applicable  
3                   Indian tribe; and

4                   (ii) research relating to the activities  
5                   described in clause (i); and

6                   (B) to compensate livestock producers for  
7                   livestock losses due to depredation by federally  
8                   protected species occurring on—

9                   (i) Federal, State, or private land  
10                  within the applicable State; or

11                  (ii) land owned by, or held in trust for  
12                  the benefit of, the applicable Indian tribe.

13                  (2) ALLOCATION OF FUNDING.—

14                  (A) REPORTS TO THE SECRETARIES.—Not  
15                  later than September 30 of each year, a State or  
16                  Indian tribe desiring to receive a grant under  
17                  the program shall submit to the Secretaries a re-  
18                  port describing, for the 1-year period ending on  
19                  that September 30, the losses of livestock due to  
20                  depredation by federally protected species occur-  
21                  ring on—

22                  (i) Federal, State, or private land  
23                  within the applicable State; or

24                  (ii) land owned by, or held in trust for  
25                  the benefit of, the applicable Indian tribe.

1           (B) *ALLOCATION.*—*The Secretaries shall al-*  
2           *locate available funding to carry out this Act*  
3           *among States and Indian tribes for a 1-year pe-*  
4           *riod ending on September 30 based on the losses*  
5           *described in the reports submitted for the pre-*  
6           *vious 1-year period ending on September 30*  
7           *under subparagraph (A).*

8           (3) *ELIGIBILITY.*—*To be eligible to receive a*  
9           *grant under paragraph (1), a State or Indian tribe*  
10          *shall—*

11           (A) *designate an appropriate agency of the*  
12           *State or Indian tribe to administer the 1 or*  
13           *more programs supplemented by the grant funds;*

14           (B) *establish 1 or more accounts to receive*  
15           *grant funds;*

16           (C) *maintain files of all claims received and*  
17           *paid under grant-funded programs, including*  
18           *supporting documentation; and*

19           (D) *submit to the Secretaries—*

20           (i) *annual reports that include—*

21                   (I) *a summary of claims and ex-*  
22                   *penditures under the program during*  
23                   *the year; and*

24                   (II) *a description of any action*  
25                   *taken on the claims; and*

1                   (ii) such other reports as the Secre-  
2                   taries may require to assist the Secretaries  
3                   in determining the effectiveness of assisted  
4                   activities under this section.

5           (c) *SENSE OF THE SENATE.*—It is the sense of the Sen-  
6   ate that—

7                   (1) no State or Indian tribe is required to par-  
8                   ticipate in the program; and

9                   (2) the program supplements, and does not re-  
10                  place or supplant, any State compensation programs  
11                  for depredation.

12           (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
13   authorized to be appropriated to carry out this section  
14   \$15,000,000 for each of fiscal years 2021 through 2025, of  
15   which—

16                   (1) \$5,000,000 shall be used to provide grants for  
17                   the purposes described in subsection (b)(1)(A); and

18                   (2) \$10,000,000 shall be used to provide grants  
19                   for the purpose described in subsection (b)(1)(B).

20 **SEC. 103. DEPREDATION PERMITS FOR BLACK VULTURES**  
21 **AND COMMON RAVENS.**

22           (a) *IN GENERAL.*—The Secretary of the Interior, act-  
23   ing through the Director of the United States Fish and  
24   Wildlife Service (referred to in this section as the “Sec-  
25   retary”), may issue depredation permits to livestock pro-

1 *ducers authorizing takings of black vultures or common*  
2 *ravens otherwise prohibited by Federal law to prevent those*  
3 *vultures or common ravens from taking livestock during the*  
4 *calving season or lambing season.*

5       **(b) LIMITED TO AFFECTED STATES OR REGIONS.—**  
6 *The Secretary may issue permits under subsection (a) only*  
7 *to livestock producers in States and regions in which live-*  
8 *stock producers are affected or have been affected in the pre-*  
9 *vious year by black vultures or common ravens, as deter-*  
10 *mined by Secretary.*

11       **(c) REPORTING.—***The Secretary shall require, as a*  
12 *condition of a permit under subsection (a), that the permit*  
13 *holder shall report to the appropriate enforcement agencies*  
14 *the takings of black vultures or common ravens pursuant*  
15 *to the permit.*

16 **SEC. 104. CHRONIC WASTING DISEASE TASK FORCE.**

17       **(a) DEFINITION OF CHRONIC WASTING DISEASE.—***In*  
18 *this section, the term “chronic wasting disease” means the*  
19 *animal disease afflicting deer, elk, and moose populations*  
20 *that—*

21               **(1)** *is a transmissible disease of the nervous sys-*  
22 *tem resulting in distinctive lesions in the brain; and*

23               **(2)** *belongs to the group of diseases known as*  
24 *transmissible spongiform encephalopathies, which*

1 *group includes scrapie, bovine spongiform*  
2 *encephalopathy, and Creutzfeldt-Jakob disease.*

3 *(b) ESTABLISHMENT.—*

4 *(1) IN GENERAL.—There is established within*  
5 *the United States Fish and Wildlife Service a task*  
6 *force, to be known as the “Chronic Wasting Disease*  
7 *Task Force” (referred to in this subsection as the*  
8 *“Task Force”).*

9 *(2) DUTIES.—The Task Force shall—*

10 *(A) collaborate with foreign governments to*  
11 *share research, coordinate efforts, and discuss*  
12 *best management practices to reduce, minimize,*  
13 *prevent, or eliminate chronic wasting disease in*  
14 *the United States;*

15 *(B) develop recommendations, including*  
16 *recommendations based on findings of the study*  
17 *conducted under subsection (c), and a set of best*  
18 *practices regarding—*

19 *(i) the interstate coordination of prac-*  
20 *tices to prevent the new introduction of*  
21 *chronic wasting disease;*

22 *(ii) the prioritization and coordination*  
23 *of the future study of chronic wasting dis-*  
24 *ease, based on evolving research needs;*

1           (iii) ways to leverage the collective re-  
2           sources of Federal, State, and local agencies,  
3           Indian Tribes, and foreign governments,  
4           and resources from private, nongovern-  
5           mental entities, to address chronic wasting  
6           disease in the United States and along the  
7           borders of the United States; and

8           (iv) any other area where containment  
9           or management efforts relating to chronic  
10          wasting disease may differ across jurisdic-  
11          tions;

12          (C) draw from existing and future academic  
13          and management recommendations to develop an  
14          interstate action plan under which States and  
15          the United States Fish and Wildlife Service  
16          agree to enact consistent management, edu-  
17          cational, and research practices relating to  
18          chronic wasting disease; and

19          (D) facilitate the creation of a cooperative  
20          agreement by which States and relevant Federal  
21          agencies agree to commit funds to implement  
22          best practices described in the interstate action  
23          plan developed under subparagraph (C).

24          (3) *MEMBERSHIP.*—

1           (A) *IN GENERAL.*—*The Task Force shall be*  
2 *composed of—*

3           (i) *1 representative of the United*  
4 *States Fish and Wildlife Service with expe-*  
5 *rience in chronic wasting disease, to be ap-*  
6 *pointed by the Secretary of the Interior (re-*  
7 *ferred to in this subsection as the “Sec-*  
8 *retary”);*

9           (ii) *1 representative of the United*  
10 *States Geological Survey;*

11           (iii) *2 representatives of the Depart-*  
12 *ment of Agriculture with experience in*  
13 *chronic wasting disease, to be appointed by*  
14 *the Secretary of Agriculture—*

15           (I) *1 of whom shall have expertise*  
16 *in research; and*

17           (II) *1 of whom shall have exper-*  
18 *tise in wildlife management;*

19           (iv) *in the case of each State in which*  
20 *chronic wasting disease among elk, mule*  
21 *deer, white-tailed deer, or moose has been*  
22 *reported to the appropriate State agency,*  
23 *not more than 2 representatives, to be nomi-*  
24 *nated by the Governor of the State—*

1                   (I) not more than 1 of whom shall  
2                   be a representative of the State agency  
3                   with jurisdiction over wildlife manage-  
4                   ment or wildlife disease in the State;  
5                   and

6                   (II) in the case of a State with a  
7                   farmed cervid program or economy,  
8                   not more than 1 of whom shall be a  
9                   representative of the State agency with  
10                  jurisdiction over farmed cervid regula-  
11                  tion in the State;

12                  (v) in the case of each State in which  
13                  chronic wasting disease among elk, mule  
14                  deer, white-tailed deer, or moose has not  
15                  been documented, but that has carried out  
16                  measures to prevent the introduction of  
17                  chronic wasting disease among those species,  
18                  not more than 2 representatives, to be nomi-  
19                  nated by the Governor of the State;

20                  (vi) not more than 2 representatives  
21                  from an Indian tribe or tribal organization  
22                  chosen in a process determined, in consulta-  
23                  tion with Indian tribes, by the Secretary;  
24                  and

1           (vii) not more than 5 nongovernmental  
2           members with relevant expertise appointed,  
3           after the date on which the members are  
4           first appointed under clauses (i) through  
5           (vi), by a majority vote of the State rep-  
6           resentatives appointed under clause (iv).

7           (B) *EFFECT.*—Nothing in this paragraph  
8           requires a State to participate in the Task Force.

9           (4) *CO-CHAIRS.*—The Co-Chairs of the Task  
10          Force shall be—

11           (A) the Federal representative described in  
12          paragraph (3)(A)(i); and

13           (B) 1 State representative appointed under  
14          paragraph (3)(A)(iv), to be selected by a major-  
15          ity vote of those State representatives.

16          (5) *DATE OF INITIAL APPOINTMENT.*—

17           (A) *IN GENERAL.*—The members of the Task  
18          Force shall be appointed not later than 180 days  
19          after the date on which the study is completed  
20          under subsection (c).

21           (B) *NOTIFICATION.*—On appointment of the  
22          members of the Task Force, the Co-Chairs of the  
23          Task Force shall notify the Chairs and Ranking  
24          Members of the Committees on Environment and

1           *Public Works of the Senate and Natural Re-*  
2           *sources of the House of Representatives.*

3           (6) *VACANCIES.*—*Any vacancy in the members*  
4           *appointed to the Task Force—*

5                     (A) *shall not affect the power or duty of the*  
6                     *Task Force; and*

7                     (B) *shall be filled not later than 30 days*  
8                     *after the date of the vacancy.*

9           (7) *MEETINGS.*—*The Task Force shall convene—*

10                    (A) *not less frequently than twice each year;*  
11                    *and*

12                    (B) *at such time and place, and by such*  
13                    *means, as the Co-Chairs of the Task Force deter-*  
14                    *mine to be appropriate, which may include the*  
15                    *use of remote conference technology.*

16           (8) *INTERSTATE ACTION PLAN.*—

17                    (A) *IN GENERAL.*—*Not later than 1 year*  
18                    *after the date on which the members of the Task*  
19                    *Force are appointed, the Task Force shall submit*  
20                    *to the Secretary, and the heads of the State agen-*  
21                    *cies with jurisdiction over wildlife disease and*  
22                    *farmed cervid regulation of each State with a*  
23                    *representative on the Task Force, the interstate*  
24                    *action plan developed by the Task Force under*  
25                    *paragraph (2)(C).*

1 (B) *COOPERATIVE AGREEMENTS.*—

2 (i) *IN GENERAL.*—*To the maximum extent practicable, the Secretary, any other*  
3 *applicable Federal agency, and each applicable State shall enter into a cooperative*  
4 *agreement to fund necessary actions under*  
5 *the interstate action plan submitted under*  
6 *subparagraph (A).*

