

Calendar No. 378

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 116-239

AMERICA'S CONSERVATION ENHANCEMENT ACT

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JUNE 1, 2020.—Ordered to be printed
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Mr. BARRASSO, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 3051]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 3051) to improve protections for wildlife, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

America's Conservation Enhancement Act (ACE Act) is a comprehensive wildlife conservation package. It protects wildlife, wildlife habitat, and enhances recreational hunting and sportfishing, which are essential activities to ensure continued funding of wildlife conservation. The bill also addresses depredation challenges, wildlife disease, and invasive species, as well as authorizes studies into federal expenditures and improved conservation under the Endangered Species Act (ESA).

Human-Predator Interactions

Partly due to recent reporting on human-predator interactions that resulted in death or bodily harm to people, the public has a heightened awareness of the mutual danger that such interactions can pose to each.

While infrequent, the results of even one human-predator incident can be severe. From 2000 to the present, there have been 113

grizzly attacks in the country, of which 14 were fatal.¹ These attacks occurred in Alaska, Idaho, Montana and Wyoming.² These attacks often result from surprise encounters, which could become increasingly frequent due to increases in bear populations, as well as the expansion of human residential areas and recreational opportunities.³ There are instances of the euthanization of bears involved in such incidents.⁴ Additionally, bears are often attracted to human-occupied areas due to the presence of human food or livestock, resulting in the public safety need to put them down.⁵ Arizona state wildlife officials euthanized four black bears over two weeks in 2018 after they became accustomed to human food sources.⁶ In 2018, Wyoming removed 32 grizzly bears from the northwest part of the state due to a variety of conflicts with humans.⁷

Sharks are another example of a predator species that has received significant media coverage when conflicts with humans transpire. Worldwide, there are an estimated 70 to 100 shark attacks each year.⁸ Between five and 15 of those result in death.⁹ According to the International Shark Attack File maintained by the Florida Museum of Natural History, there were 66 unprovoked shark attacks on humans worldwide in 2018, including 32 in the United States alone.¹⁰ The majority of the time, humans were engaged in aquatic recreation in areas frequented by sharks.¹¹ Conversely, National Geographic reported in 2013 that human activities, primarily through illegal shark finning, kill around 100 million sharks worldwide each year.¹²

Bears and sharks are not the only predators that occasionally come into conflict with humans. Humans occasionally encounter alligator in parts of the United States, especially in Florida. As of October 2018, the Florida Fish and Wildlife Conservation Commission reported 282 alligator bites where the victim's injuries required medical care (including 25 fatalities) since 1948.¹³ During that

¹G. Bombieri et al., *Table 1 Number of Brown Bear Attacks on Humans Recorded During the Period 2000-2015 and Characteristics of the Country/Jurisdiction Where the Attacks Occurred*, Table in *Brown Bear Attacks on Humans: A Worldwide Perspective*, NATURE: SCI. REPS. (June 12, 2019), <https://www.nature.com/articles/s41598-019-44341-w/tables/1>.

²*Id.*

³See Steve Primm, *Reflections on the Fatal Grizzly Bear Mauling in Wyoming*, MOUNTAIN J. (Sept. 19, 2018), <https://mountainjournal.org/reflections-on-fatal-bear-attack-in-wyoming>.

⁴Sarah Kaplan, *When a Bear Takes a Human's Life, It Almost Always Pays with Its Own*, WASH. POST (Aug. 11, 2015), https://www.washingtonpost.com/news/morning-mix/wp/2015/08/11/when-a-bear-takes-a-humans-life-it-almost-always-pays-with-its-own/?utm_term=.94762b930ded.

⁵Jim Ammons, *Your Turn: Why We Euthanized Those Bears, and What You Can Do to Stop It*, AZ CENT. (June 9, 2018, 6:00 AM), <https://www.azcentral.com/story/opinion/op-ed/2018/06/09/arizona-bears-euthanized-if-people-keep-feeding-them/677174002/>.

⁶*Id.*

⁷BRIAN DEBOLT, GRIZZLY BEAR MANAGEMENT CAPTURES, RELOCATIONS, AND REMOVALS IN NORTHWEST WYOMING, 2018 ANNUAL REPORT, WYO. GAME & FISH DEP'T (2019), <https://wgfd.wyo.gov/WGFD/media/content/PDF/Wildlife/Large%20Carnivore/2018-Grizzly-Bear-Relocation-Report-UpdatedFinal1-10-2019.pdf>.

⁸*What Are the Odds of a Shark Attack?*, WILDLIFE MUSEUM, <https://www.thewildlifemuseum.org/exhibits/sharks/odds-of-a-shark-attack/> (last visited July 16, 2019).

⁹*Id.*

¹⁰*Yearly Worldwide Shark Attack Summary*, FLA. MUSEUM NAT. HIST., <https://www.floridamuseum.ufl.edu/shark-attacks/yearly-worldwide-summary/> (last visited July 11, 2019).

¹¹*Id.*

¹²*100 Million Sharks Killed Every Year. Study Shows on Eve of International Conference on Shark Protection*, NAT'L. GEOGRAPHIC (Mar. 1, 2013), <https://www.nationalgeographic.com/people-and-culture/onward/2013/03/01/100-million-sharks-killed-every-year-study-shows-on-eve-of-international-conference-on-shark-protection/>.

¹³FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ALLIGATOR BITES ON PEOPLE IN FLORIDA, FLA. FISH & WILDLIFE CONSERVATION COMM'N (2019), <https://myfwc.com/media/1716/alligator-gatorbites.pdf>.

same period, there were 128 bites in which the victim's injuries only required first aid or no medical treatment.¹⁴ The state averaged ten alligator bites per year in the 2010s.¹⁵ Researchers from the University of North Florida have linked the increase in human-alligator conflicts in Florida to human population growth and expanded human development in alligator habitat.¹⁶

The Committee received testimony stressing the importance of innovative solutions that are more effective at reducing conflicts between humans and predators, and how such solutions are paramount to the future of coexistence between people and wildlife.¹⁷

Depredation of Livestock

Livestock depredations can have negative impacts on the livelihoods of Americans.¹⁸ Such acts can result in the death or injury of valuable livestock property. In addition, according to testimony received by the Committee, depredations can cause stress to livestock that manifests through “loss of pregnancy, reduced pregnancy rates, decreased rate of gain; changes in calving/birthing procedures due to the unsafe nature of leaving pregnant livestock to give birth in pastures; upgrading fencing and other . . . deterrent practices. All of these factors are costly.”¹⁹ In some cases, depredations may occur around specific periods each year, including during calving and lambing seasons.²⁰

Several statutes under the Committee's jurisdiction protect species known to prey on livestock.²¹ In some cases these important environmental laws unintentionally place some farmers and ranchers in the predicament of having to choose between violating the law to protect their livestock, or alternatively, seeing their livestock killed or injured.

Non-lethal Predator Control

In 2014, Washington State University researchers published 25 years of research demonstrating that when wolves were killed one year, more livestock were killed by wolves in the next.²² Non-lethal control measures for wolves include guard dogs and lights and sounds. Although more research on the efficacy of both lethal and non-lethal predator control methods is needed, non-lethal methods

¹⁴ *Id.*

¹⁵ Gina Martinez, *Why Deadly Alligator Attacks Like South Carolina Are a Growing Trend*, TIME (Aug. 21, 2018), <https://time.com/5373173/south-carolina-alligator-attack-growing/>.

¹⁶ <https://www.tampabay.com/news/publicsafety/Alligator-attacks-are-on-the-rise-in-Florida-Thank-humans-scientists-say-171148245/>.

¹⁷ See *Theodore Roosevelt Genius Prize: Innovating Solutions to Reduce Human-Predator Conflict Hearing Before the S. Comm. on Env't and Pub. Works*, 116th Cong. (July 24, 2019) (statement of Brad S. Hovinga, Jackson Regional County Supervisor, Wyoming Game and Fish Department).

¹⁸ *Hearing on Modernization of the Endangered Species Act Before the S. Comm. on Env't and Pub. Works*, 115th Cong. (Feb. 13, 2017) (statement of James Holte, President, Wisconsin Farm Bureau Federation).

¹⁹ *Id.*

²⁰ See Risch Tosches, *Ruthless Ravens Turn Ranchers into Predators*, THE DENVER POST (last modified May 13, 2016), <https://www.denverpost.com/2006/07/01/ruthless-ravens-turn-ranchers-into-predators/>.

²¹ See, e.g., Act of June 8, 1940 (commonly known as the “Bald and Golden Eagle Protection Act”), 16 U.S.C. §§ 668–668d; Endangered Species Act of 1973, 16 U.S.C. §§ 1531–1544; Migratory Bird Treaty Act, 16 U.S.C. §§ 703–712.

²² Robert B. Wielgus & Kaylie A. Peebles, *Effects of Wolf Mortality on Livestock Depredations*, PLOS ONE (Dec. 3, 2014), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0113505>.

have been demonstrated to be useful in preventing conflicts between a variety of wildlife and humans and livestock.

Chronic Wasting Disease

Chronic Wasting Disease (CWD) was first discovered in 1967 in a captive deer and elk research facility in Colorado.²³ It was not detected in the wild until 1978.²⁴ CWD affects all native North American members of the Cervidae family, which includes white-tailed deer, mule deer, elk, red deer, moose, reindeer, and caribou. As of November 16, 2019, CWD has been detected in 26 states and at least three Canadian provinces.²⁵

CWD is in the family of diseases known as transmissible spongiform encephalopathies (TSEs).²⁶ Among others, bovine spongiform encephalopathy, often called “mad cow disease” (affecting cattle) and Creutzfeldt-Jakob disease (affecting humans), are also TSEs. While scientific consensus has not been reached, it is generally accepted that the cause of TSEs are misfolded prion proteins. These proteins can misfold due to genetic mutations or enter the body through an external source. Prions convert normal cellular proteins to abnormal forms that cannot be broken down. The prion then multiplies in the body and causes degeneration of the central nervous system.

A prion is not a bacteria or a virus, and there are no treatments available. Antibiotics are not effective, and there have been no successful vaccine trials in cervids.²⁷ Although no specific genetic immunity has been identified, the unpredictable spread of the disease has raised questions about method of infection and whether or not certain genetic factors may predispose individual animals to the disease. Animals can carry and transmit the disease for periods without symptoms before succumbing to it.²⁸

CWD poses one of the most significant threats to North American hunters. At a June 2019 House Natural Resources Committee hearing on CWD, the President of the National Deer Alliance stated,

CWD is an unprecedented threat to healthy deer herds, our hunting traditions, and the North American Model for Wildlife Conservation. . . . It is unrealistic to think that CWD is going away any time soon. We need to come to grips with the idea that this is a ‘forever’ issue, and that there is no end in sight.²⁹

²³Hearing on a Bill to Create a U.S. Fish and Wildlife Service Chronic Wasting Disease Task Force Before the S. Comm. on Env't and Pub. Works, 116th Cong. (Dec. 4, 2019) [hereinafter Chronic Wasting Disease Task Force Hearing] (statement of Brian Nesvik, Director, Wyoming Game and Fish Department).

²⁴Hearing on Chronic Wasting Disease: The Threats to Wildlife, Public Lands, Hunting, and Health Before the H. Comm. on Nat. Res., Subcomm. on Oversight and Investigations, 116th Cong. (June 25, 2019) [hereinafter Chronic Wasting Disease Hearing] (statement of Dr. Krysten L. Schuler, Wildlife Disease Ecologist, Cornell University).

