

116TH CONGRESS  
2D SESSION

# S. 3051

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## AN ACT

To improve protections for wildlife, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

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

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

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

Sec. 104. Chronic Wasting Disease Task Force.

Sec. 105. Invasive species.

Sec. 106. North American Wetlands Conservation Act.

Sec. 107. National Fish and Wildlife Foundation Establishment Act.

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

Sec. 109. Reauthorization of Chesapeake Bay Program.

Sec. 110. Reauthorization of Chesapeake Bay Initiative Act of 1998.

Sec. 111. Chesapeake watershed investments for landscape defense.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

Sec. 201. Purpose.

Sec. 202. Definitions.

Sec. 203. National Fish Habitat Board.

Sec. 204. Fish Habitat Partnerships.

Sec. 205. Fish Habitat Conservation Projects.

Sec. 206. Technical and scientific assistance.

Sec. 207. Coordination with States and Indian Tribes.

Sec. 208. Interagency Operational Plan.

Sec. 209. Accountability and reporting.

Sec. 210. Effect of this title.

Sec. 211. Nonapplicability of Federal Advisory Committee Act.

Sec. 212. Funding.

Sec. 213. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.

TITLE III—MISCELLANEOUS

Sec. 301. Study to review conservation factors.

Sec. 302. Study and report on expenditures.

Sec. 303. Use of value of land for cost sharing.

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

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

6 (a) IN GENERAL.—Section 7001(d) of the John D.  
 7 Dingell, Jr. Conservation, Management, and Recreation  
 8 Act (16 U.S.C. 742b note; Public Law 116–9) is amend-  
 9 ed—

10 (1) by striking “paragraph (7)(A)” each place  
 11 such term appears and inserting “paragraph  
 12 (8)(A)”;

13 (2) by striking “paragraph (7)(B)” each place  
 14 such term appears and inserting “paragraph  
 15 (8)(B)”;

16 (3) in paragraph (6)(C)(iv), by striking “sub-  
 17 paragraph (C)” and inserting “clause (iii)”;

18 (4) by redesignating paragraph (7) as para-  
 19 graph (8);

20 (5) by inserting after paragraph (6) the fol-  
 21 lowing:

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

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

1                   “(i) BOARD.—The term ‘Board’  
2                   means the Reducing Human-Predator Con-  
3                   flict Technology Advisory Board estab-  
4                   lished by subparagraph (C)(i).

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

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

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

24                         “(ii) to award 1 or more prizes annu-  
25                         ally for a technological advancement that

1 promotes reducing human-predator conflict  
2 using nonlethal means, which may include  
3 the application and monitoring of tagging  
4 technologies.

5 “(C) ADVISORY BOARD.—

6 “(i) ESTABLISHMENT.—There is es-  
7 tablished an advisory board, to be known  
8 as the ‘Reducing Human-Predator Conflict  
9 Technology Advisory Board’.

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

14 “(I) predator-human interactions;

15 “(II) the habitats of large preda-  
16 tors;

17 “(III) biology;

18 “(IV) technology development;

19 “(V) engineering;

20 “(VI) economics;

21 “(VII) business development and  
22 management; and

23 “(VIII) any other discipline, as  
24 the Secretary determines to be nec-

1           essary to achieve the purposes of this  
2           paragraph.

3           “(iii) DUTIES.—Subject to clause (iv),  
4           with respect to the prize competition, the  
5           Board shall—

6                   “(I) select a topic;

7                   “(II) issue a problem statement;

8                   “(III) advise the Secretary re-  
9                   garding any opportunity for techno-  
10                  logical innovation to reduce human-  
11                  predator conflict using nonlethal  
12                  means; and

13                  “(IV) advise winners of the prize  
14                  competition regarding opportunities to  
15                  pilot and implement winning tech-  
16                  nologies in relevant fields, including in  
17                  partnership with conservation organi-  
18                  zations, Federal or State agencies,  
19                  federally recognized Indian Tribes,  
20                  private entities, and research institu-  
21                  tions with expertise or interest relat-  
22                  ing to reducing human-predator con-  
23                  flict using nonlethal means.

24                  “(iv) CONSULTATION.—In selecting a  
25                  topic and issuing a problem statement for

1 the prize competition under subclauses (I)  
2 and (II) of clause (iii), respectively, the  
3 Board shall consult widely with Federal  
4 and non-Federal stakeholders, including—

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

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

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

19 “(IV) 1 or more wildlife con-  
20 servation groups, technology compa-  
21 nies, research institutions, institutions  
22 of higher education, industry associa-  
23 tions, or individual stakeholders with  
24 an interest in the management of na-

1                   tive wildlife species at risk due to con-  
2                   flict with human activities.