7 (ii) *TARGET DATE.*—*The Secretary*  
8 *shall make the best effort of the Secretary to*  
9 *enter into any cooperative agreement under*  
10 *clause (i) not later than 180 days after the*  
11 *date of submission of the interstate action*  
12 *plan under subparagraph (A).*

13 (C) *MATCHING FUNDS.*—

14 (i) *IN GENERAL.*—*Subject to clause*  
15 *(ii), for each fiscal year, the United States*  
16 *Fish and Wildlife Service shall provide*  
17 *funds to carry out an interstate action plan*  
18 *through a cooperative agreement under sub-*  
19 *paragraph (B) in the amount of funds pro-*  
20 *vided by the applicable States.*

21 (ii) *LIMITATION.*—*The amount pro-*  
22 *vided by the United State Fish and Wildlife*  
23  
24

1           *Service under clause (i) for a fiscal year*  
2           *shall be not greater than \$5,000,000.*

3           (9) *REPORTS.*—*Not later than September 30 of*  
4           *the first full fiscal year after the date on which the*  
5           *first members of the Task Force are appointed, and*  
6           *each September 30 thereafter, the Task Force shall*  
7           *submit to the Secretary, and the heads of the State*  
8           *agencies with jurisdiction over wildlife disease and*  
9           *farmed cervid regulation of each State with a rep-*  
10          *resentatives on the Task Force, a report describing—*

11                 (A) *progress on the implementation of ac-*  
12                 *tions identified in the interstate action plan sub-*  
13                 *mitted under paragraph (8)(A), including the ef-*  
14                 *ficacy of funding under the cooperative agree-*  
15                 *ment entered into under paragraph (8)(B);*

16                 (B) *updated resource requirements that are*  
17                 *needed to reduce and eliminate chronic wasting*  
18                 *disease in the United States;*

19                 (C) *any relevant updates to the rec-*  
20                 *ommended best management practices included*  
21                 *in the interstate action plan submitted under*  
22                 *paragraph (8)(B) to reduce or eliminate chronic*  
23                 *wasting disease;*

1           (D) *new research findings and emerging re-*  
2           *search needs relating to chronic wasting disease;*  
3           *and*

4           (E) *any other relevant information.*

5       (c) *CHRONIC WASTING DISEASE TRANSMISSION IN*  
6       *CERVIDAE RESOURCE STUDY.—*

7           (1) *DEFINITIONS.—In this subsection:*

8           (A) *ACADEMY.—The term “Academy”*  
9           *means the National Academy of Sciences.*

10          (B) *CERVID.—The term “cervid” means*  
11          *any species within the family Cervidae.*

12          (C) *SECRETARIES.—The term “Secretaries”*  
13          *means the Secretary of Agriculture, acting*  
14          *through the Administrator of the Animal and*  
15          *Plant Health Inspection Service, and the Sec-*  
16          *retary of the Interior, acting through the Direc-*  
17          *tor of the United States Geological Survey, act-*  
18          *ing jointly.*

19          (2) *STUDY.—*

20               (A) *IN GENERAL.—The Secretaries shall*  
21               *enter into an arrangement with the Academy*  
22               *under which the Academy shall conduct, and*  
23               *submit to the Secretaries a report describing the*  
24               *findings of, a special resource study to identify*  
25               *the predominant pathways and mechanisms of*

1           *the transmission of chronic wasting disease in*  
2           *wild, captive, and farmed populations of cervids*  
3           *in the United States.*

4           (B) *REQUIREMENTS.*—*The arrangement*  
5           *under subparagraph (A) shall provide that the*  
6           *actual expenses incurred by the Academy in con-*  
7           *ducting the study under subparagraph (A) shall*  
8           *be paid by the Secretaries, subject to the avail-*  
9           *ability of appropriations.*

10          (3) *CONTENTS OF THE STUDY.*—*The study under*  
11          *paragraph (2) shall—*

12               (A) *with respect to wild, captive, and*  
13               *farmed populations of cervids in the United*  
14               *States, identify—*

15                       (i) *(I) the pathways and mechanisms*  
16                       *for the transmission of chronic wasting dis-*  
17                       *ease within live cervid populations and*  
18                       *cervid products, which may include path-*  
19                       *ways and mechanisms for transmission*  
20                       *from Canada;*

21                       (ii) *the infection rates for each path-*  
22                       *way and mechanism identified under sub-*  
23                       *clause (I); and*

1            *(III) the relative frequency of trans-*  
2            *mission of each pathway and mechanism*  
3            *identified under subclause (I);*

4            *(ii)(I) anthropogenic and environ-*  
5            *mental factors contributing to new chronic*  
6            *wasting disease emergence events;*

7            *(II) the development of geographical*  
8            *areas with increased chronic wasting dis-*  
9            *ease prevalence; and*

10           *(III) the overall geographical patterns*  
11           *of chronic wasting disease distribution;*

12           *(iii) significant gaps in current sci-*  
13           *entific knowledge regarding the trans-*  
14           *mission pathways and mechanisms identi-*  
15           *fied under clause (i)(I) and potential pre-*  
16           *vention, detection, and control methods*  
17           *identified under clause (v);*

18           *(iv) for prioritization the scientific re-*  
19           *search projects that will address the knowl-*  
20           *edge gaps identified under clause (iii),*  
21           *based on the likelihood that a project will*  
22           *contribute significantly to the prevention or*  
23           *control of chronic wasting disease; and*

24           *(v) potential prevention, detection, or*  
25           *control measures, practices, or technologies*

1           *to be used to mitigate the transmission and*  
2           *spread of chronic wasting disease in wild,*  
3           *captive, and farmed populations of cervids*  
4           *in the United States;*

5           *(B) assess the effectiveness of the potential*  
6           *prevention, detection, or control measures, prac-*  
7           *tices, or technologies identified under subpara-*  
8           *graph (A)(v); and*

9           *(C) review and compare science-based best*  
10          *practices, standards, and guidance regarding the*  
11          *prevention, detection, and management of chron-*  
12          *ic wasting disease in wild, captive, and farmed*  
13          *populations of cervids in the United States that*  
14          *have been developed by—*

15                 *(i) the National Chronic Wasting Dis-*  
16                 *ease Herd Certification Program of the Ani-*  
17                 *mal and Plant Health Inspection Service;*

18                 *(ii) the United States Geological Sur-*  
19                 *vey;*

20                 *(iii) State wildlife and agricultural*  
21                 *agencies, in the case of practices, standards,*  
22                 *and guidance that provide practical,*  
23                 *science-based recommendations to State and*  
24                 *Federal agencies for minimizing or elimi-*

1           nating the risk of transmission of chronic  
2           wasting disease in the United States; and

3                   (iv) industry or academia, in the case  
4           of any published guidance on practices that  
5           provide practical, science-based rec-  
6           ommendations to cervid producers for mini-  
7           mizing or eliminating the risk of trans-  
8           mission of chronic wasting disease within  
9           or between herds.

10           (4) *DEADLINE.*—The study under paragraph (2)  
11           shall be completed not later than 180 days after the  
12           date on which funds are first made available for the  
13           study.

14           (5) *DATA SHARING.*—The Secretaries shall share  
15           with the Academy, as necessary to conduct the study  
16           under paragraph (2), subject to the avoidance of a  
17           violation of a privacy or confidentiality requirement  
18           and the protection of confidential or privileged com-  
19           mercial, financial, or proprietary information, data  
20           and access to databases on chronic wasting disease  
21           under the jurisdiction of—

22                   (A) the Veterinary Services Program of the  
23           Animal and Plant Health Inspection Service;  
24           and

25                   (B) the United States Geological Survey.

1           (6) *REPORT.*—Not later than 60 days after the  
2           date of completion of the study, the Secretaries shall  
3           submit to the Committee on Agriculture, Nutrition,  
4           and Forestry, the Committee on Energy and Natural  
5           Resources, and the Committee on Environment and  
6           Public Works of the Senate and the Committee on Ag-  
7           riculture and the Committee on Natural Resources of  
8           the House of Representatives a report that describes—

9                   (A) the findings of the study; and

10                   (B) any conclusions and recommendations  
11           that the Secretaries determine to be appropriate.

12           (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
13           authorized to be appropriated to carry out this section—

14                   (1) for the period of fiscal years 2021 through  
15           2025, \$5,000,000 to the Secretary of the Interior, act-  
16           ing through the Director of the United States Fish  
17           and Wildlife Service, to carry out administrative ac-  
18           tivities under subsection (b);

19                   (2) for fiscal year 2021, \$1,200,000 to the Sec-  
20           retary of the Interior, acting through the Director of  
21           the United States Geological Survey, to carry out ac-  
22           tivities to fund research under subsection (c); and

23                   (3) for fiscal year 2021, \$1,200,000 to the Sec-  
24           retary of Agriculture, acting through the Adminis-  
25           trator of the Animal and Plant Health Inspection

1        *Service, to carry out activities to fund research under*  
2        *subsection (c).*

3        **SEC. 105. INVASIVE SPECIES.**

4        *Section 10 of the Fish and Wildlife Coordination Act*  
5        *(16 U.S.C. 666c-1) is amended—*

6                *(1) in subsection (c)(2)—*

7                        *(A) in subparagraph (A)—*

8                                *(i) by redesignating clauses (i) and (ii)*

9                                *as clauses (ii) and (iii), respectively; and*

10                                *(ii) by inserting before clause (ii) (as*  
11                                *so redesignated) the following:*

12                                *“(i) relevant Federal agencies;”;*

13                                *(B) by redesignating subparagraphs (B)*

14                                *and (C) as subparagraphs (C) and (D), respec-*  
15                                *tively; and*

16                                *(C) by inserting after subparagraph (A) the*  
17                                *following:*

18                                *“(B) in consultation with stakeholders, in-*  
19                                *cluding nongovernmental organizations and in-*

20                                *dustry;”;* and

21                                *(2) by adding at the end the following:*

22                                *“(p) AUTHORIZATION OF APPROPRIATIONS.—There*

23                                *are authorized to be appropriated to carry out this section*

24                                *for each of fiscal years 2021 through 2025—*

1           “(1) \$2,500,000 to the Secretary of the Army,  
2           *acting through the Chief of Engineers; and*

3           “(2) \$2,500,000 to the Secretary of the Inte-  
4           *rior.”.*

5 **SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION**

6           **ACT.**

7           *Section 7(c) of the North American Wetlands Con-*  
8 *servaion Act (16 U.S.C. 4406(c)) is amended by striking*  
9 *“not to exceed—” in the matter preceding paragraph (1)*  
10 *and all that follows through paragraph (5) and inserting*  
11 *“not to exceed \$60,000,000 for each of fiscal years 2021*  
12 *through 2025.”.*

13 **SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**

14           **TABLISHMENT ACT.**

15           *(a) BOARD OF DIRECTORS OF FOUNDATION.—*

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

19           *(A) in subsection (b)—*

20           *(i) by striking paragraph (2) and in-*  
21 *serting the following:*

22           *“(2) APPOINTMENT OF DIRECTORS.—After con-*  
23 *sulting with the Secretary of Commerce and consid-*  
24 *ering the recommendations submitted by the Board,*

1 *the Secretary of the Interior shall appoint 28 Direc-*  
2 *tors who, to the maximum extent practicable, shall—*

3 *“(A) be knowledgeable and experienced in*  
4 *matters relating to the conservation of fish, wild-*  
5 *life, or other natural resources; and*

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

9 *(ii) by striking paragraph (3) and in-*  
10 *serting the following:*

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

14 *(B) in subsection (g)(2)—*

15 *(i) in subparagraph (A), by striking*  
16 *“(A) Officers and employees may not be ap-*  
17 *pointed until the Foundation has sufficient*  
18 *funds to pay them for their service. Offi-*  
19 *cers” and inserting the following:*

20 *“(A) IN GENERAL.—Officers”;* and

21 *(ii) by striking subparagraph (B) and*  
22 *inserting the following:*

23 *“(B) EXECUTIVE DIRECTOR.—The Founda-*  
24 *tion shall have an Executive Director who shall*  
25 *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 Conserva-  
9           tion Act (16 U.S.C. 4403(a)(1)(B)) is amended by  
10          striking “Secretary of the Board” and inserting “Ex-  
11          ecutive Director of the Board”.

