

# BUSINESS MEETING

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## MEETING

BEFORE THE

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

### UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

DECEMBER 17, 2019

Printed for the use of the Committee on Environment and Public Works



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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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# C O N T E N T S

	Page
<b>DECEMBER 17, 2019</b>	
<b>OPENING STATEMENTS</b>	
Barrasso, Hon. John, U.S. Senator from the State of Wyoming .....	1
Cardin, Hon. Benjamin L., U.S. Senator from the State of Maryland .....	36
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware .....	157
<b>LEGISLATION</b>	
S. 3051, America’s Conservation Enhancement Act .....	38
Amendments:	
Merkley Amendment #1, To require the Secretary of Transportation to establish a program to provide grants to carry out activities to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally-appropriate grasses and wildflowers, including milkweed .....	150
Booker Amendment #1, To establish National Wildlife Corridors to provide for the protection and restoration of certain native fish, wildlife, and plant species .....	158
Barrasso-Carper Amendment #1, To improve the bill .....	209
Cardin-Van Hollen Amendment #1, To increase the authorization of appropriations for the Chesapeake Bay Program .....	214
Merkley-Booker Amendment #3, To include in the study to review conservation factors a review of species that have been identified as needing listing or uplisting but remain unprotected .....	217
Nomination Reference and Report, PN1247, Robert J. Feitel, of Maryland, to be Inspector General, Nuclear Regulatory Commission .....	220
General Services Administration Resolutions .....	221
<b>ADDITIONAL MATERIAL</b>	
Letter to:	
Senators Barrasso and Carper from the American Fisheries Society et al., January 7, 2020 .....	4
Senators Barrasso and Carper from the Boone and Crockett Club et al., January 7, 2020 .....	6
Senators Barrasso and Carper from the Family Farm Alliance, January 9, 2020 .....	7
Senators Barrasso and Carper from the National Association of State Departments of Agriculture, January 10, 2020 .....	9
Senators Barrasso and Carper from Pheasants Forever and Quail Forever, January 14, 2020 .....	11
Senators Barrasso and Carper from Trout Unlimited, December 16, 2019 .....	12
Senators Barrasso and Carper from the Wyoming Stock Growers Association, December 19, 2019 .....	14
Senators Barrasso and Carper from the American Sportfishing Association, December 16, 2019 .....	16
Senators Barrasso and Carper from Ducks Unlimited, Inc., January 3, 2020 .....	18
Senators Barrasso and Carper from the National Audubon Society, December 17, 2019 .....	20
Senators Barrasso and Carper from the Association of Fish and Wildlife Agencies, December 18, 2019 .....	22

# IV

—Continued	Page
Senators Barrasso and Carper from the Public Lands Council et al., December 23, 2019 .....	23
Senators Barrasso and Carper from the National Wildlife Federation, December 16, 2019 .....	24
Senators Barrasso and Carper from the Northeast Association of Fish and Wildlife Agencies, Inc., December 16, 2019 .....	26
Senators Barrasso and Carper, et al., from the Congressional Sportsmen's Foundation, December 16, 2019 .....	28
Senators Barrasso and Carper from the Southeastern Association of Fish and Wildlife Agencies, December 20, 2019 .....	33
Senator Barrasso from the Wyoming Game and Fish Department, Decem- ber 20, 2019 .....	35
Senator Cardin from the General Services Administration, December 16, 2019 .....	206

## BUSINESS MEETING

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TUESDAY, DECEMBER 17, 2019

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 9:36 a.m., in room 406, Dirksen Senate Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Cramer, Braun, Rounds, Sullivan, Boozman, Wicker, Ernst, Cardin, Merkley, Gillibrand, and Van Hollen.

### OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this business meeting to order.

Today we are going to consider one bill, one nomination, and 19 General Services Administration resolutions.

Senator Carper and I have agreed that we will begin voting at 9:45. At that time, I will call up the items on the agenda. We will not debate the items on the agenda while we are voting. Instead, we will debate the items on the agenda before we begin voting. We will also be happy to recognize any member who still wishes to speak after the voting concludes.

Today, we will consider S. 3051, America's Conservation Enhancement Act, or the ACE Act. I introduced the ACE Act, along with Senator Carper, and then Senators Cramer, Cardin, Capito, and Van Hollen have all joined as cosponsors. I thank them for working with me to craft this important piece of legislation.

The ACE Act is a comprehensive, bipartisan, wildlife conservation bill. It protects both wildlife and wildlife habitat, while protecting livestock from predatory species. It addresses threats to communities and native wildlife from invasive species, as well as from emerging disease.

More specifically, the bill reauthorizes the important environmental programs, including the North American Wetlands Conservation Act, the National Fish and Wildlife Foundation Act, and the Chesapeake Bay Program. The ACE Act also enshrines in statute partnerships among public agencies and other interested parties to promote fish conservation.

The ACE Act addresses the terrible, degenerative, highly contagious brain disease known as chronic wasting disease. We have heard in several hearings how chronic wasting disease impacts wildlife, including degeneration of the brain, loss of bodily control,

and untimely death. Detected nearly 40 years ago, chronic wasting disease has spread to 26 States and 4 Canadian provinces.

The ACE Act establishes a Chronic Wasting Disease Task Force at the U.S. Fish and Wildlife Service. This task force will bring States, relevant Federal agencies, scientists, managers, and farmers to the table. Together, they can better coordinate prevention and control efforts and target future research to address unanswered questions.

The ACE Act helps livestock producers better manage and cope with the interactions between livestock and wildlife. It authorizes funds for livestock producers to carry out non-lethal activities that reduce livestock loss due to predation by federally protected species. It also compensates ranchers and farmers for livestock lost due to predation.

The ACE Act also authorizes the Director of the U.S. Fish and Wildlife Service to issue permits to livestock producers that will help prevent black vultures and ravens from killing newborn calves and lambs.

The ACE Act also includes studies that will help them form how to improve successful conservation and recovery of endangered and threatened species.

The bill supports recreational hunting and sport fishing through the wildlife conservation dollars that these activities generate by authorizing financial and technical assistance under the Pittman-Robertson Wildlife Restoration Fund to States for the promotion of hunting and recreational shooting.

Together, these provisions will make America's wildlife healthier and more abundant, while allowing rural communities to thrive at the same time. I encourage all my colleagues to support it.

Today, we will also consider the nomination of Robert Feitel to be the Inspector General of the Nuclear Regulatory Commission. The Subcommittee on Clean Air and Nuclear Safety held a hearing on Mr. Feitel's nomination earlier this month.

I would like to thank the Chairman of the Subcommittee, Senator Braun, for holding the hearing and assisting the full Committee in considering Mr. Feitel's nomination. Mr. Feitel is well qualified, and will bring a wealth of experience and expertise to this important position.

Last, we will consider 19 resolutions to approve prospectuses providing for General Services Administration leases.

I urge my colleagues to support passage of the bill, the nominee, and the resolutions we are considering today.

In a few minutes, we will hear from the Ranking Member, as well as Senator Cardin. While we are waiting, I will submit for the record a number of letters of stakeholder support.

The Committee has received statements in support of America's Conservation Enhancement Act, or the ACE Act, from stakeholders, including the National Wildlife Federation, the Association of Fish and Wildlife Agencies, Trout Unlimited, Congressional Sportsmen Foundation, the Northeast Association of Fish and Wildlife Agencies, the American Sportfishing Association, the Wyoming Game and Fish Department, the Wyoming Stock Growers Association.

Without objection, I ask unanimous consent to submit these letters for the record.

And it is so done.

[The referenced information follows:]

January 7, 2020

The Honorable John Barrasso  
Chairman  
Committee on Environment & Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Thomas Carper  
Ranking Member  
Committee on Environment & Public Works  
United States Senate  
Washington, D.C. 20510

Chairman Barrasso and Ranking Member Carper:

The undersigned organizations, representing America's hunters, anglers, related businesses, wildlife professionals, and other conservationists, write to express thanks for your leadership in the introduction and prompt committee consideration of S. 3051, America's Conservation Enhancement Act.

S. 3051 includes an array of priority conservation provisions and its strongly bipartisan passage by the Environment and Public Works Committee represents an important step forward in addressing growing challenges to species and habitat health. Specifically, these include:

- Reauthorization of the North American Wetlands Conservation Act (NAWCA) at \$60M annually through Fiscal Year (FY) 2025. Leveraging private matches to federal funds at a rate of 3:1, NAWCA has improved over 30 million acres of wetlands since its enactment, making it one of our nation's most effective voluntary conservation programs.
- Establishment of a U.S. Fish & Wildlife Service-led task force to address the spread of Chronic Wasting Disease (CWD). CWD has thus far been detected in 26 states. Ensuring that states have a coordinated plan to research, surveil and manage the spread of the disease is critical to containment.
- Codification of the National Fish Habitat Partnership (NFHP). Since 2006, the NFHP has overseen over 840 projects to benefit fish habitat and populations. Codifying the program will serve to ensure future funding for the NFHP.
- Modernization of the Pittman-Robertson (PR) Fund. S. 3051 would amend the Pittman-Robertson Wildlife Restoration Act to allow states greater flexibility in the use of funds to recruit and retain sportsmen and women. The American model of conservation is dependent upon a strong population of hunters and anglers. It is thereby critical that states are afforded the ability to utilize trust fund dollars to recruit, reactivate, and retain hunters.
- Reauthorization of the Chesapeake Bay Program at \$90M through FY2025, as well as authorization and funding to carry out recommendations put forth in the Chesapeake Clean Water Blueprint.
- Authorization and \$15M in annual funding to support coordinated research and monitoring of binational fisheries within the Great Lakes Basin through FY2025.



Passage of America's Conservation Enhancement Act will not only have wide-ranging ecological impacts but will facilitate outdoor recreation on behalf of millions of Americans, strengthening conservation funding streams for years to come. We look forward to working with you to bring this important legislation to passage in the coming months.

Thank you for your continued commitment to conservation.

Sincerely,

American Fisheries Society	Safari Club International
American Sportfishing Association	The Wildlife Society
American Woodcock Society	Theodore Roosevelt Conservation
Archery Trade Association	Partnership
Association of Fish and Wildlife Agencies	Trout Unlimited
Backcountry Hunters and Anglers	Whitetails Unlimited
Bass Anglers Sportsman Society (B.A.S.S.)	Wildlife Forever
California Waterfowl Association	Wildlife Management Institute
Campfire Club of America	Wildlife Mississippi
Congressional Sportsmen's Foundation	
The Conservation Fund	
Dallas Safari Club	
Delta Waterfowl Foundation	
Ducks Unlimited	
Fly Fishers International	
Guy Harvey Ocean Foundation	
Houston Safari Club	
Izaak Walton League of America	
Masters of Foxhounds Foundation	
National Bobwhite Conservation Initiative	
National Deer Alliance	
National Marine Manufacturers Association	
National Wildlife Federation	
National Wild Turkey Federation	
North American Falconers Association	
North American Grouse Partnership	
Orion: The Hunter's Institute	
Pheasants Forever	
Pope & Young Club	
Professional Outfitters and Guides of	
America	
Public Lands Foundation	
Quail Forever	
Quality Deer Management Association	
Ruffed Grouse Society	

January 7, 2020

The Honorable John Barrasso  
Chairman  
Committee on Environment & Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Thomas Carper  
Ranking Member  
Committee on Environment & Public Works  
United States Senate  
Washington, D.C. 20510

Chairman Barrasso and Ranking Member Carper:

The Boone and Crockett Club, Congressional Sportsmen's Foundation, Mule Deer Foundation, Rocky Mountain Elk Foundation, Safari Club International, and Wild Sheep Foundation represent sportsmen and other conservationists who write to express our enthusiasm and gratitude for the introduction and swift Committee consideration of S. 3051, the America's Conservation Enhancement Act.

We are grateful for the strong bipartisan support on the Environment and Public Works Committee and will assist in recommending the same bipartisanship for Senate passage.

The ACE Act provides important benefits to conservation including continuation of key programs and new ideas and funding for present conservation challenges. We thank you particularly for provisions of direct interest to us:

- Establishment of a U.S. Fish & Wildlife Service-led task force to address the spread of Chronic Wasting Disease (CWD). This disease is a persistent and growing threat to one of the greatest species conservation achievements in the world. Deer, elk, and moose were restored during the last century by the concerted efforts of sportsmen and state wildlife agencies. We are working closely together now to protect these species from the growing losses to CWD, which has been detected in 26 states and continues to spread. We need the coordinated help of the Departments of Interior and Agriculture to join the effort for a complete approach toward solving it.
- Establishment of a grant program to compensate livestock producers. The cost of non-lethal preventative measures against losses due to predation by wolves and grizzly bears, and the cost of losses that occur, threaten the margins that keep producers in business. Federal assistance with these costs is good policy. It promotes partnerships in conflict resolution and pairs precaution with indemnity.

Thank you for leading the development and reporting to the Senate of this bill to advance conservation. Sportsmen will help rally all conservationists to support this wide-ranging package. We look forward to working with and assisting you to pass the America's Conservation Enhancement Act.

Sincerely,

Boone and Crockett Club \* Congressional Sportsmen's Foundation \* Mule Deer Foundation  
Rocky Mountain Elk Foundation \* Safari Club International \* Wild Sheep Foundation



*Protecting Water for Western Irrigated Agriculture*

P.O. Box 216 Klamath Falls, Oregon 97601

January 9, 2020

The Honorable John Barrasso, Chairman  
 The Honorable Tom Carper, Ranking Member  
 United States Senate  
 Committee on Environment and Public Works  
 410 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Family Farm Alliance (Alliance), we write to express our support for S. 3051, “America’s Conservation Enhancement Act” (“ACE Act”). The ACE Act is a comprehensive, bipartisan wildlife conservation bill. The legislation is broadly intended to protect both wildlife and wildlife habitat, while protecting livestock from predatory species.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. The Alliance is also on record for consistently supporting collaborative, coordinated and incentive-driven voluntary efforts to implement species conservation programs. Our members also have strong concerns regarding the need to properly manage invasive species with priority.

Several titles of the ACE Act address issues that are outside the scope of our organization’s mission. Therefore, we will not address those components of the legislation in this letter.

We do support Section 401 of this legislation, which outlines the “Sense of the Senate” regarding conservation agreements and activities:

1. Voluntary conservation agreements benefit species and the habitats on which the species rely;
2. States, Indian Tribes, units of local government, landowners, and other stakeholders should be encouraged to participate in voluntary conservation agreements; and
3. The United States Fish and Wildlife Service the National Marine Fisheries Service should consider the enrollment in, and performance of, conservation agreements and investment in, and implementation of, general conservation activities by States, Indian Tribes, units of local government, landowners, and other stakeholders in making determinations under the Endangered Species Act (ESA) of 1973.

Sections 402 and 403 of the ACE Act take further positive steps towards improving implementation of the ESA by authorizing studies that will help inform how to improve successful conservation and recovery of endangered and threatened species.

#### **Protection of Water and Wildlife from Invasive Species**

Section 105 of the ACE Act includes important provisions intended to protect water and wildlife from invasive species. The Alliance for the past ten years has supported administrative and legislative actions and funding for biological controls, mitigation management, and elimination of invasive species, including, but not limited to, quagga mussels and striped bass. In places like California's Bay-Delta, there is a critical need to reduce and remove invasive vegetation and predator fish species in the Delta that adversely affect water supply operations and the health of ecosystems. In other parts of California, predation of ESA-protected fish like salmon by non-native fish needs to be controlled.

In the Colorado River Basin, there is also an important need to balance invasive removal efforts with an emphasis on restoration of native plants and the river processes that sustain them. We are hopeful that Section 105 of the ACE Act will increase and coordinate the removal of invasive plants that negatively impact the natural water cycle and native plant and animal endangered species (examples are tamarisk/salt cedar, Russian Olive, Golden Algae, and other phreatophytes).

Section 105 authorizes \$2.5 million to the Army Corps of Engineers and \$2.5 million to the Secretary of the Interior for each of fiscal years 2021 through 2025 to implement Section 10 of the Fish and Wildlife Coordination Act, which protects water, oceans, coast and wildlife from invasive species. Section 105 further improves participation of stakeholders – including nongovernmental organizations and industry – in invasive species control efforts. We urge that this program provide opportunities for the Interior Department's Bureau of Reclamation's water and power customers to work in partnership with Reclamation in all aspects of program implementation.

#### **Conclusion**

This bill takes important steps towards improving successful conservation and recovery of endangered and threatened species in the Western United States, an issue that is a top priority with our membership. It also helps address the critical challenges Western water users face regarding invasive species management. We strongly support Sections 105, 401, 402 and 403 of the ACE Act, which are issues of great importance to our Western farmers, ranchers and water agencies.

I encourage you or your staff to contact Dan Keppen at (541)-892-6244 if you have any questions regarding this letter.

Sincerely,



Patrick O'Toole  
President



Dan Keppen  
Executive Director


**National Association of State Departments of Agriculture**

4350 North Fairfax Drive  
Suite 910  
Arlington, VA 22203  
Tel: 202-296-9580  
[www.nasda.org](http://www.nasda.org)

January 10, 2020

The Honorable John Barrasso  
Chairman, Committee on Environment  
and Public Works  
United States Senate  
307 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member, Committee on Environment  
and Public Works  
United States Senate  
513 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

State departments of agriculture appreciate your ongoing efforts to improve conservation outcomes across the country. Meeting the next generation of environmental challenges will require a robust federal-state partnership and innovative land management approaches. That is why NASDA is pleased to support *America's Conservation Enhancement (ACE) Act*.

NASDA members and their counterparts in state wildlife agencies play a critical role in the delivery of conservation programs and initiatives. The *ACE Act* recognizes the unique role of states and mandates their involvement in policy- and decision-making processes. It also draws on successful federal-state funding models, such as block grants, to address policy implementation challenges.

Turning to specific issues, the *ACE Act* advances the priorities of state departments of agriculture in four key areas: Chronic Wasting Disease (CWD) response; livestock predation issues; invasive pests management; and improvement of Endangered Species Act (ESA) effectiveness and efficiency.

First, CWD poses an immediate threat to wild deer populations and possibly domesticated Cervidae herds in the U.S. More research is needed about CWD transmission mechanisms and the potential impacts on agriculture and food production.<sup>1</sup> The *ACE Act* authorizes a National Academy of Sciences study on the issue and creates a CWD Task Force charged with implementing a national action plan. NASDA supports the inclusion of clear timelines for the action plan and appreciates the emphasis on building clear accountability mechanisms into Task Force operations.

Second, the *ACE Act* enhances the ability of states to respond to livestock depredation and support producers, particularly when dealing with federally-protected species. For example, enabling the

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<sup>1</sup> Centers for Disease Control and Prevention. Accessed on December 27, 2019 from <https://www.cdc.gov/prions/cwd/cwd-animals.html>

permitted taking of black vultures and ravens during calving and lambing season will protect vulnerable livestock herds from catastrophic losses. Likewise, new state block grants will help compensate livestock producers for losses attributed to federally-protected species like gray wolves and grizzly bears.

Third, the *ACE Act* dedicates new federal resources to fighting invasive species in the U.S. According to the U.S. Fish and Wildlife Service, invasive species cost the U.S. economy billions of dollars annually.<sup>2</sup> Agricultural productivity, native fisheries, tourism, and outdoor recreation can all be jeopardized, with severe consequences for rural communities.

One successful model for a coordinated response to invasive species comes from the Western Weed Action Plan for the Sagebrush Biome.<sup>3</sup> The initiative brought together a broad cross-section of stakeholders to address ecosystem degradation caused by cheat grass and other invasive vegetation on western rangeland.

Finally, the *ACE Act* provides additional momentum for ESA efforts. A new study will investigate barriers to effective ESA implementation and explain why many recovered species have not been downlisted. The study will provide fresh impetus to comprehensive ESA legislation, which will ultimately be needed to enact a substantive overhaul.

The *ACE Act* takes important steps towards enhancing land management and improving environmental outcomes in the U.S. Nonetheless, state and local involvement will continue to serve as a cornerstone of the conservation approach. NASDA looks forward to working with you and your staff to promote environmental stewardship and conserve America's natural resources. Should you have any further questions or need assistance, please contact Max Moncaster ([max.moncaster@nasda.org](mailto:max.moncaster@nasda.org)).

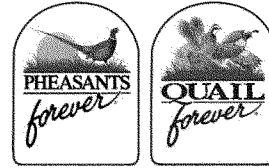
Sincerely,



**Barbara P. Glenn, Ph.D.**  
*Chief Executive Officer*

<sup>2</sup> U.S. Fish and Wildlife Service. Accessed on December 27, 2019 from <https://www.fws.gov/verobeach/PythonPDF/CostofInvasivesFactSheet.pdf>.

<sup>3</sup> NASDA 2019 Annual Meeting Policy Book. Pages 33-40. For a look at the Western Weed Action Plan. [https://s3.amazonaws.com/nasda2/media/FINAL\\_PolicyBook\\_AM19\\_FINAL.pdf?mtime=20190816115030](https://s3.amazonaws.com/nasda2/media/FINAL_PolicyBook_AM19_FINAL.pdf?mtime=20190816115030)



January 14, 2020

The Honorable John Barrasso  
Chairman  
Committee on Environment & Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Thomas Carper  
Ranking Member  
Committee on Environment & Public Works  
United States Senate  
Washington, D.C. 20510

Chairman Barrasso and Ranking Member Carper:

I am writing to thank you for your support and swift passage of S. 3051, America's Conservation Enhancement Act. S. 3051 includes several of our conservation priorities and is an important advancement for wildlife policy.

At Pheasants Forever and Quail Forever we are especially supportive of Reauthorization of the North American Wetlands Conservation Act (NAWCA) at \$60M annually through Fiscal Year (FY) 2025. NAWCA has improved over 30 million acres of wetlands and associated upland habitat. NAWCA funds have been used to support habitat projects and acquisitions that benefit pheasants and quail in many states while NAWCA staff and Pheasants Forever and Quail Forever have also had a successful partnership to achieve program implementation.

Thank you again for your leadership and if there is anything we can do to help advance identical legislation in the House please let us know.

Respectfully yours,

Howard K. Vincent  
President and CEO



December 16, 2019

The Honorable John Barrasso, Chair  
Senate Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

The Honorable Thomas R. Carper, Ranking Member  
Senate Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Barrasso, Ranking Member Carper, and members of the Committee:

Trout Unlimited writes to thank you for introducing S. 3051, America's Conservation Enhancement Act, and we urge the Committee to advance it in tomorrow's mark up. This bill includes valuable provisions to conserve fish and wildlife habitat that will sustain outstanding hunting and fishing opportunities across the country. We appreciate the strong leadership demonstrated by Senators Barrasso, Carper and the bill's bipartisan co-sponsors, in advancing sportsmen's conservation issues.

The bill includes the reauthorization of some of our nation's most successful conservation programs such as the North American Wetlands Conservation Act, and the National Fish and Wildlife Foundation (NFWF). NFWF has been especially valuable to Trout Unlimited for many years, providing funding for some of the Nation's best stream and river restoration projects. For example, in Wyoming, TU partnered with landowners and the State to implement projects throughout the Greybull River drainage, including culvert improvement and riparian restoration projects that restore and reconnect historical habitat for Yellowstone cutthroat trout.

The bill would also reauthorize the Chesapeake Bay Program. The Chesapeake is one of the Nation's hunting and fishing gems. Damaged by nutrient pollution, the Bay is making a good comeback thanks to the Chesapeake Bay program and the incredible partnership of state, federal, local, farming and conservation interests. In the Bay's headwaters in West Virginia and Virginia, TU has successfully used Chesapeake Bay and NFWF funds to work with farmers to restore streams, thereby improving fishing in the mountains but also improving water quality in the Bay.

We are especially pleased that the bill includes the National Fish Habitat Conservation Through Partnerships Act, which would encourage fish habitat partnerships nationwide to work with landowners of all types to achieve broad scale fisheries benefits. Twenty partnerships are already underway, restoring fish habitat from Alaska to Maine, and this bill will ensure that those partnerships will be sustained and enhanced.

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**A mission to conserve, protect, & restore North America's coldwater fisheries and their watersheds.**

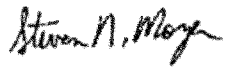
National Office: 1777 N Kent St, Suite 100, Arlington, VA 22209  
T: (703) 284-9406 F: (703) 284-9400 smoyer@tu.org www.tu.org



The lynchpin to all of these programs is partnership. These programs bring together a broad range of partners to protect and restore thousands of miles and acres of habitat, leverage state, federal and non-profit funding sources as matching dollars, and to assist private landowners with conservation. Together, these habitat programs have amassed years of proven conservation and partnership successes, and this bill will make sure that these successes continue.

Again, we thank you for your leadership on the bill, and we urge members to advance S. 3051, America's Conservation Enhancement Act.

Sincerely,

A handwritten signature in black ink, reading "Steven A. Moyer". The signature is written in a cursive, slightly slanted style.

Steve Moyer  
Vice President for Government Affairs  
Trout Unlimited



# WYOMING STOCK GROWERS ASSOCIATION

*Guardian of Wyoming's Cow Country since 1872*

President- Scott Sims, McFadden

Region I Vice President- JD Hill, Ranchester

Region III Vice President- JW Rankin, Shawnee

Region V Vice President- Reg Philips, Dubois

Young Producers Assembly- Will Hudson, Sinclair

First Vice President- David Kane, Sheridan

Region II Vice President- Dan Frank, LaGrange

Region IV Vice President- Brad Mead, Jackson

Executive Vice President- Jim Magagna, Cheyenne

December 19, 2019

Senator John Barrasso  
Chairman  
Senate EPW Committee  
Washington, DC

Senator Tom Carper  
Ranking Member  
Senate EPW Committee  
Washington, DC

RE: ACE Act

Dear Chairman Barrasso and Ranking Member Carper:

The Wyoming Stock Growers Association (WSGA) commends you for your efforts in introducing and passing out of your committee the "America's Conservation Enhancement Act". The inclusion of key provisions critical to sustaining the viability of the ranching industry demonstrates your recognition that ranching is a key component of conservation of our nation's natural resources.

Predation by federally protected species on livestock, in particular young calves and lambs, has taken a major toll on our industry. The reintroduction of wolves into Wyoming and the vibrant recovery of grizzly bears have resulted in the loss of multi-generational ranching operations in Western Wyoming. While state-funded damage payment programs have enabled other ranching operations to survive, they are today inadequate to fully compensate for losses to these species. The granting of additional federal dollars provided for in the ACE Act will significantly assist livestock producers while sharing the burden that has unfairly been placed on our Wyoming Game & Fish Department and our sportsmen and women.

Across Wyoming predatory avian species, ranging from the fully recovered Bald and Golden Eagles to ravens have taken an annual toll on calves and lambs. The inclusion of these species in the grant program will provide a significant economic benefit to impacted ranchers.

For the past several years has worked with USDA, Wildlife Services, and the Wyoming Game & Fish in an attempt to strengthen the ability of both livestock producers and wildlife agencies to remove ravens that are causing significant impacts on both newly born livestock and wildlife including sage-grouse. The authorization provided for in Section 103 of the Ace Act will provide an important tool for livestock producers provided that the USFWS proceeds to develop a mechanism that allows for timely issuance of permits.

As has been made clear to you in the recent testimony of Wyoming Game & Fish Director Brian Nesvik, Chronic Wasting Disease is rapidly advancing in deer populations across Wyoming. This

*"Shaping and Living The Code of The West"*

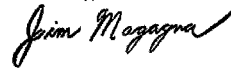
P.O. BOX 206, CHEYENNE, WY 82003 • PH: 307.638.3942 • FX: 307.634.1210

EMAIL: INFO@WYSGA.ORG • WEBSITE: WWW.WYSGA.ORG • BLOG: WWW.REALRANCHERS.COM

disease, by affecting both the harvest and movement of wildlife populations, has an indirect impact on our livestock producers. We are, in general, proud of the habitat that our lands provide for healthy wildlife populations and commend you for bringing federal resources to addressing this issue.

Overall, the ACE Act addresses key issues in wildlife management while recognizing and responding to the interrelationships and, at time, conflicts that exist between certain wildlife species and our ranching operations. We hope that your Senate colleagues will be receptive to moving this legislation forward in a timely manner.

Sincerely,

A handwritten signature in black ink that reads "Jim Magagna". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jim Magagna  
Executive Vice President

*"Shaping and Living The Code of The West"*

P.O. BOX 206, CHEYENNE, WY 82001 • PH: 307.638.3942 • FX: 307.634.1210

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December 16, 2019

The Honorable John Barrasso  
Chairman  
Senate Environment and Public Works  
Committee  
405 Hart Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member  
Senate Environment and Public Works  
Committee  
513 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

On behalf of the nation's recreational fishing industry, the American Sportfishing Association (ASA) thanks you for introducing S. 3051, America's Conservation Enhancement Act, and urges swift consideration and passage of this bill through the Senate Environment and Public Works Committee.

The American Sportfishing Association is the sportfishing industry's trade association, committed to representing the interests of the entire sportfishing community. We represent manufacturers, wholesalers and retailers of fishing equipment and accessories, as well as outdoor media, fishing organizations and agencies. We give the industry a unified voice, speaking out when emerging laws and policies could significantly affect sportfishing business or sportfishing itself. The nation's 49 million recreational fishermen have a \$125 billion a year economic impact and support over 800,000 jobs.

We are extremely appreciative of the hard work of you and your staff in putting together this bipartisan package of bills that will support natural resource conservation and benefit recreational fishing opportunities throughout the country.

Provisions within S. 3051 of particular importance to ASA include:

- Title III, the National Fish Habitat Conservation Through Partnerships Act: This title is near-identical to a bill introduced earlier this year by Sens. Crapo & Cardin (S. 754), and language that passed the House last week as part of H.R. 729. Supported by the state fish & wildlife agencies and dozens of fisheries organizations, it authorizes a highly successful USFWS program that has helped conduct hundreds of fish habitat restoration projects throughout the country, all for the benefit of fisheries conservation and sportfishing opportunities. The National Fish Habitat Conservation Through Partnerships Act would provide long-overdue Congressional authorization, making several improvements to the structure and function of the program.
- Sec. 108, Modification of definition of sport fishing equipment under Toxic Substances Control Act: This section would follow through on several years of similar, bipartisan language in the appropriations bills, providing fishing tackle with a similar exemption as currently exists in statute for ammunition. Periodically, the EPA is petitioned to ban fishing equipment containing lead, despite having no scientific basis. Thankfully the Obama Administration rejected the most recent petition in 2010, but the sportfishing industry and the nation's 49 million anglers are seeking certainty against future unwarranted petitions.

AMERICAN SPORTFISHING ASSOCIATION

1001 N. Fairfax Street, Suite 501, Alexandria, VA 22314 • 703-519-9691 • Fax: 703-519-1872  
Web: [www.ASAFishing.org](http://www.ASAFishing.org) • Email: [info@ASAFishing.org](mailto:info@ASAFishing.org)

- Secs. 109-111, Chesapeake Bay conservation: These three sections collectively authorize or reauthorize important programs related to the health and restoration of the Chesapeake Bay, which is not only critical to the recreational fishing community around the Bay itself, but also to the entire Mid-Atlantic region, as the Bay is an important nursery for migratory fish like striped bass.
- Sec. 112, Great Lakes monitoring, assessment, science, and research: The USGS conducts biological assessments that serve as the foundation for fishery management decisions made by federal, state, and tribal agencies. The USGS's work is essential but, because of a governance nuance for freshwater, the function has operated without an explicit authorization. This section, which is modelled after the Great Lakes Fishery Research Authorization Act (S. 446), will help ensure uninterrupted delivery of basinwide biological assessments and monitoring, support the deployment of new technologies for better fishery management, and improve the multi-billion Great Lakes fishery.