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

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

8                   “(i) IN GENERAL.—The Secretary  
9                   shall offer to enter into an agreement  
10                  under which the National Fish and Wild-  
11                  life Foundation shall administer the prize  
12                  competition.

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

17                  “(E) JUDGES.—

18                  “(i) APPOINTMENT.—The Secretary  
19                  shall appoint not fewer than 3 judges who  
20                  shall, except as provided in clause (ii), se-  
21                  lect the 1 or more annual winners of the  
22                  prize competition.

23                  “(ii) DETERMINATION BY SEC-  
24                  RETARY.—The judges appointed under  
25                  clause (i) shall not select any annual win-



1           ner of the prize competition if the Sec-  
2           retary makes a determination that, in any  
3           fiscal year, none of the technological ad-  
4           vancements entered into the prize competi-  
5           tion merits an award.

6           “(F) CONSULTATION WITH NATIONAL OCE-  
7           ANIC AND ATMOSPHERIC ADMINISTRATION.—

8           The Secretary shall consult with the Secretary  
9           of Commerce, acting through the Administrator  
10          of the National Oceanic and Atmospheric Ad-  
11          ministration, in the case of a cash prize award-  
12          ed under the prize competition for a technology  
13          that addresses conflict between humans and  
14          marine predators under the jurisdiction of the  
15          Secretary of Commerce, acting through the Ad-  
16          ministrator of the National Oceanic and Atmos-  
17          pheric Administration.

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

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

5 “(ii) if the Secretary has entered into  
 6 an agreement under subparagraph (D)(i),  
 7 a statement by the National Fish and  
 8 Wildlife Foundation that describes the ac-  
 9 tivities carried out by the National Fish  
 10 and Wildlife Foundation relating to the du-  
 11 ties described in paragraph (8)(B); and

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

16 “(H) TERMINATION OF AUTHORITY.—The  
 17 Board and all authority provided under this  
 18 paragraph shall terminate on December 31,  
 19 2023.”; and

20 (6) in paragraph (8) (as redesignated)—

21 (A) in subparagraph (A), by striking “or  
 22 (6)(C)(i)” and inserting “(6)(C)(i), or  
 23 (7)(C)(i)”;

24 (B) in subparagraph (B)—

1 (i) by striking “or (6)(D)(i)” and in-  
 2 serting “(6)(D)(i), or (7)(D)(i)”; and

3 (ii) in clause (i)(VII), by striking  
 4 “and (6)(E)” and inserting “(6)(E), and  
 5 (7)(E)”.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 7 gress that data collected from the tagging of predators can  
 8 inform innovative management of those predators and in-  
 9 novative education activities to minimize human-predator  
 10 conflict.

11 **SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY**  
 12 **FEDERALLY PROTECTED SPECIES.**

13 (a) DEFINITIONS.—In this section:

14 (1) DEPREDATION.—

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

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

22 (i) damage to—

23 (I) other animals;

24 (II) vegetation;

25 (III) motor vehicles; or

1 (IV) structures;

2 (ii) diseases;

3 (iii) lost profits; or

4 (iv) consequential damages.

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

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

12 (B) the Endangered Species Act of 1973  
13 (16 U.S.C. 1531 et seq.); or

14 (C) the Migratory Bird Treaty Act (16  
15 U.S.C. 703 et seq.).

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

20 (4) **LIVESTOCK.**—

21 (A) **IN GENERAL.**—The term “livestock”  
22 means horses, mules and asses, rabbits, llamas,  
23 cattle, bison, swine, sheep, goats, poultry, bees,  
24 honey and beehives, or any other animal gen-

1 erally used for food or in the production of food  
2 or fiber.

3 (B) INCLUSION.—The term “livestock” in-  
4 cludes guard animals actively engaged in the  
5 protection of livestock described in subpara-  
6 graph (A).

7 (5) PROGRAM.—The term “program” means  
8 the grant program established under subsection  
9 (b)(1).

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

12 (A) the Secretary of the Interior, acting  
13 through the Director of the United States Fish  
14 and Wildlife Service; and

15 (B) the Secretary of Agriculture, acting  
16 through the Administrator of the Animal and  
17 Plant Health Inspection Service.