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

15               (1) in subsection (c)—

16                   (A) by striking “(c) POWERS.—To carry  
17                   out its purposes under” and inserting the fol-  
18                   lowing:

19                   “(c) POWERS.—

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

22                       (B) by redesignating paragraphs (1)  
23                       through (11) as subparagraphs (A) through (K),  
24                       respectively, and indenting appropriately;

1           (C) in subparagraph (D) (as redesignated  
2           by subparagraph (B)), by striking “that are in-  
3           sured by an agency or instrumentality of the  
4           United States” and inserting “at 1 or more fi-  
5           nancial institutions that are members of the Fed-  
6           eral Deposit Insurance Corporation or the Secu-  
7           rities Investment Protection Corporation”;

8           (D) in subparagraph (E) (as redesignated  
9           by subparagraph (B)), by striking “paragraph  
10          (3) or (4)” and inserting “subparagraph (C) or  
11          (D)”;

12          (E) in subparagraph (J) (as redesignated  
13          by subparagraph (B)), by striking “and” at the  
14          end;

15          (F) by striking subparagraph (K) (as redesi-  
16          gnated by subparagraph (B)) and inserting the  
17          following:

18               “(K) to receive and administer restitution  
19               and community service payments, amounts for  
20               mitigation of impacts to natural resources, and  
21               other amounts arising from legal, regulatory, or  
22               administrative proceedings, subject to the condi-  
23               tion that the amounts are received or adminis-  
24               tered for purposes that further the conservation

1           *and management of fish, wildlife, plants, and*  
2           *other natural resources; and*

3           “(L) *to do acts necessary to carry out the*  
4           *purposes of the Foundation.*”; and

5           (G) *by striking the undesignated matter at*  
6           *the end and inserting the following:*

7           “(2) *TREATMENT OF REAL PROPERTY.—*

8           “(A) *IN GENERAL.—For purposes of this*  
9           *Act, an interest in real property shall be treated*  
10           *as including easements or other rights for preser-*  
11           *vation, conservation, protection, or enhancement*  
12           *by and for the public of natural, scenic, historic,*  
13           *scientific, educational, inspirational, or rec-*  
14           *reational resources.*

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

22           “(3) *SAVINGS CLAUSE.—The acceptance and ad-*  
23           *ministration of amounts by the Foundation under*  
24           *paragraph (1)(K) does not alter, supersede, or limit*

1 *any regulatory or statutory requirement associated*  
2 *with those amounts.”;*

3 *(2) by striking subsections (f) and (g); and*

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

6 *(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10*  
7 *of the National Fish and Wildlife Foundation Establish-*  
8 *ment Act (16 U.S.C. 3709) is amended—*

9 *(1) in subsection (a), by striking paragraph (1)*  
10 *and inserting the following:*

11 *“(1) IN GENERAL.—There are authorized to be*  
12 *appropriated to carry out this Act for each of fiscal*  
13 *years 2021 through 2025—*

14 *“(A) \$15,000,000 to the Secretary of the In-*  
15 *terior;*

16 *“(B) \$5,000,000 to the Secretary of Agri-*  
17 *culture; and*

18 *“(C) \$5,000,000 to the Secretary of Com-*  
19 *merce.”;*

20 *(2) in subsection (b)—*

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

23 *“(1) AMOUNTS FROM FEDERAL AGENCIES.—*

24 *“(A) IN GENERAL.—In addition to the*  
25 *amounts authorized to be appropriated under*

1            *subsection (a), Federal departments, agencies, or*  
2            *instrumentalities are authorized to provide funds*  
3            *to the Foundation through Federal financial as-*  
4            *sistance grants and cooperative agreements, sub-*  
5            *ject to the condition that the amounts are used*  
6            *for purposes that further the conservation and*  
7            *management of fish, wildlife, plants, and other*  
8            *natural resources in accordance with this Act.*

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

15           “(C) *MANAGEMENT FEES.*—*The Foundation*  
16           *may assess and collect fees for the management*  
17           *of amounts received under this paragraph.”;*

18           *(B) in paragraph (2)—*

19           *(i) in the paragraph heading, by strik-*  
20           *ing “FUNDS” and inserting “AMOUNTS”;*

21           *(ii) by striking “shall be used” and in-*  
22           *serting “may be used”; and*

23           *(iii) by striking “and State and local*  
24           *government agencies” and inserting “, State*

1           *and local government agencies, and other*  
2           *entities”;* *and*

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

4           “(3) *ADMINISTRATION OF AMOUNTS.—*

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

13                 “*(i) to address an environmental emer-*  
14                 *gency resulting from a natural or other dis-*  
15                 *aster; or*

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

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



1           (1) *in clause (v), by striking “and” at the end;*

2           (2) *in clause (vi) by striking the period at the*

3 *end and inserting “, and”; and*

4           (3) *by inserting after clause (vi) the following:*

5           “*(vii) any sport fishing equipment (as such term*  
6 *is defined in section 4162(a) of the Internal Revenue*  
7 *Code of 1986) the sale of which is subject to the tax*  
8 *imposed by section 4161(a) of such Code (determined*  
9 *without regard to any exemptions from such tax pro-*  
10 *vided by section 4162 or 4221 or any other provision*  
11 *of such Code), and sport fishing equipment compo-*  
12 *nents.”.*

13 **SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
14 **GRAM.**

15           *Section 117 of the Federal Water Pollution Control Act*  
16 *(33 U.S.C. 1267) is amended by striking subsection (j) and*  
17 *inserting the following:*

18           “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
19 *authorized to be appropriated to carry out this section—*

20           “*(1) for fiscal year 2020, \$90,000,000;*

21           “*(2) for fiscal year 2021, \$90,500,000;*

22           “*(3) for fiscal year 2022, \$91,000,000;*

23           “*(4) for fiscal year 2023, \$91,500,000; and*

24           “*(5) for fiscal year 2024, \$92,000,000.”.*

1 **SEC. 110. 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; 132 Stat. 691) is amended by striking “2019” and*  
6 *inserting “2025”.*

7 **SEC. 111. CHESAPEAKE WATERSHED INVESTMENTS FOR**  
8 **LANDSCAPE DEFENSE.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *CHESAPEAKE BAY AGREEMENTS.—The term*  
11 *“Chesapeake Bay agreements” means the formal, vol-*  
12 *untary agreements—*

13 (A) *executed to achieve the goal of restoring*  
14 *and protecting the Chesapeake Bay watershed*  
15 *ecosystem and the living resources of the Chesa-*  
16 *apeake Bay watershed ecosystem; and*

17 (B) *signed by the Chesapeake Executive*  
18 *Council.*

19 (2) *CHESAPEAKE BAY PROGRAM.—The term*  
20 *“Chesapeake Bay program” means the program di-*  
21 *rected by the Chesapeake Executive Council in accord-*  
22 *ance with the Chesapeake Bay agreements.*

23 (3) *CHESAPEAKE BAY WATERSHED.—The term*  
24 *“Chesapeake Bay watershed” means the region that*  
25 *covers—*

26 (A) *the Chesapeake Bay;*

1           (B) the portions of the States of Delaware,  
2           Maryland, New York, Pennsylvania, Virginia,  
3           and West Virginia that drain into the Chesapeake Bay; and

4           (C) the District of Columbia.

5           (4) CHESAPEAKE EXECUTIVE COUNCIL.—The  
6           term “Chesapeake Executive Council” means the  
7           council comprised of—  
8           

9           (A) the Governors of each of the States of  
10           Delaware, Maryland, New York, Pennsylvania,  
11           Virginia, and West Virginia;

12           (B) the Mayor of the District of Columbia;

13           (C) the Chair of the Chesapeake Bay Commission; and  
14           

15           (D) the Administrator of the Environmental  
16           Protection Agency.

17           (5) CHESAPEAKE WILD PROGRAM.—The term  
18           “Chesapeake WILD program” means the nonregulatory  
19           program established by the Secretary under subsection  
20           (b)(1).

21           (6) GRANT PROGRAM.—The term “grant program” means the Chesapeake Watershed Investments  
22           for Landscape Defense grant program established by  
23           the Secretary under subsection (c)(1).  
24

1           (7) *RESTORATION AND PROTECTION ACTIVITY.*—

2           *The term “restoration and protection activity” means*  
3           *an activity carried out for the conservation, steward-*  
4           *ship, and enhancement of habitat for fish and wild-*  
5           *life—*

6                     *(A) to preserve and improve ecosystems and*  
7                     *ecological processes on which the fish and wild-*  
8                     *life depend; and*

9                     *(B) for use and enjoyment by the public.*

10           (8) *SECRETARY.*—*The term “Secretary” means*  
11           *the Secretary of the Interior, acting through the Di-*  
12           *rector of the United States Fish and Wildlife Service.*

13           (b) *PROGRAM ESTABLISHMENT.*—

14                     (1) *ESTABLISHMENT.*—*Not later than 180 days*  
15                     *after the date of enactment of this Act, the Secretary*  
16                     *shall establish a nonregulatory program, to be known*  
17                     *as the “Chesapeake Watershed Investments for Land-*  
18                     *scape Defense program”.*

19                     (2) *PURPOSES.*—*The purposes of the Chesapeake*  
20                     *WILD program include—*

21                             *(A) coordinating restoration and protection*  
22                             *activities among Federal, State, local, and re-*  
23                             *gional entities and conservation partners*  
24                             *throughout the Chesapeake Bay watershed;*

1           (B) *engaging other agencies and organiza-*  
2           *tions to build a broader range of partner sup-*  
3           *port, capacity, and potential funding for projects*  
4           *in the Chesapeake Bay watershed;*

5           (C) *carrying out coordinated restoration*  
6           *and protection activities, and providing for tech-*  
7           *nical assistance, throughout the Chesapeake Bay*  
8           *watershed—*

9                 (i) *to sustain and enhance restoration*  
10                *and protection activities;*

11               (ii) *to improve and maintain water*  
12                *quality to support fish and wildlife, habi-*  
13                *tats of fish and wildlife, and drinking water*  
14                *for people;*

15               (iii) *to sustain and enhance water*  
16                *management for volume and flood damage*  
17                *mitigation improvements to benefit fish and*  
18                *wildlife habitat;*

19               (iv) *to improve opportunities for pub-*  
20                *lic access and recreation in the Chesapeake*  
21                *Bay watershed consistent with the ecological*  
22                *needs of fish and wildlife habitat;*

23               (v) *to facilitate strategic planning to*  
24                *maximize the resilience of natural eco-*

1            *systems and habitats under changing water-*  
2            *shed conditions;*