This legislative package contains many other bills that will support our nation's natural resources and sportsmen's access. Thank you again for your continued leadership to improve federal management and conservation of the nation's public lands and waters.

Sincerely,



Mike Leonard  
Vice President, Government Affairs

January 3, 2020

The Honorable John Barrasso, Chairman

The Honorable Tom Carper, Ranking Member

Senate Committee on Environment and Public Works

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the 750,000 members of Ducks Unlimited, we proudly support S. 3051, America's Conservation Enhancement Act, introduced by Chairman Barrasso and Ranking Member Carper. This important wildlife package includes reauthorization of the North American Wetlands Conservation Act (NAWCA), the Chesapeake Watershed Investments for Landscape Defense (Chesapeake WILD) Act, the Pittman-Robertson Modernization Act, and reauthorization of the Chesapeake Bay Program, among other provisions. Measures like these support the conservation of wetlands and waterfowl habitat for landowners, farmers, hunters, anglers and all kinds of outdoor enthusiasts across the country for years to come.

NAWCA is a voluntary matching grant program that leverages non-federal and federal funds for wetland restoration. Since enactment in 1989, NAWCA has conserved more than 30 million acres and created an average of 7,500 new jobs annually. Every dollar spent by the federal government, on average, receives a \$3 match from program partners like Ducks Unlimited. NAWCA is the nation's most successful wetlands conservation program. The ACE Act reauthorizes NAWCA at \$60 million a year until 2024.

The Chesapeake Bay is the largest estuary in the United States and, historically, one of the most productive bodies of water in the world. The Chesapeake Bay program is a unique regional partnership, managed by the Environmental Protection Agency (EPA), whose mission is to reverse the degradation of the bay and restore its watershed and wildlife. The ACE Act reauthorizes appropriations for the Chesapeake Bay Program at \$90 million through 2025.

The Chesapeake WILD Act will create a grant program within the U.S. Fish and Wildlife Service (USFWS) to support habitat restoration in the Chesapeake Bay region. In addition, the Secretary of Interior must work with federal, state and local agencies and organizations to identify, prioritize and implement restoration activities within the watershed.

The Pittman-Robertson Wildlife Restoration Act directs a federal excise tax on firearms and ammunition purchased by sportsmen and outdoor enthusiasts toward a Wildlife Restoration Trust Fund to aid the efforts of state entities to manage habitat and conserve wildlife populations. The Pittman-Robertson Modernization Act will provide state agencies with greater flexibility to manage and distribute resources allocated through the fund and enable the use of resources to recruit and educate the next generation of hunters and outdoorsmen.

Again, Ducks Unlimited wants to express our full support for this package and these important pieces of legislation that will create wildlife habitat and help secure the future of America's outdoor and hunting heritage.

Ducks Unlimited Inc. is the world's largest nonprofit organization dedicated to conserving North America's continually disappearing waterfowl habitats. Established in 1937, Ducks Unlimited has conserved more than 14.5 million acres thanks to contributions from more than a million supporters across the continent. Guided by science and dedicated to program efficiency, DU works toward the vision of wetlands sufficient to fill the skies with waterfowl today, tomorrow and forever.

Thank you in advance for your efforts on behalf of our nation's critical wetlands and waterfowl resources. We look forward to continuing to work with you on S. 3051 and all measures that conserve and restore our precious wetland and waterfowl habitats.

Sincerely,

Dan Wrinn

National Director of Government Affairs

Ducks Unlimited, Inc.



**National Audubon Society**  
225 Varick Street, 7th Floor  
New York, NY 10014

212.979.3196  
www.audubon.org

December 17, 2019

The Honorable John Barrasso  
Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Thomas R. Carper  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

On behalf of the [National Audubon Society's](#) 1.6 million plus members, we write to urge your **support of S. 3051, America's Conservation Enhancement Act (ACE Act)** that will be the subject of a December 17th, 2019 mark-up before the committee.

Our diverse array of birds, fish and other wildlife are in crisis with more than one-third of all species at risk of becoming endangered. Challenges facing our birds, fish and other wildlife include habitat loss, climate change, invasive species, and emerging diseases.

Specifically, birds need conservation action now more than ever. A recent study published in the journal *Science* paints a grave picture of population declines in the recent past, showing that North America has lost 3 billion birds since 1970. Audubon's recent report, [Survival By Degrees: 369 Species on the Brink](#), provides us with a stark choice for our future. Audubon scientists found that two-thirds of North American birds are threatened with extinction due to climate impacts.

Therefore, we specifically support the following provisions included in the ACE Act that would benefit both the marine and coastal habitats for birds and other wildlife.

- ***The North American Wetlands Conservation Act (Sec. 106)*** would be reauthorized until 2025. This is a highly successful program that has significantly benefitted birds, other wildlife, and people for 30 years. It has funded nearly 3,000 projects that have positively improved or restored 30 million acres of wildlife habitat, and its 6,200 non-federal partners have contributed more than \$3.5 billion to match \$1.75 billion in grants making it a wise investment for our wetlands, birds and economic health of the regions where these wetlands are found.
- ***Reauthorization of the Chesapeake Bay Program (Secs. 109-110) and Creation of the Chesapeake Watershed Investments for Landscape Defense (WILD) Program (Sec. 111)*** would reauthorize the Chesapeake Bay Program and create a new grant program to support ecosystem preservation and restoration efforts to improve the health of the Bay, enhance Bay ecosystems, and enhance ecological and community resilience to changing watershed conditions. The Chesapeake Bay is the largest estuary in the U.S., which is home to critically important habitats



for birds and other species and commercial fisheries that contribute billions of dollars to the regional economy. However, the health and resilience of the Bay is threatened by pollution, climate change, and other impacts. This legislation would not only improve regional efforts to restore and improve the health of the Bay, but it would also provide vital funding for important restoration and natural infrastructure projects that will benefit both birds and communities.

Again, Audubon's members urge you to vote **"YES"** on S. 3051, America's Conservation Enhancement Act (ACE Act) and we look forward to working with you on issues that protect birds and the places they need now and into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Walls", is displayed on a light gray, textured background.

Jesse Walls  
Government Affairs Director  
National Audubon Society



The voice of fish and wildlife agencies  
 1100 First Street, NE, Suite 825  
 Washington, DC 20002  
 Phone: 202-838-3474  
 Fax: 202-350-9869  
 Email: [info@fishwildlife.org](mailto:info@fishwildlife.org)  
[www.fishwildlife.org](http://www.fishwildlife.org)

December 18, 2019

The Honorable John Barrasso  
 Chair, Senate Committee on Environment and Public Works  
 410 Dirksen Senate Office Building  
 Washington, DC 20510

The Honorable Tom Carper  
 Ranking Member, Senate Committee on Environment and Public Works  
 513 Hart Senate Office Building  
 Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Association of Fish & Wildlife Agencies (Association), I am writing to confirm our strong support for the *America's Conservation Enhancement Act* (S. 3051). Since 1902, the Association has represented the collective interests of the state fish and wildlife agencies, and our membership includes eleven Canadian Provinces. We have a strong interest in federal legislation, policies, and programs that effect state fish and wildlife management and collaboration with federal and provincial agencies and nongovernmental conservation partners.

The Association applauds and thanks you along with members of the Senate Committee on Environment and Public Works for advancing the *America's Conservation Enhancement Act* (S. 3051). This bill contains pieces of legislation that are vitally important to our state fish and wildlife agency members, our conservation partners, and for sustaining our collaborative approach to fish and wildlife conservation throughout the country. The Association strongly supports S. 3051 and is pleased to see included therein the *Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act*, the *National Fish Habitat Conservation Through Partnerships Act*, the *North American Wetlands Conservation Act* and other highly beneficial provisions.

Further, thank you for placing a priority on Chronic Wasting Disease (CWD), and we look forward to implementing the provisions of the bill that provides for a CWD Task Force to advance our understanding and management of this challenging and complex disease.

We urge members of the Committee and the Senate to expedite this bill through the legislative process. The Association will do everything within our ability to support your efforts to enact this crucial package of legislation as soon as possible this Congress.

Sincerely,

Kelly Hepler  
 President

ASSOCIATION OF FISH & WILDLIFE AGENCIES  
[www.fishwildlife.org](http://www.fishwildlife.org)



National Cattlemen's  
Beef Association



December 23, 2019

The Honorable John Barrasso, MD  
Chairman  
Committee on Environment and Public Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Thomas R. Carper  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Leader McConnell, Leader Schumer, Chairman Barrasso, and Ranking Member Carper:

The Public Lands Council (PLC), National Cattlemen's Beef Association (NCBA), and American Sheep Industry Association (ASI) support S. 3051, the America's Conservation Enhancement (ACE) Act. PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers who hold federal grazing permits and operate on federal lands. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property. ASI is a federation of forty-five state sheep associations representing a diverse industry since 1865 and has been the national trade organization representing the interests of the 100,000 sheep ranchers located throughout the country who produce America's lamb and wool.

This legislation provides an array of benefits, not only to wildlife and the land but to the ranching families that work daily to conserve habitat, preserve open spaces, and maintain the land for future generations. Section 102 bolsters programs for livestock producers to be properly compensated for losses from federally protected species. Predators, both avian and mammalian, which are protected under the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act (MBTA), or Endangered Species Act inflict significant financial hardship on ranching families when they prey upon livestock herds. While the most financially viable solution for these small businesses is to avoid depredation altogether, adequate compensation should be afforded to producers when losses are incurred. Authorizing \$15 million in grants to existing indemnity and conflict-prevention programs is a significant step in the right direction.

The bill also allows for increased flexibility in the MBTA take permitting process. Black vultures (*Coragyps atratus*) and common ravens (*Corvus corax*) pose a particular threat during calving and lambing season. Oftentimes these avian predators will attack calves and lambs during parturition, killing the animal before the birthing process is complete. This represents a significant financial loss to the bottom line of ranching operations. By allowing greater flexibility in take permitting, livestock producers will be better able to protect their families' livelihoods from these airborne predators.

Transmissible Spongiform Encephalopathy, more commonly known as Chronic Wasting Disease (CWD), is very concerning to ranchers—particularly those who operate on federal grazing allotments. This legislation represents a major step forward in addressing the issue of CWD in wild Cervidae nationwide. The proposed task force's leadership will be instrumental in determining the appropriate national response to stop the spread of CWD, ensure the pathology of this disease is adequately studied and understood, and share ideas between a broad array of wildlife management agencies.

PLC, NCBA, and ASI appreciate the opportunity to provide our input on behalf of our members – the nation's food and fiber producers. We urge passage of S. 3051, America's Conservation Enhancement Act.

Sincerely,

National Cattlemen's Beef Assn.

Public Lands Council

American Sheep Industry Assn.


**National Wildlife Federation**

National Advocacy Center  
1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

The Honorable John Barrasso  
Chair, Committee on Environment and  
Public Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member, Committee on  
Environment and Public Works  
United States Senate  
456 Dirksen Senate Office Building  
Washington, DC 20510

December 16, 2019

Dear Chairman Barrasso and Ranking Member Carper,

On behalf of the National Wildlife Federation and our more than six million members, I am writing to share our support for S. 3051 – America's Conservation Enhancement Act. This package of legislation is good for America's wildlife and water. It reauthorizes and invests in programs that have been beneficial to conservation for decades, while also looking to the future to address the ever-increasing challenges facing our nation's fish and wildlife.

Chronic Wasting Disease (CWD) is a threat to deer, elk and moose, and to hunting and conservation in North America as we currently know it. We are glad the Committee is taking this threat seriously by standing up a CWD Task Force within the U.S. Fish and Wildlife Service, and establishing a framework for interstate action. We hope additional funding can be authorized and appropriated to support state and tribal responses to CWD.

Modernizing the Pittman-Robertson Fund makes a much needed investment in the recruitment and diversification of the next generation of hunters and conservationists. Since 1939, more than \$18 billion has been distributed to state fish and wildlife agencies from taxes on hunting gear, but this conservation funding mechanism will be in jeopardy if the number of Americans that participate in hunting continues to decline.

The National Fish Habitat Conservation Through Partnerships Act will conserve fish and their habitat through partnerships, and improve fishing, recreation, and communities from the Atlantic coast and Appalachians across the Great Lakes and Great Plains to the Pacific Coast and Hawaii.

The North American Wetlands Conservation Act (NAWCA) has been extremely effective in leveraging non-federal funds to protect, restore, and manage wetland habitat for migratory birds and other wildlife and deserves to be reauthorized.

Uniting all Americans to ensure wildlife thrive in a rapidly changing world.

nwf.org

NWF is also pleased to see coexistence with wildlife addressed in this package. By incentivizing new and innovative ways to reduce conflicts between people and wildlife, including predators, Congress can help maintain balance and ensure wildlife populations remain healthy across America.

NWF applauds the inclusion of Chesapeake Bay provisions to reauthorize wildlife and habitat conservation programs essential to maintaining and restoring clean water and a robust outdoor economy throughout the watershed. The package authorizes \$90 million annually for the multistate Chesapeake Bay Program, which coordinates Chesapeake Bay watershed restoration and protection efforts. This is the first increase in funding for the Chesapeake in six years and will help focus state and local efforts to achieve on-the-ground restoration, moving the region toward its clean-up goals in 2025. The bill also authorizes \$15 million annually for a new Chesapeake Watershed Investments for Landscape Defense program, which will give the U.S. Fish and Wildlife Service (USFWS) a direct role in the restoration and protection of living resources and their habitat in the Chesapeake Bay region. This will allow USFWS to more fully engage in habitat restoration activities, assisting local partners with on-the-ground work to enhance progress toward Bay watershed goals, including wetland restoration and protecting fish and wildlife habitat. The package also reauthorizes the Chesapeake Bay Gateways and Watertrails Network Program, which supports outdoor recreation and public access throughout the watershed.

The Endangered Species Act is a critical but chronically underfunded conservation tool. We are optimistic the proposed reports on the ESA will identify funding gaps, such as the recovery of endangered species, and lead to increased funding and improved conservation strategies to more effectively implement this bedrock wildlife law.

This legislative package encompasses a wide range of issues important to the National Wildlife Federation. We encourage the Committee to support S. 3051.

Please feel free to reach out with any questions.

Thanks,  
Mike Leahy



Mike Leahy  
Director of Wildlife, Hunting & Fishing Policy  
National Wildlife Federation.



**Northeast Association of Fish & Wildlife Agencies, Inc.**  
250 Rabbit College Road  
Petersburgh, NY 12138

December 16, 2019

The Honorable John Barrasso  
Chair, U.S. Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Tom Carper  
Ranking Member  
Senate Environment and Public Works Committee  
513 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Barrasso and Ranking Member Carper:

On behalf of the Northeast Association of Fish & Wildlife Agencies, Inc., I am writing to confirm our strong support for the *America's Conservation Enhancement Act* (S. 3051). This legislation is crucial to enhancing conservation programs throughout the United States.

The Northeast Association of Fish & Wildlife Agencies, Inc. (NEAFWA) is a quasi-governmental organization representing the interests of state fish and wildlife agencies from Virginia to Maine, along with six eastern Canadian Provinces. As such, we have a strong interest in federal legislation, policies, and programs that have an impact on state fish and wildlife management.

I wish to express gratitude to the sponsors of this bipartisan legislation, along with members of the U.S. Senate Committee on Environment and Public Works, for advancing this critical bill. NEAFWA is pleased with the underlying premise that conservation is best accomplished through partnerships of federal and state agencies, along with nongovernmental organizations that share our commitment for the enhancement of natural resources, and the enjoyment of those resources by the American public.

Among other key provisions of S. 3051, we are pleased to see the priority the Committee has placed on Chronic Wasting Disease (CWD). We look forward to implementing the provisions of

Connecticut • Delaware • District of Columbia • Maine • Maryland • Massachusetts  
New Brunswick • Newfoundland • New Hampshire • New Jersey • New York  
Nova Scotia • Ontario • Pennsylvania • Prince Edward Island • Québec  
Rhode Island • Vermont • Virginia • West Virginia



Northeast Association of Fish & Wildlife Agencies, Inc.  
250 Rabbit College Road  
Petersburgh, NY 12138

the bill that provides for a CWD Task Force to advance our understanding and management of this disease.

We also applaud the inclusion of several other key initiatives within *America's Conservation Enhancement Act*, including the *Modernizing the Pittman-Robertson Fund for Tomorrow's Act*, the *National Fish Habitat Conservation Through Partnerships Act*, and the *North American Wetlands Conservation Act*. These are high priorities for state fish and wildlife agencies, and for our diverse conservation partners.

Finally, we appreciate and support the important provisions that advance the restoration and health of the Chesapeake Bay. The bay is an important nursery for numerous fish species and is a critical economic driver in the entire Mid-Atlantic for the recreational fishing community.

We look forward to a positive consideration of this legislation both in the Committee and the full Senate. I assure you that NEAFWA will do everything within our ability to support the Committee and other elected leaders as this crucial legislation moves forward.

Thank you.

Sincerely,

Paul Johansen  
President  
Northeast Association of Fish & Wildlife Agencies, Inc.

C: Ron Regan, Association of Fish and Wildlife Agencies

Connecticut • Delaware • District of Columbia • Maine • Maryland • Massachusetts  
New Brunswick • Newfoundland • New Hampshire • New Jersey • New York  
Nova Scotia • Ontario • Pennsylvania • Prince Edward Island • Québec  
Rhode Island • Vermont • Virginia • West Virginia



Date: 16 December 2019

To: United States Senate Committee on Environment and Public Works

RE: Committee Business Meeting on S. 3051

From: The Congressional Sportsmen's Foundation  
Jeffrey S. Crane  
President

Dear Chairman Barrasso, Ranking Member Carper, and Members of the Committee:

The Congressional Sportsmen's Foundation (CSF) would like to express strong support for S. 3051, the America's Conservation Enhancement Act, and for the Committee's swift efforts to hold a markup on this legislation shortly after introduction. CSF would also like to express gratitude for the Committee's continued commitment to America's sportsmen and women.

Established in 1989, CSF works with the Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan caucus on Capitol Hill. With approximately 250 Members of Congress from both the House and Senate, current Senate CSC Co-Chairs are Senators Deb Fischer (NE) and Martin Heinrich (NM) and Vice-Chairs are Senators John Boozman (AR) and Joe Manchin (WV).

S. 3051 includes many strong provisions that will conserve fish and wildlife habitat, help combat wildlife disease, and increase public access for hunting, fishing, and other outdoor dependent recreation. While CSF strongly supports S. 3051 in its entirety, we would like to draw particular attention to a number of longstanding priorities for the Congressional Sportsmen's Foundation, including:

**Title I – Wildlife Enhancement, Disease, and Predation**

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

Section 104 of S. 3051 establishes a task force within the U.S. Fish and Wildlife Service (Service) to combat Chronic Wasting Disease (CWD).

CWD is a progressive, degenerative, and always-fatal neurological disease affecting both farmed and free-ranging cervids. Since first identified in 1967, CWD has been detected in wild and/or farmed cervid populations in 26 states and several Canadian provinces, and has recently been detected in areas and facilities that had previously been CWD-free. Because of the lengthy incubation period of the disease, infected deer, elk, and moose may not present visible symptoms



until years after the time of infection. Even as visible symptoms, such as weight loss, stumbling and tremors, become observable, the commonality of these symptoms among cervid maladies, such as epizootic hemorrhagic disease (EHD), prevents CWD from being readily diagnosed. As it currently stands, there is no way to conclusively identify the presence of CWD within an animal until a necropsy has been performed. With no known treatment or vaccine available, CWD continues to prove fatal in all documented cases.

Therefore, the number one objective in the management of CWD must be to prevent its spread into areas that are presently CWD-free. However, a lack of reliable information about the disease and its transmission pathways presents this objective as an arduous task.

Specifically, the task force proposed in Section 104 will consist of a representative from the Service, the U.S. Geological Service, the U.S. Department of Agriculture, and representatives from state agencies that are currently tasked with combatting CWD in both farmed and free-ranging cervids. The task force will be required to submit a study to the Secretaries of Agriculture and the Interior that will help provide a better understanding of CWD. The report will include information regarding the pathways and mechanisms of CWD transmission, infection rates for each identified pathway and transportation mechanism, the frequency of transmission of each pathway and mechanism, among others, all of which seek to address this disease.

Section 104 is an innovative, non-controversial provision that could pay dividends in terms of informing strategies to effectively manage CWD and providing a better understanding of the disease.

#### ***Sec. 106: North American Wetlands Conservation Act***

Section 106 of S. 3051, the North American Wetlands Conservation Act (NAWCA), is an important program that would authorize funding to ensure the conservation of critical wetland habitat. Sec. 106 authorizes \$60 million for each fiscal year from 2021-2025 to conduct on-the-ground, long lasting wetland conservation projects. Originally passed in 1989, NAWCA helps support the conservation efforts of the North American Waterfowl Management Plan by providing financial resources to carry out wetland conservation projects in the United States, Canada, and Mexico. Now in its 30<sup>th</sup> year, NAWCA has completed more than 2,833 on-the-ground conservation projects while conserving more than 29.8 million acres in all 50 states, Canada, and Mexico.

NAWCA requires that for every federal dollar contributed to the program, a non-federal source must equally match the federal contribution. However, the program is often matched at a rate of \$3 of non-federal money for every \$1 of federal money, a sign that conservation groups, including sportsmen and women, are willing to have skin in the game. In the last 30 years, NAWCA has received over \$1.6 billion in federal funds while being leveraged with more than \$4.68 billion in non-federal funds.

NAWCA was originally enacted in 1989, in part, to support the North American Waterfowl Management Plan, signed in 1986 by the United States and Canada, and in 1994 by Mexico. This

plan serves as the blueprint for wetland conservation across North America. Prior to distribution, the funds provided through NAWCA must be approved by the Migratory Bird Conservation Commission, which is currently Chaired by Secretary of the Interior David Bernhardt, and made up of CSC Vice-Chairs Senators John Boozman (AR) and Martin Heinrich (NM), CSC Members Representatives Rob Wittman (VA) and Mike Thompson (CA) as well as the Secretary of Agriculture Sonny Perdue and Environmental Protection Agency Administrator Andrew Wheeler.

A recent publication on September 19, 2019 in the Journal Science reported the United States and Canada have lost nearly 3 billion birds, or 29 percent of the entire population since 1970. However in the same time, waterfowl species, which rely on wetlands for their habitat needs, have increased by 56 percent, a sign that wetland programs such as NAWCA are some of the most effective conservation programs our nation's fish and wildlife managers have in their toolboxes. Additionally, passage of this authorization as part of S. 3051 will help improve flood mitigation in addition to air and water quality as wetlands serve as a critical tool to filter toxins coming off the land and air.

***Sec. 108: Modification of Definition of Sport Fishing Equipment under Toxic Substances Control Act***

Section 108 would amend the Toxic Substance Control Act (TSCA) to clarify that an existing exemption from TSCA regulation for sport fishing equipment as defined in the IRS Code, would be made permanent. Congress has already approved permanent protections to traditional ammunition, so this title would create a similar exemption for articles of fishing tackle subject to Wallop-Breaux and Dingell-Johnson excise taxes.

Anti-hunting and fishing interests have petitioned the Environmental Protection Agency (EPA) to force the agency to expand its TSCA authority in order to regulate traditional ammunition and recreational fishing tackle. These organizations assert that this is necessary to address significant impacts to wildlife populations that are resulting nationwide from the use of traditional tackle and ammunition. These exaggerations are little more than misleading scare tactics with no credible supporting science. Our state natural resource professionals already have the necessary tools to address and mitigate any localized issues that might arise without the unwarranted involvement of the EPA and TSCA.

Moreover, EPA's exercise of TSCA authority over recreational fishing tackle would likely result in significant increases in the price of tackle for sportsmen and women due to the exponentially higher raw materials and manufacturing costs associated with using alternative metals. Not only would this result in the loss of anglers, but it would also have detrimental impacts on the fishing tackle industry and would ultimately reduce the excise taxes sport fishing manufacturers pay on their products as a means of funding habitat conservation and boating safety throughout the country. In fact, much of our country's fish and wildlife habitat exists solely as the result of these contributions.

Section 108 would amend TSCA in a manner that serves to protect and enhance our fishing heritage while concurrently facilitating the important benefits that the recreational fishing industries contribute to the betterment of our nation's economy and treasured natural resources.

#### **Title II – Modernizing the Pittman-Robertson Fund for Tomorrow's Needs**

This provision will clarify that one of the purposes of the Pittman-Robertson Fund is to provide and extend financial and technical assistance to the states for hunter and recreational shooter recruitment efforts in order to ensure the future of America's conservationists and next generation of sportsmen and women.

The Pittman-Robertson Act directs existing excise taxes on firearms, ammunition, and archery equipment to state wildlife agencies for wildlife management, species and habitat conservation, scientific research, population monitoring, hunter education and hunting and target shooting access. Through these excise taxes and associated purchases of hunting licenses, archery enthusiasts, hunters, and recreational shooters are the nation's primary funders of wildlife conservation. Unfortunately, this "user-pays, public-benefits" system of conservation funding that benefits all citizens is in jeopardy.

In 1978, 16.2 million of the nation's 222 million citizens purchased a hunting license, representing 7% of the U.S. population. Now, there are over 328 million people in the United States, 13.3 million of which are certified hunting license holders, or less than 4% of the nation's population. This steady decline in participation over the past four decades threatens not only America's hunting heritage, but also represents a fundamental challenge to maintaining funding streams that are vital to state-based wildlife conservation.

To confront this challenge, state wildlife agencies need added flexibility to use Pittman-Robertson funds to develop and implement strategies to recruit, retain, and reactivate (R3) the nation's next generation of hunters and target shooters, the primary objective of Title II. Doing so will ensure that America's sportsmen and women continue to serve as a crucial source of funding for wildlife conservation that benefits citizens in every state.

It is also worth noting that the U.S. Fish and Wildlife Service's Sport Fish Restoration program (Dingell-Johnson/Wallop-Breaux) already allows state agencies to use their apportioned funds for recruitment, education, and outreach of fishing and boating programs to the general public thanks to previous Congressional authorization. This legislation will provide parity for state agencies to use Pittman-Robertson Funds for R3-related activities as they are already doing on the fishing and boating side with Dingell-Johnson/Wallop-Breaux funds. This legislation does not mandate a state agency use their funds for R3 efforts, but simply provides them the flexibility to do so as they judiciously see fit.

#### **Title III – National Fish Habitat Conservation through Partnerships**

Title III of S. 3051 will statutorily authorize the National Fish Habitat Partnership (NFHP) concept, which was first developed in 2006 by the Sport Fishing and Boating Partnership Council to enhance public-private partnerships for fisheries conservation efforts. This title will

provide Congressional oversight of NFHP by authorizing the current level of \$7.2 million in funding for this important conservation program.

Today, the NFHP has grown to 20 partnerships with numerous stakeholders, including federal, state, and local agencies; conservation and other sportsmen's groups; private land and riparian owners; and businesses. Working together, the partnership's mission is to implement the National Fish Habitat Action Plan, protect and restore fish populations and enhance recreational fishing opportunities. To date, more than 840 projects in 50 states have been completed, and non-federal dollars have been leveraged at a 2:1 ratio for every federal dollar spent.

It is important to note that this legislation does not seek to establish a new program, but rather ensure the existing program and partnerships remain state and locally driven through a bottom up, grassroots approach. Congressional authorization of NFHP through this legislation would codify the roles of involved parties and help secure an avenue for consistent funding for on-the-ground fish and aquatic habitat conservation in the states. Providing Congressional oversight over the financial resources will also help ensure long term, dedicated funding is provided to the Partnership.

#### **Summary**

In closing, S. 3051 is a common sense, non-controversial piece of legislation that would have a significant impact on the conservation of America's fish and wildlife as well as our nation's sportsmen and women. These provisions are good for the American economy, our treasured lands and waters, and our nation's fish and wildlife.

CSF would like to thank Chairman Barrasso, Ranking Member Carper, and the members of the Committee for holding a markup on this critically important piece of legislation. We look forward to working with you to pass this package out of Committee, out of the Senate, and enacted into law. Thank you.

Sincerely,



Jeffrey S. Crane  
President



December 20, 2019

The Honorable John Barrasso  
Chair, Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper  
Ranking Member, Senate Committee on Environment and Public Works Committee  
513 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Southeastern Association of Fish & Wildlife Agencies (SEAFWA), I am writing to confirm our strong support for the *America's Conservation Enhancement Act* (S. 3051) and are extremely pleased that it passed your committee by unanimous consent on December 17, 2019. SEAFWA is an organization whose members are the state agencies with primary responsibility for management and protection of the fish and wildlife resources in 15 states, Puerto Rico and the United States Virgin Islands. Member states are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. We have a strong interest in federal legislation, policies, and programs that effect state fish and wildlife management responsibilities and efforts; collaboration among state, federal, and territorial agencies; nongovernmental conservation partners; and private landowners.

The SEAFWA members applaud and thank you, along with members of the Senate Committee on Environment, and Public Works for advancing the *America's Conservation Enhancement Act* (S. 3051). This bill contains pieces of legislation that are vitally important to our state fish and wildlife agency members and our conservation partners. Provisions therein will help foster important collaborative approaches to fish and wildlife conservation throughout the country.

SEAFWA strongly supports S. 3051 and is pleased to see included therein the *Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act*. The Act will help us recruit and retain the next generation of hunters and recreational target shooters who are needed to ensure funding for wildlife conservation and management activities in the future.

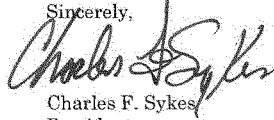
SEAFWA is home to the Southeastern Aquatic Resources Partnership, one of the 20 fish habitat partnerships that will benefit from the provisions in the *National Fish Habitat Conservation Through Partnerships Act*. The *North American Wetlands Conservation Act* (NAWCA) provides for lifecycle conservation of our nation's waterfowl populations and is critical for supporting the wetland habitats upon which these and other wetland dependent species depend.

The State of the Birds Report published in September 2019, indicated we have lost 3 billion birds since 1970, with the exception of waterfowl and raptor populations which have increased 56% and over 200%, respectively. The NAWCA is, in part, responsible for the positive trends in these species' populations and is an integral component of our state agencies' conservation strategies to manage waterfowl populations through voluntary, incentive-based habitat conservation measures.

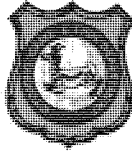
Finally, thank you for placing a priority on Chronic Wasting Disease (CWD), and we look forward to working with our colleagues to implement the provisions of the bill that provide for a CWD Task Force. These provisions are critically needed to further much needed research, assistance, informed management strategies, and improve our understanding of this challenging and complex disease. Many of our rural communities depend on the economic benefits of deer hunting for their livelihoods and well-being, which is jeopardized by CWD.

We respectfully request that you work with other members of the Committee, the full Senate, and Senate leadership to swiftly advance this bill through the legislative process in the Senate as soon as possible. SEAFWA stands ready to support your efforts and to help enact this crucial package of legislation as soon as possible during this Congress.

Sincerely,



Charles F. Sykes  
President  
Southeastern Association of Fish and Wildlife Agencies  
<http://www.seafwa.org>



WYOMING GAME AND FISH DEPARTMENT

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RICHARD LADWIG  
MIKE SCHMID

December 20, 2019

John Barrasso, Chairman  
Senate Environment and Public Works (EPW) Committee  
307 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Barrasso:

I write to convey the Wyoming Game and Fish Department's (Department) support of the America's Conservation Enhancement (ACE) Act. I want to thank you for your leadership regarding wildlife related issues that affect Wyoming.

I understand this bill would establish the chronic wasting disease (CWD) task force that I testified on earlier this month. The Department is committed to furthering our understanding of CWD, and greatly supports the formation of a task force to address the issue, as this is a national problem that will continue to affect all of us into the future.