18 (b) GRANT PROGRAM FOR LOSSES OF LIVESTOCK  
19 DUE TO DEPREDAATION BY FEDERALLY PROTECTED SPE-  
20 CIES.—

21 (1) IN GENERAL.—The Secretaries shall estab-  
22 lish a program to provide grants to States and In-  
23 dian Tribes to supplement amounts provided by  
24 States, Indian Tribes, or State agencies under 1 or  
25 more programs established by the States and Indian

1 Tribes (including programs established after the  
2 date of enactment of this Act)—

3 (A) to assist livestock producers in car-  
4 rying out—

5 (i) proactive and nonlethal activities  
6 to reduce the risk of livestock loss due to  
7 depredation by federally protected species  
8 occurring on—

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

11 (II) land owned by, or held in  
12 trust for the benefit of, the applicable  
13 Indian Tribe; and

14 (ii) research relating to the activities  
15 described in clause (i); and

16 (B) to compensate livestock producers for  
17 livestock losses due to depredation by federally  
18 protected species occurring on—

19 (i) Federal, State, or private land  
20 within the applicable State; or

21 (ii) land owned by, or held in trust for  
22 the benefit of, the applicable Indian Tribe.

23 (2) ALLOCATION OF FUNDING.—

24 (A) REPORTS TO THE SECRETARIES.—Not  
25 later than September 30 of each year, a State

1 or Indian Tribe desiring to receive a grant  
2 under the program shall submit to the Secre-  
3 taries a report describing, for the 1-year period  
4 ending on that September 30, the losses of live-  
5 stock due to depredation by federally protected  
6 species occurring on—

7 (i) Federal, State, or private land  
8 within the applicable State; or

9 (ii) land owned by, or held in trust for  
10 the benefit of, the applicable Indian Tribe.

11 (B) ALLOCATION.—The Secretaries shall  
12 allocate available funding to carry out this Act  
13 among States and Indian Tribes for a 1-year  
14 period ending on September 30 based on the  
15 losses described in the reports submitted for the  
16 previous 1-year period ending on September 30  
17 under subparagraph (A).

18 (3) ELIGIBILITY.—To be eligible to receive a  
19 grant under paragraph (1), a State or Indian Tribe  
20 shall—

21 (A) designate an appropriate agency of the  
22 State or Indian Tribe to administer the 1 or  
23 more programs supplemented by the grant  
24 funds;

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

3 (C) maintain files of all claims received  
4 and paid under grant-funded programs, includ-  
5 ing supporting documentation; and

6 (D) submit to the Secretaries—

7 (i) annual reports that include—

8 (I) a summary of claims and ex-  
9 penditures under the program during  
10 the year; and

11 (II) a description of any action  
12 taken on the claims; and

13 (ii) such other reports as the Secre-  
14 taries may require to assist the Secretaries  
15 in determining the effectiveness of assisted  
16 activities under this section.

17 (c) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19 (1) no State or Indian Tribe is required to par-  
20 ticipate in the program; and

21 (2) the program supplements, and does not re-  
22 place or supplant, any State compensation programs  
23 for depredation.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to carry out this section



1 \$15,000,000 for each of fiscal years 2021 through 2025,  
2 of which—

3 (1) \$5,000,000 shall be used to provide grants  
4 for the purposes described in subsection (b)(1)(A);  
5 and

6 (2) \$10,000,000 shall be used to provide grants  
7 for the purpose described in subsection (b)(1)(B).

8 **SEC. 103. DEPREDAATION PERMITS FOR BLACK VULTURES**  
9 **AND COMMON RAVENS.**

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

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

24 (c) REPORTING.—The Secretary shall require, as a  
25 condition of a permit under subsection (a), that the permit

1 holder shall report to the appropriate enforcement agen-  
 2 cies the takings of black vultures or common ravens pursu-  
 3 ant to the permit.

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

5 (a) DEFINITIONS.—In this section:

6 (1) CERVID.—The term “cervid” means any  
 7 species within the family Cervidae.

8 (2) CHRONIC WASTING DISEASE.—The term  
 9 “chronic wasting disease” means the animal disease  
 10 afflicting deer, elk, and moose populations that—

11 (A) is a transmissible disease of the nerv-  
 12 ous system resulting in distinctive lesions in the  
 13 brain; and

14 (B) belongs to the group of diseases known  
 15 as transmissible spongiform encephalopathies,  
 16 which group includes scrapie, bovine spongiform  
 17 encephalopathy, and Creutzfeldt-Jakob disease.

18 (3) SECRETARIES.—The term “Secretaries”  
 19 means the Secretary of Agriculture, acting through  
 20 the Administrator of the Animal and Plant Health  
 21 Inspection Service, and the Secretary of the Interior,  
 22 acting through the Director of the United States Ge-  
 23 ological Survey and the Director of the United  
 24 States Fish and Wildlife Service, acting jointly.