²⁵U.S. GEOLOGICAL SURVEY, *Expanding Distribution of Chronic Wasting Disease* (Nov. 16, 2019), https://www.usgs.gov/centers/nwhc/science/expanding-distribution-chronic-wasting-disease?qt-science_center_objects=0#qt-science_center_objects.

²⁶Chronic Wasting Disease Hearing, *supra* note 23 (statement of Dr. Krysten L. Schuler, Wildlife Disease Ecologist, Cornell University).

²⁷Mary E. Wood, *Accelerated Onset of Chronic Wasting Disease in Elk (Cervus canadensis) Vaccinated with a PrP^{Sc}-Specific Vaccine and Housed in a Prion Contaminated Environment*, NAT'L CTR. BIOTECH. INFO. (Nov. 29, 2018), <https://www.ncbi.nlm.nih.gov/pubmed/30414779>.

²⁸Chronic Wasting Disease Task Force Hearing, *supra* note 22 (statement of Brian Nesvik, Director, Wyoming Game and Fish Department).

²⁹Chronic Wasting Disease Hearing, *supra* note 23 (statement of Nick Pinizzotto, President and CEO of the National Deer Alliance).

For infected herds, research has shown that white-tailed deer populations decline by ten percent annually,³⁰ while mule deer populations decrease by 21 percent annually.³¹ While there is no current evidence that CWD is transmissible to humans through exposure or consumption, the Centers for Disease Control and Prevention (CDC) recommends that hunters test their harvest for CWD and avoid consuming meat from animals with positive samples.³² Because of these warnings, some conclude that hunters are buying fewer licenses, causing a subsequent decline in states' revenue for wildlife management. Thus, CWD not only poses a threat to hunters, but to the agencies responsible for controlling and eradicating CWD.

During an October 2019 EPW hearing, witnesses mentioned CWD as a risk to cervid populations. Wildlife health veterinarian and Texas A&M professor Dr. Walter Cook and United States Fish and Wildlife Service (USFWS) Deputy Director Stephen Guertin both recognized CWD management efforts as a top priority. Guertin stated, “[e]radication of the disease from free-ranging cervids is not a realistic objective. Therefore, prevention of the disease and limiting its spread is essential.”³³ Dr. Cook testified, “[i]t would be ideal if a group of respected CWD authorities could determine common management needs and an overall public message.”³⁴

To address this need for enhanced coordination and collaboration between CWD experts, EPW held a hearing in December 2019 to consider legislation to create a U.S. Fish and Wildlife Service CWD Task Force. Witnesses from the Wyoming Game and Fish Department, West Virginia Department of Agriculture, and Theodore Roosevelt Conservation Partnership testified about the importance of coordinating and expediting the federal response to CWD.

Invasive Species

An “invasive species” has been defined under Presidential Executive Order 13112 as “an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.”³⁵ Roughly, 50,000 non-native species,³⁶ 6,500 of which are considered “invasive” by the United States Geological Survey (USGS), have been introduced to the United States.³⁷ Federal policy delineates treatment of non-native species from invasive species, as there are any number of beneficial non-native species

³⁰David R. Edmunds et al., *Chronic Wasting Disease Drives Population Decline of White-Tailed Deer*, PLOS ONE 11(8): e0161127 (Aug. 30, 2016), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0161127>.

³¹Melia T. DeVivo et al., *Endemic Chronic Wasting Disease Causes Mule Deer Population Decline in Wyoming*, PLOS ONE 12(10): e0186512 (Oct. 19, 2017), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0186512>.

³²CTR. FOR DISEASE CONTROL & PREVENTION, *Chronic Wasting Disease: Prevention* (last revised Oct. 9, 2018), <https://www.cdc.gov/prions/cwd/prevention.html>.

³³*Hearing on Examining the Impacts of Disease on Wildlife Conservation and Management Before the S. Comm. on Env't and Pub. Works*, 116th Cong. (Oct. 16, 2019) (statement of Stephen Guertin, Deputy Director of Policy, U.S. Fish and Wildlife Service).

³⁴*Id.* (statement of Dr. Walter E. Cook, Clinical Associate Professor, Texas A&M University).

³⁵Exec. Order No. 13,112 (Feb. 3, 1999).

³⁶Renee Johnson et al., *Invasive Species: Major Laws and the Role of Selected Federal Agencies*, CONGRESSIONAL RESEARCH SERV. (Jan. 17, 2017), <https://crsreports.congress.gov/product/pdf/R/R43258>.

³⁷U.S. GEOLOGICAL SURVEY, *Invasive Species Program*, <https://www.usgs.gov/ecosystems/invasive-species-program> (last visited Feb. 1, 2019).

introduced for crop production, pest control, and other beneficial uses.

Invasive species have an annual economic cost estimated at more than \$127 billion³⁸ in terms of damages to infrastructure, crops, tourism, and biodiversity, among many other harms. To illustrate,

Burmese pythons, which are multiplying in south Florida, are becoming a top carnivore and killing large numbers of native species of reptiles, birds, and mammals. Zebra and quagga mussels from Eastern Europe are clogging intakes for urban water supplies and nuclear power plants in the Great Lakes and the Mississippi basin. The light brown apple moth, a native pest of Australia, has been detected in California and is causing damage to a wide range of plant species and commercial fruit and vegetable crops. Leafy spurge is lowering the forage value of western grazing land, and reducing overall land values.³⁹

United States agricultural crop and livestock production suffers the largest damage, amounting to \$65 billion annually.⁴⁰

Additionally, USFWS has identified invasive species as a leading cause of native species' decline.⁴¹ The National Wildlife Federation estimates that roughly 42 percent of threatened or endangered species are at risk because of invasive species.⁴² This impact is attributable, in part, to invasive species preying on native species, carrying disease, outcompeting native species for resources, and preventing native species' reproduction.⁴³

Invasive pathogens also jeopardize public health. For example, the mosquito-borne West Nile Virus, initially discovered in Africa in 1937,⁴⁴ has spread to almost every state in the country since it was first discovered in the United States in 1999.⁴⁵ According to the CDC, "as of December 11, 2018, a total of 49 states and the District of Columbia have reported West Nile virus infections in people, birds, or mosquitos in 2018."⁴⁶ Between 1999 and 2014, a CDC team estimated that treating the virus in the United States has cost between \$670 million and \$1 billion.⁴⁷ During that same period, West Nile led to the deaths of at least 1,500 people in the United States.⁴⁸ In 2018, 2,544 domestic cases of the virus were re-

³⁸ Johnson et al., *supra* note 35.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See FISH & WILDLIFE SERV., *Invasive Species: Endangered Species Program* (last updated Jan. 19, 2012), <https://www.fws.gov/invasives/endangered-species.html>.

⁴² NAT'L WILDLIFE FED'N, *Invasive Species*, <https://www.nwf.org/Educational-Resources/Wildlife-Guide/Threats-to-Wildlife/Invasive-Species> (last visited Feb. 1, 2019).

⁴³ *Id.*

⁴⁴ James J. Sejvar, *West Nile Virus: An Historical Overview*, OCHSNER J. (1999), <http://www.ochsnerjournal.org/content/ochjnl/5/3/6.full.pdf>.

⁴⁵ CTR. FOR DISEASE CONTROL & PREVENTION, *West Nile Virus: 2019 Provisional Human Data* (last updated Dec. 17, 2019), https://wwwn.cdc.gov/arbovet/Maps/ADB_Diseases_Map/index.html (last visited Dec. 20, 2019).

⁴⁶ CTR. FOR DISEASE CONTROL & PREVENTION, *West Nile Virus: Preliminary Maps & Data for 2018*, <https://web.archive.org/web/20190108075526/https://www.cdc.gov/westnile/statsmaps/preliminarymapsdata2018/index.html> (archived on Jan. 8, 2019).

⁴⁷ J. Erin Staples et al., *Initial and Long-Term Costs of Patients Hospitalized with West Nile Virus Disease*, AM. J. TROPICAL MED. & HYGIENE (Mar. 5, 2014), <http://www.ajtmh.org/content/journals/10.4269/ajtmh.13-0206>.

⁴⁸ NAT'L PUB. RADIO, *The High Cost of Treating People Hospitalized with West Nile Virus* (Feb. 12, 2014), <https://www.npr.org/sections/health-shots/2014/02/11/275262857/the-high-cost-of-treating-people-hospitalized-with-west-nile-virus>.

⁴⁸ James J. Sejvar, *West Nile Virus: An Historical Overview*, OCHSNER J. (1999), <http://www.ochsnerjournal.org/content/ochjnl/5/3/6.full.pdf>.

ported and 137 Americans died as a result.⁴⁹ Recently, in 2017, the Asian longhorned tick, a species not native to the western hemisphere, was found for the first time in the eastern United States.⁵⁰ If bitten by this tick, a person or animal may contract a serious illness.⁵¹

Domestic infrastructure also faces consequences relating to the presence of invasive species. Power systems face dangers to their water intake structures from invasives, and infestations can contribute to potential power outages.⁵² Transportation systems can require increased maintenance and invasives can undermine pavement stability.⁵³ Buildings can suffer reduced structural integrity, increased grounds-keeping costs, and susceptibility to fire and flooding.⁵⁴ In addition, invasive species may threaten both the quality and quantity of domestic water systems.⁵⁵ A 2016 white paper by the Invasive Species Advisory Council pointed out that invasive mussel infestations cost the power industry around \$3 billion between 1993 and 1999 in the Great Lakes region alone, and have a \$5 billion total economic impact.⁵⁶

In an effort to prevent, control, and eradicate invasive species domestically, the United States government spent an estimated \$3 billion in fiscal year 2017 across a range of federal agencies and activities.⁵⁷ These efforts consisted of, but were not limited to, species prevention, control and management, outreach, research, early detection, and habitat restoration.⁵⁸

Section 7001 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116–9), which was signed into law on March 12, 2019, requires defined Secretaries to plan and carry out activities on land they manage to protect water and wildlife by controlling and managing invasive species. That legislation also obliges each listed Secretary to develop a strategic plan for achieving a substantive annual net reduction of invasive species populations or infested acreage on land or water they manage.

North American Wetlands Conservation Act

The North American Wetlands Conservation Act (NAWCA) is a program that provides grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife. Accord-

⁴⁹CTR. FOR DISEASE CONTROL & PREVENTION, WEST NILE VIRUS DISEASE CASES AND PRESUMPTIVE VIREMIC BLOOD DONORS BY STATE (2018), <https://www.cdc.gov/westnile/resources/pdfs/data/WNV-Disease-Cases-PVDs-by-State-2018-P.pdf>.

⁵⁰CTR. FOR DISEASE CONTROL & PREVENTION, *What You Need to Know About Asian Longhorned Tick—A New Tick in the United States* (last updated Sept. 12, 2019), <https://www.cdc.gov/ticks/longhorned-tick/index.html>.

⁵¹*Id.*

⁵²See NAT'L INVASIVE SPECIES COUNCIL, DEP'T OF INTERIOR, INVASIVE SPECIES IMPACTS ON INFRASTRUCTURE (2016), https://www.doi.gov/sites/doi.gov/files/uploads/invasive_species_impacts_on_infrastructure.pdf.