This bill would also provide a venue to compensate livestock producers for losses to predation by federally listed species. The Department spent \$1,175,207 in fiscal year 2018 alone in damage compensation payments to landowners. The proposed program would complement our existing damage compensation program and potentially enhance relief to Wyoming ranchers.

Additionally, promoting fish habitat conservation through partnerships fits well within our enduring model that provides and maintains world class angling opportunities for our citizens.

Thank you again for your continued focus on important issues facing Wyoming's citizens and wildlife.

Sincerely,

Brian R. Nesvik  
Director

BN/ml

Senator BARRASSO. Senator Cardin.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM THE STATE OF MARYLAND**

Senator CARDIN. Mr. Chairman, I understand we are going to be voting in a couple of minutes. Until we get the necessary quorum here, let me just thank you on behalf of all the members of this Committee, both Democrats and Republicans, for putting together a bill on conservation that I hope will enjoy not only broad support, I hope it has unanimous support. I think you have put together a well balanced package.

I want to thank you and Senator Capito in regard to the Chesapeake Bay. We have been working—it won't be a surprise to this Committee that I mention the Chesapeake Bay as my first issue, but the reauthorization of the program, which we have acted on in the past. We have updated it, and I thank you for your help in updating it, and I have an amendment that will be incorporated either in the manager's package or when we vote, that points out the importance of the Chesapeake Bay Program.

I might also add, I want to thank the appropriators, because they put more money into the program. So we are getting pretty close to the authorized levels here. All that, I think, is really strong news in regard to the Federal partnership in regard to the Chesapeake Bay Program.

I also want to thank you for including some other provisions in this bill, including the Gateways Program, which is something we have also authorized in the past.

I know Senator Van Hollen is here, I want to applaud his efforts in working in regard to the fish and wildlife programs as it relates to the Chesapeake Bay. So in all those examples, I think the Bay gets the proper attention in this bill.

Senator Gardner and I have worked on a bill that allows Fish and Wildlife to, in regard to the fines, be able to use that in regard to conservation. I understand that Senator Sullivan has a concern about that provision, and in talking with the Chairman, it is our understanding that will be included in the package as it moves forward, provided we work out the issue in regard to Senator Sullivan's issue.

With that, I was hoping that Senator Carper would be here by now. It looks like we have a quorum.

Senator BARRASSO. We do have a quorum.

So we will wait for him.

Senator SULLIVAN. Mr. Chairman.

Senator BARRASSO. Senator Sullivan.

Senator SULLIVAN. I am just becoming aware of this issue, with Senator Cardin. I want to work with him on this.

It does raise some issues that are very, very, very important to my State. The ANILCA Federal law that passed in 1980, which was not supported by most Alaskans, is a law that is highly sensitive. Anything that impacts that law, it is a Federal law that only relates to Alaska. There are a lot of those, unfortunately, for my State.

So I want to make sure that this doesn't negatively impact that. We are looking at it. But these are really important issues to me



and my constituents. The U.S. Supreme Court, in a nine to zero case, just this year interpreted this ANILCA Federal law essentially saying, hey, Federal agencies have been misinterpreting this in Alaska for decades; nine to zero, Kagan opinion. We agree with that.

So I want to make sure that whatever, and I want to work with Senator Cardin. I am a little reluctant to kind of sign off on something that we just saw yesterday that might have an impact on my State in a way that is very, very—could be very serious. I just want to make sure all the questions that I have on this and my State have on this are answered before we move forward.

I would certainly want to work with Senator Cardin on an amendment for the floor. I think we can work this out soon. I was just made aware of this, my staff was just—just yesterday. I was made aware this morning. These ANILCA issues are really important to me.

Senator CARDIN. Mr. Chairman, if I could, I thank Senator Sullivan, and we certainly will—I always enjoy working things out with you. So I am certain we will be able to do this.

I think it probably helps you. One reason why is, because it prevents OMB from trying to use this as a budget issue. So we are really, I think, in a way, helping you in regard to your concerns about the moneys coming in from this program being used as a filler in the budget. That prevents that from happening, because it keeps it within conservation.

But I will be glad to work with Senator Sullivan to make sure that your issue is addressed.

Senator BARRASSO. We do have enough members here for a quorum. We are waiting on Senator Carper. But I know others have other obligations as well, and need to leave shortly. So we have enough members here.

I would like to move to the votes on the items on today's agenda. The Ranking Member and I have agreed to vote on S. 3051, America's Conservation Enhancement Act, by voice vote.

The Ranking Member and I have further agreed to vote on the nomination and 19 General Services Administration resolutions en bloc by voice vote. Members may choose to have their votes recorded for a specific item in that bloc after the first vote.

So the first vote, S. 3051, America's Conservation Enhancement Act, I would like to call that up at this time.

[The text of S. 3051 follows:]

RYA19972

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

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

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 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.

## 2

- 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.
- Sec. 112. Great Lakes monitoring, assessment, science, and research.

TITLE II—MODERNIZING THE PITTMAN-ROBERTSON FUND FOR  
TOMORROW'S NEEDS

- Sec. 201. Purpose.
- Sec. 202. Definitions.
- Sec. 203. Apportionment of available amounts.
- Sec. 204. Expenditures for management of wildlife areas and resources.
- Sec. 205. Firearm and bow hunter education and safety program grants.
- Sec. 206. Multistate conservation grant program.

TITLE III—NATIONAL FISH HABITAT CONSERVATION THROUGH  
PARTNERSHIPS

- Sec. 301. Purpose.
- Sec. 302. Definitions.
- Sec. 303. National Fish Habitat Board.
- Sec. 304. Fish Habitat Partnerships.
- Sec. 305. Fish Habitat Conservation Projects.
- Sec. 306. Technical and scientific assistance.
- Sec. 307. Coordination with States and Indian Tribes.
- Sec. 308. Interagency Operational Plan.
- Sec. 309. Accountability and reporting.
- Sec. 310. Effect of this title.
- Sec. 311. Nonapplicability of Federal Advisory Committee Act.
- Sec. 312. Funding.
- Sec. 313. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.

TITLE IV—MISCELLANEOUS

- Sec. 401. Sense of the Senate regarding conservation agreements and activities.
- Sec. 402. Study to review conservation factors.
- Sec. 403. Study and report on expenditures.
- Sec. 404. 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

1 Act (16 U.S.C. 742b note; Public Law 116–9) is amend-  
2 ed—

3 (1) in paragraphs (2)(C)(v), (3)(C)(v),  
4 (4)(C)(v), (5)(C)(v), and (6)(C)(v), by striking  
5 “paragraph (7)(A)” each place it appears and in-  
6 serting “paragraph (8)(A)”;

7 (2) in paragraphs (2)(D)(ii), (2)(F)(ii),  
8 (3)(D)(ii), (3)(F)(ii), (4)(D)(ii), (4)(F)(ii),  
9 (5)(D)(ii), (5)(F)(ii), (6)(D)(ii), and (6)(F)(ii) by  
10 striking “paragraph (7)(B)” each place it appears  
11 and inserting “paragraph (8)(B)”;

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

15 (4) by redesignating paragraph (7) as para-  
16 graph (8);

17 (5) by inserting after paragraph (6) the fol-  
18 lowing:

19 “(7) THEODORE ROOSEVELT GENIUS PRIZE  
20 FOR REDUCING HUMAN-PREDATOR CONFLICT.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) BOARD.—The term ‘Board’  
23 means the Reducing Human-Predator Con-  
24 flict Technology Advisory Board estab-  
25 lished by subparagraph (C)(i).

1                   “(ii) PRIZE COMPETITION.—The term  
2                   ‘prize competition’ means the Theodore  
3                   Roosevelt Genius Prize for reducing  
4                   human-predator conflict established under  
5                   subparagraph (B).

6                   “(B) AUTHORITY.—Not later than 180  
7                   days after the date of enactment of the Amer-  
8                   ica’s Conservation Enhancement Act, the Sec-  
9                   retary shall establish under section 24 of the  
10                  Stevenson-Wydler Technology Innovation Act of  
11                  1980 (15 U.S.C. 3719) a prize competition, to  
12                  be known as the ‘Theodore Roosevelt Genius  
13                  Prize for reducing human-predator conflict’—

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

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

## 5

1 “(C) ADVISORY BOARD.—

2 “(i) ESTABLISHMENT.—There is es-  
3 tablished an advisory board, to be known  
4 as the ‘Reducing Human-Predator Conflict  
5 Technology Advisory Board’.

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

10 “(I) predator-human interactions;

11 “(II) the habitats of large preda-  
12 tors;

13 “(III) biology;

14 “(IV) technology development;

15 “(V) engineering;

16 “(VI) economics;

17 “(VII) business development and  
18 management; and

19 “(VIII) any other discipline, as  
20 the Secretary determines to be nec-  
21 essary to achieve the purposes of this  
22 paragraph.

23 “(iii) DUTIES.—Subject to clause (iv),  
24 with respect to the prize competition, the  
25 Board shall—

## 6

- 1 “(I) select a topic;
- 2 “(II) issue a problem statement;
- 3 “(III) advise the Secretary re-
- 4 garding any opportunity for techno-
- 5 logical innovation to reduce human-
- 6 predator conflict using nonlethal
- 7 means; and
- 8 “(IV) advise winners of the prize
- 9 competition regarding opportunities to
- 10 pilot and implement winning tech-
- 11 nologies in relevant fields, including in
- 12 partnership with conservation organi-
- 13 zations, Federal or State agencies,
- 14 federally recognized Indian Tribes,
- 15 private entities, and research institu-
- 16 tions with expertise or interest relat-
- 17 ing to reducing human-predator con-
- 18 flict using nonlethal means.
- 19 “(iv) CONSULTATION.—In selecting a
- 20 topic and issuing a problem statement for
- 21 the prize competition under subclauses (I)
- 22 and (II) of clause (iii), respectively, the
- 23 Board shall consult widely with Federal
- 24 and non-Federal stakeholders, including—

## 7

1 “(I) 1 or more Federal agencies  
2 with jurisdiction over the management  
3 of native wildlife species at risk due to  
4 conflict with human activities;

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

9 “(III) 1 or more State, regional,  
10 or local wildlife organizations, the  
11 mission of which relates to the man-  
12 agement of native wildlife species at  
13 risk due to conflict with human activi-  
14 ties; and

15 “(IV) 1 or more wildlife con-  
16 servation groups, technology compa-  
17 nies, research institutions, institutions  
18 of higher education, industry associa-  
19 tions, or individual stakeholders with  
20 an interest in the management of na-  
21 tive wildlife species at risk due to con-  
22 flict with human activities.

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



1           “(D) AGREEMENT WITH NATIONAL FISH  
2           AND WILDLIFE FOUNDATION.—

3           “(i) IN GENERAL.—The Secretary  
4           shall offer to enter into an agreement  
5           under which the National Fish and Wild-  
6           life Foundation shall administer the prize  
7           competition.

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

12          “(E) JUDGES.—

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

18          “(ii) DETERMINATION BY SEC-  
19          RETARY.—The judges appointed under  
20          clause (i) shall not select any annual win-  
21          ner of the prize competition if the Sec-  
22          retary makes a determination that, in any  
23          fiscal year, none of the technological ad-  
24          vancements entered into the prize competi-  
25          tion merits an award.

1           “(F) CONSULTATION WITH NOAA.—The  
2           Secretary shall consult with the Secretary of  
3           Commerce, acting through the Administrator of  
4           the National Oceanic and Atmospheric Admin-  
5           istration, in the case of a cash prize awarded  
6           under the prize competition for a technology  
7           that addresses conflict between marine preda-  
8           tors under the jurisdiction of the Secretary of  
9           Commerce, acting through the Administrator of  
10          the National Oceanic and Atmospheric Admin-  
11          istration, and humans.

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

20                 “(i) a statement by the Board that  
21                 describes the activities carried out by the  
22                 Board relating to the duties described in  
23                 subparagraph (C)(iii);

24                 “(ii) if the Secretary has entered into  
25                 an agreement under subparagraph (D)(i),

1 a statement by the National Fish and  
2 Wildlife Foundation that describes the ac-  
3 tivities carried out by the National Fish  
4 and Wildlife Foundation relating to the du-  
5 ties described in paragraph (8)(B); and

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

10 “(H) TERMINATION OF AUTHORITY.—The  
11 Board and all authority provided under this  
12 paragraph shall terminate on December 31,  
13 2023.”; and

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

15 (A) in subparagraph (A), in the matter  
16 preceding clause (i), by striking “or (6)(C)(i)”  
17 and inserting “(6)(C)(i), or (7)(C)(i)”; and

18 (B) in subparagraph (B)—

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

22 (ii) in clause (i)(VII), by striking  
23 “and (6)(E)” and inserting “(6)(E), and  
24 (7)(E)”.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that data collected from the tagging of predators can  
3 inform innovative management of those predators and in-  
4 novative education activities to minimize human-predator  
5 conflict.

6 **SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY**  
7 **FEDERALLY PROTECTED SPECIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) DEPREDATION.—

10 (A) IN GENERAL.—The term “depreda-  
11 tion” means actual death, injury, or destruction  
12 of livestock that is caused by a federally pro-  
13 tected species.

14 (B) EXCLUSIONS.—The term “depreda-  
15 tion” does not include damage to real or per-  
16 sonal property other than livestock, including—

17 (i) damage to—

18 (I) other animals;

19 (II) vegetation;

20 (III) motor vehicles; or

21 (IV) structures;

22 (ii) diseases;

23 (iii) lost profits; or

24 (iv) consequential damages.

## 12

1           (2) FEDERALLY PROTECTED SPECIES.—The  
2       term “federally protected species” means a species  
3       that is or previously was protected under—

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

8           (B) the Endangered Species Act of 1973  
9       (16 U.S.C. 1531 et seq.); or

10          (C) the Migratory Bird Treaty Act (16  
11       U.S.C. 703 et seq.).

12          (3) INDIAN TRIBE.—The term “Indian tribe”  
13       has the meaning given the term in section 4 of the  
14       Indian Self-Determination and Education Assistance  
15       Act (25 U.S.C. 5304).

16          (4) LIVESTOCK.—

17           (A) IN GENERAL.—The term “livestock”  
18       means horses, mules and asses, rabbits, llamas,  
19       cattle, bison, swine, sheep, goats, poultry, bees,  
20       honey and beehives, or any other animal gen-  
21       erally used for food or in the production of food  
22       or fiber.

23           (B) INCLUSION.—The term “livestock” in-  
24       cludes guard animals actively engaged in the

1 protection of livestock described in subpara-  
2 graph (A).

3 (5) PROGRAM.—The term “program” means  
4 the grant program established under subsection  
5 (b)(1).

6 (6) SECRETARIES.—The term “Secretaries”  
7 means—

8 (A) the Secretary of the Interior, acting  
9 through the Director of the United States Fish  
10 and Wildlife Service; and

11 (B) the Secretary of Agriculture, acting  
12 through the Administrator of the Animal and  
13 Plant Health Inspection Service.

14 (b) GRANT PROGRAM FOR LOSSES OF LIVESTOCK  
15 DUE TO DEPREDAATION BY FEDERALLY PROTECTED SPE-  
16 CIES.—

17 (1) IN GENERAL.—The Secretaries shall estab-  
18 lish a program to provide grants to States and In-  
19 dian tribes to supplement amounts provided by  
20 States, Indian tribes, or State agencies under 1 or  
21 more programs established by the States and Indian  
22 tribes (including programs established after the date  
23 of enactment of this Act)—

24 (A) to assist livestock producers in ear-  
25 rying out—

## 14

1 (i) proactive and nonlethal activities  
2 to reduce the risk of livestock loss due to  
3 depredation by federally protected species  
4 occurring on—

5 (I) Federal, State, or private  
6 land within the applicable State; or

7 (II) land owned by, or held in  
8 trust for the benefit of, the applicable  
9 Indian tribe; and

10 (ii) research relating to the activities  
11 described in clause (i); and

12 (B) to compensate livestock producers for  
13 livestock losses due to depredation by federally  
14 protected species occurring on—

15 (i) Federal, State, or private land  
16 within the applicable State; or

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

19 (2) ALLOCATION OF FUNDING.—

20 (A) REPORTS TO THE SECRETARIES.—Not  
21 later than September 30 of each year, a State  
22 or Indian tribe desiring to receive a grant under  
23 the program shall submit to the Secretaries a  
24 report describing, for the 1-year period ending  
25 on that September 30, the losses of livestock

1 due to depredation by federally protected spe-  
2 cies occurring on—

3 (i) Federal, State, or private land  
4 within the applicable State; or

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

7 (B) ALLOCATION.—The Secretaries shall  
8 allocate available funding to carry out this Act  
9 among States and Indian tribes for a 1-year pe-  
10 riod ending on September 30 based on the  
11 losses described in the reports submitted for the  
12 previous 1-year period ending on September 30  
13 under subparagraph (A).

14 (3) ELIGIBILITY.—To be eligible to receive a  
15 grant under paragraph (1), a State or Indian tribe  
16 shall—

17 (A) designate an appropriate agency of the  
18 State or Indian tribe to administer the 1 or  
19 more programs supplemented by the grant  
20 funds;

21 (B) establish 1 or more accounts to receive  
22 grant funds;

23 (C) maintain files of all claims received  
24 and paid under grant-funded programs, includ-  
25 ing supporting documentation; and



1 (D) submit to the Secretaries—

2 (i) annual reports that include—

3 (I) a summary of claims and ex-  
4 penditures under the program during  
5 the year; and

6 (II) a description of any action  
7 taken on the claims; and

8 (ii) such other reports as the Secre-  
9 taries may require to assist the Secretaries  
10 in determining the effectiveness of assisted  
11 activities under this section.

12 (c) SENSE OF THE SENATE.—It is the sense of the  
13 Senate that—

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

16 (2) the program supplements, and does not re-  
17 place or supplant, any State compensation programs  
18 for depredation.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$15,000,000 for each of fiscal years 2021 through 2025,  
22 of which—

23 (1) \$5,000,000 shall be used to provide grants  
24 for the purposes described in subsection (b)(1)(A);  
25 and

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

3 **SEC. 103. DEPREDAATION PERMITS FOR BLACK VULTURES**  
4 **AND COMMON RAVENS.**

5           (a) IN GENERAL.—The Secretary of the Interior, act-  
6 ing through the Director of the United States Fish and  
7 Wildlife Service (referred to in this section as the “Sec-  
8 retary”), may issue depredation permits to livestock pro-  
9 ducers authorizing takings of black vultures or common  
10 ravens otherwise prohibited by Federal law to prevent  
11 those vultures or common ravens from taking livestock  
12 during the calving season or lambing season.

13           (b) LIMITED TO AFFECTED STATES OR REGIONS.—  
14 The Secretary may issue permits under subsection (a) only  
15 to livestock producers in States and regions in which live-  
16 stock producers are affected or have been affected in the  
17 previous year by black vultures or common ravens, as de-  
18 termined by Secretary.

19           (c) REPORTING.—The Secretary shall require, as a  
20 condition of a permit under subsection (a), that the permit  
21 holder shall report to the appropriate enforcement agen-  
22 cies the takings of black vultures or common ravens pursu-  
23 ant to the permit.

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

2 (a) **DEFINITION OF CHRONIC WASTING DISEASE.—**

3 In this section, the term “chronic wasting disease” means  
4 the animal disease afflicting deer, elk, and moose popu-  
5 lations that—

6 (1) is a transmissible disease of the nervous  
7 system resulting in distinctive lesions in the brain;  
8 and

9 (2) belongs to the group of diseases known as  
10 transmissible spongiform encephalopathies, which  
11 group includes scrapie, bovine spongiform  
12 encephalopathy, and Creutzfeldt-Jakob disease.

13 (b) **ESTABLISHMENT.—**

14 (1) **IN GENERAL.—**There is established within  
15 the United States Fish and Wildlife Service a task  
16 force, to be known as the “Chronic Wasting Disease  
17 Task Force” (referred to in this subsection as the  
18 “Task Force”).

19 (2) **DUTIES.—**The Task Force shall—

20 (A) collaborate with foreign governments  
21 to share research, coordinate efforts, and dis-  
22 cuss best management practices to reduce, min-  
23 imize, prevent, or eliminate chronic wasting dis-  
24 ease in the United States;

25 (B) develop recommendations, including  
26 recommendations based on findings of the study

1 conducted under subsection (c), and a set of  
2 best practices regarding—

3 (i) the interstate coordination of prac-  
4 tices to prevent the new introduction of  
5 chronic wasting disease;

6 (ii) the prioritization and coordination  
7 of the future study of chronic wasting dis-  
8 ease, based on evolving research needs;

9 (iii) ways to leverage the collective re-  
10 sources of Federal, State, and local agen-  
11 cies, Indian Tribes, and foreign govern-  
12 ments, and resources from private, non-  
13 governmental entities, to address chronic  
14 wasting disease in the United States and  
15 along the borders of the United States;  
16 and

17 (iv) any other area where containment  
18 or management efforts relating to chronic  
19 wasting disease may differ across jurisdic-  
20 tions;

21 (C) draw from existing and future aca-  
22 demic and management recommendations to de-  
23 velop an interstate action plan under which  
24 States and the Federal Government agree to  
25 enact consistent management, educational, and

1 research practices relating to chronic wasting  
2 disease; and

3 (D) facilitate the creation of a cooperative  
4 agreement by which States and relevant Fed-  
5 eral agencies agree to commit funds to imple-  
6 ment best practices described in the interstate  
7 action plan developed under subparagraph (C).

8 (3) MEMBERSHIP.—

9 (A) IN GENERAL.—The Task Force shall  
10 be composed of—

11 (i) 1 representative of the United  
12 States Fish and Wildlife Service with expe-  
13 rience in chronic wasting disease, to be ap-  
14 pointed by the Secretary of the Interior  
15 (referred to in this subsection as the “Sec-  
16 retary”);

17 (ii) 1 representative of the United  
18 States Geological Survey;

19 (iii) 2 representatives of the Depart-  
20 ment of Agriculture with experience in  
21 chronic wasting disease, to be appointed by  
22 the Secretary of Agriculture—

23 (I) 1 of whom shall have exper-  
24 tise in research; and

## 21

1 (II) 1 of whom shall have exper-  
2 tise in wildlife management;

3 (iv) in the case of each State in which  
4 chronic wasting disease among elk, mule  
5 deer, white-tailed deer, or moose has been  
6 reported to the appropriate State agency,  
7 not more than 2 representatives, to be  
8 nominated by the Governor of the State—

9 (I) not more than 1 of whom  
10 shall be a representative of the State  
11 agency with jurisdiction over wildlife  
12 management or wildlife disease in the  
13 State; and

14 (II) in the case of a State with a  
15 farmed cervid program or economy,  
16 not more than 1 of whom shall be a  
17 representative of the State agency  
18 with jurisdiction over farmed cervid  
19 regulation in the State;

20 (v) in the case of each State in which  
21 chronic wasting disease among elk, mule  
22 deer, white-tailed deer, or moose has not  
23 been documented, but that has carried out  
24 measures to prevent the introduction of  
25 chronic wasting disease among those spe-

1 cies, not more than 2 representatives, to be  
2 nominated by the Governor of the State;

3 (vi) not more than 2 representatives  
4 from an Indian tribe or tribal organization  
5 chosen in a process determined, in con-  
6 sultation with Indian tribes, by the Sec-  
7 retary; and

8 (vii) not more than 5 nongovern-  
9 mental members with relevant expertise  
10 appointed, after the date on which the  
11 members are first appointed under clauses  
12 (i) through (vi), by a majority vote of the  
13 State representatives appointed under  
14 clause (iv).

15 (B) EFFECT.—Nothing in this paragraph  
16 requires a State to participate in the Task  
17 Force.

18 (4) CO-CHAIRS.—The Co-Chairs of the Task  
19 Force shall be—

20 (A) the Federal representative described in  
21 paragraph (3)(A)(i); and

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

25 (5) DATE OF INITIAL APPOINTMENT.—

1 (A) IN GENERAL.—The members of the  
2 Task Force shall be appointed not later than  
3 180 days after the date on which the study is  
4 completed under subsection (c).

5 (B) NOTIFICATION.—On appointment of  
6 the members of the Task Force, the Co-Chairs  
7 of the Task Force shall notify the Chairs and  
8 Ranking Members of the Committees on Envi-  
9 ronment and Public Works of the Senate and  
10 Natural Resources of the House of Representa-  
11 tives.

12 (6) VACANCIES.—Any vacancy in the members  
13 appointed to the Task Force—

14 (A) shall not affect the power or duty of  
15 the Task Force; and

16 (B) shall be filled not later than 30 days  
17 after the date of the vacancy.

18 (7) MEETINGS.—The Task Force shall con-  
19 vene—

20 (A) not less frequently than twice each  
21 year; and

22 (B) at such time and place, and by such  
23 means, as the Co-Chairs of the Task Force de-  
24 termine to be appropriate, which may include  
25 the use of remote conference technology.



1 (8) INTERSTATE ACTION PLAN.—

2 (A) IN GENERAL.—Not later than 1 year  
3 after the date on which the members of the  
4 Task Force are appointed, the Task Force shall  
5 submit to the Secretary, and the heads of the  
6 State agencies with jurisdiction over wildlife  
7 disease and farmed cervid regulation of each  
8 State with a representative on the Task Force,  
9 the interstate action plan developed by the Task  
10 Force under paragraph (2)(C).

11 (B) COOPERATIVE AGREEMENTS.—

12 (i) IN GENERAL.—To the maximum  
13 extent practicable, the Secretary, any other  
14 applicable Federal agency, and each appli-  
15 cable State shall enter into a cooperative  
16 agreement to fund necessary actions under  
17 the interstate action plan submitted under  
18 subparagraph (A).

19 (ii) TARGET DATE.—The Secretary  
20 shall make the best effort of the Secretary  
21 to enter into any cooperative agreement  
22 under clause (i) not later than 180 days  
23 after the date of submission of the inter-  
24 state action plan under subparagraph (A).

25 (C) MATCHING FUNDS.—

1 (i) IN GENERAL.—Subject to clause  
2 (ii), for each fiscal year, the Federal Gov-  
3 ernment shall provide funds to carry out  
4 an interstate action plan through a cooper-  
5 ative agreement under subparagraph (B)  
6 in the amount of funds provided by the ap-  
7 plicable States.

8 (ii) LIMITATION.—The amount pro-  
9 vided by the Federal Government under  
10 clause (i) for a fiscal year shall be not  
11 greater than \$5,000,000.

12 (9) REPORTS.—Not later than September 30 of  
13 the first full fiscal year after the date on which the  
14 first members of the Task Force are appointed, and  
15 each September 30 thereafter, the Task Force shall  
16 submit to the Secretary, and the heads of the State  
17 agencies with jurisdiction over wildlife disease and  
18 farmed cervid regulation of each State with a rep-  
19 resentatives on the Task Force, a report describ-  
20 ing—

21 (A) progress on the implementation of ac-  
22 tions identified in the interstate action plan  
23 submitted under paragraph (8)(A), including  
24 the efficacy of funding under the cooperative

1 agreement entered into under paragraph  
2 (8)(B);

3 (B) updated resource requirements that  
4 are needed to reduce and eliminate chronic  
5 wasting disease in the United States;

6 (C) any relevant updates to the rec-  
7 ommended best management practices included  
8 in the interstate action plan submitted under  
9 paragraph (8)(B) to reduce or eliminate chronic  
10 wasting disease;

11 (D) new research findings and emerging  
12 research needs relating to chronic wasting dis-  
13 ease; and

14 (E) any other relevant information.

15 (c) CHRONIC WASTING DISEASE TRANSMISSION IN  
16 CERVIDAE RESOURCE STUDY.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) ACADEMY.—The term “Academy”  
19 means the National Academy of Sciences.

20 (B) CERVID.—The term “cervid” means  
21 any species within the family Cervidae.

22 (C) SECRETARIES.—The term “Seere-  
23 taries” means the Secretary of Agriculture, act-  
24 ing through the Administrator of the Animal  
25 and Plant Health Inspection Service, and the

1 Secretary of the Interior, acting through the  
2 Director of the United States Geological Sur-  
3 vey, acting jointly.

4 (2) STUDY.—

5 (A) IN GENERAL.—The Secretaries shall  
6 enter into an arrangement with the Academy  
7 under which the Academy shall conduct, and  
8 submit to the Secretaries a report describing  
9 the findings of, a special resource study to iden-  
10 tify the predominant pathways and mechanisms  
11 of the transmission of chronic wasting disease  
12 in wild, captive, and farmed populations of  
13 cervids in the United States.

14 (B) REQUIREMENTS.—The arrangement  
15 under subparagraph (A) shall provide that the  
16 actual expenses incurred by the Academy in  
17 conducting the study under subparagraph (A)  
18 shall be paid by the Secretaries, subject to the  
19 availability of appropriations.

20 (3) CONTENTS OF THE STUDY.—The study  
21 under paragraph (2) shall—

22 (A) with respect to wild, captive, and  
23 farmed populations of cervids in the United  
24 States, identify—

1 (i)(I) the pathways and mechanisms  
2 for the transmission of chronic wasting  
3 disease within live cervid populations and  
4 cervid products, which may include path-  
5 ways and mechanisms for transmission  
6 from Canada;

7 (II) the infection rates for each path-  
8 way and mechanism identified under sub-  
9 clause (I); and

10 (III) the relative frequency of trans-  
11 mission of each pathway and mechanism  
12 identified under subclause (I);

13 (ii)(I) anthropogenic and environ-  
14 mental factors contributing to new chronic  
15 wasting disease emergence events;

16 (II) the development of geographical  
17 areas with increased chronic wasting dis-  
18 ease prevalence; and

19 (III) the overall geographical patterns  
20 of chronic wasting disease distribution;

21 (iii) significant gaps in current sci-  
22 entific knowledge regarding the trans-  
23 mission pathways and mechanisms identi-  
24 fied under clause (i)(I) and potential pre-

1           vention, detection, and control methods  
2           identified under clause (v);

3                 (iv) for prioritization the scientific re-  
4           search projects that will address the knowl-  
5           edge gaps identified under clause (iii),  
6           based on the likelihood that a project will  
7           contribute significantly to the prevention  
8           or control of chronic wasting disease; and

9                 (v) potential prevention, detection, or  
10          control measures, practices, or technologies  
11          to be used to mitigate the transmission  
12          and spread of chronic wasting disease in  
13          wild, captive, and farmed populations of  
14          cervids in the United States;

15                (B) assess the effectiveness of the potential  
16          prevention, detection, or control measures, prac-  
17          tices, or technologies identified under subpara-  
18          graph (A)(v); and

19                (C) review and compare science-based best  
20          practices, standards, and guidance regarding  
21          the prevention, detection, and management of  
22          chronic wasting disease in wild, captive, and  
23          farmed populations of cervids in the United  
24          States that have been developed by—

1 (i) the National Chronic Wasting Dis-  
2 ease Herd Certification Program of the  
3 Animal and Plant Health Inspection Serv-  
4 ice;

5 (ii) the United States Geological Sur-  
6 vey;

7 (iii) State wildlife and agricultural  
8 agencies, in the case of practices, stand-  
9 ards, and guidance that provide practical,  
10 science-based recommendations to State  
11 and Federal agencies for minimizing or  
12 eliminating the risk of transmission of  
13 chronic wasting disease in the United  
14 States; and

15 (iv) industry or academia, in the case  
16 of any published guidance on practices that  
17 provide practical, science-based rec-  
18 ommendations to cervid producers for  
19 minimizing or eliminating the risk of  
20 transmission of chronic wasting disease  
21 within or between herds.