25 (b) ESTABLISHMENT.—

1           (1) IN GENERAL.—The Secretaries shall estab-  
2           lish within the United States Fish and Wildlife Serv-  
3           ice a task force, to be known as the “Chronic Wast-  
4           ing Disease Task Force” (referred to in this sub-  
5           section as the “Task Force”) after the completion of  
6           the study required by subsection (c).

7           (2) DUTIES.—The Task Force shall—

8                   (A) collaborate with foreign governments  
9                   to share research, coordinate efforts, and dis-  
10                  cuss best management practices to reduce, min-  
11                  imize, prevent, or eliminate chronic wasting dis-  
12                  ease in the United States;

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

17                          (i) the interstate coordination of prac-  
18                          tices to prevent the new introduction of  
19                          chronic wasting disease;

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

23                          (iii) ways to leverage the collective re-  
24                          sources of Federal, State, and local agen-  
25                          cies, Indian Tribes, and foreign govern-

1           ments, and resources from private, non-  
2           governmental entities, to address chronic  
3           wasting disease in the United States and  
4           along the borders of the United States;  
5           and

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

10           (C) develop, from the recommendations de-  
11          veloped under subparagraph (B), an action plan  
12          that gives States, the Federal Government, In-  
13          dian Tribes, and the farmed cervid industry  
14          specific recommendations to ensure consistent  
15          and coordinated management and focused,  
16          prioritized research to stop the spread of and  
17          mitigate the impacts of chronic wasting disease.

18          (3) MEMBERSHIP.—

19                   (A) IN GENERAL.—The Task Force shall  
20          be composed of—

21                           (i) 1 representative of the United  
22                           States Fish and Wildlife Service with expe-  
23                           rience in chronic wasting disease, to be ap-  
24                           pointed by the Secretary of the Interior

1 (referred to in this subsection as the “Sec-  
2 retary”);

3 (ii) 1 representative of the United  
4 States Geological Survey;

5 (iii) 2 representatives of the Depart-  
6 ment of Agriculture with experience in  
7 chronic wasting disease, to be appointed by  
8 the Secretary of Agriculture—

9 (I) 1 of whom shall have exper-  
10 tise in cervid health research; and

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

13 (iv) in the case of each State in which  
14 chronic wasting disease among elk, mule  
15 deer, white-tailed deer, or moose has been  
16 reported to the appropriate State agency,  
17 not more than 2 representatives, to be  
18 nominated by the Governor of the State—

19 (I) not more than 1 of whom  
20 shall be a representative of the State  
21 agency with jurisdiction over wildlife  
22 management or wildlife disease in the  
23 State; and

24 (II) in the case of a State with a  
25 farmed cervid program or economy,

1 not more than 1 of whom shall be a  
2 representative of the State agency  
3 with jurisdiction over farmed cervid  
4 regulation in the State;

5 (v) in the case of each State in which  
6 chronic wasting disease among elk, mule  
7 deer, white-tailed deer, or moose has not  
8 been documented, but that has carried out  
9 measures to prevent the introduction of  
10 chronic wasting disease among those spe-  
11 cies, not more than 2 representatives, to be  
12 nominated by the Governor of the State;

13 (vi) not more than 2 representatives  
14 from an Indian Tribe or Tribal organiza-  
15 tion chosen in a process determined, in  
16 consultation with Indian Tribes, by the  
17 Secretary; and

18 (vii) not more than 5 nongovern-  
19 mental members with relevant expertise  
20 appointed, after the date on which the  
21 members are first appointed under clauses  
22 (i) through (vi), by a majority vote of the  
23 State representatives appointed under  
24 clause (iv).

1 (B) EFFECT.—Nothing in this paragraph  
2 requires a State to participate in the Task  
3 Force.

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

6 (A) the Federal representative described in  
7 paragraph (3)(A)(i);

8 (B) 1 of the Federal representatives de-  
9 scribed in paragraph (3)(A)(iii); and

10 (C) 1 State representative appointed under  
11 paragraph (3)(A)(iv), to be selected by a major-  
12 ity vote of those State representatives.

13 (5) DATE OF INITIAL APPOINTMENT.—

14 (A) IN GENERAL.—The members of the  
15 Task Force shall be appointed not later than  
16 180 days after the date on which the study is  
17 completed under subsection (c).

18 (B) NOTIFICATION.—On appointment of  
19 the members of the Task Force, the Co-Chairs  
20 of the Task Force shall notify the Chairs and  
21 Ranking Members of the Committees on Envi-  
22 ronment and Public Works and Agriculture,  
23 Nutrition, and Forestry of the Senate and Nat-  
24 ural Resources and Agriculture of the House of  
25 Representatives.