3                    *(vi) to engage the public through out-*  
4                    *reach, education, and citizen involvement to*  
5                    *increase capacity and support for coordi-*  
6                    *nated restoration and protection activities*  
7                    *in the Chesapeake Bay watershed;*

8                    *(vii) to sustain and enhance vulnerable*  
9                    *communities and fish and wildlife habitat;*

10                   *(viii) to conserve and restore fish, wild-*  
11                   *life, and plant corridors; and*

12                   *(ix) to increase scientific capacity to*  
13                   *support the planning, monitoring, and re-*  
14                   *search activities necessary to carry out co-*  
15                   *ordinated restoration and protection activi-*  
16                   *ties.*

17            (3) *DUTIES.*—*In carrying out the Chesapeake*  
18            *WILD program, the Secretary shall—*

19                    *(A) draw on existing plans for the Chesa-*  
20                    *apeake Bay watershed, or portions of the Chesa-*  
21                    *apeake Bay watershed, including the Chesapeake*  
22                    *Bay agreements, and work in consultation with*  
23                    *applicable management entities, including*  
24                    *Chesapeake Bay program partners, such as the*  
25                    *Federal Government, State and local govern-*

1            *ments, the Chesapeake Bay Commission, and*  
2            *other regional organizations, as appropriate, to*  
3            *identify, prioritize, and implement restoration*  
4            *and protection activities within the Chesapeake*  
5            *Bay watershed;*

6            *(B) adopt a Chesapeake Bay watershed-*  
7            *wide strategy that—*

8                    *(i) supports the implementation of a*  
9                    *shared set of science-based restoration and*  
10                   *protection activities developed in accordance*  
11                   *with subparagraph (A); and*

12                   *(ii) targets cost-effective projects with*  
13                   *measurable results; and*

14            *(C) establish the grant program in accord-*  
15            *ance with subsection (c).*

16            *(4) COORDINATION.—In establishing the Chesa-*  
17            *apeake WILD program, the Secretary shall consult, as*  
18            *appropriate, with—*

19                   *(A) the heads of Federal agencies, includ-*  
20                   *ing—*

21                   *(i) the Administrator of the Environ-*  
22                   *mental Protection Agency;*

23                   *(ii) the Administrator of the National*  
24                   *Oceanic and Atmospheric Administration;*

1                   (iii) *the Chief of the Natural Resources*  
2                   *Conservation Service;*

3                   (iv) *the Chief of Engineers;*

4                   (v) *the Director of the United States*  
5                   *Geological Survey;*

6                   (vi) *the Secretary of Transportation;*

7                   (vii) *the Chief of the Forest Service;*

8                   *and*

9                   (viii) *the head of any other applicable*  
10                  *agency;*

11                  (B) *the Governors of each of the States of*  
12                  *Delaware, Maryland, New York, Pennsylvania,*  
13                  *Virginia, and West Virginia and the Mayor of*  
14                  *the District of Columbia;*

15                  (C) *fish and wildlife joint venture partner-*  
16                  *ships; and*

17                  (D) *other public agencies and organizations*  
18                  *with authority for the planning and implemen-*  
19                  *tation of conservation strategies in the Ches-*  
20                  *apeake Bay watershed.*

21                  (c) *GRANTS AND TECHNICAL ASSISTANCE.—*

22                  (1) *CHESAPEAKE WILD GRANT PROGRAM.—To*  
23                  *the extent that funds are made available to carry out*  
24                  *this subsection, the Secretary shall establish and carry*  
25                  *out, as part of the Chesapeake WILD program, a vol-*

1     *untary grant and technical assistance program, to be*  
2     *known as the “Chesapeake Watershed Investments for*  
3     *Landscape Defense grant program”, to provide com-*  
4     *petitive matching grants of varying amounts and*  
5     *technical assistance to eligible entities described in*  
6     *paragraph (2) to carry out activities described in sub-*  
7     *section (b)(2).*

8             (2) *ELIGIBLE ENTITIES.—The following entities*  
9     *are eligible to receive a grant and technical assistance*  
10    *under the grant program:*

11             (A) *A State.*

12             (B) *The District of Columbia.*

13             (C) *A unit of local government.*

14             (D) *A nonprofit organization.*

15             (E) *An institution of higher education.*

16             (F) *Any other entity that the Secretary de-*  
17     *termines to be appropriate in accordance with*  
18     *the criteria established under paragraph (3).*

19             (3) *CRITERIA.—The Secretary, in consultation*  
20     *with officials and entities described in subsection*  
21     *(b)(4), shall establish criteria for the grant program*  
22     *to help ensure that activities funded under this sub-*  
23     *section—*

24             (A) *accomplish 1 or more of the purposes*  
25     *described in subsection (b)(2); and*

1           (B) *advance the implementation of priority*  
2           *actions or needs identified in the Chesapeake*  
3           *Bay watershed-wide strategy adopted under sub-*  
4           *section (b)(3)(B).*

5           (4) *COST SHARING.—*

6           (A) *DEPARTMENT OF THE INTERIOR*  
7           *SHARE.—The Department of the Interior share*  
8           *of the cost of a project funded under the grant*  
9           *program shall not exceed 50 percent of the total*  
10           *cost of the project, as determined by the Sec-*  
11           *retary.*

12           (B) *NON-DEPARTMENT OF THE INTERIOR*  
13           *SHARE.—*

14           (i) *IN GENERAL.—The non-Department*  
15           *of the Interior share of the cost of a project*  
16           *funded under the grant program may be*  
17           *provided in cash or in the form of an in-*  
18           *kind contribution of services or materials.*

19           (ii) *OTHER FEDERAL FUNDING.—Non-*  
20           *Department of the Interior Federal funds*  
21           *may be used for not more than 25 percent*  
22           *of the total cost of a project funded under*  
23           *the grant program.*

24           (5) *ADMINISTRATION.—The Secretary may enter*  
25           *into an agreement to manage the grant program with*



1 *nerships that lead to better fish habitat conditions*  
2 *and increased fishing opportunities by—*

3 *(A) improving ecological conditions;*

4 *(B) restoring natural processes; or*

5 *(C) preventing the decline of intact and*  
6 *healthy systems;*

7 *(2) to establish a consensus set of national con-*  
8 *servation strategies as a framework to guide future*  
9 *actions and investment by Fish Habitat Partnerships;*

10 *(3) to broaden the community of support for fish*  
11 *habitat conservation by—*

12 *(A) increasing fishing opportunities;*

13 *(B) fostering the participation of local com-*  
14 *munities, especially young people in local com-*  
15 *munities, in conservation activities; and*

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

19 *(4) to fill gaps in the National Fish Habitat As-*  
20 *essment and the associated database of the National*  
21 *Fish Habitat Assessment—*

22 *(A) to empower strategic conservation ac-*  
23 *tions supported by broadly available scientific*  
24 *information; and*

1           (B) to integrate socioeconomic data in the  
2           analysis to improve the lives of humans in a  
3           manner consistent with fish habitat conservation  
4           goals; and

5           (5) to communicate to the public and conserva-  
6           tion partners—

7           (A) the conservation outcomes produced col-  
8           lectively by Fish Habitat Partnerships; and

9           (B) new opportunities and voluntary ap-  
10          proaches for conserving fish habitat.

11 **SEC. 202. DEFINITIONS.**

12        *In this title:*

13           (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
14           *TEES.*—The term “appropriate congressional commit-  
15           tees” means—

16           (A) the Committee on Commerce, Science,  
17           and Transportation and the Committee on Envi-  
18           ronment and Public Works of the Senate; and

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

21           (2) *BOARD.*—The term “Board” means the Na-  
22           tional Fish Habitat Board established by section 203.

23           (3) *DIRECTOR.*—The term “Director” means the  
24           Director of the United States Fish and Wildlife Serv-  
25           ice.

1           (4) *ENVIRONMENTAL PROTECTION AGENCY AS-*  
2           *SISTANT ADMINISTRATOR.*—*The term “Environmental*  
3           *Protection Agency Assistant Administrator” means*  
4           *the Assistant Administrator for Water of the Environ-*  
5           *mental Protection Agency.*

6           (5) *INDIAN TRIBE.*—*The term “Indian Tribe”*  
7           *has the meaning given to the term “Indian tribe” in*  
8           *section 4 of the Indian Self-Determination and Edu-*  
9           *cation Assistance Act (25 U.S.C. 5304).*

10          (6) *NATIONAL OCEANIC AND ATMOSPHERIC AD-*  
11          *MINISTRATION ASSISTANT ADMINISTRATOR.*—*The term*  
12          *“National Oceanic and Atmospheric Administration*  
13          *Assistant Administrator” means the Assistant Ad-*  
14          *ministrator for Fisheries of the National Oceanic and*  
15          *Atmospheric Administration.*

16          (7) *PARTNERSHIP.*—*The term “Partnership”*  
17          *means an entity designated by Congress as a Fish*  
18          *Habitat Partnership under section 204.*

19          (8) *REAL PROPERTY INTEREST.*—*The term “real*  
20          *property interest” means an ownership interest in—*

21                 (A) *land; or*

22                 (B) *water (including water rights).*

23          (9) *MARINE FISHERIES COMMISSIONS.*—*The*  
24          *term “Marine Fisheries Commissions” means—*

1           (A) *the Atlantic States Marine Fisheries*  
2           *Commission;*

3           (B) *the Gulf States Marine Fisheries Com-*  
4           *mission; and*

5           (C) *the Pacific States Marine Commission.*

6           (10) *SECRETARY.*—*The term “Secretary” means*  
7           *the Secretary of the Interior.*

8           (11) *STATE.*—*The term “State” means each of*  
9           *the several States, Puerto Rico, American Samoa,*  
10          *Guam, the Northern Mariana Islands, the United*  
11          *States Virgin Islands, and the District of Columbia.*

12          (12) *STATE AGENCY.*—*The term “State agency”*  
13          *means—*

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

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

22 **SEC. 203. NATIONAL FISH HABITAT BOARD.**

23           (a) *ESTABLISHMENT.*—

1           (1) *FISH HABITAT BOARD*.—*There is established*  
2 *a board, to be known as the “National Fish Habitat*  
3 *Board”, whose duties are—*

4                   (A) *to promote, oversee, and coordinate the*  
5 *implementation of this title;*

6                   (B) *to establish national goals and prior-*  
7 *ities for fish habitat conservation;*

8                   (C) *to recommend to Congress entities for*  
9 *designation as Partnerships; and*

10                  (D) *to review and make recommendations*  
11 *regarding fish habitat conservation projects.*

12           (2) *MEMBERSHIP*.—*The Board shall be composed*  
13 *of 26 members, of whom—*

14                   (A) *one shall be a representative of the De-*  
15 *partment of the Interior;*

16                   (B) *one shall be a representative of the*  
17 *United States Geological Survey;*

18                   (C) *one shall be a representative of the De-*  
19 *partment of Commerce;*

20                   (D) *one shall be a representative of the De-*  
21 *partment of Agriculture;*

22                   (E) *one shall be a representative of the As-*  
23 *sociation of Fish and Wildlife Agencies;*

24                   (F) *four shall be representatives of State*  
25 *agencies, one of whom shall be nominated by a*

1           *regional association of fish and wildlife agencies*  
2           *from each of the Northeast, Southeast, Midwest,*  
3           *and Western regions of the United States;*

4           *(G) two shall be representatives of either—*

5                   *(i) Indian Tribes in the State of Alas-*  
6                   *ka; or*