⁵³See *id.*

⁵⁴See *id.*

⁵⁵See Michael Vissichelli, INVASIVE SPECIES IMPACTS ON FEDERAL INFRASTRUCTURE, NAT'L INVASIVE SPECIES COUNCIL, DEP'T OF INTERIOR (Nov. 27, 2018), https://www.doi.gov/sites/doi.gov/files/uploads/invasive_species_impacts_on_federal_infrastructure.pdf.

⁵⁶INVASIVE SPECIES ADVISORY COMM., DEP'T OF INTERIOR, INVASIVE SPECIES IMPACTS ON INFRASTRUCTURE (Dec. 6, 2016), https://www.doi.gov/sites/doi.gov/files/uploads/isac_infrastructure_white_paper.pdf.

⁵⁷R. Eliot Crafton, *Invasive Species: A Brief Overview*, CONGRESSIONAL RESEARCH SERV. (Oct. 26, 2018), <https://crsreports.congress.gov/product/pdf/IF/IF11011>.

⁵⁸*Id.*

ing to testimony received by the Committee, while original wetlands across the United States are disappearing at an alarming rate, NAWCA has led to significant economic and natural benefits because of its conservation of over 30 million acres of wetlands across North America.⁵⁹ Testimony also described the fiscally responsible nature of the program, as each federal dollar invested is matched by an average of \$3.20 from non-federal partners.⁶⁰ The authorization of appropriations for NAWCA expired in 2012.

National Fish and Wildlife Foundation

Congress created the National Fish and Wildlife Foundation (NFWF) in 1984 to bridge the public and private sector to protect and restore the country's fish, wildlife, and plant habitats. NFWF is an independent 501(c)(3) nonprofit organization. Its Board of Directors is made up of 30 members who are appointed by the Secretary of the Interior. It supports programs in all 50 states and U.S. territories. The authorization of appropriations for the National Fish and Wildlife Foundation Establishment Act expired in 2010.

TSCA Regulation of Sport Fishing Equipment

In 2010 and 2012, some groups concerned about the health impacts of lead in the environment unsuccessfully sought to have the Obama administration's Environmental Protection Agency regulate recreational fishing tackle under the Toxic Substances Control Act (TSCA). The Committee received testimony related to these concerns, including questions about the science underpinning these claims and the potential economic impacts of banning lead from fishing tackle.⁶¹

Specifically, the Committee received testimony from sportsmen's organizations that regulating tackle under TSCA would likely result in significant increases in higher fishing tackle prices for sportsmen due to the considerably higher raw materials and manufacturing costs associated with lead alternatives.⁶² The impact of these price increases, according to this testimony, would not only result in fewer recreational anglers, but also lead to significant job losses in the manufacturing sector of the U.S. economy.⁶³

Chesapeake Bay Programs

The Chesapeake Bay (the Bay) is the United States' largest estuary and the first such identified for protection and restoration. It encompasses six states and the District of Columbia, spans over 64,000 square miles, includes 3,600 species of plants and animals, and provides sustenance and recreation for millions of Americans.⁶⁴ According to testimony, the estuary has recently undergone note-

⁵⁹ See *Hearing on S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act Before the S. Comm. on Env't and Pub. Works*, 115th Cong. (July 19, 2017) [hereinafter *HELP for Wildlife Act Hearing*] (statement of Dale Hall, CEO of Ducks Unlimited).

⁶⁰ *Id.*

⁶¹ See *Hearing on S.659, the Bipartisan Sportsmen's Act of 2015 Before the S. Comm. on Env't and Pub. Works, Subcomm. on Fisheries, Water, and Wildlife*, 114th Cong. (Mar. 17, 2015) (statement of Jeff Crane, President of Congressional Sportsmen's Foundation).

⁶² *Id.*

⁶³ *Id.*
⁶⁴ U.S. GEOLOGICAL SURVEY, *Chesapeake Bay*, https://www.usgs.gov/ecosystems/environments-program/science/chesapeake-bay?qt-science_center_objects=0#qt-science_center_objects (last visited July 16, 2019).

worthy ecological recovery in the wake of many years of degradation.⁶⁵

The Chesapeake Bay Program is a regional partnership dedicated to the Bay's restoration since 1983. Partners collaborating under the program to restore its health include federal and state agencies, local governments, nonprofit organizations and education institutions. The authorization of appropriations for this program expired in 2005.

The Chesapeake Bay Gateways and Watertrails Program is comprised of two main components. The Chesapeake Bay Gateways and Watertrails Network consists of 170 sites dispersed throughout Virginia, Maryland, Delaware, Pennsylvania and Washington, D.C. The goal of these sites, which consist of a mixture of historic communities, museums, parks, and refuges, is to foster greater Bay-area appreciation. In addition, state, community, and other non-governmental entities are able to obtain technical and financial assistance through the Chesapeake Bay Gateways Grants Assistance Program. The goal of these grants is to increase access to the Bay and its surrounding areas. The authorization of appropriations for these programs expires at the end of fiscal year 2019.

While the USFWS works with landowners, private and community organizations, government agencies and others to conserve, protect and enhance fish and wildlife in the Chesapeake Bay region, the USFWS does not yet have an explicit authorization to do this important conservation work.

The Great Lakes Basin

The Great Lakes, consisting of Lake Superior, Lake Huron, Lake Michigan, Lake Ontario, and Lake Erie comprise the largest body of fresh water on the planet,⁶⁶ with a surface area of 94,000 square miles.⁶⁷ In addition, the basin is home to around 30 million people, including about ten percent of the U.S. population.⁶⁸ According to the National Oceanic and Atmospheric Administration (NOAA), 1.5 million jobs are associated with the Great Lakes, along with \$62 billion in wages.⁶⁹ It is home to approximately 3,500 different species of plants and animals.⁷⁰

These lakes support a diverse ecosystem upon which the region's fisheries industry depends. Currently, appropriations made to the USGS under a variety of disparate statutory authorities fund research to support these fisheries. This disparate approach has challenged the region and prevented investments in the science and technology needed for sound and reliable fishery research that is needed in turn to support recreational sport fishing, commercial fisheries, tribal harvests, allocation decisions, and fish stocking activities.

⁶⁵ HELP for Wildlife Act Hearing, *supra* note 59 (statement of National Wildlife Foundation).

⁶⁶ ENVTL. PROTECTION AGENCY, *The Great Lakes* (last updated Dec. 16, 2019), <https://www.epa.gov/greatlakes>.

⁶⁷ NAT'L OCEANIC & ATMOSPHERIC ADMIN., *Great Lakes Region: NOAA in the Region* <https://www.regions.noaa.gov/great-lakes/index.php/regional-snapshots/> (last visited July 16, 2019).

⁶⁸ ENVTL. PROTECTION AGENCY, *Facts and Figures about the Great Lakes* (Apr. 4, 2019), <https://www.epa.gov/greatlakes/facts-and-figures-about-great-lakes>.

⁶⁹ *Great Lakes Region*, *supra* note 67.

⁷⁰ *Id.*

Pittman-Robertson

The Federal Aid in Wildlife Restoration Act (16 U.S.C. §§ 669 *et seq.*) (Pittman-Robertson) provides wildlife restoration, conservation, and hunter education and safety program funding to all 50 states and five U.S. territories. These funds are derived from revenues from an 11 percent tax on firearms and ammunition, a ten percent tax on pistols and revolvers, an 11 percent tax on archery equipment, and a per shaft arrow tax that are deposited into the Federal Aid to Wildlife Restoration Fund in the Treasury under 16 U.S.C. § 669b(a). According to USFWS, it has disbursed to the states a total of \$12.2 billion under Pittman-Robertson between fiscal years 1939 and 2019.⁷¹ Under current law, as amended, Pittman-Robertson prohibits use of its funds for public relations.

Under Pittman-Robertson, USFWS provides funding to the states and territories based on formulas in the statutes that take into account hunting licenses sold in the state, land and inland water areas, and population. Thus, a decrease in the number of hunters over the last several years could potentially lead to fewer dollars being available for apportionment to the states for their respective conservation efforts.

Fish Habitat Conservation

The National Fish Habitat Partnership is a program to conserve the nation's fish and aquatic communities through partnerships that foster fish habitat conservation. It was modeled after the success of NAWCA.⁷² It supports existing fish habitat partnerships and works to foster new efforts. Additionally, it is focused on setting national goals to improve aquatic systems and reverse the decline of healthy fish habitats.

According to testimony received by the Committee, the Partnership has conserved millions of miles of coastal and riparian ecosystems and its \$63 million in federal funding has led to \$102 million in matching funds from a combination of state and local governments, private landowners, and other stakeholders.⁷³

The Endangered Species Act

Congress passed the ESA to provide comprehensive protection for species identified as endangered or threatened with extinction. USFWS primarily administers the ESA for terrestrial and freshwater species. The National Marine Fisheries Service (NMFS) administers the ESA for certain marine species.

Voluntary conservation efforts are an integral part of wildlife conservation. It is important to encourage states, Indian tribes, units of local government, landowners, and other stakeholders to enroll in and perform on conservation agreements, as well as invest in and implement conservation activities. In addition, examining factors affecting successful conservation and obtaining figures on

⁷¹ FISH & WILDLIFE SERV., *Wildlife & Sport Fish Restoration Program* (last updated Feb. 27, 2019), https://wsfrprograms.fws.gov/Subpages/GrantPrograms/WR/WR_Funding.htm.

⁷² HELP for Wildlife Act Hearing, *supra* note 59 (statement of Scott Gudes, Vice President, American Sportfishing Association).

⁷³ HELP for Wildlife Act Hearing, *supra* note 59 (letter from Rebecca A. Humphries, Chief Exec. Officer, Nat'l Wild Turkey Fed'n, to Sen. John Barrasso, Chairman, Sen. Env't & Pub. Works Comm., U.S. Senate, & Sen. Tom Carper, Ranking Member, Sen. Env't & Pub. Works Comm. (July 14, 2017) (on file with the U.S. Senate Committee for Environment and Public Works)).

expenditures as a direct result of ESA may lead to improved conservation results and more value for taxpayer dollars.

Land-grant Institutions and Pittman-Robertson

Pittman-Robertson funds can be used to benefit wildlife resources and to provide opportunities for hunter education. However, USFWS has determined that land previously purchased by land-grant institutions with federal dollars, or donated to them by the federal government, is ineligible to be used to fulfill the grant matching requirements of Pittman-Robertson because of its previous federal status.

OBJECTIVES OF THE LEGISLATION

America's Conservation Enhancement Act (ACE Act) contains a number of provisions that will address depredation challenges, wildlife disease, and invasive species. It extends programs vital to conservation efforts, protects wildlife and wildlife habitat, and promotes conservation through less burdensome restrictions on fishing equipment and permitting use of federal funds for hunting recruitment and retention. The ACE Act encourages the consideration of conservation agreements and activities in ESA decision-making, as well as requires two ESA studies. The studies assess factors affecting successful conservation activities under ESA and examine what the federal government, as a direct result of ESA provisions, is spending.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents

This Act may be cited as "America's Conservation Enhancement Act" or "ACE Act."

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

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

This section creates a new Theodore Roosevelt Genius Prize cash prize for technological innovation for reducing human-predator conflict using non-lethal means, which may include the application and monitoring of tagging technologies.

This section also provides for the administration of the new Theodore Roosevelt Genius Prize established under this section.

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

Subsection (a) defines terms used under this section.