1           (6) VACANCIES.—Any vacancy in the members  
2 appointed to the Task Force—

3           (A) shall not affect the power or duty of  
4 the Task Force; and

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

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

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

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

15           (8) INTERSTATE ACTION PLAN.—

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

25           (B) COOPERATIVE AGREEMENTS.—



1 (i) IN GENERAL.—To the maximum  
2 extent practicable, the Secretaries, any  
3 other applicable Federal agency, and each  
4 applicable State may enter into a coopera-  
5 tive agreement to fund necessary actions  
6 under the interstate action plan submitted  
7 under subparagraph (A).

8 (ii) TARGET DATE.—The Secretaries  
9 shall make the best effort of the Secre-  
10 taries to enter into any cooperative agree-  
11 ment under clause (i) not later than 180  
12 days after the date of submission of the  
13 interstate action plan under subparagraph  
14 (A).

15 (C) MATCHING FUNDS.—

16 (i) IN GENERAL.—Subject to clause  
17 (ii), for each fiscal year, the Secretaries  
18 may provide funds to carry out an inter-  
19 state action plan through a cooperative  
20 agreement under subparagraph (B) in the  
21 amount of funds provided by the applicable  
22 States.

23 (ii) LIMITATION.—The amount pro-  
24 vided by the United States Fish and Wild-

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

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

12                   (A) progress on the implementation of ac-  
13                   tions identified in the interstate action plan  
14                   submitted under paragraph (8)(A), including  
15                   the efficacy of funding under the cooperative  
16                   agreement entered into under paragraph  
17                   (8)(B);

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

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

1 (D) new research findings and emerging  
2 research needs relating to chronic wasting dis-  
3 ease; and

4 (E) any other relevant information.

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

7 (1) DEFINITION OF ACADEMY.—In this sub-  
8 section, the term “Academy” means the National  
9 Academy of Sciences.

10 (2) STUDY.—

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

20 (B) REQUIREMENTS.—The arrangement  
21 under subparagraph (A) shall provide that the  
22 actual expenses incurred by the Academy in  
23 conducting the study under subparagraph (A)  
24 shall be paid by the Secretaries, subject to the  
25 availability of appropriations.

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

3           (A) with respect to wild, captive, and  
4 farmed populations of cervids in the United  
5 States, identify—

6           (i)(I) to the extent possible, the path-  
7 ways and mechanisms for the transmission  
8 of chronic wasting disease within live  
9 cervid populations and cervid products,  
10 which may include pathways and mecha-  
11 nisms for transmission from Canada;

12           (II) the infection rates for each path-  
13 way and mechanism identified under sub-  
14 clause (I); and

15           (III) the relative frequency of trans-  
16 mission of each pathway and mechanism  
17 identified under subclause (I);

18           (ii)(I) anthropogenic and environ-  
19 mental factors contributing to new chronic  
20 wasting disease emergence events;

21           (II) the development of geographical  
22 areas with increased chronic wasting dis-  
23 ease prevalence; and

24           (III) the overall geographical patterns  
25 of chronic wasting disease distribution;

1 (iii) significant gaps in current sci-  
2 entific knowledge regarding the trans-  
3 mission pathways and mechanisms identi-  
4 fied under clause (i)(I) and potential pre-  
5 vention, detection, and control methods  
6 identified under clause (v);

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

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

19 (B) assess the effectiveness of the potential  
20 prevention, detection, or control measures, prac-  
21 tices, or technologies identified under subpara-  
22 graph (A)(v); and

23 (C) review and compare science-based best  
24 practices, standards, and guidance regarding  
25 the prevention, detection, and management of

1 chronic wasting disease in wild, captive, and  
2 farmed populations of cervids in the United  
3 States that have been developed by—

4 (i) the National Chronic Wasting Dis-  
5 ease Herd Certification Program of the  
6 Animal and Plant Health Inspection Serv-  
7 ice;

8 (ii) the National Wildlife Research  
9 Center of the Animal and Plant Health In-  
10 spection Service;

11 (iii) the United States Geological Sur-  
12 vey;

13 (iv) State wildlife and agricultural  
14 agencies, in the case of practices, stand-  
15 ards, and guidance that provide practical,  
16 science-based recommendations to State  
17 and Federal agencies for minimizing or  
18 eliminating the risk of transmission of  
19 chronic wasting disease in the United  
20 States; and

21 (v) industry or academia, in the case  
22 of any published guidance on practices that  
23 provide practical, science-based rec-  
24 ommendations to cervid producers for  
25 minimizing or eliminating the risk of

1 transmission of chronic wasting disease  
2 within or between herds.