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

9           *(H) one shall be a representative of either—*

10                   *(i) the Regional Fishery Management*  
11                   *Councils established under section 302 of the*  
12                   *Magnuson-Stevens Fishery Conservation*  
13                   *and Management Act (16 U.S.C. 1852); or*

14                   *(ii) a representative of the Marine*  
15                   *Fisheries Commissions;*

16           *(I) one shall be a representative of the*  
17           *Sportfishing and Boating Partnership Council;*

18           *(J) seven shall be representatives selected*  
19           *from at least one from each of the following:*

20                   *(i) the recreational sportfishing indus-*  
21                   *try;*

22                   *(ii) the commercial fishing industry;*

23                   *(iii) marine recreational anglers;*

24                   *(iv) freshwater recreational anglers;*

1                   (v) *habitat conservation organizations;*

2                   *and*

3                   (vi) *science-based fishery organizations;*

4                   (K) *one shall be a representative of a na-*  
5 *tional private landowner organization;*

6                   (L) *one shall be a representative of an agri-*  
7 *cultural production organization;*

8                   (M) *one shall be a representative of local*  
9 *government interests involved in fish habitat res-*  
10 *toration;*

11                   (N) *two shall be representatives from dif-*  
12 *ferent sectors of corporate industries, which may*  
13 *include—*

14                   (i) *natural resource commodity inter-*  
15 *ests, such as petroleum or mineral extrac-*  
16 *tion;*

17                   (ii) *natural resource user industries;*

18                   *and*

19                   (iii) *industries with an interest in fish*  
20 *and fish habitat conservation; and*

21                   (O) *one shall be a leadership private sector*  
22 *or landowner representative of an active partner-*  
23 *ship.*

24                   (3) *COMPENSATION.—A member of the Board*  
25 *shall serve without compensation.*

1           (4) *TRAVEL EXPENSES.*—*A member of the Board*  
2           *may be allowed travel expenses, including per diem in*  
3           *lieu of subsistence, at rates authorized for an em-*  
4           *ployee of an agency under subchapter I of chapter 57*  
5           *of title 5, United States Code, while away from the*  
6           *home or regular place of business of the member in*  
7           *the performance of the duties of the Board.*

8           (b) *APPOINTMENT AND TERMS.*—

9           (1) *IN GENERAL.*—*Except as otherwise provided*  
10          *in this section, a member of the Board described in*  
11          *any of subparagraphs (F) through (O) of subsection*  
12          *(a)(2) shall serve for a term of 3 years.*

13          (2) *INITIAL BOARD MEMBERSHIP.*—

14           (A) *IN GENERAL.*—*The initial Board shall*  
15           *consist of representatives as described in sub-*  
16           *paragraphs (A) through (F) of subsection (a)(2).*

17           (B) *REMAINING MEMBERS.*—*Not later than*  
18           *60 days after the date of enactment of this Act,*  
19           *the representatives of the initial Board under*  
20           *subparagraph (A) shall appoint the remaining*  
21           *members of the Board described in subpara-*  
22           *graphs (H) through (O) of subsection (a)(2).*

23           (C) *TRIBAL REPRESENTATIVES.*—*Not later*  
24           *than 60 days after the enactment of this Act, the*  
25           *Secretary shall provide to the Board a rec-*

1           *ommendation of not fewer than three Tribal rep-*  
2           *resentatives, from which the Board shall appoint*  
3           *one representative pursuant to subparagraph (G)*  
4           *of subsection (a)(2).*

5           (3) *STAGGERED TERMS.*—*Of the members de-*  
6           *scribed in subsection (a)(2)(J) initially appointed to*  
7           *the Board—*

8                     (A) *two shall be appointed for a term of 1*  
9                     *year;*

10                    (B) *two shall be appointed for a term of 2*  
11                    *years; and*

12                    (C) *three shall be appointed for a term of*  
13                    *3 years.*

14           (4) *VACANCIES.*—

15                    (A) *IN GENERAL.*—*A vacancy of a member*  
16                    *of the Board described in subparagraph (H), (I),*  
17                    *(J), (K), (L), (M), (N), or (O) of subsection*  
18                    *(a)(2) shall be filled by an appointment made by*  
19                    *the remaining members of the Board.*

20                    (B) *TRIBAL REPRESENTATIVES.*—*Following*  
21                    *a vacancy of a member of the Board described in*  
22                    *subparagraph (G) of subsection (a)(2), the Sec-*  
23                    *retary shall recommend to the Board a list of not*  
24                    *fewer than three Tribal representatives, from*

1           *which the remaining members of the Board shall*  
2           *appoint a representative to fill the vacancy.*

3           (5) *CONTINUATION OF SERVICE.*—*An individual*  
4           *whose term of service as a member of the Board ex-*  
5           *pires may continue to serve on the Board until a suc-*  
6           *cessor is appointed.*

7           (6) *REMOVAL.*—*If a member of the Board de-*  
8           *scribed in any of subparagraphs (H) through (O) of*  
9           *subparagraph (a)(2) misses three consecutive regu-*  
10          *larly scheduled Board meetings, the members of the*  
11          *Board may—*

12                   (A) *vote to remove that member; and*

13                   (B) *appoint another individual in accord-*  
14                   *ance with paragraph (4).*

15          (c) *CHAIRPERSON.*—

16           (1) *IN GENERAL.*—*The representative of the As-*  
17           *sociation of Fish and Wildlife Agencies appointed*  
18           *under subsection (a)(2)(E) shall serve as Chairperson*  
19           *of the Board.*

20           (2) *TERM.*—*The Chairperson of the Board shall*  
21           *serve for a term of 3 years.*

22          (d) *MEETINGS.*—

23           (1) *IN GENERAL.*—*The Board shall meet—*

24                   (A) *at the call of the Chairperson; but*

1           (B) *not less frequently than twice each cal-*  
2           *endar year.*

3           (2) *PUBLIC ACCESS.*—*All meetings of the Board*  
4           *shall be open to the public.*

5           (e) *PROCEDURES.*—

6           (1) *IN GENERAL.*—*The Board shall establish pro-*  
7           *cedures to carry out the business of the Board, includ-*  
8           *ing—*

9                   (A) *a requirement that a quorum of the*  
10                  *members of the Board be present to transact*  
11                  *business;*

12                   (B) *a requirement that no recommendations*  
13                  *may be adopted by the Board, except by the vote*  
14                  *of two-thirds of all members;*

15                   (C) *procedures for establishing national*  
16                  *goals and priorities for fish habitat conservation*  
17                  *for the purposes of this title;*

18                   (D) *procedures for designating Partnerships*  
19                  *under section 204; and*

20                   (E) *procedures for reviewing, evaluating,*  
21                  *and making recommendations regarding fish*  
22                  *habitat conservation projects.*

23           (2) *QUORUM.*—*A majority of the members of the*  
24           *Board shall constitute a quorum.*

1 **SEC. 204. FISH HABITAT PARTNERSHIPS.**

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

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

7 (1) *to work with other regional habitat conserva-*  
8 *tion programs to promote cooperation and coordina-*  
9 *tion to enhance fish populations and fish habitats;*

10 (2) *to engage local and regional communities to*  
11 *build support for fish habitat conservation;*

12 (3) *to involve diverse groups of public and pri-*  
13 *vate partners;*

14 (4) *to develop collaboratively a strategic vision*  
15 *and achievable implementation plan that is scientif-*  
16 *ically sound;*

17 (5) *to leverage funding from sources that support*  
18 *local and regional partnerships;*

19 (6) *to use adaptive management principles, in-*  
20 *cluding evaluation of project success and*  
21 *functionality;*

22 (7) *to develop appropriate local or regional habi-*  
23 *tat evaluation and assessment measures and criteria*  
24 *that are compatible with national habitat condition*  
25 *measures; and*

1           (8) *to implement local and regional priority*  
2           *projects that improve conditions for fish and fish*  
3           *habitat.*

4           (c) *CRITERIA FOR DESIGNATION.*—*An entity seeking*  
5           *to be designated by Congress as a Partnership shall—*

6           (1) *submit to the Board an application at such*  
7           *time, in such manner, and containing such informa-*  
8           *tion as the Board may reasonably require; and*

9           (2) *demonstrate to the Board that the entity*  
10          *has—*

11           (A) *a focus on promoting the health of im-*  
12           *portant fish and fish habitats;*

13           (B) *an ability to coordinate the implemen-*  
14           *tation of priority projects that support the goals*  
15           *and national priorities set by the Board that are*  
16           *within the Partnership boundary;*

17           (C) *a self-governance structure that sup-*  
18           *ports the implementation of strategic priorities*  
19           *for fish habitat;*

20           (D) *the ability to develop local and regional*  
21           *relationships with a broad range of entities to*  
22           *further strategic priorities for fish and fish habi-*  
23           *tat;*

24           (E) *a strategic plan that details required*  
25           *investments for fish habitat conservation that ad-*

1           *dresses the strategic fish habitat priorities of the*  
2           *Partnership and supports and meets the strategic*  
3           *priorities of the Board;*

4                   *(F) the ability to develop and implement*  
5           *fish habitat conservation projects that address*  
6           *strategic priorities of the Partnership and the*  
7           *Board; and*

8                   *(G) the ability to develop fish habitat con-*  
9           *servation priorities based on sound science and*  
10          *data, the ability to measure the effectiveness of*  
11          *fish habitat projects of the Partnership, and a*  
12          *clear plan as to how Partnership science and*  
13          *data components will be integrated with the*  
14          *overall Board science and data effort.*

15          *(d) REQUIREMENTS FOR RECOMMENDATION TO CON-*  
16          *GRESS.—The Board may recommend to Congress for des-*  
17          *ignation an application for a Partnership submitted under*  
18          *subsection (c) if the Board determines that the applicant—*

19                   *(1) meets the criteria described in subsection*  
20                   *(c)(2);*

21                   *(2) identifies representatives to provide support*  
22                   *and technical assistance to the Partnership from a di-*  
23                   *verse group of public and private partners, which*  
24                   *may include State or local governments, nonprofit en-*  
25                   *tities, Indian Tribes, and private individuals, that*

1     *are focused on conservation of fish habitats to achieve*  
2     *results across jurisdictional boundaries on public and*  
3     *private land;*

4             *(3) is organized to promote the health of impor-*  
5     *tant fish species and important fish habitats, includ-*  
6     *ing reservoirs, natural lakes, coastal and marine en-*  
7     *vironments, coral reefs, and estuaries;*

8             *(4) identifies strategic fish and fish habitat pri-*  
9     *orities for the Partnership area in the form of geo-*  
10    *graphical focus areas or key stressors or impairments*  
11    *to facilitate strategic planning and decision making;*

12            *(5) is able to address issues and priorities on a*  
13    *nationally significant scale;*

14            *(6) includes a governance structure that—*

15                    *(A) reflects the range of all partners; and*

16                    *(B) promotes joint strategic planning and*  
17    *decision making by the applicant;*

18            *(7) demonstrates completion of, or significant*  
19    *progress toward the development of, a strategic plan*  
20    *to address declines in fish populations, rather than*  
21    *simply treating symptoms, in accordance with the*  
22    *goals and national priorities established by the*  
23    *Board; and*

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

2  
3  
4           (e) *REPORT TO CONGRESS.—*

5           (1) *IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act and each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled “Report to Congress on Future Fish Habitat Partnerships and Modifications”, that—*

6  
7  
8  
9  
10  
11           (A) *identifies each entity that—*

12                   (i) *meets the requirements described in subsection (d); and*

13                   (ii) *the Board recommends to Congress for designation as a Partnership;*

14  
15           (B) *describes any proposed modifications to a Partnership previously designated by Congress under subsection (f);*

16  
17           (C) *with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—*

18                   (i) *the purpose of the recommended Partnership; and*

1                   (ii) how the recommended Partnership  
2                   fulfills the requirements described in sub-  
3                   section (d).