Subsection (b) requires the Secretary of the Interior, acting through the Director of USFWS, and the Secretary of Agriculture (USDA), acting through the Administrator of the Animal and Plant Health Inspection Service (APHIS) (together, the Secretaries) to establish a grant program to states and Indian tribes. The grants are to assist livestock producers in carrying out proactive and non-lethal activities to reduce the risk of livestock loss due to depredation by federally protected species and related research activities.

Further, the grant program is to compensate livestock producers for livestock losses due to depredation by federally protected species.

Subsection (b) also details that the Secretaries must allocate available funding based on the losses described in reports submitted by states or Indian tribes for the prior year ending on September 30th of each year.

Subsection (b) also establishes criteria for states or Indian tribes to be eligible to receive a grant.

Subsection (c) states the Sense of the Senate that no state or Indian tribe is required to participate in the program and that the program supplements, and does not replace or supplant, any state compensation programs for depredation.

Subsection (d) authorizes \$15 million in appropriations for fiscal years 2021 through 2025: \$5 million for grants to assist livestock producers in carrying proactive and nonlethal activities to reduce the risk of livestock loss due to predation by federally protected species, and related research. In addition, \$10 million to compensate livestock producers for livestock losses due to predation by federally protected species.

Section 103. Depredation permits for black vultures and common ravens

This section affirms the existing authority of the Secretary of the Interior, acting through the Director of the USFWS, to issue depredation permits to livestock producers and clarifies that the Director may consider livestock losses in the prior year when issuing depredation permits. The permits authorize the taking of black vultures or common ravens to prevent them from taking livestock during the calving season or lambing season. Further, the permits may only be issued to livestock producers in states and regions affected or that have been affected in the prior year by black vulture or common raven depredations, as determined by the Secretary.

This section requires that these depredation permits be conditioned on the permit holder reporting the taking of black vultures or common ravens to the appropriate enforcement agencies pursuant to the permit.

Regarding the issuance of a depredation permit, the Committee expects that current USFWS and USDA Wildlife Services practices that encourage non-lethal activities prior to issuance pursuant to this section to continue. The Committee also expects the USFWS will continue to consider the sustainability of the species' populations when issuing depredation permits, consistent with applicable law and regulations.

Section 104. Chronic Wasting Disease Task Force

Subsection (a) defines "chronic wasting disease" under this section.

Subsection (b) establishes a Chronic Wasting Disease Task Force (the Task Force) within the USFWS.

Subsection (b) also details the Task Force's duties, including collaborating with foreign governments to reduce, minimize, prevent, or eliminate CWD. They also include developing recommendations and best practices to prevent new introductions of CWD; prioritizing and coordinating the future study of CWD; and

leveraging the resources of domestic and foreign governments, and resources from private, nongovernmental entities, to address CWD in the United States. The Task Force also has the duty of developing an interstate action plan. Under the interstate action plan, states and the Federal Government agree to enact consistent management, educational, and research practices relating to CWD and facilitate the creation of a cooperative agreement by which states and federal agencies agree to commit funds to implement best practices described in the interstate action plan.

Subsection (b) also states that the Task Force membership shall comprise of one representative from USFWS; one representative from USGS; and two representatives from USDA, with one having expertise in research and the other in wildlife management.

In addition, the Task Force membership must include up to two representatives from each qualifying state in which CWD has been reported to the appropriate state agency among elk, mule deer, white-tailed deer, or moose, with not more than one being a representative of the state agency with jurisdiction over wildlife management or wildlife disease, and in the case of a state with a farmed cervid program or economy, not more than one of being a representative of the state agency with jurisdiction over farmed cervid regulation. Up to two representatives may also come from a state that has not had CWD documented among elk, mule deer, white-tailed deer, or moose, but is carrying out measures to prevent the introduction of CWD.

A maximum of two representatives may come from an Indian tribe or tribal organization chosen in a process determined in consultation with Indian tribes, by the Secretary.

Up to five nongovernmental members with relevant CWD expertise may be appointed by a majority vote of the appointed state representatives.

Subsection (b) also makes the representative from USFWS and one representative elected from amongst the represented state agencies as Task Force co-chairs.

Subsection (b) also addresses the timeframe for appointing the Task Force members and how vacancies are to be filled.

Subsection (b) also details the minimum frequency of the Task Force meetings, along with the time and place of such meetings.

Subsection (b) also requires the Task Force to submit an interstate action plan within one year after appointment of its members. The Secretary and any other applicable federal agency, and each applicable state, must enter into a cooperative agreement to fund necessary actions under the interstate action plan. The Federal Government cannot provide more than \$5 million in a fiscal year in matching funds to those provided by the states for carrying out the interstate action plan through a cooperative agreement.

Subsection (b) also mandates a report by the Task Force not later than September 30th of the first full fiscal year after the date on which the first members of the Task Force are appointed, and each September 30th thereafter. The report must describe the progress on the implementation of actions identified in the interstate action plan; updated resource requirements needed to reduce and eliminate CWD in the United States; any relevant updates to the recommended best management practices included in the interstate

action plan; new research findings and emerging research needs; and any other relevant information.

Subsection (c) states that the Administrator of APHIS and the Director of USGS (together, defined as “the Secretaries” under subsection (c) of this section), acting jointly, must enter into an arrangement with the National Academy of Sciences (the Academy) to conduct a CWD Transmission in Cervidae Resource Study. The Academy must submit to the Secretaries a report describing the findings of the study and it must identify the main pathways and mechanisms of the transmission of CWD. The Secretaries shall pay the actual expenses incurred by the Academy in conducting this study, subject to the availability of appropriations, and the study must be completed within 180 days after the date funds are first made available for it. Within 60 days of completion of the study, the Secretaries shall submit to specified congressional committees a report detailing the findings of the study and any conclusions and recommendations the Secretaries deem appropriate.

Subsection (c) also specifies the contents of the study to be identified with respect to wild, captive, and farmed populations of cervids in the United States. It also states that in regards to such populations, that the study must assess the effectiveness of the potential prevention, detection, or control measures, practices, or technologies to be used to mitigate the spread and transmission of CWD and review and compare science-based best practices, standards, and guidance regarding the prevention, detection, and management of CWD.

Subsection (c) also details privacy and confidentiality requirements to which the Secretaries are subject when sharing data with the Academy, as well as their obligation to protect confidential or privileged commercial, financial, or proprietary information under the jurisdiction of APHIS and USGS.

Subsection (d) authorizes \$5 million for the period of fiscal years 2021 through 2025 for the Secretary of the Interior to carry out the activities of the Task Force under subsection (b); \$1.2 million for fiscal year 2021 for the Secretary of the Interior to fund research under subsection (c); and \$1.2 million for fiscal year 2021 for the Secretary of Agriculture to fund research under subsection (c).

Section 105. Invasive species

This section amends section 10 of the Fish and Wildlife Coordination Act (16 U.S.C. §666c–1). It requires that each “Secretary concerned” (as defined) that is tasked with developing strategic plans for the implementation of their invasive species programs consult with stakeholders, including non-governmental organizations and industry. Secretaries concerned must also coordinate development with affected federal agencies.

This section also authorizes for each of the Secretary of the Army, acting through the Chief of Engineers, and the Secretary of Interior, \$2.5 million, for each of fiscal years 2021 through 2025 to carry out section 10 of the Fish and Wildlife Coordination Act.

Section 106. North American Wetlands Conservation Act

This section reauthorizes the North American Wetlands Conservation Act for each of fiscal years 2021 through 2025, at an authorized appropriations level not to exceed \$60 million.

Section 107. National Fish and Wildlife Foundation Establishment Act

This section requires the Secretary of the Interior, in consultation with the Secretary of Commerce and considering recommendations submitted by the Board of the National Fish and Wildlife Foundation (the Foundation), to appoint 28 Directors for the Foundation to six-year terms. The Directors are to be knowledgeable in the conservation of fish, wildlife, or other natural resources, and represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation. It also reauthorizes appropriations for the Foundation at \$25 million for each of fiscal years 2021 through 2025.

Section 108. Modification of definition of sport fishing equipment under Toxic Substances Control Act

This section would make permanent the appropriations language that bans the Environmental Protection Agency (EPA) from regulating sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986) under the Toxic Substances Control Act.

Section 109. Reauthorization of Chesapeake Bay Program

This section reauthorizes appropriations for the Chesapeake Bay Program at \$90 million for fiscal year 2020, \$90.5 million for fiscal year 2021, \$91 million for fiscal year 2022, \$91.5 million for fiscal year 2023, and \$92 million for fiscal year 2024.

Section 110. Reauthorization of Chesapeake Bay Initiative Act of 1998

This section reauthorizes total appropriations of \$3 million for each fiscal year through 2025 to include both the Chesapeake Bay Gateways and Watertrails Network and the Chesapeake Bay Gateways Grants Assistance Program.

Section 111. Chesapeake watershed investments for landscape defense

Subsection (a) defines terms used in this section.

Subsection (b) requires that the Secretary of the Interior, acting through the Director of USFWS, establish a “Chesapeake Watershed Investments for Landscape Defense program” (the Chesapeake WILD program) within 180 days of enactment of this Act.

Subsection (b) also states the purposes of Chesapeake WILD program.

Subsection (b) also details the duties of the Secretary in carrying out this section, including drawing on existing plans for the Chesapeake Bay watershed, or portions thereof, including the Chesapeake Bay agreements, and working in consultation with applicable management agencies to identify, prioritize, and implement restoration and protection activities within the watershed. The Secretary must also adopt a Chesapeake Bay watershed-wide strategy in support of the implementation of shared science-based restoration and protection activities and targets cost-effective projects with measurable results. Further, the Secretary must establish the voluntary grant and technical assistance program to be known as the

“Chesapeake Watershed Investments for Landscape Defense grant program” (the Chesapeake WILD grant program).

Subsection (b) also mandates that when establishing the Chesapeake WILD program, the Secretary consult, as appropriate, with the heads of specified federal agencies; the Governors of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; fish and wildlife joint venture partnerships; and other public agencies and organizations with authority for planning and implementing conservation strategies in the Chesapeake Bay watershed.

Subsection (c) states that the Director of USFWS establish and carry out the Chesapeake WILD grant program to achieve the stated purposes of the Chesapeake WILD program. Qualifying entities for such grants include a state, the District of Columbia, a unit of local government, a nonprofit organization, an institution of higher learning, and any other entity deemed appropriate pursuant to the criteria established by the Secretary.

Subsection (c) also requires that the Secretary, in consultation with specified entities, establish criteria for funded activities under the Chesapeake WILD grant program.

Subsection (c) also states the Department of the Interior’s cost share for a project funded under the Chesapeake WILD grant program. It cannot exceed 50 percent of the total project cost. It also permits the cost share of the non-Department of Interior share of the project funded under the grant program to be satisfied by a cash or an in-kind contribution of services or materials. In terms of other federal funding, those funds other than that of the Department of Interior may be used to cover up to 25 percent of the total cost of the project.

Subsection (d) requires that the Secretary submit a report describing the implementation of this section, including a description of each project funded thereunder, within 180 days after enactment of this Act.

Subsection (e) authorizes \$15 million for each of fiscal years 2021 through 2025 to carry out this section. These funds are meant to supplement, and not supplant, funding for other activities conducted by the Director of USFWS in the Chesapeake Bay watershed.

Section 112. Great Lakes monitoring, assessment, science, and research

This section authorizes \$15 million per year for fiscal years 2021 through 2025 for the USGS to conduct critical monitoring, scientific assessments, and research to support fisheries within the Great Lakes Basin. This authorization allows USGS to seek funding for these activities under a single legislative authority, instead of relying on multiple authorities, and places an authorization ceiling on these activities.