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

7 (5) DATA SHARING.—The Secretaries shall  
8 share with the Academy, as necessary to conduct the  
9 study under paragraph (2), subject to the avoidance  
10 of a violation of a privacy or confidentiality require-  
11 ment and the protection of confidential or privileged  
12 commercial, financial, or proprietary information,  
13 data and access to databases and research informa-  
14 tion on chronic wasting disease under the jurisdic-  
15 tion of—

16 (A) the Animal and Plant Health Inspec-  
17 tion Service; and

18 (B) the United States Geological Survey.

19 (6) REPORT.—Not later than 60 days after the  
20 date of completion of the study, the Secretaries shall  
21 submit to the Committee on Agriculture, Nutrition,  
22 and Forestry, the Committee on Energy and Nat-  
23 ural Resources, and the Committee on Environment  
24 and Public Works of the Senate and the Committee  
25 on Agriculture and the Committee on Natural Re-

1 sources of the House of Representatives a report  
2 that describes—

3 (A) the findings of the study; and

4 (B) any conclusions and recommendations  
5 that the Secretaries determine to be appro-  
6 priate.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this sec-  
9 tion—

10 (1) for the period of fiscal years 2021 through  
11 2025, \$5,000,000 to the Secretary of the Interior,  
12 acting through the Director of the United States  
13 Fish and Wildlife Service, to carry out administra-  
14 tive activities under subsection (b);

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

19 (3) for fiscal year 2021, \$1,200,000 to the Sec-  
20 retary of Agriculture, acting through the Adminis-  
21 trator of the Animal and Plant Health Inspection  
22 Service, to carry out activities to fund research  
23 under subsection (c).



1 **SEC. 105. INVASIVE SPECIES.**

2 Section 10 of the Fish and Wildlife Coordination Act  
3 (16 U.S.C. 666c-1) is amended—

4 (1) in subsection (c)(2)—

5 (A) in subparagraph (A)—

6 (i) by redesignating clauses (i) and

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

8 and

9 (ii) by inserting before clause (ii) (as

10 so redesignated) the following:

11 “(i) relevant Federal agencies;”;

12 (B) by redesignating subparagraphs (B)

13 and (C) as subparagraphs (C) and (D), respec-

14 tively; and

15 (C) by inserting after subparagraph (A)

16 the following:

17 “(B) in consultation with stakeholders, in-

18 cluding nongovernmental organizations and in-

19 dustry;”;

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

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

22 are authorized to be appropriated to carry out this section

23 for each of fiscal years 2021 through 2025—

24 “(1) \$2,500,000 to the Secretary of the Army,

25 acting through the Chief of Engineers; and

1           “(2) \$2,500,000 to the Secretary of the Inte-  
2           rior.”.

3 **SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION**  
4           **ACT.**

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

11 **SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**  
12           **TABLISHMENT ACT.**

13           (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

17                           (A) in subsection (b)—

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

20   “(2) APPOINTMENT OF DIRECTORS.—After con-  
21                                   sulting with the Secretary of Commerce and consid-  
22                                   ering the recommendations submitted by the Board,  
23                                   the Secretary of the Interior shall appoint 28 Direc-  
24                                   tors who, to the maximum extent practicable, shall—

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

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

7                       (ii) by striking paragraph (3) and in-  
8 serting the following:

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

12                       (B) in subsection (g)(2)—

13                       (i) in subparagraph (A), by striking  
14 “(A) Officers and employees may not be  
15 appointed until the Foundation has suffi-  
16 cient funds to pay them for their service.  
17 Officers” and inserting the following:

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

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

21           “(B) EXECUTIVE DIRECTOR.—The Foun-  
22 dation shall have an Executive Director who  
23 shall be—

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

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

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

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

15                   (1) in subsection (c)—

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

19                   “(c) POWERS.—

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

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

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

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

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

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

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

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

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

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

7 “(2) TREATMENT OF REAL PROPERTY.—

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) in subsection (b)—

21 (A) by striking paragraph (1) and insert-  
22 ing the following:

23 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

1 subsection (a), Federal departments, agencies,  
2 or instrumentalities are authorized to provide  
3 funds to the Foundation through Federal finan-  
4 cial assistance grants and cooperative agree-  
5 ments, subject to the condition that the  
6 amounts are used for purposes that further the  
7 conservation and management of fish, wildlife,  
8 plants, and other natural resources in accord-  
9 ance with this Act.