4                   (2) *PUBLIC AVAILABILITY; NOTIFICATION.*—The  
5                   Board shall—

6                   (A) make the report publicly available, in-  
7                   cluding on the internet; and

8                   (B) provide to the appropriate congressional  
9                   committees and the State agency of any State  
10                  included in a recommended Partnership area  
11                  written notification of the public availability of  
12                  the report.

13                  (f) *DESIGNATION OR MODIFICATION OF PARTNER-*  
14                  SHIP.—Congress shall have the exclusive authority to des-  
15                  ignate or modify a Partnership.

16                  (g) *EXISTING PARTNERSHIPS.*—

17                  (1) *DESIGNATION REVIEW.*—Not later than 5  
18                  years after the date of enactment of this Act, any  
19                  partnership receiving Federal funds as of the date of  
20                  enactment of this Act shall be subject to a designation  
21                  review by Congress in which Congress shall have the  
22                  opportunity to designate the partnership under sub-  
23                  section (f).

24                  (2) *INELIGIBILITY FOR FEDERAL FUNDS.*—A  
25                  partnership referred to in paragraph (1) that Con-

1        *gress does not designate as described in that para-*  
2        *graph shall be ineligible to receive Federal funds*  
3        *under this title.*

4        **SEC. 205. FISH HABITAT CONSERVATION PROJECTS.**

5        (a) *SUBMISSION TO BOARD.*—*Not later than March 31*  
6        *of each year, each Partnership shall submit to the Board*  
7        *a list of priority fish habitat conservation projects rec-*  
8        *ommended by the Partnership for annual funding under*  
9        *this title.*

10        (b) *RECOMMENDATIONS BY BOARD.*—*Not later than*  
11        *July 1 of each year, the Board shall submit to the Secretary*  
12        *a priority list of fish habitat conservation projects that in-*  
13        *cludes a description, including estimated costs, of each*  
14        *project that the Board recommends that the Secretary ap-*  
15        *prove and fund under this title for the following fiscal year.*

16        (c) *CRITERIA FOR PROJECT SELECTION.*—*The Board*  
17        *shall select each fish habitat conservation project rec-*  
18        *ommended to the Secretary under subsection (b) after tak-*  
19        *ing into consideration, at a minimum, the following infor-*  
20        *mation:*

21                (1) *A recommendation of the Partnership that is,*  
22        *or will be, participating actively in implementing the*  
23        *fish habitat conservation project.*

1           (2) *The capabilities and experience of project*  
2 *proponents to implement successfully the proposed*  
3 *project.*

4           (3) *The extent to which the fish habitat conserva-*  
5 *tion project—*

6                 (A) *fulfills a local or regional priority that*  
7 *is directly linked to the strategic plan of the*  
8 *Partnership and is consistent with the purpose*  
9 *of this title;*

10                (B) *addresses the national priorities estab-*  
11 *lished by the Board;*

12                (C) *is supported by the findings of the habi-*  
13 *tat assessment of the Partnership or the Board,*  
14 *and aligns or is compatible with other conserva-*  
15 *tion plans;*

16                (D) *identifies appropriate monitoring and*  
17 *evaluation measures and criteria that are com-*  
18 *patible with national measures;*

19                (E) *provides a well-defined budget linked to*  
20 *deliverables and outcomes;*

21                (F) *leverages other funds to implement the*  
22 *project;*

23                (G) *addresses the causes and processes be-*  
24 *hind the decline of fish or fish habitats; and*

1           (H) includes an outreach or education com-  
2           ponent that includes the local or regional com-  
3           munity.

4           (4) The availability of sufficient non-Federal  
5           funds to match Federal contributions for the fish  
6           habitat conservation project, as required by subsection  
7           (e).

8           (5) The extent to which the fish habitat conserva-  
9           tion project—

10           (A) will increase fish populations in a  
11           manner that leads to recreational fishing oppor-  
12           tunities for the public;

13           (B) will be carried out through a coopera-  
14           tive agreement among Federal, State, and local  
15           governments, Indian Tribes, and private entities;

16           (C) increases public access to land or water  
17           for fish and wildlife-dependent recreational op-  
18           portunities;

19           (D) advances the conservation of fish and  
20           wildlife species that have been identified by a  
21           State agency as species of greatest conservation  
22           need;

23           (E) where appropriate, advances the con-  
24           servation of fish and fish habitats under the  
25           Magnuson-Stevens Fishery Conservation and

1            *Management Act (16 U.S.C. 1801 et seq.) and*  
2            *other relevant Federal law and State wildlife ac-*  
3            *tion plans; and*

4            *(F) promotes strong and healthy fish habi-*  
5            *tats so that desired biological communities are*  
6            *able to persist and adapt.*

7            *(6) The substantiality of the character and de-*  
8            *sign of the fish habitat conservation project.*

9            *(d) LIMITATIONS.—*

10            *(1) REQUIREMENTS FOR EVALUATION.—No fish*  
11            *habitat conservation project may be recommended by*  
12            *the Board under subsection (b) or provided financial*  
13            *assistance under this title unless the fish habitat con-*  
14            *servation project includes an evaluation plan de-*  
15            *signed using applicable Board guidance—*

16            *(A) to appropriately assess the biological,*  
17            *ecological, or other results of the habitat protec-*  
18            *tion, restoration, or enhancement activities car-*  
19            *ried out using the assistance;*

20            *(B) to reflect appropriate changes to the fish*  
21            *habitat conservation project if the assessment*  
22            *substantiates that the fish habitat conservation*  
23            *project objectives are not being met;*

24            *(C) to identify improvements to existing*  
25            *fish populations, recreational fishing opportuni-*

1            *ties, and the overall economic benefits for the*  
2            *local community of the fish habitat conservation*  
3            *project; and*

4            *(D) to require the submission to the Board*  
5            *of a report describing the findings of the assess-*  
6            *ment.*

7            *(2) ACQUISITION AUTHORITIES.—*

8            *(A) IN GENERAL.—A State, local govern-*  
9            *ment, or other non-Federal entity is eligible to*  
10           *receive funds for the acquisition of real property*  
11           *from willing sellers under this title if the acqui-*  
12           *sition ensures—*

13           *(i) public access for fish and wildlife-*  
14           *dependent recreation; or*

15           *(ii) a scientifically based, direct en-*  
16           *hancement to the health of fish and fish*  
17           *populations, as determined by the Board.*

18           *(B) STATE AGENCY APPROVAL.—*

19           *(i) IN GENERAL.—All real property in-*  
20           *terest acquisition projects funded under this*  
21           *title must be approved by the State agency*  
22           *in the State in which the project is occur-*  
23           *ring.*

24           *(ii) PROHIBITION.—The Board may*  
25           *not recommend, and the Secretary may not*

1           *provide any funding for, any real property*  
2           *interest acquisition that has not been ap-*  
3           *proved by the State agency.*

4           (C) *ASSESSMENT OF OTHER AUTHORI-*  
5           *TIES.—The Board may not recommend, and the*  
6           *Secretary may not provide any funding under*  
7           *this title for, any real property interest acquisi-*  
8           *tion unless the Partnership that recommended*  
9           *the project has conducted a project assessment,*  
10          *submitted with the funding request and approved*  
11          *by the Board, to demonstrate all other Federal,*  
12          *State, and local authorities for the acquisition of*  
13          *real property have been exhausted.*

14          (D) *RESTRICTIONS.—A real property inter-*  
15          *est may not be acquired pursuant to a fish habi-*  
16          *tat conservation project by a State, local govern-*  
17          *ment, or other non-Federal entity conducted with*  
18          *funds provided under this title, unless—*

19                 (i) *the owner of the real property au-*  
20                 *thorizes the State, local government, or*  
21                 *other non-Federal entity to acquire the real*  
22                 *property; and*

23                 (ii) *the Secretary and the Board deter-*  
24                 *mine that the State, local government, or*  
25                 *other non-Federal entity would benefit from*

1            *undertaking the management of the real*  
2            *property being acquired because that is in*  
3            *accordance with the goals of a Partnership.*

4            *(e) NON-FEDERAL CONTRIBUTIONS.—*

5            *(1) IN GENERAL.—Except as provided in para-*  
6            *graphs (2) and (4), no fish habitat conservation*  
7            *project may be recommended by the Board under sub-*  
8            *section (b) or provided financial assistance under this*  
9            *title unless at least 50 percent of the cost of the fish*  
10           *habitat conservation project will be funded with non-*  
11           *Federal funds.*

12           *(2) NON-FEDERAL SHARE.—Such non-Federal*  
13           *share of the cost of a fish habitat conservation*  
14           *project—*

15           *(A) may not be derived from another Fed-*  
16           *eral grant program; and*

17           *(B) may include in-kind contributions and*  
18           *cash.*

19           *(3) SPECIAL RULE FOR INDIAN TRIBES.—Not-*  
20           *withstanding paragraph (1) or any other provision of*  
21           *law, any funds made available to an Indian Tribe*  
22           *pursuant to this title may be considered to be non-*  
23           *Federal funds for the purpose of paragraph (1).*

24           *(4) WAIVER AUTHORITY.—The Secretary, in con-*  
25           *sultation with the Secretary of Commerce with respect*

1     *to marine or estuarine projects, may waive the appli-*  
2     *cation of paragraph (2)(A) with respect to a State or*  
3     *an Indian Tribe, or otherwise reduce the portion of*  
4     *the non-Federal share of the cost of an activity re-*  
5     *quired to be paid by a State or an Indian Tribe*  
6     *under paragraph (1), if the Secretary determines that*  
7     *the State or Indian Tribe does not have sufficient*  
8     *funds not derived from another Federal grant pro-*  
9     *gram to pay such non-Federal share, or portion of the*  
10    *non-Federal share, without the use of loans.*

11    *(f) APPROVAL.—*

12         *(1) IN GENERAL.—Not later than 90 days after*  
13     *the date of receipt of the recommended priority list of*  
14     *fish habitat conservation projects under subsection*  
15     *(b), and subject to subsection (d) and based, to the*  
16     *maximum extent practicable, on the criteria described*  
17     *in subsection (c), the Secretary, after consulting with*  
18     *the Secretary of Commerce on marine or estuarine*  
19     *projects, shall approve or reject any fish habitat con-*  
20     *servation project recommended by the Board.*

21         *(2) FUNDING.—If the Secretary approves a fish*  
22     *habitat conservation project under paragraph (1), the*  
23     *Secretary shall use amounts made available to carry*  
24     *out this title to provide funds to carry out the fish*  
25     *habitat conservation project.*

1           (3) *NOTIFICATION.*—If the Secretary rejects  
2           under paragraph (1) any fish habitat conservation  
3           project recommended by the Board, not later than 90  
4           days after the date of receipt of the recommendation,  
5           the Secretary shall provide to the Board, the appro-  
6           priate Partnership, and the appropriate congressional  
7           committees a written statement of the reasons that the  
8           Secretary rejected the fish habitat conservation  
9           project.