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

Section 201. Purpose

This section amends section 1 of Pittman-Robertson (16 U.S.C. §669). It states that one of the purposes of Pittman-Robertson is

to provide financial and technical assistance to the states for the promotion of hunting and recreational shooting.

Section 202. Definitions

This section amends section 2 of Pittman-Robertson (16 U.S.C. § 669a), regarding definitions.

Section 203. Apportionment of available amounts

This section adds language to section 4 of Pittman-Robertson (16 U.S.C. § 669c) permitting the use of amounts apportioned under 16 U.S.C. § 669c for hunter recruitment and recreation shooter recruitment.

Section 204. Expenditures for management of wildlife areas and resources

This section amends section 8 of Pittman-Robertson (16 U.S.C. § 669g). It removes the prohibition against states expending wildlife restoration funds apportioned under 16 U.S.C. § 669g for public relations.

This section also allows the funds apportioned under the Basic Hunter Education and Safety program to be used for public target range operation and maintenance without being part of a program.

Section 205. Firearm and bow hunter education and safety program grants

This section amends section 10(a)(1)(A) (Enhanced Hunter Education and Safety program) of Pittman-Robertson (16 U.S.C. § 669h-1(a)(1)(A)). It states that in the case of a state that has not used all of the funds apportioned to the state under section 669c(c), grants to states thereunder can be used for the added purpose of the enhancement of hunter recruitment and recreational shooter recruitment.

Section 206. Multistate Conservation Grant Program

This section amends section 11 of Pittman-Robertson (16 U.S.C. § 669h-2). It mandates that under the Multistate Conservation Grant Program, not more than \$5 million of the fund's revenues from any tax imposed under section 4161(b) of the Internal Revenue Code of 1986 for a fiscal year can be used exclusively for hunter recruitment and recreational shooter recruitment grants that promote a national hunting and shooting sport recruitment program. This includes related communications and outreach activities.

This section also requires a study within ten years of enactment of this Act. The Secretary of the Interior, acting through the Director of the USFWS, must review and evaluate the effects of the funds made available under the Hunter and Recreational Shooter Grants and submit a report describing the results of the review and evaluation to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives.

TITLE III—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

Section 301. Purpose

This section states that the purpose of this title is to encourage partnerships among public agencies and other interested parties to promote fish conservation.

The Committee does not expect Title III to negatively impact the Magnuson-Stevens Fishery Conservation and Management Act or marine commercial fishermen.

Section 302. Definitions

This section provides definitions of terms used in this title.

Section 303. National Fish Habitat Board

This section establishes the National Fish Habitat Board to oversee and promote the implementation of this title, to establish national goals and priorities, to recommend partnerships for congressional designation, and to review and recommend aquatic habitat projects. It also establishes membership requirements for the 26 members of the Board.

The National Fish Habitat Board's current composition includes both a representative from a Regional Fishery Management Council and one representative from a Marine Fisheries Commission. This legislation changes the composition of the Board to either a representative from a Regional Fishery Management Council or a representative from a Marine Fisheries Commission. If a member from a Regional Fishery Management Council is chosen, the Committee expects that member will coordinate with one or more Marine Fisheries Commissions to make sure that fisheries in both state and federal waters are taken into consideration by the Board. Likewise, if a member from a Marine Fisheries Commission is chosen, the Committee expects that member will coordinate with one or more Regional Fishery Management Councils.

Section 304. Fish Habitat Partnerships

This section establishes procedures for recommending Fish Habitat Partnerships for congressional designation and outlines criteria for such a recommendation. It also requires that within five years of this Act's enactment that any Fish Habitat Partnership existing at the time of enactment that is receiving federal funds be subject to a congressional designation review. Those Fish Habitat Partnerships existing at the time of enactment that do not receive congressional designation within the five-year period will be ineligible for federal funds.

Section 305. Fish Habitat Conservation Projects

This section establishes procedures for consideration of fish habitat projects by the Board and criteria for the Board to use in evaluating and recommending projects for funding to the Secretaries of the Interior and Commerce. The non-federal share of the cost of a fish habitat conservation project may not be derived from another federal grant program. Therefore, only state, local, or other non-federal entities may contribute to the non-federal cost share.

Section 306. Technical and scientific assistance

This section authorizes technical and scientific assistance from the Director of USFWS, Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration (NOAA), and the Director of USGS, to the Fish Habitat Partnerships.

Section 307. Coordination With States and Indian Tribes

This section states that the Secretary of the Interior shall provide notice to the appropriate state or Indian tribe within which an activity is planned to be carried out pursuant with this title no later than 30 days before the planned activity is implemented.

Section 308. Interagency Operational Plan

This section requires the Director of USFWS, in cooperation with other agencies, to develop interagency operational plans that describe the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this title and any interagency agreements between or among federal departments and agencies to address those needs.

Section 309. Accountability and reporting

This section requires the Board to submit reports to appropriate congressional committees on the implementation of this title. This section also requires the Board to submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States by December 31, 2021, and each five years thereafter.

Section 310. Effect of this title

This section states that nothing in title establishes a water right in the United States, affects any water right in existence, or affects state water law. This section further clarifies that nothing in this title affects state rights to manage wildlife and fish, affects tribal rights, affects existing federal authorities for land or water acquisition, or enables the use of funds provided by this section to acquire real property without the consent of the property owner. This section also states that nothing in this title allows the use of funds for fish and wildlife mitigation under specified existing federal laws and court settlements.

Section 311. Nonapplicability of Federal Advisory Committee Act

This section exempts the Board and Partnership from the Federal Advisory Committee Act.

Section 312. Funding

This section authorizes \$7.2 million per each of fiscal years 2021 through 2025 for the Secretary of the Interior to provide funds for approved fish habitat conservation projects under section 305, of which five percent shall be made available for each fiscal year for projects carried out by Indian tribes. Five percent of the amount appropriated to the Secretary of the Interior for the applicable fiscal year for fish habitat conservation projects goes towards administrative and planning expenses under this title, and to carrying out section 309 of this Act.

This section also authorizes for each of fiscal years 2021 through 2025 to carry out, and provide technical and scientific assistance under, section 306, \$400,000 to each of the Secretary of the Interior for use by USFWS; to the NOAA Assistant Administrator for use by NOAA; to the EPA Assistant Administrator for use by EPA; to the Secretary of the Interior for use by USGS; and to the Secretary of Agriculture, acting through the Chief of the Forest Service, for use by the Forest Service.

Section 313. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships

This section prohibits a Partnership established under this title from being used to implement any regulatory authority of any federal agency.

TITLE IV—MISCELLANEOUS

Section 401. Sense of the Senate regarding conservation agreements and activities

This section establishes the sense of the Senate that: (1) voluntary conservation agreements benefit species and their habitats; (2) states, tribes, units of local government, landowners, and other stakeholders should be encouraged to participate in voluntary conservation agreements; and (3) the Secretary should consider the enrollment in, and performance of, conservation agreements and the investment in, and implementation of, general conservation activities by states, tribes, units of local government, landowners, and other stakeholders, in making determinations under ESA.

Section 402. Study to review conservation factors

This section defines the term “Secretaries” under this section as the Secretary of Agriculture, the Secretary of Commerce, acting through the Director of NMFS, and the Secretary of the Interior, acting through the Director of USFWS.

This section requires the Secretaries to make publicly available and submit a report to Congress describing the results of a study that assesses factors affecting successful conservation activities under the ESA. The study shall include a review of factors that threaten or endanger a species for which an ESA listing would not contribute to the conservation of the species. It also must examine barriers to the delivery of federal, state, local or private funds for such conservation activities or the implementation of conservation agreements, plans, or other cooperative agreements. In addition, the study should analyze factors that impact the ability of the Federal Government to successfully implement the ESA and develop recommendations regarding methods to address barriers to the delivery of funds for conservation activities or the implementation of conservation agreements, plans, or other cooperative agreements.

This section states that the report must examine determinations under ESA in which either (1) a species is deemed to be recovered by the Director of USFWS, or the Assistant Administrator of NMFS, but remains listed as threatened or endangered, or (2) a species has been identified as needing listing or uplisting by the same, but remains unlisted or listed as a threatened species. When reviewing any such determinations, the Secretaries must include

an explanation of factors preventing delisting or downlisting, listing or uplisting, as well as recommendations regarding how to address those factors.

The report describing the results of the study is due within one year of enactment of this Act.

Section 403. Study and report on expenditures

This section requires the head of each federal department and agency to submit to the Comptroller General of the United States data and other relevant information that describes the amounts expended by the department or agency during a five fiscal year period as a direct result of any provision of the ESA. Each report shall describe: (1) the programmatic office of the department or agency on behalf of which each amount was expended; (2) the associated provision of ESA pursuant to which each amount was expended; and (3) the project or activity carried out using each amount, in detail sufficient to reflect the breadth, scope, and purpose of the project or activity.

Not later than two years and four after enactment of this Act, the Comptroller General shall submit a report to Congress. That report is to describe: (1) the aggregate amount expended by all federal departments and agencies as a direct result of any provision of the ESA; (2) the provision of ESA pursuant to which such amounts were expended; and (3) the total amount expended by each department or agency, as well as a description of the programmatic office of the department or agency on behalf of which each amount was expended, the provision of the ESA pursuant to which each amount was expended, and the project or activity carried out using each amount in detail sufficient to reflect the breadth, scope, and purpose of the project or activity.

The head of each federal department and agency shall submit to the Secretaries a report describing the conservation activities by the federal department or agency during a five fiscal year period as a direct result of any provision of the ESA.

Not later than two years and four years after enactment of this Act, the Secretaries shall submit a report to Congress that: (1) describes the conservation activities by all federal departments and agencies for species listed as threatened or endangered under the ESA; (2) is organized into categories with respect to whether a recovery plan for a species has been established; (3) includes conservation outcomes associated with the conservation activities; and (4) as applicable, describes the conservation activities that required interaction between federal agencies and between federal agencies and state and tribal agencies and units of local government pursuant to the ESA.

Section 404. Use of value of land for cost sharing

This section permits any institution eligible to receive federal funds under the Agriculture Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 *et seq.*), including land-grant institutions, to satisfy the matching portion under Pittman-Robertson with the value of any land they own as an in-kind match. This is regardless of whether the land was previously purchased with federal funds.

LEGISLATIVE HISTORY

Senator Barrasso introduced America’s Conservation Enhancement Act on December 12, 2019. Senator Carper was an original cosponsor. Senators Cramer, Cardin, Capito, Van Hollen, Inhofe, Boozman, and Duckworth also joined as cosponsors. The bill was referred to the Committee on Environment and Public Works. The Committee ordered S. 3051 favorably reported with an amendment in the nature of a substitute on December 17, 2019.

HEARINGS

On December 4, 2019, the Committee held an oversight hearing entitled, “Legislative Hearing on a bill to create a U.S. Fish and Wildlife Service Chronic Wasting Disease Task Force.” The three witnesses included: Brian Nesvik, Director, Wyoming Game and Fish Department; Kent Leonhardt, Commissioner, West Virginia Department of Agriculture; and Whit Fosburgh, President and Chief Executive Officer, Theodore Roosevelt Conservation Partnership.