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

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

20 (B) in paragraph (2)—

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

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



1 (iii) by striking “and State and local  
2 government agencies” and inserting “,  
3 State and local government agencies, and  
4 other entities”; and

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

6 “(3) ADMINISTRATION OF AMOUNTS.—

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

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

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

1           “(B) REPORTS.—The Foundation shall in-  
2           clude in the annual report submitted under sec-  
3           tion 7(b) a description of any use of the author-  
4           ity under subparagraph (A) by a Federal de-  
5           partment, agency, or instrumentality in that fis-  
6           cal year.”; and

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

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

22          (d) LIMITATION ON AUTHORITY.—Section 11 of the  
23          National Fish and Wildlife Foundation Establishment Act  
24          (16 U.S.C. 3710) is amended by inserting “exclusive” be-  
25          fore “authority”.

1 **SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISH-**  
2 **ING EQUIPMENT UNDER TOXIC SUBSTANCES**  
3 **CONTROL ACT.**

4 (a) PROHIBITION.—During the 5-year period begin-  
5 ning on the date of enactment of this Act, the Adminis-  
6 trator of the Environmental Protection Agency shall not  
7 take any action to regulate the lead content of sport fish-  
8 ing equipment or sport fishing equipment components  
9 under the Toxic Substances Control Act (15 U.S.C. 2601  
10 et seq.).

11 (b) DEFINITION OF SPORT FISHING EQUIPMENT.—  
12 In this section, the term “sport fishing equipment” means  
13 any sport fishing equipment (as such term is defined in  
14 section 4162(a) of the Internal Revenue Code of 1986)  
15 the sale of which is subject to the tax imposed by section  
16 4161(a) of such Code (determined without regard to any  
17 exemptions from such tax provided by section 4162 or  
18 4221 or any other provision of such Code).

19 **SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
20 **GRAM.**

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

24 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out this sec-  
26 tion—

- 1 “(1) for fiscal year 2021, \$90,000,000;  
2 “(2) for fiscal year 2022, \$90,500,000;  
3 “(3) for fiscal year 2023, \$91,000,000;  
4 “(4) for fiscal year 2024, \$91,500,000; and  
5 “(5) for fiscal year 2025, \$92,000,000.”.

6 **SEC. 110. REAUTHORIZATION OF CHESAPEAKE BAY INITIA-**  
7 **TIVE ACT OF 1998.**

8 Section 502(c) of the Chesapeake Bay Initiative Act  
9 of 1998 (Public Law 105–312) is amended by striking  
10 “2019” and inserting “2025”.

11 **SEC. 111. CHESAPEAKE WATERSHED INVESTMENTS FOR**  
12 **LANDSCAPE DEFENSE.**

13 (a) DEFINITIONS.—In this section:

14 (1) CHESAPEAKE BAY AGREEMENTS.—The  
15 term “Chesapeake Bay agreements” means the for-  
16 mal, voluntary agreements—

17 (A) executed to achieve the goal of restor-  
18 ing and protecting the Chesapeake Bay water-  
19 shed ecosystem and the living resources of the  
20 Chesapeake Bay watershed ecosystem; and

21 (B) signed by the Chesapeake Executive  
22 Council.

23 (2) CHESAPEAKE BAY PROGRAM.—The term  
24 “Chesapeake Bay program” means the program di-

1       rected by the Chesapeake Executive Council in ac-  
2       cordance with the Chesapeake Bay agreements.

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

6               (A) the Chesapeake Bay;

7               (B) the portions of the States of Delaware,  
8       Maryland, New York, Pennsylvania, Virginia,  
9       and West Virginia that drain into the Ches-  
10       apeake Bay; and

11              (C) the District of Columbia.

12              (4) CHESAPEAKE EXECUTIVE COUNCIL.—The  
13       term “Chesapeake Executive Council” means the  
14       council comprised of—

15              (A) the Governors of each of the States of  
16       Delaware, Maryland, New York, Pennsylvania,  
17       Virginia, and West Virginia;

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

19              (C) the Chair of the Chesapeake Bay Com-  
20       mission; and

21              (D) the Administrator of the Environ-  
22       mental Protection Agency.

23              (5) CHESAPEAKE WILD PROGRAM.—The term  
24       “Chesapeake WILD program” means the nonregula-

1 tory program established by the Secretary under  
2 subsection (b)(1).

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

7 (7) RESTORATION AND PROTECTION ACTIV-  
8 ITY.—The term “restoration and protection activity”  
9 means an activity carried out for the conservation,  
10 stewardship, and enhancement of habitat for fish  
11 and wildlife—

12 (A) to preserve and improve ecosystems  
13 and ecological processes on which the fish and  
14 wildlife depend; and

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

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

20 (b) PROGRAM ESTABLISHMENT.—

21 (1) ESTABLISHMENT.—Not later than 180 days  
22 after the date of enactment of this Act, the Sec-  
23 retary shall establish a nonregulatory program, to be  
24 known as the “Chesapeake Watershed Investments  
25 for Landscape Defense program”.