22 (4) DEADLINE.—The study under paragraph  
23 (2) shall be completed not later than 180 days after  
24 the date on which funds are first made available for  
25 the study.

1           (5) DATA SHARING.—The Secretaries shall  
2       share with the Academy, as necessary to conduct the  
3       study under paragraph (2), subject to the avoidance  
4       of a violation of a privacy or confidentiality require-  
5       ment and the protection of confidential or privileged  
6       commercial, financial, or proprietary information,  
7       data and access to databases on chronic wasting dis-  
8       ease under the jurisdiction of—

9           (A) the Veterinary Services Program of the  
10       Animal and Plant Health Inspection Service;  
11       and

12       (B) the United States Geological Survey.

13       (6) REPORT.—Not later than 60 days after the  
14       date of completion of the study, the Secretaries shall  
15       submit to the Committee on Agriculture, Nutrition,  
16       and Forestry, the Committee on Energy and Nat-  
17       ural Resources, and the Committee on Environment  
18       and Public Works of the Senate and the Committee  
19       on Agriculture and the Committee on Natural Re-  
20       sources of the House of Representatives a report  
21       that describes—

22       (A) the findings of the study; and

23       (B) any conclusions and recommendations  
24       that the Secretaries determine to be appro-  
25       priate.



1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this sec-  
 3 tion—

4 (1) for the period of fiscal years 2021 through  
 5 2025, \$5,000,000 to the Secretary of the Interior,  
 6 acting through the Director of the United States  
 7 Fish and Wildlife Service, to carry out administra-  
 8 tive activities under subsection (b);

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

13 (3) for fiscal year 2021, \$1,200,000 to the Sec-  
 14 retary of Agriculture, acting through the Adminis-  
 15 trator of the Animal and Plant Health Inspection  
 16 Service, to carry out activities to fund research  
 17 under subsection (c).

18 **SEC. 105. INVASIVE SPECIES.**

19 Section 10 of the Fish and Wildlife Coordination Act  
 20 (16 U.S.C. 666c–1) is amended—

21 (1) in subsection (c)(2)—

22 (A) in subparagraph (A)—

23 (i) by redesignating clauses (i) and

24 (ii) as clauses (ii) and (iii), respectively;

25 and

1 (ii) by inserting before clause (ii) (as  
2 so redesignated) the following:

3 “(i) relevant Federal agencies;”;

4 (B) by redesignating subparagraphs (B)  
5 and (C) as subparagraphs (C) and (D), respec-  
6 tively; and

7 (C) by inserting after subparagraph (A)  
8 the following:

9 “(B) in consultation with stakeholders, in-  
10 cluding nongovernmental organizations and in-  
11 dustry;” and

12 (2) by adding at the end the following:

13 “(p) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to carry out this section  
15 for each of fiscal years 2021 through 2025—

16 “(1) \$2,500,000 to the Secretary of the Army,  
17 acting through the Chief of Engineers; and

18 “(2) \$2,500,000 to the Secretary of the Inte-  
19 rior.”.

20 **SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION**  
21 **ACT.**

22 Section 7(c) of the North American Wetlands Con-  
23 servation Act (16 U.S.C. 4406(c)) is amended by striking  
24 “not to exceed—” in the matter preceding paragraph (1)  
25 and all that follows through paragraph (5) and inserting

1 “not to exceed \$60,000,000 for each of fiscal years 2021  
2 through 2025.”.

3 **SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**  
4 **TABLISHMENT ACT.**

5 (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

9 (A) in subsection (b)—

10 (i) by striking paragraph (2) and in-  
11 serting the following:

12 “(2) APPOINTMENT OF DIRECTORS.—After con-  
13 sulting with the Secretary of Commerce and consid-  
14 ering the recommendations submitted by the Board,  
15 the Secretary of the Interior shall appoint 28 Direc-  
16 tors who, to the maximum extent practicable, shall—

17 “(A) be knowledgeable and experienced in  
18 matters relating to the conservation of fish,  
19 wildlife, or other natural resources; and

20 “(B) represent a balance of expertise in  
21 ocean, coastal, freshwater, and terrestrial re-  
22 source conservation.”; and

23 (ii) by striking paragraph (3) and in-  
24 serting the following:

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

4           (B) in subsection (g)(2)—

5           (i) in subparagraph (A), by striking  
 6           “(A) Officers and employees may not be  
 7           appointed until the Foundation has suffi-  
 8           cient funds to pay them for their service.  
 9           Officers” and inserting the following:

10          “(A) IN GENERAL.—Officers”; and

11          (ii) by striking subparagraph (B) and  
 12          inserting the following:

13          “(B) EXECUTIVE DIRECTOR.—The Foun-  
 14          dation shall have an Executive Director who  
 15          shall be—

16               “(i) appointed by, and serve at the di-  
 17               rection of, the Board as the chief executive  
 18               officer of the Foundation; and

19               “(ii) knowledgeable and experienced in  
 20               matters relating to fish and wildlife con-  
 21               servation.”.

22          (2)       CONFORMING       AMENDMENT.—Section  
 23          4(a)(1)(B) of the North American Wetlands Con-  
 24          servation Act (16 U.S.C. 4403(a)(1)(B)) is amended

1 by striking “Secretary of the Board” and inserting  
 2 “Executive Director of the Board”.

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

6 (1) in subsection (c)—

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

10 “(c) POWERS.—

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

13 (B) by redesignating paragraphs (1)  
 14 through (11) as subparagraphs (A) through  
 15 (K), respectively, and indenting appropriately;

16 (C) in subparagraph (D) (as redesignated  
 17 by subparagraph (B)), by striking “that are in-  
 18 sured by an agency or instrumentality of the  
 19 United States” and inserting “at 1 or more fi-  
 20 nancial institutions that are members of the  
 21 Federal Deposit Insurance Corporation or the  
 22 Securities Investment Protection Corporation”;

23 (D) in subparagraph (E) (as redesignated  
 24 by subparagraph (B)), by striking “paragraph

1 (3) or (4)” and inserting “subparagraph (C) or  
2 (D)”;

3 (E) in subparagraph (J) (as redesignated  
4 by subparagraph (B)), by striking “and” at the  
5 end;

6 (F) by striking subparagraph (K) (as re-  
7 designated by subparagraph (B)) and inserting  
8 the following:

9 “(K) to receive and administer restitution  
10 and community service payments, amounts for  
11 mitigation of impacts to natural resources, and  
12 other amounts arising from legal, regulatory, or  
13 administrative proceedings, subject to the con-  
14 dition that the amounts are received or admin-  
15 istered for purposes that further the conserva-  
16 tion and management of fish, wildlife, plants,  
17 and other natural resources; and

18 “(L) to do acts necessary to carry out the  
19 purposes of the Foundation.”; and

20 (G) by striking the undesignated matter at  
21 the end and inserting the following:

22 “(2) TREATMENT OF REAL PROPERTY.—

23 “(A) IN GENERAL.—For purposes of this  
24 Act, an interest in real property shall be treated  
25 as including easements or other rights for pres-

1           ervation, conservation, protection, or enhance-  
 2           ment by and for the public of natural, scenic,  
 3           historic, scientific, educational, inspirational, or  
 4           recreational resources.

5           “(B) ENCUMBERED REAL PROPERTY.—A  
 6           gift, devise, or bequest may be accepted by the  
 7           Foundation even though the gift, devise, or be-  
 8           quest is encumbered, restricted, or subject to  
 9           beneficial interests of private persons if any  
 10          current or future interest in the gift, devise, or  
 11          bequest is for the benefit of the Foundation.

12          “(3) SAVINGS CLAUSE.—The acceptance and  
 13          administration of amounts by the Foundation under  
 14          paragraph (1)(K) does not alter, supersede, or limit  
 15          any regulatory or statutory requirement associated  
 16          with those amounts.”;

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

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

20          (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
 21          10 of the National Fish and Wildlife Foundation Estab-  
 22          lishment Act (16 U.S.C. 3709) is amended—

23          (1) in subsection (a), by striking paragraph (1)  
 24          and inserting the following:

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

4           “(A) \$15,000,000 to the Secretary of the  
5       Interior;

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

8           “(C) \$5,000,000 to the Secretary of Com-  
9       merce.”;  
10       (2) in subsection (b)—

11           (A) by striking paragraph (1) and insert-  
12       ing the following:

13       “(1) AMOUNTS FROM FEDERAL AGENCIES.—

14           “(A) IN GENERAL.—In addition to the  
15       amounts authorized to be appropriated under  
16       subsection (a), Federal departments, agencies,  
17       or instrumentalities are authorized to provide  
18       funds to the Foundation through Federal finan-  
19       cial assistance grants and cooperative agree-  
20       ments, subject to the condition that the  
21       amounts are used for purposes that further the  
22       conservation and management of fish, wildlife,  
23       plants, and other natural resources in accord-  
24       ance with this Act.



1           “(B) ADVANCES.—Federal departments,  
2           agencies, or instrumentalities may advance  
3           amounts described in subparagraph (A) to the  
4           Foundation in a lump sum without regard to  
5           when the expenses for which the amounts are  
6           used are incurred.

7           “(C) MANAGEMENT FEES.—The Founda-  
8           tion may assess and collect fees for the manage-  
9           ment of amounts received under this para-  
10          graph.”;

11          (B) in paragraph (2)—

12           (i) in the paragraph heading, by strik-  
13           ing “FUNDS” and inserting “AMOUNTS”;

14           (ii) by striking “shall be used” and in-  
15           serting “may be used”; and

16           (iii) by striking “and State and local  
17           government agencies” and inserting “,  
18           State and local government agencies, and  
19           other entities”; and

20          (C) by adding at the end the following:

21          “(3) ADMINISTRATION OF AMOUNTS.—

22           “(A) IN GENERAL.—In entering into con-  
23           tracts, agreements, or other partnerships pursu-  
24           ant to this Act, a Federal department, agency,  
25           or instrumentality shall have discretion to waive

1 any competitive process applicable to the de-  
2 partment, agency, or instrumentality for enter-  
3 ing into contracts, agreements, or partnerships  
4 with the Foundation if the purpose of the waiv-  
5 er is—

6 “(i) to address an environmental  
7 emergency resulting from a natural or  
8 other disaster; or

9 “(ii) as determined by the head of the  
10 applicable Federal department, agency, or  
11 instrumentality, to reduce administrative  
12 expenses and expedite the conservation and  
13 management of fish, wildlife, plants, and  
14 other natural resources.

15 “(B) REPORTS.—The Foundation shall in-  
16 clude in the annual report submitted under sec-  
17 tion 7(b) a description of any use of the author-  
18 ity under subparagraph (A) by a Federal de-  
19 partment, agency, or instrumentality in that fis-  
20 cal year.”; and

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

22 “(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF  
23 MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-  
24 quests of amounts or other property, or any other amounts  
25 or other property, transferred to, deposited with, or other-

1 wise in the possession of the Foundation pursuant to this  
 2 Act, may be made available by the Foundation to Federal  
 3 departments, agencies, or instrumentalities and may be  
 4 accepted and expended (or the disposition of the amounts  
 5 or property directed), without further appropriation, by  
 6 those Federal departments, agencies, or instrumentalities,  
 7 subject to the condition that the amounts or property be  
 8 used for purposes that further the conservation and man-  
 9 agement of fish, wildlife, plants, and other natural re-  
 10 sources.”.

11 (d) LIMITATION ON AUTHORITY.—Section 11 of the  
 12 National Fish and Wildlife Foundation Establishment Act  
 13 (16 U.S.C. 3710) is amended by inserting “exclusive” be-  
 14 fore “authority”.

15 **SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISH-**  
 16 **ING EQUIPMENT UNDER TOXIC SUBSTANCES**  
 17 **CONTROL ACT.**

18 Section 3(2)(B) of the Toxic Substances Control Act  
 19 (15 U.S.C. 2602(2)(B)) is amended—

- 20 (1) in clause (v), by striking “and” at the end;
- 21 (2) in clause (vi) by striking the period at the  
 22 end and inserting “, and”; and
- 23 (3) by inserting after clause (vi) the following:  
 24 “(vii) any sport fishing equipment (as such  
 25 term is defined in section 4162(a) of the Internal

1 Revenue Code of 1986) the sale of which is subject  
 2 to the tax imposed by section 4161(a) of such Code  
 3 (determined without regard to any exemptions from  
 4 such tax provided by section 4162 or 4221 or any  
 5 other provision of such Code), and sport fishing  
 6 equipment components.”.

7 **SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
 8 **GRAM.**

9 Section 117 of the Federal Water Pollution Control  
 10 Act (33 U.S.C. 1267) is amended by striking subsection  
 11 (j) and inserting the following:

12 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to carry out this sec-  
 14 tion—

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

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

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

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

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

20 **SEC. 110. REAUTHORIZATION OF CHESAPEAKE BAY INITIA-**  
 21 **TIVE ACT OF 1998.**

22 Section 502(c) of the Chesapeake Bay Initiative Act  
 23 of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat.  
 24 2579; 132 Stat. 691) is amended by striking “2019” and  
 25 inserting “2025”.

1 **SEC. 111. CHESAPEAKE WATERSHED INVESTMENTS FOR**  
 2 **LANDSCAPE DEFENSE.**

3 (a) DEFINITIONS.—In this section:

4 (1) CHESAPEAKE BAY AGREEMENTS.—The  
 5 term “Chesapeake Bay agreements” means the for-  
 6 mal, voluntary agreements—

7 (A) executed to achieve the goal of restor-  
 8 ing and protecting the Chesapeake Bay water-  
 9 shed ecosystem and the living resources of the  
 10 Chesapeake Bay watershed ecosystem; and

11 (B) signed by the Chesapeake Executive  
 12 Council.

13 (2) CHESAPEAKE BAY PROGRAM.—The term  
 14 “Chesapeake Bay program” means the program di-  
 15 rected by the Chesapeake Executive Council in ac-  
 16 cordance with the Chesapeake Bay agreements.

17 (3) CHESAPEAKE BAY WATERSHED.—The term  
 18 “Chesapeake Bay watershed” means the region that  
 19 covers—

20 (A) the Chesapeake Bay;

21 (B) the portions of the States of Delaware,  
 22 Maryland, New York, Pennsylvania, Virginia,  
 23 and West Virginia that drain into the Chesa-  
 24 peake Bay; and

25 (C) the District of Columbia.

1 (4) CHESAPEAKE EXECUTIVE COUNCIL.—The  
2 term “Chesapeake Executive Council” means the  
3 council comprised of—

4 (A) the Governors of each of the States of  
5 Delaware, Maryland, New York, Pennsylvania,  
6 Virginia, and West Virginia;

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

8 (C) the Chair of the Chesapeake Bay Com-  
9 mission; and

10 (D) the Administrator of the Environ-  
11 mental Protection Agency.

12 (5) CHESAPEAKE WILD PROGRAM.—The term  
13 “Chesapeake WILD program” means the nonregula-  
14 tory program established by the Secretary under  
15 subsection (b)(1).

16 (6) GRANT PROGRAM.—The term “grant pro-  
17 gram” means the Chesapeake Watershed Invest-  
18 ments for Landscape Defense grant program estab-  
19 lished by the Secretary under subsection (c)(1).

20 (7) RESTORATION AND PROTECTION ACTIV-  
21 ITY.—The term “restoration and protection activity”  
22 means an activity carried out for the conservation,  
23 stewardship, and enhancement of habitat for fish  
24 and wildlife—

1 (A) to preserve and improve ecosystems  
2 and ecological processes on which the fish and  
3 wildlife depend; and

4 (B) for use and enjoyment by the public.

5 (8) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior, acting through the Di-  
7 rector of the United States Fish and Wildlife Serv-  
8 ice.

9 (b) PROGRAM ESTABLISHMENT.—

10 (1) ESTABLISHMENT.—Not later than 180 days  
11 after the date of enactment of this Act, the Sec-  
12 retary shall establish a nonregulatory program, to be  
13 known as the “Chesapeake Watershed Investments  
14 for Landscape Defense program”.

15 (2) PURPOSES.—The purposes of the Chesa-  
16 peake WILD program include—

17 (A) coordinating restoration and protection  
18 activities among Federal, State, local, and re-  
19 gional entities and conservation partners  
20 throughout the Chesapeake Bay watershed;

21 (B) engaging other agencies and organiza-  
22 tions to build a broader range of partner sup-  
23 port, capacity, and potential funding for  
24 projects in the Chesapeake Bay watershed;

1 (C) carrying out coordinated restoration  
2 and protection activities, and providing for tech-  
3 nical assistance, throughout the Chesapeake  
4 Bay watershed—

5 (i) to sustain and enhance restoration  
6 and protection activities;

7 (ii) to improve and maintain water  
8 quality to support fish and wildlife, habi-  
9 tats of fish and wildlife, and drinking  
10 water for people;

11 (iii) to sustain and enhance water  
12 management for volume and flood damage  
13 mitigation improvements to benefit fish  
14 and wildlife habitat;

15 (iv) to improve opportunities for pub-  
16 lic access and recreation in the Chesapeake  
17 Bay watershed consistent with the ecologi-  
18 cal needs of fish and wildlife habitat;

19 (v) to facilitate strategic planning to  
20 maximize the resilience of natural eco-  
21 systems and habitats under changing wa-  
22 tershed conditions;

23 (vi) to engage the public through out-  
24 reach, education, and citizen involvement  
25 to increase capacity and support for co-



1           ordinated restoration and protection activi-  
2           ties in the Chesapeake Bay watershed;

3           (vii) to sustain and enhance vulner-  
4           able communities and fish and wildlife  
5           habitat;

6           (viii) to conserve and restore fish,  
7           wildlife, and plant corridors; and

8           (ix) to increase scientific capacity to  
9           support the planning, monitoring, and re-  
10          search activities necessary to carry out co-  
11          ordinated restoration and protection activi-  
12          ties.

13          (3) DUTIES.—In carrying out the Chesapeake  
14          WILD program, the Secretary shall—

15                (A) draw on existing plans for the Chesa-  
16                peake Bay watershed, or portions of the Chesa-  
17                peake Bay watershed, including the Chesapeake  
18                Bay agreements, and work in consultation with  
19                applicable management entities, including  
20                Chesapeake Bay program partners, such as the  
21                Federal Government, State and local govern-  
22                ments, the Chesapeake Bay Commission, and  
23                other regional organizations, as appropriate, to  
24                identify, prioritize, and implement restoration

1 and protection activities within the Chesapeake  
2 Bay watershed;

3 (B) adopt a Chesapeake Bay watershed-  
4 wide strategy that—

5 (i) supports the implementation of a  
6 shared set of science-based restoration and  
7 protection activities developed in accord-  
8 ance with subparagraph (A); and

9 (ii) targets cost-effective projects with  
10 measurable results; and

11 (C) establish the grant program in accord-  
12 ance with subsection (c).

13 (4) COORDINATION.—In establishing the Chesa-  
14 peake WILD program, the Secretary shall consult,  
15 as appropriate, with—

16 (A) the heads of Federal agencies, includ-  
17 ing—

18 (i) the Administrator of the Environ-  
19 mental Protection Agency;

20 (ii) the Administrator of the National  
21 Oceanic and Atmospheric Administration;

22 (iii) the Chief of the Natural Re-  
23 sources Conservation Service;

24 (iv) the Chief of Engineers;

- 1 (v) the Director of the United States  
2 Geological Survey;  
3 (vi) the Secretary of Transportation;  
4 (vii) the Chief of the Forest Service;  
5 and  
6 (viii) the head of any other applicable  
7 agency;  
8 (B) the Governors of each of the States of  
9 Delaware, Maryland, New York, Pennsylvania,  
10 Virginia, and West Virginia and the Mayor of  
11 the District of Columbia;  
12 (C) fish and wildlife joint venture partner-  
13 ships; and  
14 (D) other public agencies and organiza-  
15 tions with authority for the planning and imple-  
16 mentation of conservation strategies in the  
17 Chesapeake Bay watershed.
- 18 (c) GRANTS AND TECHNICAL ASSISTANCE.—  
19 (1) CHESAPEAKE WILD GRANT PROGRAM.—To  
20 the extent that funds are made available to carry out  
21 this subsection, the Secretary shall establish and  
22 carry out, as part of the Chesapeake WILD pro-  
23 gram, a voluntary grant and technical assistance  
24 program, to be known as the “Chesapeake Water-  
25 shed Investments for Landscape Defense grant pro-

1       gram'', to provide competitive matching grants of  
2       varying amounts and technical assistance to eligible  
3       entities described in paragraph (2) to carry out ac-  
4       tivities described in subsection (b)(2).

5       (2) ELIGIBLE ENTITIES.—The following entities  
6       are eligible to receive a grant and technical assist-  
7       ance under the grant program:

8               (A) A State.

9               (B) The District of Columbia.

10              (C) A unit of local government.

11              (D) A nonprofit organization.

12              (E) An institution of higher education.

13              (F) Any other entity that the Secretary de-  
14       termines to be appropriate in accordance with  
15       the criteria established under paragraph (3).

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

21              (A) accomplish 1 or more of the purposes  
22       described in subsection (b)(2); and

23              (B) advance the implementation of priority  
24       actions or needs identified in the Chesapeake

1 Bay watershed-wide strategy adopted under  
2 subsection (b)(3)(B).

3 (4) COST SHARING.—

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

10 (B) NON-DEPARTMENT OF THE INTERIOR  
11 SHARE.—

12 (i) IN GENERAL.—The non-Depart-  
13 ment of the Interior share of the cost of a  
14 project funded under the grant program  
15 may be provided in cash or in the form of  
16 an in-kind contribution of services or mate-  
17 rials.

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

23 (5) ADMINISTRATION.—The Secretary may  
24 enter into an agreement to manage the grant pro-

1       gram with an organization that offers grant manage-  
2       ment services.

3       (d) REPORTING.—Not later than 180 days after the  
4       date of enactment of this Act, and annually thereafter,  
5       the Secretary shall submit to Congress a report describing  
6       the implementation of this section, including a description  
7       of each project that has received funding under this sec-  
8       tion.

9       (e) AUTHORIZATION OF APPROPRIATIONS.—

10       (1) IN GENERAL.—There is authorized to be  
11       appropriated to carry out this section \$15,000,000  
12       for each of fiscal years 2021 through 2025.

13       (2) SUPPLEMENT, NOT SUPPLANT.—Funds  
14       made available under paragraph (1) shall supple-  
15       ment, and not supplant, funding for other activities  
16       conducted by the Secretary in the Chesapeake Bay  
17       watershed.

18       **SEC. 112. GREAT LAKES MONITORING, ASSESSMENT,**  
19       **SCIENCE, AND RESEARCH.**

20       (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

1 (5) Reorganization Plan No. 4 expressly ex-  
2 cluded fishery research activities within the Great  
3 Lakes from the transfer, retaining management and  
4 scientific research duties within the already-estab-  
5 lished jurisdictions under the 1954 Convention on  
6 Great Lakes Fisheries, including those of the Great  
7 Lakes Fishery Commission and the Department of  
8 the Interior.

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

11 (1) IN GENERAL.—The Director may conduct  
12 monitoring, assessment, science, and research, in  
13 support of the binational fisheries within the Great  
14 Lakes Basin.

15 (2) SPECIFIC AUTHORITIES.—The Director  
16 shall, under paragraph (1)—

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

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

22 (C) consult with other interested entities  
23 groups, including academia and relevant Cana-  
24 dian agencies.



1           (3) INCLUDED RESEARCH.—To properly serve  
2       the needs of fisheries managers, monitoring, assess-  
3       ment, science, and research under this section may  
4       include—

5           (A) deepwater ecosystem sciences;

6           (B) biological and food-web components;

7           (C) fish movement and behavior investiga-  
8       tions;

9           (D) fish population structures;

10          (E) fish habitat investigations;

11          (F) invasive species science;

12          (G) use of existing, new, and experimental  
13       biological assessment tools, equipment, vessels,  
14       other scientific instrumentation and laboratory  
15       capabilities necessary to support fishery man-  
16       agement decisions; and

17          (H) studies to assess impacts on Great  
18       Lakes Fishery resources.

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

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

3       (d) AUTHORIZATION OF APPROPRIATIONS.—For  
4 each of fiscal years 2021 through 2025, there is author-  
5 ized to be appropriated \$15,000,000 to carry out this sec-  
6 tion.

7 **TITLE II—MODERNIZING THE**  
8 **PITTMAN-ROBERTSON FUND**  
9 **FOR TOMORROW’S NEEDS**

10 **SEC. 201. PURPOSE.**

11       The first section of the Pittman-Robertson Wildlife  
12 Restoration Act (16 U.S.C. 669) is amended by adding  
13 at the end the following: “One of the purposes of this Act  
14 is to provide financial and technical assistance to the  
15 States for the promotion of hunting and recreational  
16 shooting.”.

17 **SEC. 202. DEFINITIONS.**

18       Section 2 of the Pittman-Robertson Wildlife Restora-  
19 tion Act (16 U.S.C. 669a) is amended—

20           (1) by redesignating paragraphs (2) through  
21           (9) as paragraphs (4) through (11), respectively;  
22           and  
23           (2) by inserting after paragraph (1) the fol-  
24           lowing:

1           “(2) for the purposes of determining the num-  
2       ber of paid hunting-license holders in a State, the  
3       term ‘fiscal year’ means the fiscal year or license  
4       year of the State;

5           “(3) the term ‘hunter recruitment and rec-  
6       reational shooter recruitment’ means any activity or  
7       project to recruit or retain hunters and recreational  
8       shooters, including by—

9           “(A) outreach and communications as a  
10       means—

11           “(i) to improve communications with  
12       hunters, recreational shooters, and the  
13       general public with respect to hunting and  
14       recreational shooting opportunities;

15           “(ii) to reduce barriers to participa-  
16       tion in these activities;

17           “(iii) to advance the adoption of  
18       sound hunting and recreational shooting  
19       practices;

20           “(iv) to promote conservation and the  
21       responsible use of the wildlife resources of  
22       the United States; and

23           “(v) to further safety in hunting and  
24       recreational shooting;

1           “(B) providing education, mentoring, and  
2           field demonstrations;

3           “(C) enhancing access for hunting and rec-  
4           reational shooting, including through range con-  
5           struction; and

6           “(D) providing education to the public  
7           about the role of hunting and recreational  
8           shooting in funding wildlife conservation;”.

9   **SEC. 203. APPORTIONMENT OF AVAILABLE AMOUNTS.**

10       (a) APPORTIONMENT OF CERTAIN TAXES.—The first  
11       subsection (c) of section 4 of the Pittman-Robertson Wild-  
12       life Restoration Act (16 U.S.C. 669c) is amended—

13           (1) by inserting “APPORTIONMENT OF REVE-  
14           NUES FROM PISTOLS, REVOLVERS, BOWS, AND AR-  
15           ROWS.—” after the enumerator;

16           (2) by striking “One-half” and inserting the fol-  
17           lowing:

18           “(1) IN GENERAL.—Subject to paragraph (2),  
19            $\frac{1}{2}$ ”;

20           (3) by striking “: *Provided*, That” and inserting  
21           a period;

22           (4) by striking “each State shall be apportioned  
23           not more than 3 per centum and not less than 1 per  
24           centum of such revenues” and inserting the fol-  
25           lowing:

1           “(2) CONDITION.—The amount apportioned to  
2       each State under paragraph (1) shall be not greater  
3       than 3 percent and not less than 1 percent of the  
4       revenues described in that paragraph”;

5           (5) in paragraph (2) (as so designated), by  
6       striking “one-sixth of 1 per centum of such reve-  
7       nues” and inserting “ $\frac{1}{6}$  of 1 percent of those reve-  
8       nues”;

9           (6) by striking “For the purpose” and inserting  
10      the following:

11          “(3) POPULATION DETERMINATION.—For the  
12      purpose”; and

13          (7) by adding at the end the following:

14          “(4) USE OF FUNDS.—In addition to other uses  
15      authorized under this Act, amounts apportioned  
16      under this subsection may be used for hunter re-  
17      cruitment and recreational shooter recruitment.”.

18      (b) TECHNICAL CORRECTIONS.—Section 4 of the  
19      Pittman-Robertson Wildlife Restoration Act (16 U.S.C.  
20      669c) is amended—

21          (1) by redesignating the second subsection (c)  
22      and subsection (d) as subsections (d) and (e), re-  
23      spectively; and

## 61

1           (2) in subsection (e) (as so redesignated), in  
 2       paragraph (3), by striking “subsection (e)” and in-  
 3       serting “subsection (d)”.

4   **SEC. 204. EXPENDITURES FOR MANAGEMENT OF WILDLIFE**  
 5                           **AREAS AND RESOURCES.**

6       Section 8 of the Pittman-Robertson Wildlife Restora-  
 7       tion Act (16 U.S.C. 669g) is amended—

8           (1) in subsection (a), in the third sentence, by  
 9       striking “and public relations”; and

10          (2) in subsection (b)(1), by striking “, as a part  
 11       of such program”.

12   **SEC. 205. FIREARM AND BOW HUNTER EDUCATION AND**  
 13                           **SAFETY PROGRAM GRANTS.**

14       Section 10(a)(1)(A) of the Pittman-Robertson Wild-  
 15       life Restoration Act (16 U.S.C. 669h–1(a)(1)(A)) is  
 16       amended—

17          (1) in clause (iii), by striking “and” at the end;  
 18       and

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

20                           “(v) the enhancement of hunter re-  
 21                           cruitment and recreational shooter recruit-  
 22                           ment; and”.

1 **SEC. 206. MULTISTATE CONSERVATION GRANT PROGRAM.**

2 (a) IN GENERAL.—Section 11 of the Pittman-Robert-  
3 son Wildlife Restoration Act (16 U.S.C. 669h–2) is  
4 amended—

5 (1) in subsection (a)(1)—

6 (A) by striking “Not more than” and in-  
7 serting the following:

8 “(A) IN GENERAL.—Not more than”; and

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

10 “(B) AVAILABILITY FOR HUNTER AND  
11 RECREATIONAL SHOOTER GRANTS.—Not more  
12 than \$5,000,000 of the revenues covered into  
13 the fund from any tax imposed under section  
14 4161(b) of the Internal Revenue Code of 1986  
15 for a fiscal year shall be available to the Sec-  
16 retary exclusively for making hunter recruit-  
17 ment and recreational shooter recruitment  
18 grants that promote a national hunting and  
19 shooting sport recruitment program, including  
20 related communication and outreach activi-  
21 ties.”;

22 (2) in subsection (b)(3), in the matter pre-  
23 ceding subparagraph (A), by striking “Inter-  
24 national”;

25 (3) in subsection (c)(2)(A)—

1 (A) in the matter preceding clause (i), by  
2 striking “International”; and

3 (B) in clause (i), by inserting “or to rec-  
4 reational shooting activities” after “wildlife”;  
5 and

6 (4) in subsection (d), by inserting “or to rec-  
7 reational shooting activities” after “wildlife”.

8 (b) STUDY.—Not later than 10 years after the date  
9 of enactment of this Act, the Secretary of the Interior,  
10 acting through the Director of the United States Fish and  
11 Wildlife Service, shall—

12 (1) review and evaluate the effects of the funds  
13 made available under subparagraph (B) of section  
14 11(a)(1) of the Pittman-Robertson Wildlife Restora-  
15 tion Act (16 U.S.C. 669h–2(a)(1)) on funds avail-  
16 able for wildlife conservation; and

17 (2) submit a report describing the results of the  
18 review and evaluation under paragraph (1) to—

19 (A) the Committee on Environment and  
20 Public Works of the Senate; and

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



1 **TITLE III—NATIONAL FISH HABI-**  
2 **TAT CONSERVATION**  
3 **THROUGH PARTNERSHIPS**

4 **SEC. 301. PURPOSE.**

5 The purpose of this title is to encourage partnerships  
6 among public agencies and other interested persons to pro-  
7 mote fish conservation—

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

12 (A) improving ecological conditions;

13 (B) restoring natural processes; or

14 (C) preventing the decline of intact and  
15 healthy systems;

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

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

22 (A) increasing fishing opportunities;

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

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

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

7 (A) to empower strategic conservation ac-  
8 tions supported by broadly available scientific  
9 information; and

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

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

16 (A) the conservation outcomes produced  
17 collectively by Fish Habitat Partnerships; and

18 (B) new opportunities and voluntary ap-  
19 proaches for conserving fish habitat.