10 **SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

11           (a) *IN GENERAL.*—The Director, the National Oceanic  
12           and Atmospheric Administration Assistant Administrator,  
13           the Environmental Protection Agency Assistant Adminis-  
14           trator, and the Director of the United States Geological  
15           Survey, in coordination with the Forest Service and other  
16           appropriate Federal departments and agencies, may pro-  
17           vide scientific and technical assistance to Partnerships,  
18           participants in fish habitat conservation projects, and the  
19           Board.

20           (b) *INCLUSIONS.*—Scientific and technical assistance  
21           provided under subsection (a) may include—

22                   (1) providing technical and scientific assistance  
23                   to States, Indian Tribes, regions, local communities,  
24                   and nongovernmental organizations in the develop-  
25                   ment and implementation of Partnerships;



1 *plicable, of each State and Indian Tribe within the bound-*  
2 *aries of which an activity is planned to be carried out pur-*  
3 *suant to this title, including notification, by not later than*  
4 *30 days before the date on which the activity is imple-*  
5 *mented.*

6 **SEC. 208. INTERAGENCY OPERATIONAL PLAN.**

7 *Not later than 1 year after the date of enactment of*  
8 *this Act, and every 5 years thereafter, the Director, in co-*  
9 *operation with the National Oceanic and Atmospheric Ad-*  
10 *ministration Assistant Administrator, the Environmental*  
11 *Protection Agency Assistant Administrator, the Director of*  
12 *the United States Geological Survey, and the heads of other*  
13 *appropriate Federal departments and agencies (including,*  
14 *at a minimum, those agencies represented on the Board)*  
15 *shall develop an interagency operational plan that de-*  
16 *scribes—*

17 *(1) the functional, operational, technical, sci-*  
18 *entific, and general staff, administrative, and mate-*  
19 *rial needs for the implementation of this title; and*

20 *(2) any interagency agreements between or*  
21 *among Federal departments and agencies to address*  
22 *those needs.*

23 **SEC. 209. ACCOUNTABILITY AND REPORTING.**

24 *(a) REPORTING.—*

1           (1) *IN GENERAL.*—Not later than 5 years after  
2           the date of enactment of this Act, and every 5 years  
3           thereafter, the Board shall submit to the appropriate  
4           congressional committees a report describing the  
5           progress of this title.

6           (2) *CONTENTS.*—Each report submitted under  
7           paragraph (1) shall include—

8                   (A) an estimate of the number of acres,  
9                   stream miles, or acre-feet, or other suitable meas-  
10                  ures of fish habitat, that was maintained or im-  
11                  proved by Partnerships under this title during  
12                  the 5-year period ending on the date of submis-  
13                  sion of the report;

14                  (B) a description of the public access to fish  
15                  habitats established or improved under this title  
16                  during that 5-year period;

17                  (C) a description of the improved opportu-  
18                  nities for public recreational fishing achieved  
19                  under this title; and

20                  (D) an assessment of the status of fish habi-  
21                  tat conservation projects carried out with funds  
22                  provided under this title during that period,  
23                  disaggregated by year, including—

1           (i) a description of the fish habitat  
2           conservation projects recommended by the  
3           Board under section 205(b);

4           (ii) a description of each fish habitat  
5           conservation project approved by the Sec-  
6           retary under section 205(f), in order of pri-  
7           ority for funding;

8           (iii) a justification for—

9                   (I) the approval of each fish habi-  
10                  tat conservation project; and

11                   (II) the order of priority for fund-  
12                  ing of each fish habitat conservation  
13                  project;

14           (iv) a justification for any rejection of  
15           a fish habitat conservation project rec-  
16           ommended by the Board under section  
17           205(b) that was based on a factor other  
18           than the criteria described in section 205(c);  
19           and

20           (v) an accounting of expenditures by  
21           Federal, State, or local governments, Indian  
22           Tribes, or other entities to carry out fish  
23           habitat conservation projects under this  
24           title.

1       **(b) STATUS AND TRENDS REPORT.**—Not later than  
2 December 31, 2021, and every 5 years thereafter, the Board  
3 shall submit to the appropriate congressional committees a  
4 report that includes—

5           (1) a status of all Partnerships designated under  
6 this title;

7           (2) a description of the status of fish habitats in  
8 the United States as identified by designated Partner-  
9 ships; and

10          (3) enhancements or reductions in public access  
11 as a result of—

12           (A) the activities of the Partnerships; or

13           (B) any other activities carried out pursu-  
14 ant to this title.

15 **SEC. 210. EFFECT OF THIS TITLE.**

16       **(a) WATER RIGHTS.**—Nothing in this title—

17           (1) establishes any express or implied reserved  
18 water right in the United States for any purpose;

19           (2) affects any water right in existence on the  
20 date of enactment of this Act;

21           (3) preempts or affects any State water law or  
22 interstate compact governing water; or

23           (4) affects any Federal or State law in existence  
24 on the date of enactment of the Act regarding water  
25 quality or water quantity.

1       (b) *AUTHORITY TO ACQUIRE WATER RIGHTS OR*  
2 *RIGHTS TO PROPERTY.*—Only a State, local government,  
3 or other non-Federal entity may acquire, under State law,  
4 water rights or rights to property with funds made avail-  
5 able through section 212.

6       (c) *STATE AUTHORITY.*—Nothing in this title—

7           (1) affects the authority, jurisdiction, or respon-  
8 sibility of a State to manage, control, or regulate fish  
9 and wildlife under the laws and regulations of the  
10 State; or

11           (2) authorizes the Secretary to control or regu-  
12 late within a State the fishing or hunting of fish and  
13 wildlife.

14       (d) *EFFECT ON INDIAN TRIBES.*—Nothing in this title  
15 abrogates, abridges, affects, modifies, supersedes, or alters  
16 any right of an Indian Tribe recognized by treaty or any  
17 other means, including—

18           (1) an agreement between the Indian Tribe and  
19 the United States;

20           (2) Federal law (including regulations);

21           (3) an Executive order; or

22           (4) a judicial decree.

23       (e) *ADJUDICATION OF WATER RIGHTS.*—Nothing in  
24 this title diminishes or affects the ability of the Secretary  
25 to join an adjudication of rights to the use of water pursu-

1 *ant to subsection (a), (b), or (c) of section 208 of the Depart-*  
2 *ments of State, Justice, Commerce, and The Judiciary Ap-*  
3 *propriation Act, 1953 (43 U.S.C. 666).*

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

10 (g) *EFFECT ON OTHER AUTHORITIES.—*

11 (1) *PRIVATE PROPERTY PROTECTION.—Nothing*  
12 *in this title permits the use of funds made available*  
13 *to carry out this title to acquire real property or a*  
14 *real property interest without the written consent of*  
15 *each owner of the real property or real property in-*  
16 *terest, respectively.*

17 (2) *MITIGATION.—Nothing in this title author-*  
18 *izes the use of funds made available to carry out this*  
19 *title for fish and wildlife mitigation purposes*  
20 *under—*

21 (A) *the Federal Water Pollution Control Act*  
22 *(33 U.S.C. 1251 et seq.);*

23 (B) *the Fish and Wildlife Coordination Act*  
24 *(16 U.S.C. 661 et seq.);*

1                   (C) *the Water Resources Development Act of*  
2                   1986 (Public Law 99–662; 100 Stat. 4082); or

3                   (D) *any other Federal law or court settle-*  
4                   *ment.*

5                   (3) *CLEAN WATER ACT.*—*Nothing in this title af-*  
6                   *fects any provision of the Federal Water Pollution*  
7                   *Control Act (33 U.S.C. 1251 et seq.), including any*  
8                   *definition in that Act.*

9   **SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
10                   **MITTEE ACT.**

11                   *The Federal Advisory Committee Act (5 U.S.C. App.)*  
12                   *shall not apply to—*

13                   (1) *the Board; or*

14                   (2) *any Partnership.*

15   **SEC. 212. FUNDING.**

16                   (a) *AUTHORIZATION OF APPROPRIATIONS.*—

17                   (1) *FISH HABITAT CONSERVATION PROJECTS.*—

18                   *There is authorized to be appropriated to the Sec-*  
19                   *retary \$7,200,000 for each of fiscal years 2021*  
20                   *through 2025 to provide funds for fish habitat con-*  
21                   *servations projects approved under section 205(f), of*  
22                   *which 5 percent is authorized only for projects carried*  
23                   *out by Indian Tribes.*

24                   (2) *ADMINISTRATIVE AND PLANNING EX-*  
25                   *PENSES.*—*There is authorized to be appropriated to*

1 *the Secretary for each of fiscal years 2021 through*  
2 *2025 an amount equal to 5 percent of the amount ap-*  
3 *propriated for the applicable fiscal year pursuant to*  
4 *paragraph (1)—*

5 *(A) for administrative and planning ex-*  
6 *penses under this title; and*

7 *(B) to carry out section 209.*

8 *(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—*  
9 *There is authorized to be appropriated for each of fis-*  
10 *cal years 2021 through 2025 to carry out, and pro-*  
11 *vide technical and scientific assistance under, section*  
12 *206—*

13 *(A) \$400,000 to the Secretary for use by the*  
14 *United States Fish and Wildlife Service;*

15 *(B) \$400,000 to the National Oceanic and*  
16 *Atmospheric Administration Assistant Adminis-*  
17 *trator for use by the National Oceanic and At-*  
18 *mospheric Administration;*

19 *(C) \$400,000 to the Environmental Protec-*  
20 *tion Agency Assistant Administrator for use by*  
21 *the Environmental Protection Agency;*

22 *(D) \$400,000 to the Secretary for use by the*  
23 *United States Geological Survey; and*

1           (E) \$400,000 to the Secretary of Agri-  
2           culture, acting through the Chief of the Forest  
3           Service, for use by the Forest Service.

4       (b) *AGREEMENTS AND GRANTS.*—The Secretary  
5       may—

6           (1) on the recommendation of the Board, and  
7           notwithstanding sections 6304 and 6305 of title 31,  
8           United States Code, and the Federal Financial Assist-  
9           ance Management Improvement Act of 1999 (31  
10          U.S.C. 6101 note; Public Law 106–107), enter into a  
11          grant agreement, cooperative agreement, or contract  
12          with a Partnership or other entity to provide funds  
13          authorized by this title for a fish habitat conservation  
14          project or restoration or enhancement project;

15          (2) apply for, accept, and, subject to the avail-  
16          ability of appropriations, use a grant from any indi-  
17          vidual or entity to carry out the purposes of this title;  
18          and

19          (3) subject to the availability of appropriations,  
20          make funds authorized by this Act available to any  
21          Federal department or agency for use by that depart-  
22          ment or agency to provide grants for any fish habitat  
23          protection project, restoration project, or enhancement  
24          project that the Secretary determines to be consistent  
25          with this title.

1 (c) DONATIONS.—

2 (1) IN GENERAL.—The Secretary may—

3 (A) enter into an agreement with any orga-  
4 nization described in section 501(c)(3) of the In-  
5 ternal Revenue Code of 1986 that is exempt from  
6 taxation under section 501(a) of that Code to so-  
7 licit private donations to carry out the purposes  
8 of this title; and

9 (B) accept donations of funds, property,  
10 and services to carry out the purposes of this  
11 title.

12 (2) TREATMENT.—A donation accepted under  
13 this title—

14 (A) shall be considered to be a gift or be-  
15 quest to, or otherwise for the use of, the United  
16 States; and

17 (B) may be—

18 (i) used directly by the Secretary; or

19 (ii) provided to another Federal de-  
20 partment or agency through an interagency  
21 agreement.