On October 16, 2019, the Committee held an oversight hearing entitled, “Examining the Impacts of Diseases on Wildlife Conservation and Management.” The three witnesses included: Stephen Guertin, Deputy Director for Program Management and Policy, USFWS; Dr. Walter E. Cook, Clinical Associate Professor of Veterinary Pathobiology, Texas A&M University; and Holly Niederriter, Wildlife Biologist, Wildlife Species Conservation and Research Program, Delaware Department of Natural Resources and Environmental Control.

On July 24, 2019, the Committee held a legislative hearing entitled, “Theodore Roosevelt Genius Prize: Innovating Solutions to Reduce Human-Predator Conflict.” The three witnesses included: Brad Hovinga, Jackson Regional Wildlife Supervisor, Wyoming Game and Fish Department; Forrest Galante, Host of “Extinct or Alive”, Animal Planet; and Nickey Whitney, Ph.D., Senior Scientist and Chair, Fisheries Science and Emerging Technologies Program, Anderson Cabot Center for Ocean Life at the New England Aquarium.

On February 13, 2019, the Committee held an oversight hearing entitled, “The Invasive Species Threat: Protecting Wildlife, Public Health, and Infrastructure.” The three witnesses at the hearing were Slade Franklin, Weed and Pest State Coordinator, Wyoming Department of Agriculture; Terry Steinwand, Director, North Dakota Game and Fish Department; and Joe Rogerson, Program Manager for Species Conservation and Research, Delaware Division of Fish and Wildlife.

ROLLCALL VOTES

On December 17, 2019, the Committee on Environment and Public Works conducted a business meeting to consider S. 3051. The bill, with an amendment in the nature of a substitute, was ordered to be favorably reported by voice vote.

Amendments approved

The following amendments to S. 3051 were adopted en bloc by voice vote:

Barrasso-Carper #1—An amendment to make technical and minor substantive corrections to the introduced bill (adopted en bloc by voice vote).

Cardin-Van Hollen #1—An amendment to reauthorize the Chesapeake Bay Program for fiscal years 2020 through 2024, reaching \$92 million in authorized appropriations by fiscal year 2024 (adopted en bloc by voice vote).

Merkley-Booker #3—An amendment to require the study under section 403 of S. 3051, which requires the review of factors affecting successful ESA conservation activities, to additionally examine any determinations in which a species has been identified as needing listing or uplisting under ESA, but remains unlisted or listed as a threatened species (adopted en bloc by voice vote).

Final committee vote to report

By unanimous consent, Barrasso-Carper #1, Cardin-Van Hollen #1, and Merkley-Booker #3 were incorporated into a single amendment in the nature of a substitute to S. 3051. The amendment in the nature of a substitute was approved, and S. 3051, with the amendment in the nature of a substitute, was ordered to be favorably reported by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works finds that S. 3051 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4), the Committee on Environment and Public Works notes that the Congressional Budget Office found that S. 3051 contains no intergovernmental or private-sector mandates as defined in UMRA.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 16, 2020.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3051, the America's Conservation Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
S. 3051, America's Conservation Enhancement Act			
As reported by the Senate Committee on Environment and Public Works on December 17, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	665	1,054
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and -\$500,000.			

The bill would

- Authorize appropriations totaling \$1.1 billion over the 2020–2025 period for various federal conservation programs and activities
- Establish grant programs to carry out restoration and protection of the Chesapeake Bay, support fish habitat conservation, assist livestock producers, and prevent chronic wasting disease among deer

Estimated budgetary effects would primarily stem from

- Spending of the authorized appropriations

Bill summary: S. 3051 would authorize appropriations totaling \$1.1 billion over the 2020–2025 period for conservation programs and activities of the U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA), Department of Agriculture (USDA), National Oceanic and Atmospheric Administration (NOAA), and National Park Service (NPS). The bill also would establish grant programs to assist livestock producers, prevent chronic wasting disease among deer, fund restoration and protection activities in the Chesapeake Bay, and support fish habitat conservation.

Estimated Federal cost: The estimated budgetary effect of S. 3051 is shown in Table 1. The costs of the legislation fall primarily within budget function 300 (natural resources and environment).

Basis of estimate: For this estimate, CBO assumes that S. 3051 will be enacted in 2020 and that the authorized and necessary amounts will be provided in each year. Estimated outlays are based on historical spending patterns for the affected and similar activities.

CBO estimates that implementing S. 3051 would cost \$665 million over the 2020–2024 period.

Chesapeake Bay Program: Section 109 would authorize appropriations totaling \$455 million over the 2020–2024 period for EPA’s Chesapeake Bay Program, which provides technical assistance and grant funding for projects and programs aimed at restoring the Chesapeake Bay. EPA received appropriations totaling \$85 million to carry out the program in 2020; therefore, CBO does not estimate any outlays resulting from the 2020 authorization in the bill. We estimate that implementing the section would cost \$315 million over the 2020–2024 period.

North American Wetlands Conservation: Section 106 would authorize the annual appropriation of \$60 million over the 2021–2025 period for USFWS to fund a competitive grant program for wetlands conservation projects in the United States, Canada, and Mexico. In 2020, the agency received an appropriation of \$46 million for that program. CBO estimates that implementing section 106 would cost \$138 million over the 2020–2024 period.

National Fish and Wildlife Foundation: Section 107 would authorize the annual appropriation of \$25 million over the 2021–2025 period for USFWS, USDA, and NOAA to support activities of the National Fish and Wildlife Foundation. CBO estimates that implementing section 107 would cost \$63 million over the 2020–2024 period.

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 3051

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020–2024	2020–2029	
Chesapeake Bay Program:													
Authorization ^a	90	90	91	92	92	0	0	0	0	0	455	455	
Estimated Outlays	0	59	77	87	92	32	14	5	0	0	315	365	
North American Wetlands Conservation:													
Authorization	0	60	60	60	60	60	0	0	0	0	240	300	
Estimated Outlays	0	15	30	42	51	57	45	30	18	9	138	297	
National Fish and Wildlife Foundation:													
Authorization	0	25	25	25	25	25	0	0	0	0	100	125	
Estimated Outlays	0	6	14	20	23	25	19	11	5	2	63	125	
Grants for Livestock Losses:													
Authorization	0	15	15	15	15	15	0	0	0	0	60	75	
Estimated Outlays	0	0	12	15	15	15	15	3	0	0	42	75	
Chesapeake Bay Watershed:													
Authorization	0	15	15	15	15	15	0	0	0	0	60	75	
Estimated Outlays	0	4	8	12	14	15	11	7	3	2	38	75	
National Fish Habitat Conservation:													
Authorization	0	9	9	10	10	10	0	0	0	0	38	48	
Estimated Outlays	0	2	5	8	9	10	7	4	2	1	24	48	
Chronic Wasting Disease:													
Estimated Authorization	0	8	6	6	6	1	0	0	0	0	26	27	
Estimated Outlays	0	4	3	6	6	6	3	0	0	0	19	27	
Other Provisions:													
Estimated Authorization ^a	3	9	8	8	8	8	0	0	0	0	38	46	
Estimated Outlays	0	6	7	7	8	8	3	1	1	*	28	41	
Total Changes:													
Estimated Authorization ^a	93	232	229	231	231	134	0	0	0	0	1,017	1,151	
Estimated Outlays	0	96	156	197	216	167	117	62	29	14	665	1,054	

Components may not sum to totals because of rounding; * = between zero and \$500,000.
 CBO estimates that enacting S. 3051 would have an insignificant effect on direct spending.
^aThe bill would authorize in 2020 the appropriation of \$90 million for the Chesapeake Bay Program and \$3 million for the Chesapeake Bay Gateways and Watertrails Network grant program. CBO does not estimate any outlays for those authorizations because appropriations for 2020 have already been provided.

Grants for Livestock Losses: Section 102 would direct USFWS and USDA to provide assistance and compensation to farmers for livestock losses resulting from depredation by federally protected species. The bill would authorize the appropriation of \$15 million annually over the 2021–2025 period for those purposes. Amounts awarded in a fiscal year would be based on livestock losses from the previous fiscal year; thus, the agencies would begin awarding grants in 2022 for losses in 2021. CBO estimates that implementing section 102 would cost \$42 million over the 2020–2024 period.

Chesapeake Bay Watershed: Section 111 would direct USFWS to establish a program to coordinate and carry out restoration and protection activities in the Chesapeake Bay watershed. Under that program, the agency would award grants to state and local governments, nonprofit organizations, and academic institutions for such activities. The bill would authorize the annual appropriation of \$15 million over the 2021–2025 period for those purposes. CBO estimates that implementing section 111 would cost \$38 million over the 2020–2024 period.

National Fish Habitat Conservation: Title III would establish the National Fish Habitat Board with representatives from federal agencies, state and tribal governments, and industry. The board would establish national goals for fish habitat conservation and recommend local and regional projects for funding. S. 3051 would authorize annual appropriations of \$9 million to \$10 million over the 2021–2025 period for projects, program administration, and technical assistance. CBO estimates that implementing title III would cost \$24 million over the 2020–2024 period.

Chronic Wasting Disease: Section 104 would establish a task force with representatives from federal agencies, state and tribal governments, and other experts to develop an interstate action plan to prevent the spread of chronic wasting disease, which affects deer, elk, and moose. The bill would authorize the appropriation of \$5 million over the 2021–2025 period for administrative activities and \$2.4 million in 2021 for USFWS and USDA to sponsor a study by the National Academies. Section 104 also would direct the federal government to provide up to \$5 million annually to states to carry out an interstate action plan. CBO assumes that those amounts would be provided over the 2021–2024 period and, on that basis, we estimate that implementing section 104 would cost \$19 million over the same period.

Other Provisions: CBO estimates that implementing other provisions of S. 3051 would cost \$28 million over the 2020–2024 period.

Section 105 would authorize the annual appropriation of \$5 million over the 2021–2025 period for USFWS and the Army Corps of Engineers to manage invasive species. CBO estimates that implementing the section would cost \$14 million over the 2020–2024 period.

Section 110 would authorize the annual appropriation of \$3 million over the 2020–2025 period for the NPS's Chesapeake Bay Gateways and Watertrails Network grant program for which the NPS has allocated \$2 million annually in recent years. Appropriations for 2020 have already been provided, so CBO does not estimate any outlays for the authorization in 2020. We estimate that

implementing the bill would cost \$11 million over the 2020–2024 period.

Section 101 of the bill would direct USFWS to establish a competitive prize to reward people who advance efforts to reduce conflicts between humans and predators. Title IV would require USFWS, NOAA, USDA, and the Government Accountability Office to study conservation activities and spending under the Endangered Species Act. Based on the costs of similar tasks, CBO estimates that those provisions would cost \$3 million over the 2020–2024 period; any spending would be subject to the availability of appropriated funds.

Pay-As-You-Go considerations: S. 3051 would authorize federal agencies to accept grants and donations, which are classified in the federal budget as offsetting receipts, or reductions in direct spending. Under the bill, donations would be available to spend without further appropriation. Because donations would probably be spent soon after they were received, CBO estimates that the net reduction in direct spending would be negligible over the 2020–2029 period.

Increase in long-term deficits: None.

Mandates: None.

Previous CBO estimates: On June 28, 2019, CBO transmitted a cost estimate for H.R. 2427, the Chesapeake Bay Gateways and Watertrails Network Reauthorization Act of 2019, as ordered reported by the House Committee on Natural Resources on June 19, 2019. Although H.R. 2427 is similar to section 110 of S. 3051, CBO's estimate of the provision in S. 3051 differs because appropriations for 2020 have already been provided.