20 **SEC. 302. DEFINITIONS.**

21 In this title:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
23 TEES.—The term “appropriate congressional com-  
24 mittees” means—

1 (A) the Committee on Commerce, Science,  
2 and Transportation and the Committee on En-  
3 vironment and Public Works of the Senate; and  
4 (B) the Committee on Natural Resources  
5 of the House of Representatives.

6 (2) BOARD.—The term “Board” means the Na-  
7 tional Fish Habitat Board established by section  
8 303.

9 (3) DIRECTOR.—The term “Director” means  
10 the Director of the United States Fish and Wildlife  
11 Service.

12 (4) ENVIRONMENTAL PROTECTION AGENCY AS-  
13 SISTANT ADMINISTRATOR.—The term “Environ-  
14 mental Protection Agency Assistant Administrator”  
15 means the Assistant Administrator for Water of the  
16 Environmental Protection Agency.

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

21 (6) NATIONAL OCEANIC AND ATMOSPHERIC AD-  
22 MINISTRATION ASSISTANT ADMINISTRATOR.—The  
23 term “National Oceanic and Atmospheric Adminis-  
24 tration Assistant Administrator” means the Assist-

1       ant Administrator for Fisheries of the National Oce-  
2       anic and Atmospheric Administration.

3           (7) PARTNERSHIP.—The term “Partnership”  
4       means an entity designated by Congress as a Fish  
5       Habitat Partnership under section 304.

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

9           (A) land; or

10          (B) water (including water rights).

11          (9) MARINE FISHERIES COMMISSIONS.—The  
12       term “Marine Fisheries Commissions” means—

13           (A) the Atlantic States Marine Fisheries  
14       Commission;

15           (B) the Gulf States Marine Fisheries Com-  
16       mission; and

17           (C) the Pacific States Marine Commission.

18          (10) SECRETARY.—The term “Secretary”  
19       means the Secretary of the Interior.

20          (11) STATE.—The term “State” means each of  
21       the several States, Puerto Rico, American Samoa,  
22       Guam, the Northern Mariana Islands, the United  
23       States Virgin Islands, and the District of Columbia.

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

1 (A) the fish and wildlife agency of a State;  
2 and

3 (B) any department or division of a de-  
4 partment or agency of a State that manages in  
5 the public trust the inland or marine fishery re-  
6 sources of the State or sustains the habitat for  
7 those fishery resources pursuant to State law or  
8 the constitution of the State.

9 **SEC. 303. NATIONAL FISH HABITAT BOARD.**

10 (a) ESTABLISHMENT.—

11 (1) FISH HABITAT BOARD.—There is estab-  
12 lished a board, to be known as the “National Fish  
13 Habitat Board”, whose duties are—

14 (A) to promote, oversee, and coordinate the  
15 implementation of this title;

16 (B) to establish national goals and prior-  
17 ities for fish habitat conservation;

18 (C) to recommend to Congress entities for  
19 designation as Partnerships; and

20 (D) to review and make recommendations  
21 regarding fish habitat conservation projects.

22 (2) MEMBERSHIP.—The Board shall be com-  
23 posed of 26 members, of whom—

24 (A) one shall be a representative of the De-  
25 partment of the Interior;

1 (B) one shall be a representative of the  
2 United States Geological Survey;

3 (C) one shall be a representative of the De-  
4 partment of Commerce;

5 (D) one shall be a representative of the  
6 Department of Agriculture;

7 (E) one shall be a representative of the As-  
8 sociation of Fish and Wildlife Agencies;

9 (F) four shall be representatives of State  
10 agencies, one of whom shall be nominated by a  
11 regional association of fish and wildlife agencies  
12 from each of the Northeast, Southeast, Mid-  
13 west, and Western regions of the United States;

14 (G) two shall be representatives of either—  
15 (i) Indian Tribes in the State of Alas-  
16 ka; or

17 (ii) Indian Tribes in States other than  
18 the State of Alaska;

19 (H) one shall be a representative of ei-  
20 ther—

21 (i) the Regional Fishery Management  
22 Councils established under section 302 of  
23 the Magnuson-Stevens Fishery Conserva-  
24 tion and Management Act (16 U.S.C.  
25 1852); or

- 1 (ii) a representative of the Marine  
2 Fisheries Commissions;
- 3 (I) one shall be a representative of the  
4 Sportfishing and Boating Partnership Council;
- 5 (J) seven shall be representatives selected  
6 from at least one from each of the following:
- 7 (i) the recreational sportfishing indus-  
8 try;
- 9 (ii) the commercial fishing industry;
- 10 (iii) marine recreational anglers;
- 11 (iv) freshwater recreational anglers;
- 12 (v) habitat conservation organizations;
- 13 and
- 14 (vi) science-based fishery organiza-  
15 tions;
- 16 (K) one shall be a representative of a na-  
17 tional private landowner organization;
- 18 (L) one shall be a representative of an ag-  
19 ricultural production organization;
- 20 (M) one shall be a representative of local  
21 government interests involved in fish habitat  
22 restoration;
- 23 (N) two shall be representatives from dif-  
24 ferent sectors of corporate industries, which  
25 may include—

## 71

1 (i) natural resource commodity inter-  
2 ests, such as petroleum or mineral extrac-  
3 tion;

4 (ii) natural resource user industries;  
5 and

6 (iii) industries with an interest in fish  
7 and fish habitat conservation; and

8 (O) one shall be a leadership private sector  
9 or landowner representative of an active part-  
10 nership.

11 (3) COMPENSATION.—A member of the Board  
12 shall serve without compensation.

13 (4) TRAVEL EXPENSES.—A member of the  
14 Board may be allowed travel expenses, including per  
15 diem in lieu of subsistence, at rates authorized for  
16 an employee of an agency under subchapter I of  
17 chapter 57 of title 5, United States Code, while  
18 away from the home or regular place of business of  
19 the member in the performance of the duties of the  
20 Board.

21 (b) APPOINTMENT AND TERMS.—

22 (1) IN GENERAL.—Except as otherwise pro-  
23 vided in this section, a member of the Board de-  
24 scribed in any of subparagraphs (F) through (O) of  
25 subsection (a)(2) shall serve for a term of 3 years.



1 (2) INITIAL BOARD MEMBERSHIP.—

2 (A) IN GENERAL.—The initial Board shall  
3 consist of representatives as described in sub-  
4 paragraphs (A) through (F) of subsection  
5 (a)(2).

6 (B) REMAINING MEMBERS.—Not later  
7 than 60 days after the date of enactment of  
8 this Act, the representatives of the initial Board  
9 under subparagraph (A) shall appoint the re-  
10 maining members of the Board described in  
11 subparagraphs (H) through (O) of subsection  
12 (a)(2).

13 (C) TRIBAL REPRESENTATIVES.—Not later  
14 than 60 days after the enactment of this Act,  
15 the Secretary shall provide to the Board a rec-  
16 ommendation of not fewer than three Tribal  
17 representatives, from which the Board shall ap-  
18 point one representative pursuant to subpara-  
19 graph (G) of subsection (a)(2).

20 (3) STAGGERED TERMS.—Of the members de-  
21 scribed in subsection (a)(2)(J) initially appointed to  
22 the Board—

23 (A) two shall be appointed for a term of 1  
24 year;

1 (B) two shall be appointed for a term of 2  
2 years; and

3 (C) three shall be appointed for a term of  
4 3 years.

5 (4) VACANCIES.—

6 (A) IN GENERAL.—A vacancy of a member  
7 of the Board described in subparagraph (H),  
8 (I), (J), (K), (L), (M), (N), or (O) of sub-  
9 section (a)(2) shall be filled by an appointment  
10 made by the remaining members of the Board.

11 (B) TRIBAL REPRESENTATIVES.—Fol-  
12 lowing a vacancy of a member of the Board de-  
13 scribed in subparagraph (G) of subsection  
14 (a)(2), the Secretary shall recommend to the  
15 Board a list of not fewer than three Tribal rep-  
16 resentatives, from which the remaining mem-  
17 bers of the Board shall appoint a representative  
18 to fill the vacancy.

19 (5) CONTINUATION OF SERVICE.—An individual  
20 whose term of service as a member of the Board ex-  
21 pires may continue to serve on the Board until a  
22 successor is appointed.

23 (6) REMOVAL.—If a member of the Board de-  
24 scribed in any of subparagraphs (H) through (O) of  
25 subparagraph (a)(2) misses three consecutive regu-

1 larly scheduled Board meetings, the members of the  
2 Board may—

3 (A) vote to remove that member; and

4 (B) appoint another individual in accord-  
5 ance with paragraph (4).

6 (c) CHAIRPERSON.—

7 (1) IN GENERAL.—The representative of the  
8 Association of Fish and Wildlife Agencies appointed  
9 under subsection (a)(2)(E) shall serve as Chair-  
10 person of the Board.

11 (2) TERM.—The Chairperson of the Board shall  
12 serve for a term of 3 years.

13 (d) MEETINGS.—

14 (1) IN GENERAL.—The Board shall meet—

15 (A) at the call of the Chairperson; but

16 (B) not less frequently than twice each cal-  
17 endar year.

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

20 (e) PROCEDURES.—

21 (1) IN GENERAL.—The Board shall establish  
22 procedures to carry out the business of the Board,  
23 including—

1 (A) a requirement that a quorum of the  
2 members of the Board be present to transact  
3 business;

4 (B) a requirement that no recommenda-  
5 tions may be adopted by the Board, except by  
6 the vote of two-thirds of all members;

7 (C) procedures for establishing national  
8 goals and priorities for fish habitat conservation  
9 for the purposes of this title;

10 (D) procedures for designating Partner-  
11 ships under section 304; and

12 (E) procedures for reviewing, evaluating,  
13 and making recommendations regarding fish  
14 habitat conservation projects.

15 (2) QUORUM.—A majority of the members of  
16 the Board shall constitute a quorum.

17 **SEC. 304. FISH HABITAT PARTNERSHIPS.**

18 (a) AUTHORITY TO RECOMMEND.—The Board may  
19 recommend to Congress the designation of Fish Habitat  
20 Partnerships in accordance with this section.

21 (b) PURPOSES.—The purposes of a Partnership shall  
22 be—

23 (1) to work with other regional habitat con-  
24 servation programs to promote cooperation and co-

1 ordination to enhance fish populations and fish habi-  
2 tats;

3 (2) to engage local and regional communities to  
4 build support for fish habitat conservation;

5 (3) to involve diverse groups of public and pri-  
6 vate partners;

7 (4) to develop collaboratively a strategic vision  
8 and achievable implementation plan that is scientif-  
9 ically sound;

10 (5) to leverage funding from sources that sup-  
11 port local and regional partnerships;

12 (6) to use adaptive management principles, in-  
13 cluding evaluation of project success and  
14 functionality;

15 (7) to develop appropriate local or regional  
16 habitat evaluation and assessment measures and cri-  
17 teria that are compatible with national habitat con-  
18 dition measures; and

19 (8) to implement local and regional priority  
20 projects that improve conditions for fish and fish  
21 habitat.

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

- 1 (1) submit to the Board an application at such
- 2 time, in such manner, and containing such informa-
- 3 tion as the Board may reasonably require; and
- 4 (2) demonstrate to the Board that the entity
- 5 has—
- 6 (A) a focus on promoting the health of im-
- 7 portant fish and fish habitats;
- 8 (B) an ability to coordinate the implemen-
- 9 tation of priority projects that support the goals
- 10 and national priorities set by the Board that
- 11 are within the Partnership boundary;
- 12 (C) a self-governance structure that sup-
- 13 ports the implementation of strategic priorities
- 14 for fish habitat;
- 15 (D) the ability to develop local and re-
- 16 gional relationships with a broad range of enti-
- 17 ties to further strategic priorities for fish and
- 18 fish habitat;
- 19 (E) a strategic plan that details required
- 20 investments for fish habitat conservation that
- 21 addresses the strategic fish habitat priorities of
- 22 the Partnership and supports and meets the
- 23 strategic priorities of the Board;
- 24 (F) the ability to develop and implement
- 25 fish habitat conservation projects that address

1 strategic priorities of the Partnership and the  
2 Board; and

3 (G) the ability to develop fish habitat con-  
4 servation priorities based on sound science and  
5 data, the ability to measure the effectiveness of  
6 fish habitat projects of the Partnership, and a  
7 clear plan as to how Partnership science and  
8 data components will be integrated with the  
9 overall Board science and data effort.

10 (d) REQUIREMENTS FOR RECOMMENDATION TO CON-  
11 GRESS.—The Board may recommend to Congress for des-  
12 ignation an application for a Partnership submitted under  
13 subsection (c) if the Board determines that the appli-  
14 cant—

15 (1) meets the criteria described in subsection  
16 (c)(2);

17 (2) identifies representatives to provide support  
18 and technical assistance to the Partnership from a  
19 diverse group of public and private partners, which  
20 may include State or local governments, nonprofit  
21 entities, Indian Tribes, and private individuals, that  
22 are focused on conservation of fish habitats to  
23 achieve results across jurisdictional boundaries on  
24 public and private land;

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

5           (4) identifies strategic fish and fish habitat pri-  
6           orities for the Partnership area in the form of geo-  
7           graphical focus areas or key stressors or impair-  
8           ments to facilitate strategic planning and decision  
9           making;

10          (5) is able to address issues and priorities on a  
11          nationally significant scale;

12          (6) includes a governance structure that—

13                (A) reflects the range of all partners; and

14                (B) promotes joint strategic planning and  
15                decision making by the applicant;

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

22          (8) promotes collaboration in developing a stra-  
23          tegic vision and implementation program that is sci-  
24          entifically sound and achievable.

25          (e) REPORT TO CONGRESS.—



1           (1) IN GENERAL.—Not later than February 1  
2       of the first fiscal year beginning after the date of en-  
3       actment of this Act and each February 1 thereafter,  
4       the Board shall develop and submit to the appro-  
5       priate congressional committees an annual report, to  
6       be entitled “Report to Congress on Future Fish  
7       Habitat Partnerships and Modifications”, that—

8           (A) identifies each entity that—

9               (i) meets the requirements described  
10          in subsection (d); and

11           (ii) the Board recommends to Con-  
12          gress for designation as a Partnership;

13          (B) describes any proposed modifications  
14          to a Partnership previously designated by Con-  
15          gress under subsection (f);

16          (C) with respect to each entity rec-  
17          ommended for designation as a Partnership, de-  
18          scribes, to the maximum extent practicable—

19               (i) the purpose of the recommended  
20          Partnership; and

21               (ii) how the recommended Partnership  
22          fulfills the requirements described in sub-  
23          section (d).

24          (2) PUBLIC AVAILABILITY; NOTIFICATION.—  
25       The Board shall—

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

3 (B) provide to the appropriate congres-  
4 sional committees and the State agency of any  
5 State included in a recommended Partnership  
6 area written notification of the public avail-  
7 ability of the report.

8 (f) DESIGNATION OR MODIFICATION OF PARTNER-  
9 SHIP.—Congress shall have the exclusive authority to des-  
10 ignate or modify a Partnership.

11 (g) EXISTING PARTNERSHIPS.—

12 (1) DESIGNATION REVIEW.—Not later than 5  
13 years after the date of enactment of this Act, any  
14 partnership receiving Federal funds as of the date of  
15 enactment of this Act shall be subject to a designa-  
16 tion review by Congress in which Congress shall  
17 have the opportunity to designate the partnership  
18 under subsection (f).

19 (2) INELIGIBILITY FOR FEDERAL FUNDS.—A  
20 partnership referred to in paragraph (1) that Con-  
21 gress does not designate as described in that para-  
22 graph shall be ineligible to receive Federal funds  
23 under this title.

1 **SEC. 305. FISH HABITAT CONSERVATION PROJECTS.**

2 (a) SUBMISSION TO BOARD.—Not later than March  
3 31 of each year, each Partnership shall submit to the  
4 Board a list of priority fish habitat conservation projects  
5 recommended by the Partnership for annual funding  
6 under this title.

7 (b) RECOMMENDATIONS BY BOARD.—Not later than  
8 July 1 of each year, the Board shall submit to the Sec-  
9 retary a priority list of fish habitat conservation projects  
10 that includes a description, including estimated costs, of  
11 each project that the Board recommends that the Sec-  
12 retary approve and fund under this title for the following  
13 fiscal year.

14 (c) CRITERIA FOR PROJECT SELECTION.—The  
15 Board shall select each fish habitat conservation project  
16 recommended to the Secretary under subsection (b) after  
17 taking into consideration, at a minimum, the following in-  
18 formation:

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

22 (2) The capabilities and experience of project  
23 proponents to implement successfully the proposed  
24 project.

25 (3) The extent to which the fish habitat con-  
26 servation project—

1 (A) fulfills a local or regional priority that  
2 is directly linked to the strategic plan of the  
3 Partnership and is consistent with the purpose  
4 of this title;

5 (B) addresses the national priorities estab-  
6 lished by the Board;

7 (C) is supported by the findings of the  
8 habitat assessment of the Partnership or the  
9 Board, and aligns or is compatible with other  
10 conservation plans;

11 (D) identifies appropriate monitoring and  
12 evaluation measures and criteria that are com-  
13 patible with national measures;

14 (E) provides a well-defined budget linked  
15 to deliverables and outcomes;

16 (F) leverages other funds to implement the  
17 project;

18 (G) addresses the causes and processes be-  
19 hind the decline of fish or fish habitats; and

20 (H) includes an outreach or education  
21 component that includes the local or regional  
22 community.

23 (4) The availability of sufficient non-Federal  
24 funds to match Federal contributions for the fish

1 habitat conservation project, as required by sub-  
2 section (e).

3 (5) The extent to which the fish habitat con-  
4 servation project—

5 (A) will increase fish populations in a man-  
6 ner that leads to recreational fishing opportuni-  
7 ties for the public;

8 (B) will be carried out through a coopera-  
9 tive agreement among Federal, State, and local  
10 governments, Indian Tribes, and private enti-  
11 ties;

12 (C) increases public access to land or  
13 water for fish and wildlife-dependent rec-  
14 reational opportunities;

15 (D) advances the conservation of fish and  
16 wildlife species that have been identified by a  
17 State agency as species of greatest conservation  
18 need;

19 (E) where appropriate, advances the con-  
20 servation of fish and fish habitats under the  
21 Magnuson-Stevens Fishery Conservation and  
22 Management Act (16 U.S.C. 1801 et seq.) and  
23 other relevant Federal law and State wildlife  
24 action plans; and

1 (F) promotes strong and healthy fish habi-  
2 tats so that desired biological communities are  
3 able to persist and adapt.

4 (6) The substantiality of the character and de-  
5 sign of the fish habitat conservation project.

6 (d) LIMITATIONS.—

7 (1) REQUIREMENTS FOR EVALUATION.—No  
8 fish habitat conservation project may be rec-  
9 ommended by the Board under subsection (b) or  
10 provided financial assistance under this title unless  
11 the fish habitat conservation project includes an  
12 evaluation plan designed using applicable Board  
13 guidance—

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

18 (B) to reflect appropriate changes to the  
19 fish habitat conservation project if the assess-  
20 ment substantiates that the fish habitat con-  
21 servation project objectives are not being met;

22 (C) to identify improvements to existing  
23 fish populations, recreational fishing opportuni-  
24 ties, and the overall economic benefits for the

1 local community of the fish habitat conservation  
2 project; and

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

6 (2) ACQUISITION AUTHORITIES.—

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

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

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

17 (B) STATE AGENCY APPROVAL.—

18 (i) IN GENERAL.—All real property  
19 interest acquisition projects funded under  
20 this title must be approved by the State  
21 agency in the State in which the project is  
22 occurring.

23 (ii) PROHIBITION.—The Board may  
24 not recommend, and the Secretary may not  
25 provide any funding for, any real property

1 interest acquisition that has not been ap-  
2 proved by the State agency.

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

13 (D) RESTRICTIONS.—A real property in-  
14 terest may not be acquired pursuant to a fish  
15 habitat conservation project by a State, local  
16 government, or other non-Federal entity con-  
17 ducted with funds provided under this title, un-  
18 less—

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

23 (ii) the Secretary and the Board de-  
24 termine that the State, local government,  
25 or other non-Federal entity would benefit



1 from undertaking the management of the  
2 real property being acquired because that  
3 is in accordance with the goals of a Part-  
4 nership.

5 (e) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

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

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

1           (4) WAIVER AUTHORITY.—The Secretary, in  
2       consultation with the Secretary of Commerce with  
3       respect to marine or estuarine projects, may waive  
4       the application of paragraph (2)(A) with respect to  
5       a State or an Indian Tribe, or otherwise reduce the  
6       portion of the non-Federal share of the cost of an  
7       activity required to be paid by a State or an Indian  
8       Tribe under paragraph (1), if the Secretary deter-  
9       mines that the State or Indian Tribe does not have  
10      sufficient funds not derived from another Federal  
11      grant program to pay such non-Federal share, or  
12      portion of the non-Federal share, without the use of  
13      loans.

14      (f) APPROVAL.—

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

1           (2) FUNDING.—If the Secretary approves a fish  
2     habitat conservation project under paragraph (1),  
3     the Secretary shall use amounts made available to  
4     carry out this title to provide funds to carry out the  
5     fish habitat conservation project.

6           (3) NOTIFICATION.—If the Secretary rejects  
7     under paragraph (1) any fish habitat conservation  
8     project recommended by the Board, not later than  
9     90 days after the date of receipt of the recommenda-  
10    tion, the Secretary shall provide to the Board, the  
11    appropriate Partnership, and the appropriate con-  
12    gressional committees a written statement of the  
13    reasons that the Secretary rejected the fish habitat  
14    conservation project.

15 **SEC. 306. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

16       (a) IN GENERAL.—The Director, the National Oce-  
17    anic and Atmospheric Administration Assistant Adminis-  
18    trator, the Environmental Protection Agency Assistant  
19    Administrator, and the Director of the United States Geo-  
20    logical Survey, in coordination with the Forest Service and  
21    other appropriate Federal departments and agencies, may  
22    provide scientific and technical assistance to Partnerships,  
23    participants in fish habitat conservation projects, and the  
24    Board.

1 (b) INCLUSIONS.—Scientific and technical assistance  
2 provided under subsection (a) may include—

3 (1) providing technical and scientific assistance  
4 to States, Indian Tribes, regions, local communities,  
5 and nongovernmental organizations in the develop-  
6 ment and implementation of Partnerships;

7 (2) providing technical and scientific assistance  
8 to Partnerships for habitat assessment, strategic  
9 planning, and prioritization;

10 (3) supporting the development and implemen-  
11 tation of fish habitat conservation projects that are  
12 identified as high priorities by Partnerships and the  
13 Board;

14 (4) supporting and providing recommendations  
15 regarding the development of science-based moni-  
16 toring and assessment approaches for implementa-  
17 tion through Partnerships;

18 (5) supporting and providing recommendations  
19 for a national fish habitat assessment;

20 (6) ensuring the availability of experts to assist  
21 in conducting scientifically based evaluation and re-  
22 porting of the results of fish habitat conservation  
23 projects; and

24 (7) providing resources to secure State agency  
25 scientific and technical assistance to support Part-

1       nerships, participants in fish habitat conservation  
2       projects, and the Board.

3       **SEC. 307. COORDINATION WITH STATES AND INDIAN**  
4       **TRIBES.**

5       The Secretary shall provide a notice to, and cooperate  
6       with, the appropriate State agency or Tribal agency, as  
7       applicable, of each State and Indian Tribe within the  
8       boundaries of which an activity is planned to be carried  
9       out pursuant to this title, including notification, by not  
10      later than 30 days before the date on which the activity  
11      is implemented.

12      **SEC. 308. INTERAGENCY OPERATIONAL PLAN.**

13      Not later than 1 year after the date of enactment  
14      of this Act, and every 5 years thereafter, the Director, in  
15      cooperation with the National Oceanic and Atmospheric  
16      Administration Assistant Administrator, the Environ-  
17      mental Protection Agency Assistant Administrator, the  
18      Director of the United States Geological Survey, and the  
19      heads of other appropriate Federal departments and agen-  
20      cies (including, at a minimum, those agencies represented  
21      on the Board) shall develop an interagency operational  
22      plan that describes—

23              (1) the functional, operational, technical, sci-  
24              entific, and general staff, administrative, and mate-  
25              rial needs for the implementation of this title; and

1           (2) any interagency agreements between or  
2           among Federal departments and agencies to address  
3           those needs.

4   **SEC. 309. ACCOUNTABILITY AND REPORTING.**

5           (a) REPORTING.—

6           (1) IN GENERAL.—Not later than 5 years after  
7           the date of enactment of this Act, and every 5 years  
8           thereafter, the Board shall submit to the appropriate  
9           congressional committees a report describing the  
10          progress of this title.

11          (2) CONTENTS.—Each report submitted under  
12          paragraph (1) shall include—

13                (A) an estimate of the number of acres,  
14                stream miles, or acre-feet, or other suitable  
15                measures of fish habitat, that was maintained  
16                or improved by Partnerships under this title  
17                during the 5-year period ending on the date of  
18                submission of the report;

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

22                (C) a description of the improved opportu-  
23                nities for public recreational fishing achieved  
24                under this title; and

1 (D) an assessment of the status of fish  
2 habitat conservation projects carried out with  
3 funds provided under this title during that pe-  
4 riod, disaggregated by year, including—

5 (i) a description of the fish habitat  
6 conservation projects recommended by the  
7 Board under section 305(b);

8 (ii) a description of each fish habitat  
9 conservation project approved by the Sec-  
10 retary under section 305(f), in order of  
11 priority for funding;

12 (iii) a justification for—

13 (I) the approval of each fish  
14 habitat conservation project; and

15 (II) the order of priority for  
16 funding of each fish habitat conserva-  
17 tion project;

18 (iv) a justification for any rejection of  
19 a fish habitat conservation project rec-  
20 ommended by the Board under section  
21 305(b) that was based on a factor other  
22 than the criteria described in section  
23 305(c); and

24 (v) an accounting of expenditures by  
25 Federal, State, or local governments, In-

1           dian Tribes, or other entities to carry out  
2           fish habitat conservation projects under  
3           this title.

4       (b) STATUS AND TRENDS REPORT.—Not later than  
5 December 31, 2021, and every 5 years thereafter, the  
6 Board shall submit to the appropriate congressional com-  
7 mittees a report that includes—

8           (1) a status of all Partnerships designated  
9           under this title;

10          (2) a description of the status of fish habitats  
11          in the United States as identified by designated  
12          Partnerships; and

13          (3) enhancements or reductions in public access  
14          as a result of—

15               (A) the activities of the Partnerships; or

16               (B) any other activities carried out pursu-  
17               ant to this title.

18 **SEC. 310. EFFECT OF THIS TITLE.**

19       (a) WATER RIGHTS.—Nothing in this title—

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

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

24           (3) preempts or affects any State water law or  
25           interstate compact governing water; or



1           (4) affects any Federal or State law in exist-  
2           ence on the date of enactment of the Act regarding  
3           water quality or water quantity.

4           (b) AUTHORITY TO ACQUIRE WATER RIGHTS OR  
5 RIGHTS TO PROPERTY.—Only a State, local government,  
6 or other non-Federal entity may acquire, under State law,  
7 water rights or rights to property with funds made avail-  
8 able through section 312.

9           (c) STATE AUTHORITY.—Nothing in this title—

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

14           (2) authorizes the Secretary to control or regu-  
15           late within a State the fishing or hunting of fish and  
16           wildlife.

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

21           (1) an agreement between the Indian Tribe and  
22           the United States;

23           (2) Federal law (including regulations);

24           (3) an Executive order; or

25           (4) a judicial decree.

1 (e) ADJUDICATION OF WATER RIGHTS.—Nothing in  
2 this title diminishes or affects the ability of the Secretary  
3 to join an adjudication of rights to the use of water pursu-  
4 ant to subsection (a), (b), or (c) of section 208 of the De-  
5 partments of State, Justice, Commerce, and The Judiciary  
6 Appropriation Act, 1953 (43 U.S.C. 666).

7 (f) DEPARTMENT OF COMMERCE AUTHORITY.—  
8 Nothing in this title affects the authority, jurisdiction, or  
9 responsibility of the Department of Commerce to manage,  
10 control, or regulate fish or fish habitats under the Magnu-  
11 son-Stevens Fishery Conservation and Management Act  
12 (16 U.S.C. 1801 et seq.).

13 (g) EFFECT ON OTHER AUTHORITIES.—

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

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

24 (A) the Federal Water Pollution Control  
25 Act (33 U.S.C. 1251 et seq.);

1 (B) the Fish and Wildlife Coordination Act  
2 (16 U.S.C. 661 et seq.);

3 (C) the Water Resources Development Act  
4 of 1986 (Public Law 99–662; 100 Stat. 4082);  
5 or

6 (D) any other Federal law or court settle-  
7 ment.

8 (3) CLEAN WATER ACT.—Nothing in this title  
9 affects any provision of the Federal Water Pollution  
10 Control Act (33 U.S.C. 1251 et seq.), including any  
11 definition in that Act.

12 **SEC. 311. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
13 **MITTEE ACT.**

14 The Federal Advisory Committee Act (5 U.S.C. App.)  
15 shall not apply to—

- 16 (1) the Board; or  
17 (2) any Partnership.

18 **SEC. 312. FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) FISH HABITAT CONSERVATION PROJECTS.—  
21 There is authorized to be appropriated to the Sec-  
22 retary \$7,200,000 for each of fiscal years 2021  
23 through 2025 to provide funds for fish habitat con-  
24 servation projects approved under section 305(f), of

1 which 5 percent is authorized only for projects car-  
2 ried out by Indian Tribes.

3 (2) ADMINISTRATIVE AND PLANNING EX-  
4 PENSES.—There is authorized to be appropriated to  
5 the Secretary for each of fiscal years 2021 through  
6 2025 an amount equal to 5 percent of the amount  
7 appropriated for the applicable fiscal year pursuant  
8 to paragraph (1)—

9 (A) for administrative and planning ex-  
10 penses under this title; and

11 (B) to carry out section 309.

12 (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—  
13 There is authorized to be appropriated for each of  
14 fiscal years 2021 through 2025 to carry out, and  
15 provide technical and scientific assistance under, sec-  
16 tion 306—

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

19 (B) \$400,000 to the National Oceanic and  
20 Atmospheric Administration Assistant Adminis-  
21 trator for use by the National Oceanic and At-  
22 mospheric Administration;

23 (C) \$400,000 to the Environmental Pro-  
24 tection Agency Assistant Administrator for use  
25 by the Environmental Protection Agency;

100

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

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

6 (b) AGREEMENTS AND GRANTS.—The Secretary  
7 may—

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

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

22 (3) subject to the availability of appropriations,  
23 make funds authorized by this Act available to any  
24 Federal department or agency for use by that de-  
25 partment or agency to provide grants for any fish

1 habitat protection project, restoration project, or en-  
2 hancement project that the Secretary determines to  
3 be consistent with this title.