22 **SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF**  
23 **REGULATORY AUTHORITY BY FEDERAL AGEN-**  
24 **CIES THROUGH PARTNERSHIPS.**

25 *Any Partnership designated under this title—*

1           (1) shall be for the sole purpose of promoting fish  
2           conservation; and

3           (2) shall not be used to implement any regu-  
4           latory authority of any Federal agency.

### 5           **TITLE III—MISCELLANEOUS**

#### 6           **SEC. 301. SENSE OF THE SENATE REGARDING CONSERVA-** 7           **TION AGREEMENTS AND ACTIVITIES.**

8           *It is the sense of the Senate that—*

9           (1) voluntary conservation agreements benefit  
10          species and the habitats on which the species rely;

11          (2) States, Indian Tribes, units of local govern-  
12          ment, landowners, and other stakeholders should be  
13          encouraged to participate in voluntary conservation  
14          agreements; and

15          (3) the Secretary of the Interior, acting through  
16          the Director of the United States Fish and Wildlife  
17          Service, and the Secretary of Commerce, acting  
18          through the Assistant Administrator of the National  
19          Marine Fisheries Service, should consider the enroll-  
20          ment in, and performance of, conservation agreements  
21          and investment in, and implementation of, general  
22          conservation activities by States, Indian Tribes, units  
23          of local government, landowners, and other stake-  
24          holders in making determinations under the Endan-  
25          gered Species Act of 1973 (16 U.S.C. 1531 et seq.).

1 **SEC. 302. STUDY TO REVIEW CONSERVATION FACTORS.**

2 (a) *DEFINITION OF SECRETARIES.*—*In this section,*  
3 *the term “Secretaries” means—*

4 (1) *the Secretary of Agriculture;*

5 (2) *the Secretary of Commerce, acting through*  
6 *the Assistant Administrator of the National Marine*  
7 *Fisheries Service; and*

8 (3) *the Secretary of the Interior, acting through*  
9 *the Director of the United States Fish and Wildlife*  
10 *Service.*

11 (b) *STUDY.*—*To assess factors affecting successful con-*  
12 *servations activities under the Endangered Species Act of*  
13 *1973 (16 U.S.C. 1531 et seq.), the Secretaries shall carry*  
14 *out a study—*

15 (1) *to review any factors that threaten or endan-*  
16 *ger a species for which a listing under the Endan-*  
17 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.)*  
18 *would not contribute to the conservation of the spe-*  
19 *cies;*

20 (2) *to review any barriers to—*

21 (A) *the delivery of Federal, State, local, or*  
22 *private funds for such conservation activities, in-*  
23 *cluding statutory or regulatory impediments,*  
24 *staffing needs, and other relevant considerations;*

25 *or*

1           (B) the implementation of conservation  
2           agreements, plans, or other cooperative agree-  
3           ments, including agreements focused on vol-  
4           untary activities, multispecies efforts, and other  
5           relevant considerations;

6           (3) to review factors that impact the ability of  
7           the Federal Government to successfully implement the  
8           Endangered Species Act of 1973 (16 U.S.C. 1531 et  
9           seq.);

10          (4) to develop recommendations regarding meth-  
11          ods to address barriers identified under paragraph  
12          (2), if any;

13          (5) to review determinations under the Endan-  
14          gered Species Act of 1973 (16 U.S.C. 1531 et seq.) in  
15          which a species is determined to be recovered by the  
16          Secretary of the Interior, acting through the Director  
17          of the United States Fish and Wildlife Service, or the  
18          Secretary of Commerce, acting through the Assistant  
19          Administrator of the National Marine Fisheries Serv-  
20          ice, but remains listed under that Act, including—

21                 (A) an explanation of the factors preventing  
22                 a delisting or downlisting of the species; and

23                 (B) recommendations regarding methods to  
24                 address the factors described in subparagraph  
25                 (A); and

1           (6) *to review any determinations under the En-*  
2 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*  
3 *in which a species has been identified as needing list-*  
4 *ing or uplisting under that Act but remains unlisted*  
5 *or listed as a threatened species, respectively, includ-*  
6 *ing—*

7                   (A) *an explanation of the factors preventing*  
8 *a listing or uplisting of the species; and*

9                   (B) *recommendations regarding methods to*  
10 *address the factors described in subparagraph*  
11 *(A).*

12       (c) *REPORT.—Not later than 1 year after the date of*  
13 *enactment of this Act, the Secretaries shall submit to the*  
14 *Committees on Appropriations and Environment and Pub-*  
15 *lic Works of the Senate and the Committees on Appropria-*  
16 *tions and Natural Resources of the House of Representatives*  
17 *and make publicly available a report describing the results*  
18 *of the study under subsection (b).*

19 **SEC. 303. STUDY AND REPORT ON EXPENDITURES.**

20       (a) *REPORTS ON EXPENDITURES.—*

21                   (1) *FEDERAL DEPARTMENTS AND AGENCIES.—*

22                           (A) *IN GENERAL.—At the determination of*  
23 *the Comptroller General of the United States (re-*  
24 *ferred to in this section as the “Comptroller Gen-*  
25 *eral”), to facilitate the preparation of the reports*

1           *from the Comptroller General under paragraph*  
2           *(2), the head of each Federal department and*  
3           *agency shall submit to the Comptroller General*  
4           *data and other relevant information that de-*  
5           *scribes the amounts expended or disbursed (in-*  
6           *cluding through loans, loan guarantees, grants,*  
7           *or any other financing mechanism) by the de-*  
8           *partment or agency as a direct result of any pro-*  
9           *vision of the Endangered Species Act of 1973 (16*  
10          *U.S.C. 1531 et seq.) (including any regulation*  
11          *promulgated pursuant to that Act) during—*

12                     *(i) with respect to the first report*  
13                     *under paragraph (2), the 3 fiscal years pre-*  
14                     *ceding the date of submission of the report;*  
15                     *and*

16                     *(ii) with respect to the second report*  
17                     *under paragraph (2), the 2 fiscal years pre-*  
18                     *ceding the date of submission of the report.*

19           *(B) REQUIREMENTS.—Data and other rel-*  
20           *evant information submitted under subpara-*  
21           *graph (A) shall describe, with respect to the ap-*  
22           *plicable amounts—*

23                     *(i) the programmatic office of the de-*  
24                     *partment or agency on behalf of which each*  
25                     *amount was expended or disbursed;*

1                   (ii) the provision of the *Endangered*  
2                   *Species Act of 1973 (16 U.S.C. 1531 et seq.)*  
3                   *(or regulation promulgated pursuant to that*  
4                   *Act) pursuant to which each amount was*  
5                   *expended or disbursed; and*

6                   (iii) the project or activity carried out  
7                   using each amount, in detail sufficient to  
8                   reflect the breadth, scope, and purpose of the  
9                   project or activity.

10               (2) *COMPTROLLER GENERAL.*—Not later than 2  
11               years and 4 years after the date of enactment of this  
12               Act, the Comptroller General shall submit to the Com-  
13               mittees on Appropriations, Commerce, Science, and  
14               Transportation, and Environment and Public Works  
15               of the Senate and the Committee on Appropriations  
16               and Natural Resources of the House of Representa-  
17               tives a report that describes—

18                   (A) the aggregate amount expended or dis-  
19                   bursed by all Federal departments and agencies  
20                   as a direct result of any provision of the *Endan-*  
21                   *gered Species Act of 1973 (16 U.S.C. 1531 et*  
22                   *seq.) (including any regulation promulgated*  
23                   *pursuant to that Act) during—*

1           (i) with respect to the first report, the  
2           3 fiscal years preceding the date of submis-  
3           sion of the report; and

4           (ii) with respect to the second report,  
5           the 2 fiscal years preceding the date of sub-  
6           mission of the report;

7           (B) the provision of the *Endangered Species*  
8           *Act of 1973 (16 U.S.C. 1531 et seq.) (or regula-*  
9           *tion promulgated pursuant to that Act) pursuant*  
10          *to which each such amount was expended or dis-*  
11          *bursed; and*

12          (C) with respect to each relevant depart-  
13          ment or agency—

14               (i) the total amount expended or dis-  
15               bursed by the department or agency as de-  
16               scribed in subparagraph (A); and

17               (ii) the information described in  
18               clauses (i) through (iii) of paragraph  
19               (1)(B).

20       (b) *REPORT ON CONSERVATION ACTIVITIES.*—

21               (1) *FEDERAL DEPARTMENTS AND AGENCIES.*—*At*  
22               *the determination of the Comptroller General, to fa-*  
23               *cilitate the preparation of the report under paragraph*  
24               *(2), the head of each Federal department and agency*  
25               *shall submit to the Comptroller General data and*

1 *other relevant information that describes the conserva-*  
2 *tion activities by the Federal department or agency as*  
3 *a direct result of any provision of the Endangered*  
4 *Species Act of 1973 (16 U.S.C. 1531 et seq.) (includ-*  
5 *ing any regulation promulgated pursuant to that Act)*  
6 *during—*

7 (A) *with respect to the first report under*  
8 *paragraph (2), the 3 fiscal years preceding the*  
9 *date of submission of the report; and*

10 (B) *with respect to the second report under*  
11 *paragraph (2), the 2 fiscal years preceding the*  
12 *date of submission of the report.*

13 (2) *COMPTROLLER GENERAL.—Not later than 2*  
14 *years and 4 years after the date of enactment of this*  
15 *Act, the Comptroller General shall submit to the Com-*  
16 *mittees on Commerce, Science, and Transportation*  
17 *and Environment and Public Works of the Senate*  
18 *and the Committee on Natural Resources of the House*  
19 *of Representatives a report that—*

20 (A) *describes the conservation activities by*  
21 *all Federal departments and agencies for species*  
22 *listed as a threatened species or endangered spe-*  
23 *cies under the Endangered Species Act of 1973*  
24 *(16 U.S.C. 1531 et seq.), as reported under para-*  
25 *graph (1), during—*

1           (i) with respect to the first report, the  
2           3 fiscal years preceding the date of submis-  
3           sion of the report; and

4           (ii) with respect to the second report,  
5           the 2 fiscal years preceding the date of sub-  
6           mission of the report;

7           (B) is organized into categories with respect  
8           to whether a recovery plan for a species has been  
9           established;

10          (C) includes conservation outcomes associ-  
11          ated with the conservation activities; and

12          (D) as applicable, describes the conservation  
13          activities that required interaction between Fed-  
14          eral agencies and between Federal agencies and  
15          State and Tribal agencies and units of local gov-  
16          ernment pursuant to the Endangered Species Act  
17          of 1973 (16 U.S.C. 1531 et seq.).

18 **SEC. 304. USE OF VALUE OF LAND FOR COST SHARING.**

19          *The Pittman-Robertson Wildlife Restoration Act (16*  
20 *U.S.C. 669 et seq.) is amended—*

21           (1) by redesignating section 13 as section 14;  
22          and

23           (2) by inserting after section 12 the following:

1 **“SEC. 13. VALUE OF LAND.**

2       *“Notwithstanding any other provision of law, any in-*  
3 *stitution eligible to receive Federal funds under the Agricul-*  
4 *tural Research, Extension, and Education Reform Act of*  
5 *1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the*  
6 *value of any land owned by the institution as an in-kind*  
7 *match to satisfy any cost sharing requirement under this*  
8 *Act.”.*

Amend the title so as to read: “An Act to improve  
protections for wildlife, and for other purposes.”.

Attest:

*Secretary.*

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 925**

---

---

**AMENDMENTS**