On September 30, 2019, CBO transmitted a cost estimate for H.R. 925, the North American Wetlands Conservation Extension Act, as ordered reported by the House Committee on Natural Resources on September 25, 2019. H.R. 925 is similar to section 106 of S. 3051, and CBO's estimates for those provisions are similar.

On October 2, 2019, CBO transmitted a cost estimate for H.R. 1620, the Chesapeake Bay Program Reauthorization Act, as ordered reported by the House Committee on Transportation and Infrastructure on September 20, 2019. H.R. 1620 is similar to section 109 of S. 3051; however, CBO's estimate of the provision in S. 3051 differs because appropriations for 2020 have already been provided.

Estimate prepared by: Federal costs: Janani Shankaran, David Hughes, and Stephen Rabent; Mandates: Lilia Ledezma.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is en-

closed in **[black brackets]**, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *
[16 U.S.C. 742b; PUBLIC LAW 116-9—MAR. 12, 2019] [[Page 133 STAT. 580]]
* * * * *

**JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT,
AND RECREATION ACT**

TITLE VII—WILDLIFE HABITAT AND CONSERVATION

SEC. 7001. Wildlife habitat and conservation.

(a) Assistant Secretary for Fish and Wildlife

* * * * *

(d) Functions and responsibilities of Secretary of the Interior

* * * * *

(1) Definitions.—In this subsection

(A) * * *

* * * * *

(2) Theodore roosevelt genius prize for prevention of wildlife poaching and trafficking.—

(A) Definitions.—In this paragraph:

(i) * * *

* * * * *

(C) Advisory board.—

(i) * * *

* * * * *

(v) Requirements.—The Board shall comply with all requirements under **[paragraph (7)(A)]** *paragraph (8)(A)*.

* * * * *

(D) Agreement with national fish and wildlife foundation.—

(i) * * *

* * * * *

(ii) Requirements.—An agreement entered into under clause (i) shall comply with all requirements under **[paragraph (7)(B)]** *paragraph (8)(B)*.

* * * * *

(F) Report to congress.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) * * *

* * * * *

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the Na-

tional Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in **[paragraph (7)(B)]** *paragraph (8)(B)*; and

* * * * *
(3) Theodore roosevelt genius prize for promotion of wildlife conservation.—

(A) * * *

* * * * *

(C) Advisory board.—

(i) * * *

* * * * *

(v) Requirements.—The Board shall comply with all requirements under **[paragraph (7)(A)]** *paragraph (8)(A)*.

* * * * *

(D) Agreement with national fish and wildlife foundation.—

(i) * * *

* * * * *

(ii) Requirements.—An agreement entered into under clause (i) shall comply with all requirements under **[paragraph (7)(B)]** *paragraph (8)(B)*.

* * * * *

(F) Report to congress.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) * * *

* * * * *

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in **[paragraph (7)(B)]** *paragraph (8)(B)*; and

* * * * *
(4) Theodore roosevelt genius prize for management of invasive species.—

(A) * * *

* * * * *

(C) Advisory board.—

(i) * * *

* * * * *

(v) Requirements.—The Board shall comply with all requirements under **【paragraph (7)(A)】** *paragraph (8)(A)*.

* * * * *

(D) Agreement with national fish and wildlife foundation.—

(i) * * *

* * * * *

(ii) Requirements.—An agreement entered into under clause (i) shall comply with all requirements under **【paragraph (7)(B)】** *paragraph (8)(B)*.

* * * * *

(F) Report to congress.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) * * *

* * * * *

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in **【paragraph (7)(B)】** *paragraph (8)(B)*; and

* * * * *

(5) Theodore roosevelt genius prize for protection of endangered species.—

(A)

* * * * *

(C) Advisory board.—

(i) * * *

* * * * *

(v) Requirements.—The Board shall comply with all requirements under **【paragraph (7)(A)】** *paragraph (8)(A)*.

* * * * *

(D) Agreement with national fish and wildlife foundation.—

(i) * * *

* * * * *

(ii) Requirements.—An agreement entered into under clause (i) shall comply with all requirements under **【paragraph (7)(B)】** *paragraph (8)(B)*.

* * * * *

(F) Report to congress.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on En-

vironment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) * * *

* * * * *

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in **paragraph (7)(B)** *paragraph (8)(B)*; and

* * * * *

(6) Theodore roosevelt genius prize for nonlethal management of human-wildlife conflicts.—

(A) Definitions.—In this paragraph:

(i) * * *

* * * * *

(C) Advisory board.—

(i) * * *

* * * * *

(iv) Consultation.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of **subparagraph (C)** *clause (iii)*, respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

* * * * *

(v) Requirements.—The Board shall comply with all requirements under **paragraph (7)(A)** *paragraph (8)(A)*.

* * * * *

(D) Agreement with national fish and wildlife foundation.—

(i) * * *

* * * * *

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

* * * * *

(F) Report to congress.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(i) * * *

* * * * *

(ii) if the Secretar y has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife

Foundation relating to the duties described in [paragraph (7)(B)] paragraph (8)(B); and

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

(A) DEFINITIONS.—*In this paragraph:*

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

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

(B) AUTHORITY.—*Not later than 180 days after the date of enactment of the America’s Conservation Enhancement Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the ‘Theodore Roosevelt Genius Prize for reducing human-predator conflict’—*

(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to reducing the frequency of human-predator conflict using nonlethal means; and

(ii) to award 1 or more prizes annually for a technological advancement that promotes reducing human-predator conflict using nonlethal means, which may include the application and monitoring of tagging technologies.

(C) ADVISORY BOARD.—

(i) ESTABLISHMENT.—*There is established an advisory board, to be known as the ‘Reducing Human-Predator Conflict Technology Advisory Board’.*

(ii) COMPOSITION.—*The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—*

(I) predator-human interactions;

(II) the habitats of large predators;

(III) biology;

(IV) technology development;

(V) engineering;

(VI) economics;

(VII) business development and management;

and

(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

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

(I) select a topic;

(II) issue a problem statement;

(III) advise the Secretary regarding any opportunity for technological innovation to reduce

human-predator conflict using nonlethal means; and

(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian Tribes, private entities, and research institutions with expertise or interest relating to reducing human-predator conflict using nonlethal means.

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

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

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

(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and

(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.

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

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

(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

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

(E) JUDGES.—

(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(F) CONSULTATION WITH NOAA.—The Secretary shall consult with the Secretary of Commerce, acting through the

Administrator of the National Oceanic and Atmospheric Administration, in the case of a cash prize awarded under the prize competition for a technology that addresses conflict between marine predators under the jurisdiction of the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and humans.

(G) REPORT TO CONGRESS.—*Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—*

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

(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

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

(H) TERMINATION OF AUTHORITY.—*The Board and all authority provided under this paragraph shall terminate on December 31, 2023.*

[(7)] (8) Administration of prize competitions.-

(A) Additional requirements for advisory boards.—An advisory board established under paragraph (2)(C)(i), (3)(C)(i), (4)(C)(i), (5)(C)(i), **[or (6)(C)(i)]** (6)(C)(i), or (7)(C)(i) (referred to in this paragraph as a 'Board') shall comply with the following requirements:

* * * * *

(B) Agreements with national fish and wildlife foundation.—Any agreement entered into under paragraph (2)(D)(i), (3)(D)(i), (4)(D)(i), (5)(D)(i), **[or (6)(D)(i)]** (6)(D)(i), or (7)(D)(i) shall comply with the following requirements:

(i) * * *

* * * * *

(VII) provide advice and consultation to the Secretary on the selection of judges under paragraphs (2)(E), (3)(E), (4)(E), (5)(E), **[and (6)(E)]** (6)(E), and (7)(E) based on criteria developed in consultation with, and subject to the final approval of, the Secretary;

* * * * *

FISH AND WILDLIFE COORDINATION ACT

* * * * *

SECTION 1. [16 U.S.C. 661] SHORT TITLE; AUTHORIZATION.

(a) SHORT TITLE.— * * *

* * * * *

SEC. 10. [16 U.S.C. 666c-1] PROTECTION OF WATER, OCEANS, COASTS, AND WILDLIFE FROM INVASIVE SPECIES.

(a) DEFINITIONS.—In this section:

(1) CONTROL.— * * *

* * * * *

(c) STRATEGIC PLAN.—

(1) IN GENERAL.— * * *

* * * * *

(2) COORDINATION.—Each strategic plan under paragraph (1) shall be developed—

(A) in coordination with affected—

(i) relevant Federal agencies;

[(i)] (ii) eligible States; and

[(ii)] (iii) political subdivisions of eligible States;

(B) in consultation with stakeholders, including non-governmental organizations and industry;

[(B)] (C) in consultation with federally recognized Indian tribes; and

[(C)] (D) in accordance with the priorities established by 1 or more Governors of the eligible States in which an ecosystem affected by an invasive species is located.

* * * * *

(o) COORDINATION WITH AFFECTED LOCAL GOVERNMENTS.—***

* * * * *

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

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

(2) \$2,500,000 to the Secretary of the Interior.

* * * * *

NORTH AMERICAN WETLANDS CONSERVATION ACT

* * * * *

SECTION 1. [16 U.S.C. 4401 note] SHORT TITLE.

This Act may be cited as the “North American Wetlands Conservation Act”.

* * * * *

SEC. 4. [16 U.S.C. 4403] ESTABLISHMENT OF NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) COUNCIL MEMBERSHIP.—(1) There shall be established a North American Wetlands Conservation Council (hereinafter in this Act referred to as the “Council”) which shall consist of nine members who may not receive compensation as members of the Council. Of the Council members—

(A) one shall be the Director of the United States Fish and Wildlife Service, who shall be the responsible Federal official

for ensuring Council compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(B) one shall be the **Secretary of the Board** *Executive Director of the Board* of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702);

* * * * *

SEC. 7. [16 U.S.C. 4406] AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) AID IN WILDLIFE RESTORATION.— * * *

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act **not to exceed—**

- (1) \$55,000,000 for fiscal year 2003;
- (2) \$60,000,000 for fiscal year 2004;
- (3) \$65,000,000 for fiscal year 2005;
- (4) \$70,000,000 for fiscal year 2006; and
- (5) \$75,000,000 for each of fiscal years 2008 through 2012.] *not to exceed \$60,000,000 for each of fiscal years 2021 through 2025.*

* * * * *

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

* * * * *

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Fish and Wildlife Foundation Establishment Act”.

* * * * *

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.— * * *

* * * * *

(b) APPOINTMENT AND TERMS.—

(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

[(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

[(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

[(i) at least six shall be educated or experienced in fish, wildlife, or other natural resource conservation;

[(ii) at least four shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

[(iii) at least four shall be educated or experienced in ocean and coastal resource conservation.

[(B) TRANSITION PROVISION.—

[(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of the enactment of this paragraph shall continue to serve until the expiration of their terms.

[(ii) NEW DIRECTORS.—Subject to paragraph (3), the Secretary of the Interior shall appoint eight new Directors.]

(2) APPOINTMENT OF DIRECTORS.—*After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—*

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

(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.

[(3) TERMS.—

[(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

[(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2001, three Directors for a term of 6 years.

[(C) SUBSEQUENT APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2002—

[(i) two Directors for a term of 2 years; and

[(ii) three Directors for a term of 4 years.]