4 (e) DONATIONS.—

5 (1) IN GENERAL.—The Secretary may—

6 (A) enter into an agreement with any orga-  
7 nization described in section 501(c)(3) of the  
8 Internal Revenue Code of 1986 that is exempt  
9 from taxation under section 501(a) of that  
10 Code to solicit private donations to carry out  
11 the purposes of this title; and

12 (B) accept donations of funds, property,  
13 and services to carry out the purposes of this  
14 title.

15 (2) TREATMENT.—A donation accepted under  
16 this title—

17 (A) shall be considered to be a gift or be-  
18 quest to, or otherwise for the use of, the United  
19 States; and

20 (B) may be—

21 (i) used directly by the Secretary; or

22 (ii) provided to another Federal de-  
23 partment or agency through an inter-  
24 agency agreement.

1 **SEC. 313. PROHIBITION AGAINST IMPLEMENTATION OF**  
 2 **REGULATORY AUTHORITY BY FEDERAL**  
 3 **AGENCIES THROUGH PARTNERSHIPS.**

4 Any Partnership designated under this title—

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

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

9 **TITLE IV—MISCELLANEOUS**

10 **SEC. 401. SENSE OF THE SENATE REGARDING CONSERVA-**  
 11 **TION AGREEMENTS AND ACTIVITIES.**

12 It is the sense of the Senate that—

13 (1) voluntary conservation agreements benefit  
 14 species and the habitats on which the species rely;

15 (2) States, Indian Tribes, units of local govern-  
 16 ment, landowners, and other stakeholders should be  
 17 encouraged to participate in voluntary conservation  
 18 agreements; and

19 (3) the Secretary of the Interior, acting through  
 20 the Director of the United States Fish and Wildlife  
 21 Service, and the Secretary of Commerce, acting  
 22 through the Assistant Administrator of the National  
 23 Marine Fisheries Service, should consider the enroll-  
 24 ment in, and performance of, conservation agree-  
 25 ments and investment in, and implementation of,  
 26 general conservation activities by States, Indian

1 Tribes, units of local government, landowners, and  
 2 other stakeholders in making determinations under  
 3 the Endangered Species Act of 1973 (16 U.S.C.  
 4 1531 et seq.).

5 **SEC. 402. STUDY TO REVIEW CONSERVATION FACTORS.**

6 (a) DEFINITION OF SECRETARIES.—In this section,  
 7 the term “Secretaries” means—

- 8 (1) the Secretary of Agriculture;
- 9 (2) the Secretary of Commerce, acting through  
 10 the Assistant Administrator of the National Marine  
 11 Fisheries Service; and
- 12 (3) the Secretary of the Interior, acting through  
 13 the Director of the United States Fish and Wildlife  
 14 Service.

15 (b) STUDY.—To assess factors affecting successful  
 16 conservation activities under the Endangered Species Act  
 17 of 1973 (16 U.S.C. 1531 et seq.), the Secretaries shall  
 18 carry out a study—

- 19 (1) to review any factors that threaten or en-  
 20 danger a species for which a listing under the En-  
 21 dangered Species Act of 1973 (16 U.S.C. 1531 et  
 22 seq.) would not contribute to the conservation of the  
 23 species;
- 24 (2) to review any barriers to—



1 (A) the delivery of Federal, State, local, or  
2 private funds for such conservation activities,  
3 including statutory or regulatory impediments,  
4 staffing needs, and other relevant consider-  
5 ations; or

6 (B) the implementation of conservation  
7 agreements, plans, or other cooperative agree-  
8 ments, including agreements focused on vol-  
9 untary activities, multispecies efforts, and other  
10 relevant considerations;

11 (3) to review factors that impact the ability of  
12 the Federal Government to successfully implement  
13 the Endangered Species Act of 1973 (16 U.S.C.  
14 1531 et seq.);

15 (4) to develop recommendations regarding  
16 methods to address barriers identified under para-  
17 graph (2), if any;

18 (5) to review determinations under the Endan-  
19 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
20 in which a species is determined to be recovered by  
21 the Secretary of the Interior, acting through the Di-  
22 rector of the United States Fish and Wildlife Serv-  
23 ice, or the Secretary of Commerce, acting through  
24 the Assistant Administrator of the National Marine

1 Fisheries Service, but remains listed under that Act,  
2 including—

3 (A) an explanation of the factors pre-  
4 venting a delisting or downlisting of the species;  
5 and

6 (B) recommendations regarding methods  
7 to address the factors described in subpara-  
8 graph (A); and

9 (6) to review any determinations under the En-  
10 dangered Species Act of 1973 (16 U.S.C. 1531 et  
11 seq.) in which a species has been identified as need-  
12 ing listing or uplisting under that Act but remains  
13 unlisted or listed as a threatened species, respec-  
14 tively, including—

15 (A) an explanation of the factors pre-  
16 venting a listing or uplisting of the species; and

17 (B) recommendations regarding methods  
18 to address the factors described in subpara-  
19 graph (A).

20 (c) REPORT.—Not later than 1 year after the date  
21 of enactment of this Act, the Secretaries shall submit to  
22 the Committees on Appropriations and Environment and  
23 Public Works of the Senate and the Committees on Appro-  
24 priations and Natural Resources of the House of Rep-

1 representatives and make publicly available a report describ-  
2 ing the results of the study under subsection (b).

3 **SEC. 403. STUDY AND REPORT ON EXPENDITURES.**

4 (a) REPORTS ON EXPENDITURES.—

5 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

6 (A) IN GENERAL.—At the determination of  
7 the Comptroller General of the United States  
8 (referred to in this section as the “Comptroller  
9 General”), to facilitate the preparation of the  
10 reports from the Comptroller General under  
11 paragraph (2), the head of each Federal depart-  
12 ment and agency shall submit to the Comp-  
13 troller General data and other relevant informa-  
14 tion that describes the amounts expended or  
15 disbursed (including through loans, loan guar-  
16 antees, grants, or any other financing mecha-  
17 nism) by the department or agency as a direct  
18 result of any provision of the Endangered Spe-  
19 cies Act of 1973 (16 U.S.C. 1531 et seq.) (in-  
20 cluding any regulation promulgated pursuant to  
21 that Act) during—

22 (i) with respect to the first report  
23 under paragraph (2), the 3 fiscal years  
24 preceding the date of submission of the re-  
25 port; and

1 (ii) with respect to the second report  
2 under paragraph (2), the 2 fiscal years  
3 preceding the date of submission of the re-  
4 port.

5 (B) REQUIREMENTS.—Data and other rel-  
6 evant information submitted under subpara-  
7 graph (A) shall describe, with respect to the ap-  
8 plicable amounts—

9 (i) the programmatic office of the de-  
10 partment or agency on behalf of which  
11 each amount was expended or disbursed;

12 (ii) the provision of the Endangered  
13 Species Act of 1973 (16 U.S.C. 1531 et  
14 seq.) (or regulation promulgated pursuant  
15 to that Act) pursuant to which each  
16 amount was expended or disbursed; and

17 (iii) the project or activity carried out  
18 using each amount, in detail sufficient to  
19 reflect the breadth, scope, and purpose of  
20 the project or activity.

21 (2) COMPTROLLER GENERAL.—Not later than  
22 2 years and 4 years after the date of enactment of  
23 this Act, the Comptroller General shall submit to the  
24 Committees on Appropriations, Commerce, Science,  
25 and Transportation, and Environment and Public

1 Works of the Senate and the Committee on Appro-  
2 priations and Natural Resources of the House of  
3 Representatives a report that describes—

4 (A) the aggregate amount expended or dis-  
5 bursed by all Federal departments and agencies  
6 as a direct result of any provision of the En-  
7 dangered Species Act of 1973 (16 U.S.C. 1531  
8 et seq.) (including any regulation promulgated  
9 pursuant to that Act) during—

10 (i) with respect to the first report, the  
11 3 fiscal years preceding the date of submis-  
12 sion of the report; and

13 (ii) with respect to the second report,  
14 the 2 fiscal years preceding the date of  
15 submission of the report;

16 (B) the provision of the Endangered Spe-  
17 cies Act of 1973 (16 U.S.C. 1531 et seq.) (or  
18 regulation promulgated pursuant to that Act)  
19 pursuant to which each such amount was ex-  
20 pended or disbursed; and

21 (C) with respect to each relevant depart-  
22 ment or agency—

23 (i) the total amount expended or dis-  
24 bursed by the department or agency as de-  
25 scribed in subparagraph (A); and

1 (ii) the information described in  
2 clauses (i) through (iii) of paragraph  
3 (1)(B).

4 (b) REPORT ON CONSERVATION ACTIVITIES.—

5 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

6 At the determination of the Comptroller General, to  
7 facilitate the preparation of the report under para-  
8 graph (2), the head of each Federal department and  
9 agency shall submit to the Comptroller General data  
10 and other relevant information that describes the  
11 conservation activities by the Federal department or  
12 agency as a direct result of any provision of the En-  
13 dangered Species Act of 1973 (16 U.S.C. 1531 et  
14 seq.) (including any regulation promulgated pursu-  
15 ant to that Act) during—

16 (A) with respect to the first report under  
17 paragraph (2), the 3 fiscal years preceding the  
18 date of submission of the report; and

19 (B) with respect to the second report  
20 under paragraph (2), the 2 fiscal years pre-  
21 ceding the date of submission of the report.

22 (2) COMPTROLLER GENERAL.—Not later than  
23 2 years and 4 years after the date of enactment of  
24 this Act, the Comptroller General shall submit to the  
25 Committees on Commerce, Science, and Transpor-

1       tation and Environment and Public Works of the  
2       Senate and the Committee on Natural Resources of  
3       the House of Representatives a report that—

4               (A) describes the conservation activities by  
5       all Federal departments and agencies for spe-  
6       cies listed as a threatened species or endan-  
7       gered species under the Endangered Species  
8       Act of 1973 (16 U.S.C. 1531 et seq.), as re-  
9       ported under paragraph (1), during—

10               (i) with respect to the first report, the  
11       3 fiscal years preceding the date of submis-  
12       sion of the report; and

13               (ii) with respect to the second report,  
14       the 2 fiscal years preceding the date of  
15       submission of the report;

16               (B) is organized into categories with re-  
17       spect to whether a recovery plan for a species  
18       has been established;

19               (C) includes conservation outcomes associ-  
20       ated with the conservation activities; and

21               (D) as applicable, describes the conserva-  
22       tion activities that required interaction between  
23       Federal agencies and between Federal agencies  
24       and State and Tribal agencies and units of local

1 government pursuant to the Endangered Spe-  
2 cies Act of 1973 (16 U.S.C. 1531 et seq.).

3 **SEC. 404. USE OF VALUE OF LAND FOR COST SHARING.**

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

6 (1) by redesignating section 13 as section 14;  
7 and

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

9 **“SEC. 13. VALUE OF LAND.**

10 “Notwithstanding any other provision of law, any in-  
11 stitution eligible to receive Federal funds under the Agri-  
12 cultural Research, Extension, and Education Reform Act  
13 of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use  
14 the value of any land owned by the institution as an in-  
15 kind match to satisfy any cost sharing requirement under  
16 this Act.”.



Senator BARRASSO. Members have filed amendments to the bill. So before we proceed, I want to acknowledge several amendments.

Senator Carper, we would love to have you, if you would like to, make an opening statement. I am just reading through some of the amendments that we have on this bill that we have talked about. Senators Merkley and Rounds have filed an amendment regarding pollinators on roadsides and highways rights of way. We are going to work with Senators Merkley and Rounds to address the issue of pollinators as we move the highway bill to the floor.

[The text of Merkley Amendment #1 follows:]

*S. 3051, Merkley #1*

## Merkley Amendment #1 Summary

This amendment directs the U.S. Department of Transportation to create a discretionary grant program for state departments of transportation, tribes, or federal land management agencies to implement activities designed to benefit pollinators on roadsides and highway rights-of-way, including, among other activities, the planting and seeding of native, locally appropriate grasses, wildflowers, and milkweed; practices relating to mowing strategies; and / or the implementation of an integrated vegetation management plan.

*S. 3051, Merkley #1*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to establish a program to provide grants to carry out activities to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally-appropriate grasses and wildflowers, including milkweed.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

**S. 3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MERKLEY

Viz:

1 At the end of title IV, add the following:

2 **SEC. 4. POLLINATOR-FRIENDLY PRACTICES ON ROAD-**  
3 **SIDES AND HIGHWAY RIGHTS-OF-WAY.**

4 (a) IN GENERAL.—Chapter 3 of title 23, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 331. Pollinator-friendly practices on roadsides and**  
8 **highway rights-of-way**

9 “(a) IN GENERAL.—The Secretary shall establish a  
10 program to provide grants to eligible entities to carry out

1 activities to benefit pollinators on roadsides and highway  
2 rights-of-way, including the planting and seeding of na-  
3 tive, locally-appropriate grasses and wildflowers, including  
4 milkweed.

5 “(b) ELIGIBLE ENTITIES.—An entity eligible to re-  
6 ceive a grant under this section is—

7 “(1) a State department of transportation;

8 “(2) an Indian tribe; or

9 “(3) a Federal land management agency.

10 “(c) APPLICATION.—To be eligible to receive a grant  
11 under this section, an eligible entity shall submit to the  
12 Secretary an application at such time, in such manner,  
13 and containing such information as the Secretary may re-  
14 quire, including a pollinator-friendly practices plan de-  
15 scribed in subsection (d).

16 “(d) POLLINATOR-FRIENDLY PRACTICES PLAN.—

17 “(1) IN GENERAL.—An eligible entity shall in-  
18 clude in the application under subsection (c) a plan  
19 that describes the pollinator-friendly practices that  
20 the eligible entity has implemented or plans to im-  
21 plement, including—

22 “(A) practices relating to mowing strate-  
23 gies that promote early successional vegetation  
24 and limit disturbance during periods of highest

## 3

1 use by target pollinator species on roadsides  
2 and highway rights-of-way, such as—

3 “(i) reducing the mowing swath out-  
4 side of the State-designated safety zone;

5 “(ii) increasing the mowing height;

6 “(iii) reducing the mowing frequency;

7 “(iv) refraining from mowing monarch  
8 and other pollinator habitat during periods  
9 in which monarchs or other pollinators are  
10 present;

11 “(v) use of a flushing bar and cutting  
12 at reduced speeds to reduce pollinator  
13 deaths due to mowing; or

14 “(vi) reducing raking along roadsides  
15 and highway rights-of-way;

16 “(B) implementation of an integrated vege-  
17 tation management plan that includes ap-  
18 proaches such as mechanical tree and brush re-  
19 moval, targeted and judicious use of herbicides,  
20 and mowing, to address weed issues on road-  
21 sides and highway rights-of-way;

22 “(C) planting or seeding of native, locally-  
23 appropriate grasses and wildflowers, including  
24 milkweed, on roadsides and highway rights-of-

1 way to enhance pollinator habitat, including lar-  
2 val host plants;

3 “(D) removing nonnative grasses from  
4 planting and seeding mixes, except for use as  
5 nurse or cover crops; or

6 “(E) any other pollinator-friendly practices  
7 the Secretary determines to be appropriate.

8 “(2) COORDINATION.—In developing a plan  
9 under paragraph (1), an eligible entity that is a  
10 State department of transportation or a Federal  
11 land management agency shall coordinate with appli-  
12 cable State agencies, including State agencies with  
13 jurisdiction over agriculture and fish and wildlife.

14 “(3) CONSULTATION.—In developing a plan  
15 under paragraph (1)—

16 “(A) an eligible entity that is a State de-  
17 partment of transportation or a Federal land  
18 management agency shall consult with affected  
19 or interested Indian tribes; and

20 “(B) any eligible entity may consult with  
21 nonprofit organizations, institutions of higher  
22 education, metropolitan planning organizations,  
23 and any other relevant entities.

24 “(e) AWARD OF GRANTS.—

1           “(1) IN GENERAL.—The Secretary shall provide  
2       a grant to each eligible entity that submits an appli-  
3       cation under subsection (c), including a plan under  
4       subsection (d), that the Secretary determines to be  
5       satisfactory.

6           “(2) AMOUNT OF GRANTS.—The amount of a  
7       grant under this section—

8           “(A) shall be based on the number of polli-  
9       nator-friendly practices the eligible entity has  
10      implemented or plans to implement; and

11          “(B) shall not exceed \$150,000.

12          “(f) USE OF FUNDS.—An eligible entity that receives  
13      a grant under this section shall use the funds for the im-  
14      plementation, improvement, or further development of the  
15      plan under subsection (d).

16          “(g) FEDERAL SHARE.—The Federal share of the  
17      cost of an activity carried out with a grant under this sec-  
18      tion shall be 100 percent.

19          “(h) BEST PRACTICES.—The Secretary shall develop  
20      and make available to eligible entities best practices for,  
21      and a priority ranking of, pollinator-friendly practices on  
22      roadsides and highway rights-of-way.

23          “(i) TECHNICAL ASSISTANCE.—On request of an eli-  
24      gible entity that receives a grant under this section, the  
25      Secretary shall provide technical assistance with the imple-

1 mentation, improvement, or further development of a plan  
2 under subsection (d).

3 “(j) ADMINISTRATIVE COSTS.—For each fiscal year,  
4 the Secretary may use not more than 2 percent of the  
5 amounts made available to carry out this section for the  
6 administrative costs of carrying out this section.

7 “(k) REPORT.—Not later than 1 year after the date  
8 on which the first grant is provided under this section,  
9 the Secretary shall submit to the Committee on Environ-  
10 ment and Public Works of the Senate and the Committee  
11 on Transportation and Infrastructure of the House of  
12 Representatives a report on the implementation of the pro-  
13 gram under this section.

14 “(l) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There is authorized to be  
16 appropriated to carry out this section \$5,000,000 for  
17 each of fiscal years 2020 through 2026.

18 “(2) AVAILABILITY.—Amounts made available  
19 under this section shall remain available for a period  
20 of 3 years after the last day of the fiscal year for  
21 which the funds are authorized.”

22 (b) CLERICAL AMENDMENT.—The analysis for chap-  
23 ter 3 of title 23, United States Code, is amended by add-  
24 ing at the end the following:

“331. Pollinator-friendly practices on roadsides and highway rights-of-way.”



Senator BARRASSO. Senator Carper, would you like to say a few words, either about specifically the Merkley-Rounds amendment or in general about the markup today?

**OPENING STATEMENT OF HON. THOMAS R. CARPER,  
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thank you, Mr. Chairman. I will be brief.

Colleagues, good morning, everyone.

Good morning, Mr. Chair, and thank you.

We have 19 General Services Administration resolutions on our agenda, as well as the nomination of Robert Feitel to be the Inspector General of the Nuclear Regulatory Commission.

Before I begin, I want to say I am encouraged that our Committee is moving expeditiously to advance this nomination. We cannot be complacent when it comes to nuclear safety. We need to ensure that our Nation's nuclear industry is held to the very highest standards. That means we need a strong and independent NRC Inspector General. I believe Mr. Feitel is well qualified and prepared to take on this important responsibility.

I also want to use this opportunity to focus on the bipartisan legislation we have before us today, America's Conservation Enhancement Act, or the ACE Act. This Congress, our Committee has examined a number of wildlife conservation challenges, including invasive species and wildlife disease. At each hearing, our witnesses emphasized the need for Federal action to address these conservation challenges.

After weeks of negotiation, Chairman Barrasso and I introduced the bipartisan ACE Act, late last week, to enable some of those actions. In addition to creating innovative new programs, the ACE Act will reauthorize existing wildlife and habitat conservation projects that have a demonstrated history of success. Many of these programs leverage private dollars and local partnerships that will create tremendous opportunities in my State of Delaware.

I am going to ask that the rest of my statement be entered for the record. I am pleased with our action today, and I thank my colleagues.

[The prepared statement of Senator Carper was not received at time of print.]

Senator BARRASSO. Without objection, it will be.

Senators Booker, Merkley, and Whitehouse filed an amendment regarding wildlife corridors. I worked with Senators Carper and Booker on wildlife corridors in the highway bill, and we are going to continue to work with them on wildlife mitigation issues.

[The text of Booker Amendment #1 follows:]

A handwritten signature in dark ink, appearing to read "J. A. B." with a stylized flourish at the end.

S. 3051, Booker #1

Booker 1 establishes National Wildlife Corridors to provide for the protection and restoration of certain native fish, wildlife, and plant species.

RYA19959

S.L.C.

Booker #1



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To establish National Wildlife Corridors to provide  
for the protection and restoration of certain native fish,  
wildlife, and plant species.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

**S. 3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER (for  
himself, Mr. MERKLEY, and Mr. WHITEHOUSE)

Viz:

1 After title III, insert the following:

2 **TITLE IV—WILDLIFE**  
3 **CORRIDORS CONSERVATION**

4 **SEC. 401. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the native fish, wildlife, and plant species in  
7 the United States are part of a rich natural heritage  
8 and an important legacy to pass on to future genera-  
9 tions;

10 (2) the populations of many native fish, wildlife,  
11 and plant species in the United States are in decline;

## 2

1           (3) scientists estimate that 1 in 5 animal and  
2       plant species in the United States is at risk of ex-  
3       tinction, and many species are declining in numbers;

4           (4) threats to the survival and diversity of  
5       many native fish, wildlife, and plant species in the  
6       United States include the loss, degradation, frag-  
7       mentation, and obstruction of natural habitats;

8           (5) climate change threatens native fish, wild-  
9       life, and plant species;

10          (6) the 2019 global assessment report from the  
11       Intergovernmental Science-Policy Platform on Bio-  
12       diversity and Ecosystem Services found that—

13           (A) 1,000,000 wildlife and plant species  
14       worldwide are now threatened with extinction;  
15       and

16           (B) 75 percent of the land-based environ-  
17       ment, and approximately 66 percent of the ma-  
18       rine environment, have been significantly al-  
19       tered by human actions;

20          (7) the conservation of new and existing land-  
21       scape and seascape corridors, through which native  
22       species can transition from 1 habitat to another,  
23       plays an important role in helping—

24           (A) to conserve native biodiversity; and

1 (B) to ensure resiliency against impacts  
2 from a range of biotic and abiotic stressors;

3 (8) the conservation, restoration, and establish-  
4 ment of new ecological connections to facilitate the  
5 movement of species into more suitable habitats is a  
6 key climate change adaptation strategy;

7 (9) the protection of new and existing corridors  
8 is often one of the first steps in restoration and re-  
9 covery planning;

10 (10) States have recognized the importance of  
11 habitat connectivity, including—

12 (A) a New England Governors and East-  
13 ern Canadian Premiers' Conference on the im-  
14 portance of connectivity for ecosystem adapt-  
15 ability and resilience, biodiversity, and human  
16 communities; and

17 (B) an expired 2007 policy resolution of  
18 the Western Governors' Association;

19 (11) the strategic plan of the United States  
20 Fish and Wildlife Service to respond to accelerating  
21 climate change entitled "Rising to the Urgent Chal-  
22 lenge" acknowledges that "processes such as polli-  
23 nation, seed dispersal, nutrient cycling, natural dis-  
24 turbance cycles, predator-prey relations, and others  
25 must be part of the natural landscapes we seek to

## 4

1 maintain or restore . . . and are likely to function  
2 more optimally in landscapes composed of large  
3 habitat blocks connected by well-placed corridors”;

4 (12) Federal and State agencies continue to de-  
5 velop policies to address—

6 (A) the importance of conserving fish,  
7 wildlife, and plant corridors;

8 (B) the gap between science and manage-  
9 ment for at-risk species; and

10 (C) ecological connectivity; and

11 (13) Federal policies consistently recognize the  
12 importance of voluntary improvement projects by  
13 private landowners to habitat conservation and res-  
14 toration for native species.

15 (b) PURPOSES.—The purposes of this title are—

16 (1) to support a diverse array of native species,  
17 including species protected under Federal, State,  
18 and Tribal law, that have experienced or may experi-  
19 ence habitat loss, degradation, fragmentation, or ob-  
20 struction to connectivity;

21 (2) to provide long-term habitat connectivity for  
22 native species migration, dispersal, adaptation to cli-  
23 mate and other environmental change, and genetic  
24 exchange;

## 5

1 (3) to help restore wildlife movements that have  
2 been disrupted by habitat loss, degradation, frag-  
3 mentation, or obstruction;

4 (4) to facilitate coordinated landscape- and  
5 seascape-scale connectivity planning and manage-  
6 ment across jurisdictions; and

7 (5) to support State, Tribal, local, voluntary  
8 private landowner, and Federal agency decision-  
9 makers in the planning and development of National  
10 Wildlife Corridors.

11 **SEC. 402. DEFINITIONS.**

12 In this title:

13 (1) **APPROPRIATE COMMITTEES OF CON-**  
14 **GRESS.**—The term “appropriate committees of Con-  
15 gress” means—

16 (A) the Committee on Energy and Natural  
17 Resources of the Senate;

18 (B) the Committee on Environment and  
19 Public Works of the Senate;

20 (C) the Committee on Appropriations of  
21 the Senate;

22 (D) the Committee on Energy and Com-  
23 merce of the House of Representatives;

24 (E) the Committee on Natural Resources  
25 of the House of Representatives; and

## 6

1 (F) the Committee on Appropriations of  
2 the House of Representatives.

3 (2) CONNECTIVITY.—The term “connectivity”  
4 means the degree to which the landscape or seascape  
5 facilitates native species movement.

6 (3) CORRIDOR.—The term “corridor” means a  
7 feature of the landscape or seascape that—

8 (A) provides habitat or ecological  
9 connectivity; and

10 (B) allows for native species movement or  
11 dispersal.

12 (4) DATABASE.—The term “Database” means  
13 the National Wildlife Corridors Database established  
14 under section 441(a).

15 (5) FEDERAL LAND OR WATER.—The term  
16 “Federal land or water” means any land or water,  
17 or interest in land or water, owned by the United  
18 States.

19 (6) FUND.—The term “Fund” means the Wild-  
20 life Corridors Stewardship Fund established by sec-  
21 tion 451(a).

22 (7) HABITAT.—The term “habitat” means  
23 land, water, and substrate occupied at any time dur-  
24 ing the life cycle of a native species that is nec-  
25 essary, with respect to the native species, for spawn-



1 ing, breeding, feeding, growth to maturity, or migra-  
2 tion.

3 (8) INDIAN LAND.—The term “Indian land”  
4 means land of an Indian tribe, or an Indian indi-  
5 vidual, that is—

6 (A) held in trust by the United States; or

7 (B) subject to a restriction against alien-  
8 ation imposed by the United States.

9 (9) INDIAN TRIBE.—The term “Indian tribe”  
10 has the meaning given the term in section 4 of the  
11 Indian Self-Determination and Education Assistance  
12 Act (25 U.S.C. 5304).

13 (10) NATIONAL COORDINATION COMMITTEE.—  
14 The term “National Coordination Committee”  
15 means the National Coordination Committee estab-  
16 lished under section 432(a).

17 (11) NATIONAL WILDLIFE CORRIDOR.—The  
18 term “National Wildlife Corridor” means any Fed-  
19 eral land or water designated as a National Wildlife  
20 Corridor under section 411(a).

21 (12) NATIONAL WILDLIFE CORRIDOR SYS-  
22 TEM.—The term “National Wildlife Corridor Sys-  
23 tem” means the system of National Wildlife Cor-  
24 ridors established by section 411(a).

1           (13) NATIVE SPECIES.—The term “native spe-  
2       cies” means—

3           (A) an indigenous fish, wildlife, or plant  
4       species of the United States, including sub-  
5       species and plant varieties;

6           (B) a fish, wildlife, or plant species not in-  
7       digenous to the United States that the Sec-  
8       retary determines to be—

9           (i) noninvasive; or

10          (ii) beneficial to the biodiversity of the  
11       natural ecosystem; and

12          (C) a migratory bird species that is native  
13       to the United States or its territories (as de-  
14       fined in section 2(b) of the Migratory Bird  
15       Treaty Act (16 U.S.C. 703(b))).

16       (14) REGIONAL OCEAN PARTNERSHIP.—The  
17       term “regional ocean partnership” means a regional  
18       organization of coastal or Great Lakes States, terri-  
19       tories, or possessions voluntarily convened by Gov-  
20       ernors to address cross-jurisdictional ocean matters,  
21       or the functional equivalent of such a regional ocean  
22       organization designated by the Governor or Gov-  
23       ernors of a State or States.

24       (15) REGIONAL WILDLIFE MOVEMENT COUN-  
25       CIL.—The term “regional wildlife movement council”

## 9

1 means a regional wildlife movement council estab-  
2 lished under section 433(a).

3 (16) SECRETARIES.—The term “Secretaries”  
4 means—

5 (A) the Secretary of Agriculture;

6 (B) the Secretary of Commerce;

7 (C) the Secretary of Defense;

8 (D) the Secretary of the Interior; and

9 (E) the Secretary of Transportation.

10 (17) SECRETARY.—The term “Secretary”  
11 means the Secretary of the Interior, acting through  
12 the Director of the United States Fish and Wildlife  
13 Service.

14 (18) TRIBAL WILDLIFE CORRIDOR.—The term  
15 “Tribal Wildlife Corridor” means a corridor estab-  
16 lished by the Secretary under section 421(a)(1)(C).

17 (19) UNITED STATES.—The term “United  
18 States”, when used in a geographical sense,  
19 means—

20 (A) a State;

21 (B) the District of Columbia;

22 (C) the Commonwealth of Puerto Rico;

23 (D) Guam;

24 (E) American Samoa;

## 10

1 (F) the Commonwealth of the Northern  
2 Mariana Islands;

3 (G) the Federated States of Micronesia;

4 (H) the Republic of the Marshall Islands;

5 (I) the Republic of Palau;

6 (J) the United States Virgin Islands; and

7 (K) the territorial sea (within the meaning  
8 of the Magnuson-Stevens Fishery Conservation  
9 and Management Act (16 U.S.C. 1801 et seq.))  
10 and the exclusive economic zone (as defined in  
11 section 3 of that Act (16 U.S.C. 1802)) within  
12 the jurisdiction or sovereignty of the Federal  
13 Government.

14 (20) WILDLIFE MOVEMENT.—The term “wild-  
15 life movement” means the passage of individual  
16 members or populations of a fish, wildlife, or plant  
17 species across a landscape or seascape.

18 **Subtitle A—National Wildlife Cor-**  
19 **ridor System on Federal Land**  
20 **and Water**

21 **SEC. 411. NATIONAL WILDLIFE CORRIDORS.**

22 (a) ESTABLISHMENT.—There is established a system  
23 of corridors on Federal land and water, to be known as  
24 the “National Wildlife Corridor System”, which shall con-

## 11

1 sist of National Wildlife Corridors designated as part of  
2 the National Wildlife Corridor System by—

3 (1) statute;

4 (2) rulemaking under section 412; or

5 (3) a land management plan developed or re-  
6 vised under section 202 of the Federal Land Policy  
7 and Management Act of 1976 (43 U.S.C. 1712).

8 (b) STRATEGY.—Not later than 18 months after the  
9 date of enactment of this Act, the Secretary shall develop  
10 a strategy for the effective development of the National  
11 Wildlife Corridor System—

12 (1) to support the fulfillment of the purposes  
13 described in section 401(b);

14 (2) to ensure coordination and consistency  
15 across Federal agencies in the development, imple-  
16 mentation, and management of National Wildlife  
17 Corridors; and

18 (3) to develop a timeline for the implementation  
19 of National Wildlife Corridors.

20 **SEC. 412. ADMINISTRATIVE DESIGNATION OF NATIONAL**  
21 **WILDLIFE CORRIDORS.**

22 (a) RULEMAKING.—

23 (1) NATIONAL WILDLIFE CORRIDORS.—Not  
24 later than 2 years after the date of enactment of  
25 this Act, the Secretary, in consultation with the Sec-

(2) FEDERAL LAND AND WATER MANAGEMENT.—The Secretaries shall consider the designation of National Wildlife Corridors in any process relating to the issuance, revision, or modification of a management plan for land or water under the respective jurisdiction of the Secretaries.

(1) base the designation of the National Wildlife Corridor on—

20 (i) National Wildlife Corridors:

21 (ii) corridors established by States;

22 and

23 (iii) Tribal Wildlife Corridors; and

24 (B) the best available science of—

25 (i) existing native species habitat; and

## 13

- 1 (ii) likely future native species habi-  
2 tats;  
3 (2) determine that the National Wildlife Cor-  
4 ridor supports the connectivity, persistence, resil-  
5 ience, and adaptability of the native species for  
6 which it has been designated by providing for—  
7 (A) dispersal and genetic exchange between  
8 populations;  
9 (B) range shifting, range expansion, or  
10 range restoration, such as in response to cli-  
11 mate change;  
12 (C) seasonal movement or migration; or  
13 (D) succession, movement, or recoloniza-  
14 tion following—  
15 (i) a disturbance, such as fire, flood,  
16 drought, or infestation; or  
17 (ii) population decline or previous ex-  
18 tirpation;  
19 (3) consult the Database; and  
20 (4) consider recommendations from the Na-  
21 tional Coordination Committee under section  
22 432(e)(2)(C).  
23 (c) DESIGNATION OF FEDERAL LAND OR WATER RE-  
24 QUIRING RESTORATION OR CONNECTION OF HABITAT.—

## 14

1 The Secretaries may designate as a National Wildlife Cor-  
2 ridor land or water that—

3 (1) is necessary for the natural movements of  
4 1 or more native species;

5 (2) requires restoration, including—

6 (A) land or water that is degraded; and

7 (B) land or water from which a species is  
8 currently absent—

9 (i) but may be colonized or recolo-  
10 nized by the species naturally; or

11 (ii) to which the species may be re-  
12 introduced or restored based on habitat  
13 changes; and

14 (3) is fragmented or consists of only a portion  
15 of the habitat required for the connectivity needs of  
16 1 or more native species.

17 (d) NOMINATION FOR DESIGNATION.—

18 (1) IN GENERAL.—In establishing the process  
19 for designation under subsection (a)(1), the Sec-  
20 retary shall include procedures under which—

21 (A) any State, Tribal, or local government,  
22 or a nongovernmental organization engaged in  
23 the conservation of native species and the im-  
24 provement of the habitats of native species, may  
25 submit to the Secretaries a nomination to des-



## 15

1           ignite as a National Wildlife Corridor an area  
2           under the respective jurisdiction of the Secre-  
3           taries; and

4           (B) the Secretaries shall consider and, not  
5           later than 1 year after the date on which the  
6           nomination was submitted under subparagraph  
7           (A), respond to any nomination submitted  
8           under that subparagraph.

9           (2) SUPPORTING DOCUMENTATION.—A nomina-  
10          tion for designation under paragraph (1)(A) shall in-  
11          clude supporting documentation, including—

12           (A) the native species for which the Na-  
13           tional Wildlife Corridor would be designated;

14           (B) summaries and references of, with re-  
15           spect to the designation of a National Wildlife  
16           Corridor—

17           (i) the best science available at the  
18           time of the submission of the nomination  
19           for designation documenting why the cor-  
20           ridor is needed; and

21           (ii) the most current scientific reports  
22           available at the time of the submission of  
23           the nomination for designation;

## 16

1 (C) information with respect to how the  
2 nomination was coordinated with potential part-  
3 ners;

4 (D) a description of supporting stake-  
5 holders, such as States, Indian tribes, local gov-  
6 ernments, scientific organizations, nongovern-  
7 mental organizations, and affected voluntary  
8 private landowners; and

9 (E) any additional information the Secre-  
10 taries, in consultation with the National Coordi-  
11 nation Committee, determine is relevant to the  
12 nomination.

13 (e) DESIGNATION ON MILITARY LAND.—

14 (1) IN GENERAL.—Any designation of a Na-  
15 tional Wildlife Corridor on a military installation (as  
16 defined in section 100 of the Sikes Act (16 U.S.C.  
17 670))—

18 (A) shall be consistent with the use of mili-  
19 tary installations and State-owned National  
20 Guard installations to ensure the preparedness  
21 of the Armed Forces; and

22 (B) may not result in a net loss in the ca-  
23 pability of military installation lands to support  
24 the military mission of the installation.

## 17

1           (2) SUSPENSION OR TERMINATION OF DESIGNA-  
2       TION.—The Secretary of Defense may suspend or  
3       terminate the designation of any National Wildlife  
4       Corridor on a military installation if the Secretary of  
5       Defense considers the suspension or termination to  
6       be necessary for military purposes, after public no-  
7       tice of—

8           (A) the suspension or termination; and

9           (B) any voluntary steps taken by the De-  
10       partment of Defense to attempt to provide simi-  
11       lar ecological connectivity elsewhere on the mili-  
12       tary installation.

13   **SEC. 413. MANAGEMENT OF NATIONAL WILDLIFE COR-**  
14       **RIDORS.**

15       (a) IN GENERAL.—The Secretaries shall, consistent  
16       with other applicable Federal land and water management  
17       requirements, laws, and regulations, manage each Na-  
18       tional Wildlife Corridor under the respective administra-  
19       tive jurisdiction of the Secretaries in a manner that con-  
20       tributes to the long-term connectivity, persistence, resil-  
21       ience, and adaptability of native species for which the Na-  
22       tional Wildlife Corridor is identified, including through—

23           (1) the maintenance and improvement of habi-  
24       tat connectivity within the National Wildlife Cor-  
25       ridor;

1           (2) the implementation of strategies and activi-  
2       ties that enhance the ability of native species to re-  
3       spond to climate change and other environmental  
4       factors;

5           (3) the maintenance or restoration of the integ-  
6       rity and functionality of the National Wildlife Cor-  
7       ridor;

8           (4) the mitigation or removal of human infra-  
9       structure that obstructs the natural movement of  
10      native species; and

11          (5) the use of existing conservation programs,  
12      including Tribal Wildlife Corridors, under the re-  
13      spective jurisdiction of the Secretaries to contribute  
14      to the connectivity, persistence, resilience, and  
15      adaptability of native species.

16      (b) NATIONAL WILDLIFE CORRIDORS SPANNING  
17      MULTIPLE JURISDICTIONS.—In the case of a National  
18      Wildlife Corridor that spans the administrative jurisdic-  
19      tion of 2 or more of the Secretaries, the relevant Secre-  
20      taries shall coordinate management of the National Wild-  
21      life Corridor in accordance with section 414(b) to advance  
22      the purposes described in section 401(b).

23      (c) ROAD MITIGATION.—In the case of a National  
24      Wildlife Corridor that intersects, adjoins, or crosses a new  
25      or existing State, Tribal, or local road or highway, the rel-

## 19

1 evant Secretaries shall coordinate with the Secretary of  
2 Transportation and State, Tribal, and local transportation  
3 agencies, as appropriate, to identify and implement vol-  
4 untary environmental mitigation measures—

5 (1) to improve public safety and reduce vehicle-  
6 caused native species mortality while maintaining  
7 habitat connectivity; and

8 (2) to mitigate damage to the natural move-  
9 ments of native species through strategies such as—

10 (A) the construction, maintenance, or re-  
11 placement of native species underpasses, over-  
12 passes, and culverts; and

13 (B) the maintenance, replacement, or re-  
14 moval of dams, bridges, culverts, and other  
15 hydrological obstructions.

16 (d) COMPATIBLE USES.—A use of Federal land or  
17 water that was authorized before the date on which the  
18 Federal land or water is designated as a National Wildlife  
19 Corridor may continue if the applicable Secretaries deter-  
20 mine that the use is compatible with the wildlife move-  
21 ments of the species for which the National Wildlife Cor-  
22 ridor was designated, consistent with applicable Federal  
23 laws and regulations.

1 **SEC. 414. COLLABORATION AND COORDINATION.**

2 (a) **COLLABORATION.**—The Secretaries may partner  
3 with and provide funds to States, local governments, In-  
4 dian tribes, the National Coordination Committee, vol-  
5 untary private landowners, and the regional wildlife move-  
6 ment councils to support the purposes described in section  
7 401(b).

8 (b) **COORDINATION.**—To the maximum extent prac-  
9 ticable and consistent with applicable law, the Secretary  
10 or Secretaries, as applicable, shall develop the strategy  
11 under section 411(b), designate National Wildlife Cor-  
12 ridors under section 412, and manage National Wildlife  
13 Corridors under section 413—

14 (1) in consultation and coordination with—

15 (A) other relevant Federal agencies;

16 (B) States, including—

17 (i) State fish and wildlife agencies;

18 and

19 (ii) other State agencies responsible  
20 for managing the natural resources and  
21 wildlife;

22 (C) Indian tribes;

23 (D) units of local government;

24 (E) other interested stakeholders identified  
25 by the Secretary, including applicable voluntary  
26 private landowners;

## 21

1 (F) landscape- and seascape-scale partner-  
2 ships, including—

3 (i) the National Fish Habitat Part-  
4 nership;

5 (ii) the National Marine Fisheries  
6 Service;

7 (iii) regional fishery management  
8 councils established under section 302(a)  
9 of the Magnuson-Stevens Fishery Con-  
10 servation and Management Act (16 U.S.C.  
11 1852(a));

12 (iv) relevant regional ocean partner-  
13 ships;

14 (v) the Climate Science Centers of the  
15 Department of the Interior; and

16 (vi) the Landscape Conservation Co-  
17 operative Network;

18 (G) the National Coordination Committee;

19 and

20 (H) the regional wildlife movement coun-  
21 cils.

22 **SEC. 415. EFFECT.**

23 (a) **RELATIONSHIP TO OTHER CONSERVATION**

24 **LAWS.**—Nothing in this title amends or otherwise affects.

1 any other law (including regulations) relating to the con-  
 2 servation of native species.

3 (b) JURISDICTION OF STATES AND INDIAN  
 4 TRIBES.—Nothing in this title or an amendment made by  
 5 this title affects the jurisdiction of a State or an Indian  
 6 tribe with respect to fish and wildlife management, includ-  
 7 ing the regulation of hunting, fishing, and trapping, in a  
 8 National Wildlife Corridor or a Tribal Wildlife Corridor.

9 **Subtitle B—Tribal Wildlife**  
 10 **Corridors**

11 **SEC. 421. TRIBAL WILDLIFE CORRIDORS.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—

14 (A) NOMINATIONS.—An Indian tribe may  
 15 nominate a corridor within Indian land of the  
 16 Indian tribe as a Tribal Wildlife Corridor by  
 17 submitting to the Secretary, in consultation  
 18 with the Director of the Bureau of Indian Af-  
 19 fairs (referred to in this section as the “Sec-  
 20 retary”), an application at such time, in such  
 21 manner, and containing such information as the  
 22 Secretary may require.

23 (B) DETERMINATION.—Not later than 90  
 24 days after the date on which the Secretary re-  
 25 ceives an application under subparagraph (A),



## 23

1 the Secretary shall determine whether the nomi-  
2 nated Tribal Wildlife Corridor described in the  
3 application meets the criteria established under  
4 paragraph (2).

5 (C) PUBLICATION.—On approval of an ap-  
6 plication under subparagraph (B), the Sec-  
7 retary shall publish in the Federal Register a  
8 notice of the establishment of the Tribal Wild-  
9 life Corridor, which shall include a map and  
10 legal description of the land designated as a  
11 Tribal Wildlife Corridor.

12 (2) CRITERIA.—

13 (A) IN GENERAL.—Not later than 18  
14 months after the date of enactment of this Act,  
15 the Secretary shall establish criteria for deter-  
16 mining whether a corridor nominated by an In-  
17 dian tribe under paragraph (1)(A) qualifies as  
18 a Tribal Wildlife Corridor.

19 (B) INCLUSIONS.—The criteria established  
20 under subparagraph (A) shall include, at a min-  
21 imum, the following:

22 (i) The restoration of historical habi-  
23 tat for the purposes of facilitating  
24 connectivity.

## 24

1 (ii) The management of land for the  
2 purposes of facilitating connectivity.

3 (iii) The management of land to pre-  
4 vent the imposition of barriers that may  
5 hinder current or future connectivity.

6 (3) REMOVAL.—

7 (A) IN GENERAL.—An Indian tribe may  
8 elect to remove the designation of a Tribal  
9 Wildlife Corridor on the Indian land of the In-  
10 dian tribe by notifying the Secretary.

11 (B) EFFECT OF REMOVAL.—An Indian  
12 tribe that elects to remove a designation under  
13 subparagraph (A) may not receive assistance  
14 under subsection (c) or (d)(1) or section 431.

15 (b) COORDINATION OF LAND USE PLANS.—Section  
16 202 of the Federal Land Policy and Management Act of  
17 1976 (43 U.S.C. 1712) is amended—

18 (1) in subsection (b)—

19 (A) by striking “Indian tribes by” and in-  
20 serting the following: “Indian tribes—  
21 “(1) by”;

22 (B) in paragraph (1) (as so designated), by  
23 striking the period at the end and inserting “;  
24 and”; and

25 (C) by adding at the end the following:

1           “(2) for the purposes of determining whether  
2       the land use plans for land in the National Forest  
3       System would provide additional connectivity to ben-  
4       efit the purposes of a Tribal Wildlife Corridor estab-  
5       lished under section 421(a)(1) of the America’s Con-  
6       servation Enhancement Act.”; and

7           (2) by adding at the end the following:

8       “(g) TRIBAL WILDLIFE CORRIDORS.—On the estab-  
9       lishment of a Tribal Wildlife Corridor under section  
10      421(a)(1) of the America’s Conservation Enhancement  
11      Act, the Secretary shall conduct a meaningful consultation  
12      with the Indian tribe that administers the Tribal Wildlife  
13      Corridor to determine whether, through the revision of 1  
14      or more existing land use plans, the Tribal Wildlife Cor-  
15      ridor can—

16           “(1) be expanded into public lands; or

17           “(2) otherwise benefit connectivity (as defined  
18       in section 402 of that Act) between public lands and  
19       the Tribal Wildlife Corridor.”.

20      (c) TECHNICAL ASSISTANCE.—The Secretary shall  
21      provide to Indian tribes technical assistance relating to the  
22      establishment, management, and expansion of a Tribal  
23      Wildlife Corridor, including assistance with accessing wild-  
24      life data and working with voluntary private landowners

1 to access Federal and State programs to improve wildlife  
2 habitat and connectivity on non-Federal land.

3 (d) AVAILABILITY OF ASSISTANCE.—

4 (1) CONSERVATION PROGRAMS CONSIDER-  
5 ATION.—

6 (A) IN GENERAL.—In evaluating applica-  
7 tions under conservation programs described in  
8 subparagraph (B), the Secretary of Agriculture  
9 may consider whether a project would enhance  
10 connectivity through the expansion of a Tribal  
11 Wildlife Corridor.

12 (B) PROGRAMS DESCRIBED.—The con-  
13 servation programs referred to in subparagraph  
14 (A) are any of the following conservation pro-  
15 grams administered by the Secretary of Agri-  
16 culture:

17 (i) The conservation reserve program  
18 established under subchapter B of chapter  
19 1 of subtitle D of title XII of the Food Se-  
20 curity Act of 1985 (16 U.S.C. 3831 et  
21 seq.).

22 (ii) The environmental quality incen-  
23 tives program established under subchapter  
24 A of chapter 4 of subtitle D of title XII of

## 27

1 the Food Security Act of 1985 (16 U.S.C.  
2 3839aa et seq.).

3 (iii) The conservation stewardship  
4 program established under subchapter B of  
5 chapter 4 of subtitle D of title XII of the  
6 Food Security Act of 1985 (16 U.S.C.  
7 3839aa–21 et seq.).

8 (iv) The agricultural conservation  
9 easement program established under sub-  
10 title H of title XII of the Food Security  
11 Act of 1985 (16 U.S.C. 3865 et seq.).

## 12 (2) WILDLIFE MOVEMENTS GRANT PROGRAM.—

13 An Indian tribe that has a Tribal Wildlife Corridor  
14 established on the Indian land of the Indian tribe  
15 shall be eligible for a grant under the wildlife move-  
16 ments grant program under section 431, subject to  
17 other applicable requirements of that grant program.

18 (e) SAVINGS CLAUSE.—Nothing in this section au-  
19 thorizes or affects the use of private property or Indian  
20 land.

21 **SEC. 422. PROTECTION OF INDIAN TRIBES.**

22 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in  
23 this title amends, alters, or waives the Federal trust re-  
24 sponsibility to Indian tribes.

25 (b) FREEDOM OF INFORMATION ACT.—

1           (1) EXEMPTION.—Information described in  
2 paragraph (2) shall not be subject to disclosure  
3 under section 552 of title 5, United States Code  
4 (commonly known as the “Freedom of Information  
5 Act”), if the head of the agency that receives the in-  
6 formation, in consultation with the Secretary and  
7 the affected Indian tribe, determines that disclosure  
8 may—

9           (A) cause a significant invasion of privacy;

10           (B) risk harm to human remains or re-  
11 sources, cultural items, uses, or activities; or

12           (C) impede the use of a traditional reli-  
13 gious site by practitioners.

14           (2) INFORMATION DESCRIBED.—Information  
15 referred to in paragraph (1) is information received  
16 by a Federal agency—

17           (A) pursuant to this title relating to—

18           (i) the location, character, or owner-  
19 ship of human remains of a person of In-  
20 dian ancestry; or

21           (ii) resources, cultural items, uses, or  
22 activities identified by an Indian tribe as  
23 traditional or cultural because of the long-  
24 established significance or ceremonial na-  
25 ture to the Indian tribe; or

1 (B) pursuant to the Native American  
2 Graves Protection and Repatriation Act (25  
3 U.S.C. 3001 et seq.).

4 **Subtitle C—Wildlife Movement**  
5 **Grant Program on Non-Federal**  
6 **Land and Water**

7 **SEC. 431. WILDLIFE MOVEMENTS GRANT PROGRAM.**

8 (a) IN GENERAL.—The Secretary shall establish a  
9 wildlife movements grant program (referred to in this sec-  
10 tion as the “grant program”) to encourage wildlife move-  
11 ment in accordance with this section.

12 (b) GRANTS.—Beginning not later than 2 years after  
13 the date of enactment of this Act, the Secretary, based  
14 on recommendations from the National Coordination  
15 Committee under section 432(e)(2)(C), shall make grants  
16 to 1 or more projects that—

17 (1) are a regional priority project identified by  
18 a regional wildlife movement council;

19 (2) satisfy the purposes described in section  
20 401(b); and

21 (3) increase connectivity for native species.

22 (c) ELIGIBLE RECIPIENTS.—A person that is eligible  
23 to receive a grant under the grant program is—

24 (1) a voluntary private landowner or group of  
25 landowners;

1           (2) a State fish and wildlife agency or other  
2       State agency responsible for managing natural re-  
3       sources and wildlife;

4           (3) an Indian tribe;

5           (4) a unit of local government;

6           (5) an agricultural cooperative;

7           (6) water, irrigation, or rural water districts or  
8       associations, or other organizations with water deliv-  
9       ery authority (including acequias and land grant  
10      communities in the State of New Mexico);

11          (7) institutions of higher education;

12          (8) an entity approved for a grant by a regional  
13      wildlife movement council; and

14          (9) any group of entities described in para-  
15      graphs (1) through (8).

16      (d) **REQUIREMENTS.**—In administering the grant  
17      program, the Secretary shall use the criteria, guidelines,  
18      contracts, reporting requirements, and evaluation metrics  
19      developed by the National Coordination Committee under  
20      subparagraphs (A) and (B) of section 432(e)(2).

21      **SEC. 432. NATIONAL COORDINATION COMMITTEE.**

22      (a) **ESTABLISHMENT.**—Not later than 18 months  
23      after the date of enactment of this Act, the Secretary shall  
24      establish a committee, to be known as the “National Co-  
25      ordination Committee”.



1 (b) ADMINISTRATIVE SUPPORT.—The Secretary shall  
2 provide administrative support for the National Coordina-  
3 tion Committee.

4 (c) MEMBERSHIP.—The National Coordination Com-  
5 mittee shall be composed of—

- 6 (1) the Secretary (or a designee);
- 7 (2) the Secretary of Transportation (or a des-  
8 ignee);
- 9 (3) the Secretary of Agriculture (or a designee);
- 10 (4) the Secretary of Commerce (or a designee);
- 11 (5) the Secretary of Defense (or a designee);
- 12 (6) the Director of the Bureau of Indian Affairs  
13 (or a designee);
- 14 (7) the Executive Director of the Association of  
15 Fish and Wildlife Agencies (or a designee);
- 16 (8) 2 representatives of intertribal organiza-  
17 tions, to be appointed by the Secretary;
- 18 (9) the chairperson of each regional wildlife  
19 movement council (or a designee); and
- 20 (10) not more than 3 representatives of non-  
21 governmental, science, or academic organizations  
22 with expertise in wildlife conservation and habitat  
23 connectivity, to be appointed by the Secretary in a  
24 manner that ensures that the membership of the

1 National Coordination Committee is fair and bal-  
2 anced.

3 (d) CHAIRPERSON.—The National Coordination  
4 Committee shall select a Chairperson and Vice Chair-  
5 person from among the members of the National Coordi-  
6 nation Committee.

7 (e) DUTIES.—The National Coordination Com-  
8 mittee—

9 (1) shall establish standards for regional wild-  
10 life movement plans to allow for better cross-regional  
11 collaboration; and

12 (2) shall, with respect to the wildlife movements  
13 grant program under section 431—

14 (A) establish criteria and develop guide-  
15 lines for the solicitation of applications for  
16 grants by regional wildlife movement councils;

17 (B) develop standardized contracts, report-  
18 ing requirements, and evaluation metrics for  
19 grant recipients; and

20 (C) make recommendations annually to the  
21 Secretary for the selection of grant recipients  
22 on the basis of the ranked lists of regional pri-  
23 ority projects received from the regional wildlife  
24 movement councils under section 433(c)(4) that

1           are consistent with the purposes described in  
2           section 401(b).

3           (f) **APPLICABILITY OF FACA.**—Except as otherwise  
4 provided in this section, the Federal Advisory Committee  
5 Act (5 U.S.C. App.) shall apply to the National Coordina-  
6 tion Committee.

7 **SEC. 433. REGIONAL WILDLIFE MOVEMENT COUNCILS.**

8           (a) **ESTABLISHMENT.**—Not later than 1 year after  
9 the date of enactment of this Act, the Secretary shall es-  
10 tablish not less than 4 regional wildlife movement councils  
11 with separate geographic jurisdictions that encompass the  
12 entire United States.

13           (b) **MEMBERSHIP.**—

14           (1) **IN GENERAL.**—Each regional wildlife move-  
15 ment council shall be composed of—

16           (A) the director of each State fish and  
17 wildlife agency within the jurisdiction of the re-  
18 gional wildlife movement council (or a des-  
19 ignee);

20           (B) balanced representation from Tribal  
21 governments within the jurisdiction of the re-  
22 gional wildlife movement council;

23           (C) to serve as a Federal agency liaison  
24 and nonvoting, ex officio member—

## 34

1 (i) the Director of the United States  
2 Fish and Wildlife Service (or a designee);  
3 or

4 (ii) the director of any applicable re-  
5 gional office of the United States Fish and  
6 Wildlife Service (or a designee);

7 (D) not more than 3 representatives of  
8 nongovernmental, science, or academic organi-  
9 zations with expertise in native species con-  
10 servation and the habitat connectivity needs of  
11 the region covered by the regional wildlife move-  
12 ment council; and

13 (E) not more than 3 voluntary representa-  
14 tives of private landowners with property in the  
15 applicable region, not less than 1 of whom shall  
16 be a farmer or rancher.

17 (2) REQUIREMENTS.—

18 (A) MEMBERSHIP.—The Secretary shall  
19 ensure that the membership of each regional  
20 wildlife movement council is fair and balanced  
21 in terms of expertise and perspectives rep-  
22 resented.

23 (B) EXPERTISE.—Each regional wildlife  
24 movement council shall include experts in eco-

1           logical connectivity, native species ecology, and  
2           ecological adaptation.

3           (3) CHAIRPERSON.—Each regional wildlife  
4           movement council shall select a Chairperson from  
5           among the members of the regional wildlife move-  
6           ment council.

7           (c) DUTIES.—Each regional wildlife movement coun-  
8           cil shall—

9           (1) not later than 2 years after the date of es-  
10          tablishment of the regional wildlife movement coun-  
11          cil and in accordance with any standards established  
12          by the National Coordination Committee, prepare  
13          and submit to the Secretary and the National Co-  
14          ordination Committee a regional wildlife movement  
15          plan that maintains natural wildlife movement by  
16          identifying research priorities and data needs for the  
17          Database that is revised, amended, or updated not  
18          less frequently than once every 5 years;

19          (2) provide for public engagement, including en-  
20          gagement of Indian tribes, at appropriate times and  
21          in appropriate locations in the region covered by the  
22          regional wildlife movement council, to allow all inter-  
23          ested persons an opportunity to be heard in the de-  
24          velopment and implementation of a regional wildlife  
25          movement plan under paragraph (1);

1           (3) solicit applications for wildlife movement  
2       grants under section 431 in accordance with the cri-  
3       teria and guidelines established by the National Co-  
4       ordination Council under section 432(e)(2)(A);

5           (4) in accordance with the criteria and guide-  
6       lines established under section 432(e)(2)(A), submit  
7       to the National Coordination Committee an annual  
8       list of regional priority projects, in ranked order, for  
9       wildlife movements grants under section 431 to  
10      maintain wildlife movements in the area under the  
11      jurisdiction of the regional wildlife movement coun-  
12      cil; and

13          (5) submit to the Secretary and the National  
14      Coordination Committee, and make publicly avail-  
15      able, an annual report describing the activities of the  
16      regional wildlife movement council.

17      (d) COORDINATION.—If applicable, to increase habi-  
18      tat connectivity between designated Federal land and  
19      water and non-Federal land and water, a regional wildlife  
20      movement council shall coordinate with—

21           (1) Federal agencies;

22           (2) Indian tribes;

23           (3) regional fishery management councils estab-  
24      lished under section 302(a) of the Magnuson-Stevens

## 37

1       Fishery Conservation and Management Act (16  
2       U.S.C. 1852(a));  
3           (4) migratory bird joint ventures partnerships  
4       recognized by the United States Fish and Wildlife  
5       Service with respect to migratory bird species;  
6           (5) State fish and wildlife agencies;  
7           (6) regional associations of fish and wildlife  
8       agencies;  
9           (7) nongovernmental organizations;  
10          (8) applicable voluntary private landowners;  
11          (9) the National Coordination Committee;  
12          (10) fish habitat partnerships;  
13          (11) other regional wildlife movement councils  
14       with respect to crossregional projects;  
15          (12) international wildlife management entities  
16       with respect to transboundary species in accordance  
17       with trade policies of the United States; and  
18          (13) Federal and State transportation agencies.  
19       (e) APPLICABILITY OF FACA.—Except as otherwise  
20       provided in this section, the Federal Advisory Committee  
21       Act (5 U.S.C. App.) shall apply to the regional wildlife  
22       movement councils.

1       **Subtitle D—National Wildlife**  
2               **Corridors Database**

3       **SEC. 441. NATIONAL WILDLIFE CORRIDORS DATABASE.**

4       (a) IN GENERAL.—Not later than 18 months after  
5 the date of enactment of this Act, the Director of the  
6 United States Geological Survey (referred to in this sec-  
7 tion as the “Director”), in consultation with the National  
8 Coordination Committee and the regional wildlife move-  
9 ment councils, shall establish a database, to be known as  
10 the “National Wildlife Corridors Database”.

11       (b) CONTENTS.—

12               (1) IN GENERAL.—The Database shall—

13                       (A) include maps, data, models, surveys,  
14                       and descriptions of native species habitats, wild-  
15                       life movements, and corridors that have been  
16                       developed by Federal agencies that pertain to  
17                       Federal land and water;

18                       (B) include maps, models, analyses, and  
19                       descriptions of projected shifts in habitats, wild-  
20                       life movements, and corridors of native species  
21                       in response to climate change or other environ-  
22                       mental factors;

23                       (C) reflect the best scientific data and in-  
24                       formation available; and



1 (D) in accordance with the requirements of  
2 the Geospatial Data Act of 2018 (Public Law  
3 115–254), have the data, models, and analyses  
4 included in the Database available at scales  
5 useful to State, Tribal, local, and Federal agen-  
6 cy decisionmakers and the public.

7 (c) REQUIREMENTS.—Subject to subsection (d), the  
8 Director, in collaboration with the National Coordination  
9 Committee, the regional wildlife movement councils, and  
10 the Administrator of the National Oceanic and Atmos-  
11 pheric Administration, shall—

12 (1) design the Database to support State, Trib-  
13 al, local, voluntary private landowner, and Federal  
14 agency decisionmakers and the public with data that  
15 will allow those entities—

16 (A) to prioritize and target natural re-  
17 source adaptation strategies and enhance exist-  
18 ing State and Tribal corridor protections;

19 (B) to assess the impacts of proposed en-  
20 ergy, water, transportation, and transmission  
21 projects, and other development activities, and  
22 to avoid, minimize, and mitigate the impacts of  
23 those projects and activities on National Wild-  
24 life Corridors;

1 (C) to assess the impact of new and exist-  
2 ing development on native species habitats and  
3 National Wildlife Corridors; and

4 (D) to develop strategies that promote  
5 habitat connectivity to allow native species to  
6 move—

7 (i) to meet biological and ecological  
8 needs;

9 (ii) to adjust to shifts in habitat; and

10 (iii) to adapt to climate change;

11 (2) establish a coordination process among Fed-  
12 eral agencies to update maps and other information  
13 with respect to landscapes, seascapes, native species  
14 habitats and ranges, habitat connectivity, National  
15 Wildlife Corridors, and wildlife movement changes as  
16 information based on new scientific data becomes  
17 available; and

18 (3) not later than 5 years after the date of en-  
19 actment of this Act, and not less frequently than  
20 once every 5 years thereafter, develop, submit a re-  
21 port to the Secretary and the appropriate commit-  
22 tees of Congress, and make publicly available a re-  
23 port, that, with respect to the Database—

24 (A) outlines the categories for data that  
25 may be included in the Database;

## 41

1 (B) outlines the data protocols and stand-  
 2 ards for each category of data in the Database;

3 (C) identifies gaps in native species habitat  
 4 and National Wildlife Corridor information;

5 (D) prioritizes research and future data  
 6 collection activities for use in updating the  
 7 Database; and

8 (E) evaluates and quantifies the efficacy of  
 9 the Database to meet the needs of the entities  
 10 described in paragraph (1).

11 (d) PROPRIETARY INTERESTS AND PROTECTED IN-  
 12 FORMATION.—In developing the Database, the Director  
 13 shall—

14 (1) as applicable, protect proprietary interests  
 15 with respect to any licensed information, licensed  
 16 data, and other items contained in the Database;  
 17 and

18 (2) protect information in the Database with  
 19 respect to the habitats and ranges of specific native  
 20 species to prevent poaching, illegal taking and trap-  
 21 ping, and other related threats to native species.

## 22 **Subtitle E—Funding**

### 23 **SEC. 451. WILDLIFE CORRIDORS STEWARDSHIP FUND.**

24 (a) ESTABLISHMENT AND CONTENTS.—There is es-  
 25 tablished in the Treasury a fund, to be known as the

1 “Wildlife Corridors Stewardship Fund”, that consists of  
2 donations of amounts accepted under subsection (c).