(3) TERMS.—*Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.*

(g) GENERAL POWERS.—

(1) The Board may complete the organization of the Foundation by— * * *

* * * * *

(2) The following limitations apply with respect to the appointment of officers and employees of the Foundation:

[(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers]

(A) IN GENERAL.—*Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.*

[(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who—

[(i) shall serve, at the direction of the Board, as its chief operating officer; and

[(ii) shall be knowledgeable and experienced in matters relating to fish and wildlife conservation.]

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

(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) * * *

* * * * *

[(c) POWERS.—To carry out its purposes under]

(c) POWERS.—

(1) IN GENERAL.—*To carry out the purposes described in section 2, the Foundation shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—*

[(1)]

(A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

[(2)]

(B) to acquire by purchase or exchange any real or personal property or interest therein, subject to subsection (e);

[(3)]

(C) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

[(4)]

(D) to deposit any funds provided to the Foundation by the Federal Government into accounts [that are insured by an agency or instrumentality of the United States] *at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation;*

[(5)]

(E) to make use of any interest or investment income that accrues as a consequence of actions taken under [paragraph (3) or (4)] *subparagraph (C) or (D) to carry out the purposes of the Foundation;*

[(6)]

(F) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;

[(7)]

(G) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

[(8)]

(H) to borrow money and issue bonds, debentures, or other debt instruments;

[(9)]

(I) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Foundation shall not be personally liable, except for gross negligence;

[(10)]

(J) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; [and]

[(11)]

[(K) to do any and all acts necessary and proper to carry out the purposes of the Foundation.]

(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

(L) to do acts necessary to carry out the purposes of the Foundation.

[For purposes of this Act, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.]

(2) TREATMENT OF REAL PROPERTY.—

(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

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

(3) SAVINGS CLAUSE.—*The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.*

* * * * *

[(f)(1) In carrying out the purposes under section 2(b), the Foundation may establish a national whale conservation endowment fund, to be used by the Foundation to support research, management activities, or educational programs that contribute to the protection, conservation, or recovery of whale populations in waters of the United States.

[(2)(A) In a manner consistent with subsection (c)(1), the Foundation may—

[(i) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest made to the Foundation for the express purpose of supporting whale conservation; and

[(ii) deposit in the endowment fund under paragraph (1) any funds made available to the Foundation under this subparagraph, including any income or interest earned from a gift, devise, or bequest received by the Foundation under this subparagraph.

[(B) To raise funds to be deposited in the endowment fund under paragraph (1), the Foundation may enter into appropriate arrangements to provide for the design, copyright, production, marketing, or licensing, of logos, seals, decals, stamps, or any other item that the Foundation determines to be appropriate.

[(C)(i) The Secretary of Commerce may transfer to the Foundation for deposit in the endowment fund under paragraph (1) any amount (or portion thereof) received by the Secretary under section 105(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(a)(1)) as a civil penalty assessed by the Secretary under that section.

[(ii) The Directors of the Board shall ensure that any amounts transferred to the Foundation under clause (i) for the endowment fund under paragraph (1) are deposited in that fund in accordance with this subparagraph.

[(3) It is the intent of Congress that in making expenditures from the endowment fund under paragraph (1) to carry out activities specified in that paragraph, the Foundation should give priority to funding projects that address the conservation of populations of whales that the Foundation determines—

[(A) are the most endangered (including the northern right whale (*Eubaleana glacialis*)); or

[(B) most warrant, and are most likely to benefit from, research management, or educational activities that may be funded with amounts made available from the fund.

[(g) In carrying out any action on the part of the Foundation under subsection (f), the Directors of the Board shall consult with the Administrator of the National Oceanic and Atmospheric Administration and the Marine Mammal Commission.]

[(h)] (f) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any one transaction for printing services or capital equipment that is greater than \$10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.

[(i)] (g) NOTICE TO MEMBERS OF CONGRESS.—The Foundation shall not make a grant of Federal funds in an amount greater than \$10,000 unless, by not later than 30 days before the grant is made, the Foundation provides notice of the grant to the Member of Con-

gress for the congressional district in which the project to be funded with the grant will be carried out.

* * * * *

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2006 through 2010—

[(A) \$25,000,000 to the Department of the Interior; and
[(B) \$5,000,000 to the Department of Commerce.]

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

*(A) \$15,000,000 to the Secretary of the Interior;
(B) \$5,000,000 to the Secretary of Agriculture; and
(C) \$5,000,000 to the Secretary of Commerce.*

* * * * *

(b) ADDITIONAL AUTHORIZATION.—

[(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.]

(1) AMOUNTS FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—*In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities are authorized to provide funds to the Foundation through Federal financial assistance grants and cooperative agreements, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.*

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

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

(2) USE OF [funds] AMOUNTS accepted from federal agencies.—Federal funds provided to the Foundation under paragraph (1) [shall be used] *may be used* by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons [and State and local government agencies], *State and local government agencies, and other entities.*

(3) ADMINISTRATION OF AMOUNTS.—

(A) IN GENERAL.—*In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts,*

agreements, or partnerships with the Foundation if the purpose of the waiver is—

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

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

(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.

* * * * *

(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.

SEC. 11. LIMITATION ON AUTHORITY.

Nothing in this Act authorizes the Foundation to perform any function the *exclusive* authority for which is provided to the National Park Foundation by subchapter II of chapter 1011 of title 54, United States Code.

* * * * *

TOXIC SUBSTANCES CONTROL ACT

[Public Law 94-469; Approved October 11, 1976]

* * * * *

TITLE I—CONTROL OF TOXIC SUBSTANCES

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Toxic Substances Control Act”.

SEC. 3. DEFINITIONS.

(1) * * *

* * * * *

(2)(A) * * *

* * * * *

(B) Such term does not include—

(i) * * *

* * * * *

(v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of such Code) and any component of such an article (limited to shot shells, cartridges, and components of shot shells and cartridges), [and]

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device[.]; and

(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.

* * * * *

Federal Water Pollution Control Act

* * * * *

TITLE I—RESEARCH AND RELATED PROGRAMS

DECLARATION OF GOALS AND POLICY

SEC. 101. (a) * * *

* * * * *

SEC. 117. CHESAPEAKE BAY.

(a) **DEFINITIONS.**— * * *

* * * * *

[(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.]

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

- (1) *for fiscal year 2020, \$90,000,000;*
- (2) *for fiscal year 2021, \$90,500,000;*
- (3) *for fiscal year 2022, \$91,000,000;*
- (4) *for fiscal year 2023, \$91,500,000; and*
- (5) *for fiscal year 2024, \$92,000,000.*

* * * * *

Chesapeake Bay Initiative Act of 1998

[Title V of Public Law 105–312; 54 U.S.C. 320101 note]

* * * * *

SEC. 501. SHORT TITLE.

This title may be cited as the “Chesapeake Bay Initiative Act of 1998”.

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.— * * *

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 1999 through [2019] 2025.

* * * * *

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [16 U.S.C. 669] That the Secretary of Agriculture¹ is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter set forth; but no money apportioned under this Act to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this Act and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after the passage of this Act, the assent of the Governor of the State shall be sufficient. The Secretary of Agriculture¹ and the State fish and game department of each State accepting the benefits of this Act shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this Act and all projects shall conform to the standards fixed by the Secretary of Agriculture.¹

One of the purposes of this Act is to provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.

SEC. 2. [16 U.S.C. 669a] DEFINITIONS.

As used in this Act—

(1) * * *

* * * * *

(2) *for the purposes of determining the number of paid hunting-license holders in a State, the term 'fiscal year' means the fiscal year or license year of the State;*

(3) *the term 'hunter recruitment and recreational shooter recruitment' means any activity or project to recruit or retain hunters and recreational shooters, including by—*

(A) *outreach and communications as a means—*

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

(ii) to reduce barriers to participation in these activities;

¹Reorganization Plan No. II of 1939, transferred functions of the Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

(iii) to advance the adoption of sound hunting and recreational shooting practices;

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

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

(B) providing education, mentoring, and field demonstrations;

(C) enhancing access for hunting and recreational shooting, including through range construction; and

(D) providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation;

[(2)] (4) the term “public target range” means a specific location that—

(A) is identified by a governmental agency for recreational shooting;

(B) is open to the public;

(C) may be supervised; and

(D) may accommodate archery or rifle, pistol, or shotgun shooting;

[(3)] (5) the term “Secretary” means the Secretary of the Interior;

[(4)] (6) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(5)] (7) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

[(6)] (8) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(7)] (9) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

[(8)] (10) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(9)] (11) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

* * * * *

SEC. 4. [16 U.S.C. 669c] ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

(a) * * *

* * * * *

(c) APPORTIONMENT OF REVENUES FROM PISTOLS, REVOLVERS, BOWS, AND ARROWS.—[One-half]

(1) IN GENERAL.—*Subject to paragraph (2), 1/2; of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States[: Provided, That]. [each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues]*

(2) CONDITION.—*The amount apportioned to each State under paragraph (1) shall be not greater than 3 percent and not less than 1 percent of the revenues described in that paragraph and Guam, the Virgin Islands, American Samoa, Puerto Rico, and the Northern Mariana Islands shall each be apportioned [one-sixth of 1 per centum of such revenues] 1/6 of 1 percent of those revenues. [For the purpose]*

(3) POPULATION DETERMINATION.—*For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.*

(4) USE OF FUNDS.—*In addition to other uses authorized under this Act, amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.*

[(c)] (d) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

[(d)] (e) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

(1) * * *

* * * * *

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the

State made pursuant to **[subsection (c)]** *subsection (d)* amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

* * * * *

SEC. 8. **[16 U.S.C. 669g]** (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term “wildlife-restoration project”, as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement **[and public relations]**) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State may use the funds apportioned to it under section 4(c) pay up to 75 per centum of the costs of a hunter safety program and the operation and maintenance of public target ranges**[, as a part of such program]**.

* * * * *

SEC. 10. [16 U.S.C. 669h-1] FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

(a) IN GENERAL.—

(1) GRANTS.— * * *

* * * * *

(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

(iii) the enhancement of bow hunter and archery education, safety, and development programs; **[and]**

* * * * *

(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

* * * * *

(v) *the enhancement of hunter recruitment and recreational shooter recruitment; and*

SEC. 11. [16 U.S.C. 669h-2] MULTISTATE CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—

(1) AMOUNT FOR GRANTS.—[Not more than]

(A) IN GENERAL.—*Not more than \$3,000,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.*

(B) AVAILABILITY FOR HUNTER AND RECREATIONAL SHOOTER GRANTS.—*Not more than \$5,000,000 of the revenues covered into the fund from any tax imposed under section 4161(b) of the Internal Revenue Code of 1986 for a fiscal year shall be available to the Secretary exclusively for making hunter recruitment and recreational shooter recruitment grants that promote a national hunting and shooting sport recruitment program, including related communication and outreach activities.*

(b) SELECTION OF PROJECTS.—

(1) * * *

* * * * *

(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the [International] Association of Fish and Wildlife Agencies—

(c) ELIGIBLE GRANTEES.—

(1) IN GENERAL.— * * *

* * * * *

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the [International] Association of Fish and Wildlife Agencies a certification that the organization—

(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife *or to recreational shooting activities*

* * * * *

(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife *or to recreational shooting activities*.

* * * * *

SEC. 12. * * *

* * * * *

SEC. 13. VALUE OF LAND.

Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.

SEC. [13] 14. [16 U.S.C. 669 note] SHORT TITLE.

This Act may be cited as the "Pittman-Robertson Wildlife Restoration Act".

* * * * *