3 (b) USE.—The Fund—

4 (1) shall be administered by the Secretary and  
5 the National Fish and Wildlife Foundation, acting  
6 jointly; and

7 (2) may be used by the National Fish and  
8 Wildlife Foundation to enhance the management  
9 and protection of National Wildlife Corridors by pro-  
10 viding financial assistance to the Federal Govern-  
11 ment, Indian tribes, and nongovernmental, science,  
12 and academic organizations.

13 (c) DONATIONS.—The National Fish and Wildlife  
14 Foundation may solicit and accept donations of amounts  
15 for deposit into the Fund.

16 (d) COORDINATION.—In administering the Fund, the  
17 Secretary and the National Fish and Wildlife Foundation  
18 may coordinate with regional wildlife movement councils,  
19 regional ocean partnerships, and the National Coordina-  
20 tion Committee to the maximum extent practicable.

21 (e) DISCLOSURE OF USE.—Not later than 1 year  
22 after the date of enactment of this Act, and annually  
23 thereafter, the Secretary and the National Fish and Wild-  
24 life Foundation shall make publicly available a description  
25 of usage of the Fund during the preceding calendar year.

1 **SEC. 452. WORKING LANDSCAPES.**

2 The Secretary of Agriculture may—

3 (1) direct investments in working landscapes  
4 through conservation programs under the jurisdic-  
5 tion of the Secretary of Agriculture, including pro-  
6 grams under title XII of the Food Security Act of  
7 1985 (16 U.S.C. 3801 et seq.), to support the pur-  
8 poses described in section 401(b); and

9 (2) notwithstanding any other provision of law,  
10 give priority under the conservation programs de-  
11 scribed in paragraph (1) to non-Federal land and  
12 water for the purposes described in section 401(b).

13 **SEC. 453. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) NATIONAL WILDLIFE CORRIDOR SYSTEM.—

15 There are authorized to be appropriated to carry out sub-  
16 title A for fiscal year 2020 and each fiscal year there-  
17 after—

18 (1) to the Secretary, \$7,500,000;

19 (2) to the Secretary of Agriculture, \$3,000,000;

20 (3) to the Secretary of Defense, \$1,500,000;

21 (4) to the Secretary of Commerce, \$3,000,000;

22 and

23 (5) to the Secretary of Transportation,  
24 \$3,000,000.

25 (b) TRIBAL WILDLIFE CORRIDORS.—There is au-  
26 thorized to be appropriated to carry out subtitle B

## 44

1 \$5,000,000 for fiscal year 2020 and each fiscal year there-  
2 after.

3 (c) WILDLIFE MOVEMENTS GRANT PROGRAM AND  
4 REGIONAL WILDLIFE MOVEMENT COUNCILS.—

5 (1) WILDLIFE MOVEMENT GRANT PROGRAM.—

6 (A) IN GENERAL.—There is authorized to  
7 be appropriated to the Secretary to carry out  
8 the wildlife movements grant program under  
9 section 431 \$50,000,000 for fiscal year 2022  
10 and each fiscal year thereafter.

11 (B) REQUIREMENTS.—Amounts appro-  
12 priated under subparagraph (A) may be used to  
13 complement or match other Federal or non-  
14 Federal funding received by the projects funded  
15 by those grants.

16 (C) ADMINISTRATIVE SUPPORT.—Not  
17 more than 5 percent of amounts appropriated  
18 under subparagraph (A) may be used for ad-  
19 ministrative support.

20 (2) REGIONAL WILDLIFE MOVEMENT COUN-  
21 CILS.—

22 (A) IN GENERAL.—There is authorized to  
23 be appropriated to the Secretary to provide sup-  
24 port for the regional wildlife movement councils

RYA19959

S.L.C.

## 45

1 to carry out section 433 \$1,000,000 for fiscal  
2 year 2020 and each fiscal year thereafter.

3 (B) EQUAL DIVISION.—Amounts appro-  
4 priated under subparagraph (A) shall be pro-  
5 portionally divided between each regional wild-  
6 life movement council.

7 (d) NATIONAL WILDLIFE CORRIDORS DATABASE.—  
8 There are authorized to be appropriated to the Secretary  
9 to carry out section 441—

10 (1) \$3,000,000 for fiscal year 2020; and

11 (2) \$1,500,000 for fiscal year 2021 and each  
12 fiscal year thereafter.

Senator BARRASSO. There is an amendment we were discussing earlier filed by Senator Cardin regarding the National Wildlife Refuges, and Senator Sullivan appropriately requested additional time to study the issue. We are not going to consider that amendment at this time, but I look forward to working with both of them to address the matter in the future.

The Ranking Member and I have agreed to vote on the three amendments en bloc by voice vote. Members may choose to have their votes recorded for a specific item in that bloc after the voice vote.

We have agreed to consider Barrasso-Carper No. 1, Cardin-Van Hollen No. 1, and also Merkley-Booker No. 3, which we agreed to accept as filed after the filing deadline, and which we circulated yesterday afternoon. I am pleased to accept these amendments.

So I would like to now call up Barrasso-Carper 1, Cardin-Van Hollen No. 1, and Merkley-Booker No. 3 en bloc. I ask that members hold discussion on their agreed upon amendments until after we complete voting.

I move to approve Barrasso-Carper 1, Cardin-Van Hollen 1, and Merkley-Booker No. 3 en bloc. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have adopted and agreed to Barrasso-Carper 1, Cardin-Van Hollen 1, Merkley-Booker No. 3.

Seeing no further members wishing to offer amendments, I ask unanimous consent that the Chair be authorized to incorporate the amendments we have agreed to into a single amendment in the nature of a substitute to S. 3051, without objection.

I now move to approve the substitute amendment to S. 3051 and report S. 3051, as amended, favorably to the Senate. Is there a second?

Senator CARDIN. Second.

Senator BARRASSO. All those in favor, say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have approved S. 3051 as amended. That will be reported favorably to the Senate.

Now I would like to call up Presidential Nomination 1247, Robert Feitel, of Maryland, to be Inspector General of the Nuclear Regulatory Commission, and 19 General Services Administration Resolutions en bloc.

Senator CARDIN. Mr. Chairman.

Senator BARRASSO. Senator Cardin.

Senator CARDIN. I would ask unanimous consent to submit for the record a letter from GSA. This letter provides assurances that none of the funds authorized for consolidated activities programs for fiscal year 2020 will be used toward the FBI headquarters. The letter is dated December 16th of this year.



Senator BARRASSO. Without objection, so ordered.  
[The referenced information follows:]



Office of Congressional and Intergovernmental Affairs

December 16, 2019

The Honorable Benjamin L. Cardin  
United States Senate  
Washington, DC 20510

Dear Senator Cardin:

This letter is in response to a phone call from a member of the Senate Committee on the Environment and Public Works (EPW) staff on December 13, 2019, requesting a letter from the U.S. General Services Administration (GSA) confirming that no funds identified in the fiscal year (FY) 2020 Consolidation Activities Program prospectus submissions would be used for the U.S. Department of Justice, Federal Bureau of Investigation's (FBI) new headquarters project. GSA confirms that no such funds would be used for the FBI's new headquarters project.

Given this information, I respectfully request that the Committee on Environment and Public Works approve the FY 2020 prospectus at the Committee's next business meeting.

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Post".

Jeffrey A. Post  
Associate Administrator

1800 F Street, NW  
Washington, DC 20405-0002  
[www.gsa.gov](http://www.gsa.gov)

Senator BARRASSO. We move now to approve and report Presidential Nomination 1247 and approve 19 GSA Resolutions en bloc. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor, say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have approved Presidential Nomination 1247, which will be reported favorably to the Senate. We have also approved 19 GSA Resolutions.

The voting part of the meeting has concluded. I would be happy to recognize any member who wishes to speak.

Senator CARPER. Mr. Chairman.

Senator BARRASSO. Senator Carper.

Senator CARPER. Could I just say one thing before we leave? Senator Sullivan and I were fortunate to sit together for the Army-Navy football game on Saturday. We were proud of our teams, and proud of the Army as well. It was great.

There all kinds of people wearing Army uniforms, Navy uniforms, Marine, Air Force uniforms that day. I said, different uniforms, same team. Different uniforms, same team. And I feel that on this Committee, we wear different uniforms, but on a day like today, same team.

Thank you.

Senator BARRASSO. Thank you very much, Senator Carper.

Now that we have approved this, would anyone like to make statements on any of—Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman. I want to thank you and Senator Carper for teaming up and proposing this really important piece of bipartisan legislation. Thank you for that.

I want to second some of the comments Senator Cardin made regarding the EPA program for the Chesapeake Bay, both the reauthorization at a somewhat higher level, the Chesapeake Gateways Programs and specifically the new Chesapeake WILD Act, which will provide Fish and Wildlife with the authority to work with folks in the Bay to better restore habitat for wildlife. I am grateful for the inclusion of that, and thank you both for your leadership.

Senator BARRASSO. Thank you very much, Senator Van Hollen. Senator Merkley.

Senator MERKLEY. Thank you very much, Mr. Chairman. I appreciate your team working with my team for the Amendment No. 3, and for your statement regarding the Monarch Pollinators Highway.

The Monarch has suffered a huge decline in its center of the country. There are two main Monarch populations: one east of the Rockies, one west of the Rockies. West of the Rockies is even more devastated, with 90-plus percent loss within the last decade, and an indication that this year is half of last year. So it is a very dramatic impact, and I look forward to having that conversation as part of the highway bill.

The whole idea is based on Tennessee, which enabled plots of milkweed and other pollinator friendly plants, to be patched along

the State highways. It just seems like a simple way to help provide additional habitat, and a valuable thing to undertake. Thank you for your offer to help when we come to the highway bill.

Senator BARRASSO. Absolutely. Thank you for your leadership on this.

Senator Carper.

Senator CARPER. Thanks. I want to commend Senator Merkley for his amendment and for shining a light on the plight of our Nation's pollinators. Pollinators like Monarch butterflies and bees have experienced population declines in recent years due to climate change, habitat loss, pesticide use, and other factors. These declines not only present a serious threat to the health of natural ecosystems, but also to our Nation's food supply and agricultural economy.

This last Saturday, we celebrated the 75th anniversary of the Delaware Farm Bureau, the establishment of the Delaware Farm Bureau in the State of Delaware. I don't think I ever go to a Farm Bureau meeting without some farmer raising this issue with me in the first day.

It is important that we take steps to protect and enhance the health of these vulnerable populations. Senator Merkley's amendment would create a discretionary grant program for States and tribes to create pollinator friendly habitats on roadsides and rights of way. I am proud to be a cosponsor of the standalone legislation from which Senator Merkley drafted this amendment.

All that said, our Committee included carefully negotiated pollinator provisions in our bipartisan highway bill.

Chairman Barrasso, I would like to work with you and Senator Merkley, if we could, to try to improve upon those provisions as the bill heads to the floor, instead of amending the ACE Act to include this program. We look forward to doing that, and I appreciate your willingness to work with us toward that end.

Thank you.

Senator BARRASSO. At this time, I ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today, without objection.

And with that, our business meeting is concluded; the meeting is adjourned.

[Whereupon, at 9:58 a.m., the meeting was adjourned.]

[Additional legislation submitted for the record follows:]

**S.3051, Barrasso-Carper #1**

This amendment makes technical and minor substantive corrections to the introduced bill. It fixes a textual error relating to the inclusion of Indian tribes or tribal organizational representatives to the CWD Task Force under section 104. It also clarifies that payment by the specified Secretaries of actual expenses incurred by the National Academy of Science in conducting the CWD transmission study is subject to available appropriations, while adding additional study content, data sharing privacy protections, and adjusting the study report's deadline. The amendment changes the name of section 105, while specifying that the Secretary of the Interior is the agency's recipient of the \$2.5 million in authorized appropriations. The amendment adjusts the funding section of Title III to make the fiscal years during which appropriations are authorized for National Fish Habitat Conservation through Partnerships consistent with other authorizations under this Act. Finally, it clarifies that when conducting the study under section 402 that is to review conservation factors under the Endangered Species Act, it should review factors under which a listing under ESA would not contribute to the conservation of the species.

RYA19961

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

**S.3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by  
\_\_\_\_\_

Viz:

1 On page 22, line 13, strike “for each of clauses (iv)  
2 and (v)”.

3 On page 22, line 18, strike “(v)” and insert “(vi)”.

4 On page 27, line 24, strike “Secretaries.” and insert  
5 “Secretaries, subject to the availability of appropria-  
6 tions.”.

7 On page 29, line 4, strike “(i)(I); and” and insert  
8 “(i)(I) and potential prevention, detection, and control  
9 methods identified under clause (v);”.

10 On page 29, line 7, strike “(iii); and” and insert  
11 “(iii), based on the likelihood that a project will contribute

## 2

1 significantly to the prevention or control of chronic wast-  
2 ing disease; and”.

3 On page 29, between lines 7 and 8, insert the fol-  
4 lowing:

5 (v) potential prevention, detection, or  
6 control measures, practices, or technologies  
7 to be used to mitigate the transmission  
8 and spread of chronic wasting disease in  
9 wild, captive, and farmed populations of  
10 cervids in the United States;

11 (B) assess the effectiveness of the potential  
12 prevention, detection, or control measures, prac-  
13 tices, or technologies identified under subpara-  
14 graph (A)(v); and

15 On page 29, line 8, strike “(B)” and insert “(C)”.

16 On page 29, line 10, insert “prevention, detection,  
17 and” before “management”.

18 On page 29, line 19, strike “and”.

19 On page 30, line 2, strike “States.” and insert  
20 “States; and”.

21 On page 30, between lines 2 and 3, insert the fol-  
22 lowing:

23 (iv) industry or academia, in the case  
24 of any published guidance on practices that  
25 provide practical, science-based rec-

1           ommendations to cervid producers for  
2           minimizing or eliminating the risk of  
3           transmission of chronic wasting disease  
4           within or between herds.

5           On page 30, lines 8 and 9, strike “entity conducting  
6 the study under paragraph (2)” and insert “Academy, as  
7 necessary to conduct the study under paragraph (2), sub-  
8 ject to the avoidance of a violation of a privacy or con-  
9 fidentiality requirement and the protection of confidential  
10 or privileged commercial, financial, or proprietary infor-  
11 mation,”.

12          On page 30, line 15, strike “On” and insert “Not  
13 later than 60 days after the date of”.

14          On page 31, strike line 21 and insert the following:  
15 **SEC. 105. INVASIVE SPECIES.**

16          On page 32, lines 21 through 23, strike “Interior,  
17 acting through the Director of the United States Fish and  
18 Wildlife Service.” and insert “Interior.”.

19          On page 94, line 5, strike “2020” and insert “2021”.

20          On page 96, line 4, strike “308” and insert “208”.

21          On page 97, lines 22 and 23, strike “2019 through  
22 2023” and insert “2021 through 2025”.

23          On page 98, lines 5 and 6, strike “2019 through  
24 2023” and insert “2021 through 2025”.



## 4

1       On page 98, line 14, strike “2020 through 2024” and  
2   insert “2021 through 2025”.

3       On page 99, lines 3 through 5, strike “the Chief of  
4   the Forest Service for use by the United States Depart-  
5   ment of Agriculture Forest Service.” and insert “the Sec-  
6   retary of Agriculture, acting through the Chief of the For-  
7   est Service, for use by the Forest Service.”.

8       On page 102, lines 22 and 23, strike “lead to a sus-  
9   tainable population of the species;” and insert “contribute  
10   to the conservation of the species;”.

**Summary**

**S.3051, Cardin #1**

The amendment reauthorizes the Chesapeake Bay Program at \$90 million for Fiscal Year 2020 and provides an incremental \$500,000 per-year increase over five years to \$92 million for FY24.

MAZ19C49

  
 S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To increase the authorization of appropriations for  
the Chesapeake Bay Program.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

**S. 3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CARDIN

Viz:

1 Strike section 109 and insert the following:

2 **SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
3 **GRAM.**

4 Section 117 of the Federal Water Pollution Control  
5 Act (33 U.S.C. 1267) is amended by striking subsection  
6 (j) and inserting the following:

7 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this sec-  
9 tion—

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

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

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

MAZ19C49

S.L.C.

2

- 1 “(4) for fiscal year 2023, \$91,500,000; and
- 2 “(5) for fiscal year 2024, \$92,000,000.”.

S. 3051, Merkley #3

**Merkley Amendment #3 Summary**

**This amendment adds listing and uplisting determinations to the Section 402 study assessing factors affecting successful conservation activities under the Endangered Species Act.**

RYA19966

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To include in the study to review conservation factors a review of species that have been identified as needing listing or uplisting but remain unprotected.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

**S. 3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. MERKLEY  
(for himself and Mr. BOOKER)

Viz:

- 1 On page 103, line 17, strike "and".
- 2 On page 104, lines 7 and 8, strike "subparagraph
- 3 (A)." and insert "subparagraph (A); and".
- 4 On page 104, between lines 8 and 9, insert the fol-
- 5 lowing:
- 6 (6) to review any determinations under the En-
- 7 dangered Species Act of 1973 (16 U.S.C. 1531 et
- 8 seq.) in which a species has been identified as need-
- 9 ing listing or uplisting under that Act but remains
- 10 unlisted or listed as a threatened species, respec-
- 11 tively, including—

## 2

- 1           (A) an explanation of the factors pre-
- 2           venting a listing or uplisting of the species; and
- 3           (B) recommendations regarding methods
- 4           to address the factors described in subpara-
- 5           graph (A).

**NOMINATION REFERENCE AND REPORT**

**PN1247**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
October 30, 2019.

*Ordered*, That the following nomination be referred sequentially to the Committee on Environment and Public Works; when reported by the Committee on Environment and Public Works, pursuant to an order of January 7, 2009, to be sequentially referred to the Committee on Homeland Security and Government Affairs for 20 calendar days:

Robert J. Feltel, of Maryland, to be Inspector General, Nuclear Regulatory Commission, vice Hubert T. Bell, Jr., retired.

Dec 17, 2019.  
(Date)

Reported by Mr. Barrasso

  
(Signature)

with the recommendation that the nomination be confirmed.

☒ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.



JOHN BARRASSO, WYOMING, CHAIRMAN  
 JAMES M. INHOFE, OKLAHOMA  
 SHELLEY MOORE CARTER, WEST VIRGINIA  
 KEVIN CRAWMER, NORTH DAKOTA  
 MIKE BRAUN, INDIANA  
 KIRK ROODS, SOUTH DAKOTA  
 DAN SULLIVAN, ALASKA  
 JOHN RODZMAN, ARKANSAS  
 ROGER WICKER, MISSISSIPPI  
 RICHARD SHELBY, ALABAMA  
 JON HANSEN, IOWA  
 THOMAS R. CARPER, DELAWARE  
 BENJAMIN L. CARDIN, MARYLAND  
 BERNARD SANDERS, VERMONT  
 SHELDON WHITEHOUSE, RHODE ISLAND  
 JEFF MERKLEY, OREGON  
 KRISTEN GILLIBRAND, NEW YORK  
 CORY A. BOOKER, NEW JERSEY  
 EDWARD J. MARKEY, MASSACHUSETTS  
 TAMMY DUCKWORTH, ILLINOIS  
 CHRIS VAN HOLLEN, MARYLAND

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6176

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPELO, MINORITY STAFF DIRECTOR

## COMMITTEE RESOLUTION

ALTERATION  
 CONSOLIDATION ACTIVITIES PROGRAM  
 VARIOUS BUILDINGS  
 PCA-0001-MU20

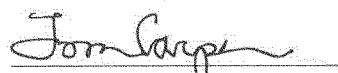
### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the reconfiguration and renovation of spaces within government-owned and leased buildings to improve space utilization, optimize inventory, and decrease reliance on leased space at a total cost of \$75,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
 Chairman

  
 Ranking Member

Adopted: December 17, 2019

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA  
 SHELLEY MOORE CAPITO, WEST VIRGINIA  
 KEVIN CRAMER, NORTH DAKOTA  
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 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

#### ALTERATION FIRE PROTECTION AND LIFE SAFETY PROGRAM VARIOUS BUILDINGS PFP-0001-MU20

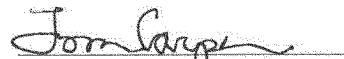
#### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to upgrade, replace, and improve fire protections systems and life safety features in government-owned buildings at a total cost of \$30,000,000, a prospectus for which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
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 Ranking Member

Adopted: December 17, 2019

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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

### COMMITTEE RESOLUTION

#### ALTERATION JUDICIARY CAPITAL SECURITY PROGRAM VARIOUS BUILDINGS PJCS-0001-MU20

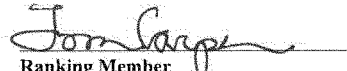
#### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to upgrade, replace, and improve physical security in government-owned buildings occupied by the Judiciary and the U.S. Marshals Service at a total cost of \$20,000,000, a prospectus for which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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 Ranking Member

Adopted: December 17, 2019

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 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

#### ALTERATION SEISMIC MITIGATION PROGRAM VARIOUS BUILDINGS PSE-0001-MU20

### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the installation, upgrade, and improvement of seismic performance in government-owned buildings at a total cost of \$25,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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 Ranking Member

Adopted: December 17, 2019

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JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
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MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

ALTERATION  
HERBERT C. HOOVER BUILDING  
WASHINGTON, DC  
PDC-0013-WA20

### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus for the modernization and construction at the Herbert C. Hoover Building, located at 1401 Constitution Avenue NW, Washington DC at an additional design cost of \$13,069,000, an additional estimated management and inspection cost of \$7,221,000, and additional estimated construction cost of \$335,053,000 for an estimated total cost of \$355,343,000..

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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Ranking Member

Adopted: December 17, 2019

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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION


ALTERATION  
 SUITLAND FEDERAL CENTER  
 SUITLAND, MD  
 PMD0778/1822-MD20


### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the repair and alteration for 4600 Silver Hill North and 4600 Silver Hill South at the Suitland Federal Center at a design cost of \$4,316,000, an estimated construction cost of \$41,498,000, and a management and inspection cost of \$3,544,000 for an estimated total project cost of \$49,358,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

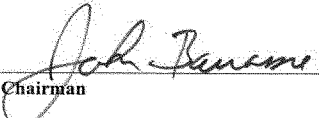
ALTERATION  
 JOHN F. KENNEDY FEDERAL BUILDING  
 BOSTON, MA  
 PMA-0131-BN20

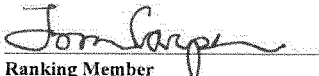
### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to replace the deficient roof, the conveying systems, the heating, ventilation and air conditioning systems in the John F. Kennedy Building, located in Boston, MA at a design cost of \$6,550,000, an estimated construction cost of \$64,291,000, and a management and inspection cost of \$5,088,000 for an estimated total project cost of \$75,929,000, a prospectus for which is attached hereto and by reference made part of this resolution.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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Adopted: December 17, 2019

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 MARY FRANCES REPELO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20516-6175

### COMMITTEE RESOLUTION

ALTERATION  
 ALEXANDER HAMILTON U.S. CUSTOM HOUSE  
 NEW YORK, NY  
 PNY-0131-NY20

### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to address building deficiencies at the Alexander Hamilton U.S. Custom House located in New York, NY at an additional design cost of \$4,228,000, additional management and inspection cost of \$4,973,000, and additional estimated construction cost of \$58,996,000 for a total estimated projected cost of \$68,197,000, a prospectus for which is attached hereto and by reference made part of this resolution.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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Adopted: December 17, 2019



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 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6125

### COMMITTEE RESOLUTION

#### ALTERATION

SILVIO V. MOLLO FEDERAL BUILDING AND JACOB K. JAVITS FEDERAL BUILDING  
 NEW YORK, NY  
 PNY-0323/0282-NY20

#### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the first of a two phase project, the first of which is a design for the Silvio V. Mollo Federal Building and the design and construction of swing space at the Jacob K. Javits building at a design cost of \$15,913,000, an estimated construction cost of \$29,123,000, and management and inspection cost of \$1,564,000, for an estimated total cost of \$46,600,000, a prospectus for which is attached hereto and by reference made part of this resolution.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## COMMITTEE RESOLUTION

### ALTERATION

WILLIAM J. HOLLOWAY JR. U.S. COURTHOUSE AND U.S. POST OFFICE AND COURTHOUSE  
 OKLAHOMA CITY, OK  
 POK-0046/0072-OK20

### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design and construction of the first of a two-phase repair and alteration project for the William J. Holloway U.S. Courthouse and U.S. Post Office and Courthouse in Oklahoma City, OK, at a design cost of \$12,129,000, an estimated construction cost of \$125,257,000, and management and inspection cost of \$7,060,000, for an estimated total project cost of \$144,446,000, a prospectus for which is attached hereto and by reference made part of this resolution.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES NEPICO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

ALTERATION  
 J.J. PICKLE FEDERAL BUILDING  
 AUSTIN, TX  
 PTX-0227-AU20


### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the repair and alteration at the J.J. Pickle Federal Building, located at 300 E. Eighth St. in Austin TX at an additional design cost of \$1,640,000, an additional estimated construction cost of \$14,689,000, and additional management and inspection cost of \$1,079,000, for a total additional cost of \$17,408,000, a prospectus for which is attached hereto and by reference made part of this resolution.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION


#### CONSTRUCTION SAN LUIS I U.S. LAND PORT OF ENTRY SAN LUIS, AZ PAZ-BSC-SA20

#### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design and construction of facilities to modernize and expand the San Luis I Land Port of Entry in San Luis, AZ, at a site acquisition cost of \$1,100,000, a design cost of \$18,077,000, an estimated construction cost of \$217,317,000, and a management and inspection cost of \$11,828,000 for an estimated total project cost \$248,322,000, a description of which is attached hereto and by reference made part of this resolution.

*Provided*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

  
 Chairman

  
 Ranking Member

Adopted: December 17, 2019

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS H. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
KEVIN CRAMER, NORTH DAKOTA	BERNARD SANDERS, VERMONT
MIKE BRAUN, INDIANA	SHELDON WHITEHOUSE, RHODE ISLAND
MIKE ROZEND, SOUTH DAKOTA	JEFF MERLEY, OREGON
DAN SULLIVAN, ALASKA	KIRSTEN GILLIBRAND, NEW YORK
JOHN BOOZMAN, ARKANSAS	CORY A. BOOKER, NEW JERSEY
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RICHARD SHELBY, ALABAMA	TAMMY DUCKWORTH, ILLINOIS
JOHN ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

**COMMITTEE RESOLUTION**

**LEASE  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
CHICAGO O'HARE AREA, IL  
PIL-01-OH20**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 122,000 rentable square feet, including 679 official parking spaces, for the Department of Transportation, Federal Aviation Administration currently at 2300 E. Devon Avenue in Des Plaines, IL at a proposed annual cost of \$4,593,300 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.


*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.


*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the

lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 17, 2019

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
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ROGER WICKER, MISSISSIPPI	EDWARD J. MARKEY, MASSACHUSETTS
RICHARD SHELLEY, ALABAMA	TAMMY SUCOWORTH, ILLINOIS
JONI ERNST, IOWA	CHRIS VAN HOLLEN, MARYLAND

**United States Senate**  
 COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
 WASHINGTON, DC 20510-6175

REINHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPMO, MINORITY STAFF DIRECTOR

#### COMMITTEE RESOLUTION

#### LEASE BUREAU OF ENGRAVING AND PRINTING SUBURBAN, MD PMD-01-WA20

#### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 265,000 rentable square feet of space, including 8 official parking spaces for the Department of the Treasury, Bureau of Engraving and Printing, currently located in federally leased space at 3201 Pennsy Drive, Landover, MD at a proposed annual cost of \$4,505,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the

lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 17, 2019



JOHN BARRASSO, WYOMING, CHAIRMAN  
 JAMES M. INHOFE, OKLAHOMA  
 SHELLEY MOORE CAPITO, WEST VIRGINIA  
 KEVIN CRAWMER, NORTH DAKOTA  
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 MIKE ROUNDIS, SOUTH DAKOTA  
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**United States Senate**  
 COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
 WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

**COMMITTEE RESOLUTION**

**LEASE  
 VETERANS HEALTH ADMINISTRATION  
 TAMPA, FL  
 PFL-01-TA20**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
 THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 158,000 rentable square feet, including 800 official parking spaces, for the Veterans Health Administration, currently located in 3 separate locations in Tampa, FL, at a proposed annual cost of \$6,794,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

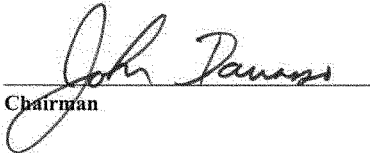
*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

  
Chairman

  
Ranking Member

Adopted: December 17, 2019

JOHN BARRASSO, WYOMING, CHAIRMAN  
 JAMES M. INHOFE, OKLAHOMA  
 SHELLEY MOORE CAPITO, WEST VIRGINIA  
 KEVIN CRAWFORD, NORTH DAKOTA  
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 CHRIS VAN HOLLEN, MARYLAND

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES HOPKIN, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

### COMMITTEE RESOLUTION

LEASE  
 ARCHITECT OF THE CAPITOL  
 WASHINGTON, DC  
 PDC-02-WA20

### **RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 121,000 rentable square feet for the Architect of the Capitol, currently located in federally leased space at 2 Massachusetts Ave. NE in Washington, DC, at a proposed annual cost \$6,050,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

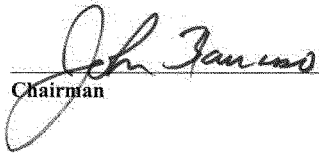
*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 17, 2019

JOHN BARRASSO, WYOMING, CHAIRMAN  
 JAMES M. INHOFE, OKLAHOMA  
 SHELLEY MOORE CAPITO, WEST VIRGINIA  
 KEVIN CRAMER, NORTH DAKOTA  
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RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
 MARY FRANCES REPPD, MINORITY STAFF DIRECTOR

**United States Senate**  
 COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
 WASHINGTON, DC 20519-6175

**COMMITTEE RESOLUTION**

**LEASE  
 DEPARTMENT OF VETERANS AFFAIRS  
 VETERANS HEALTH ADMINISTRATION  
 LAKELAND, FL  
 PFL-01-LA20**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
 THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 127,900 rentable square feet, including 650 official parking spaces, for the Department of Veterans Affairs, Veterans Health Administration, currently located 4237 and 4235 South Pipkin Road in Lakeland, FL at a proposed annual cost of \$4,732,300, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.


*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the

lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

  
Chairman

  
Ranking Member

Adopted: December 17, 2019

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA  
SHELLEY MOORE, CAROL WEST VIRGINIA  
KEVIN CHAMBER, NORTH DAKOTA  
MIKE BRAUN, INDIANA  
MIKE ROJEND, SOUTH DAKOTA  
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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

### COMMITTEE RESOLUTION

LEASE  
DEPARTMENT OF VETERANS AFFAIRS  
WASHINGTON, DC  
PDC-04-WA20

### RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 309,000 rentable square feet for the Department of Veterans Affairs, currently located at 425 I Street NW at a proposed annual cost of \$15,450,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 17, 2019



JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFF, OKLAHOMA	THOMAS R. CARPER, DELAWARE
SHELLEY MOORE CAPITO, WEST VIRGINIA	BENJAMIN L. CARDIN, MARYLAND
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RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKE, MINORITY STAFF DIRECTOR

**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

**COMMITTEE RESOLUTION**

**LEASE  
DEPARTMENT OF VETERANS AFFAIRS  
AUSTIN, TX  
PTX-01-AU20**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 151,000 rentable square feet, including 802 official parking spaces, for the Department of Veterans Affairs, Financial Services Center and Office of Internal Controls, currently located at 7600 Metropolis Drive in Austin, TX at a proposed annual cost of \$6,644,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided*, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.


*Provided further*, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.


*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the

lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

  
Chairman

  
Ranking Member

Adopted: December 18, 2019