1           (2) PURPOSES.—The purposes of the Chesapeake WILD program are—

2                   (A) coordinating restoration and protection  
3                   activities among Federal, State, local, and regional  
4                   entities and conservation partners  
5                   throughout the Chesapeake Bay watershed;

6                   (B) engaging other agencies and organizations  
7                   to build a broader range of partner support,  
8                   capacity, and potential funding for  
9                   projects in the Chesapeake Bay watershed;

10                  (C) carrying out coordinated restoration  
11                  and protection activities, and providing for technical  
12                  assistance, throughout the Chesapeake  
13                  Bay watershed—

14                           (i) to sustain and enhance restoration  
15                           and protection activities;

16                           (ii) to improve and maintain water  
17                           quality to support fish and wildlife, habitats  
18                           of fish and wildlife, and drinking  
19                           water for people;

20                           (iii) to sustain and enhance water  
21                           management for volume and flood damage  
22                           mitigation improvements to benefit fish  
23                           and wildlife habitat;  
24

1 (iv) to improve opportunities for pub-  
2 lic access and recreation in the Chesapeake  
3 Bay watershed consistent with the ecologi-  
4 cal needs of fish and wildlife habitat;

5 (v) to facilitate strategic planning to  
6 maximize the resilience of natural eco-  
7 systems and habitats under changing wa-  
8 tershed conditions;

9 (vi) to engage the public through out-  
10 reach, education, and citizen involvement  
11 to increase capacity and support for co-  
12 ordinated restoration and protection activi-  
13 ties in the Chesapeake Bay watershed;

14 (vii) to sustain and enhance vulner-  
15 able communities and fish and wildlife  
16 habitat;

17 (viii) to conserve and restore fish,  
18 wildlife, and plant corridors; and

19 (ix) to increase scientific capacity to  
20 support the planning, monitoring, and re-  
21 search activities necessary to carry out co-  
22 ordinated restoration and protection activi-  
23 ties.

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



1 (A) draw on existing plans for the Chesapeake Bay watershed, or portions of the Chesapeake Bay watershed, including the Chesapeake Bay agreements, and work in consultation with applicable management entities, including Chesapeake Bay program partners, such as the Federal Government, State and local governments, the Chesapeake Bay Commission, and other regional organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Chesapeake Bay watershed;

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

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

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

21 (C) establish the grant program in accordance with subsection (c).

23 (4) COORDINATION.—In establishing the Chesapeake WILD program, the Secretary shall consult, as appropriate, with—

1 (A) the heads of Federal agencies, includ-  
2 ing—

3 (i) the Administrator of the Environ-  
4 mental Protection Agency;

5 (ii) the Administrator of the National  
6 Oceanic and Atmospheric Administration;

7 (iii) the Chief of the Natural Re-  
8 sources Conservation Service;

9 (iv) the Chief of Engineers;

10 (v) the Director of the United States  
11 Geological Survey;

12 (vi) the Secretary of Transportation;

13 (vii) the Chief of the Forest Service;

14 and

15 (viii) the head of any other applicable  
16 agency;

17 (B) the Governors of each of the States of  
18 Delaware, Maryland, New York, Pennsylvania,  
19 Virginia, and West Virginia and the Mayor of  
20 the District of Columbia;

21 (C) fish and wildlife joint venture partner-  
22 ships; and

23 (D) other public agencies and organiza-  
24 tions with authority for the planning and imple-

1           mentation of conservation strategies in the  
2           Chesapeake Bay watershed.

3           (c) GRANTS AND TECHNICAL ASSISTANCE.—

4           (1) CHESAPEAKE WILD GRANT PROGRAM.—To  
5           the extent that funds are made available to carry out  
6           this subsection, the Secretary shall establish and  
7           carry out, as part of the Chesapeake WILD pro-  
8           gram, a voluntary grant and technical assistance  
9           program, to be known as the “Chesapeake Water-  
10          shed Investments for Landscape Defense grant pro-  
11          gram”, to provide competitive matching grants of  
12          varying amounts and technical assistance to eligible  
13          entities described in paragraph (2) to carry out ac-  
14          tivities described in subsection (b)(2).

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

18                 (A) A State.

19                 (B) The District of Columbia.

20                 (C) A unit of local government.

21                 (D) A nonprofit organization.

22                 (E) An institution of higher education as  
23          such term is defined in section 101(a) of the  
24          Higher Education Act of 1965 (20 U.S.C.  
25          1001(a)).

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

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

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

11 (B) advance the implementation of priority  
12 actions or needs identified in the Chesapeake  
13 Bay watershed-wide strategy adopted under  
14 subsection (b)(3)(B).

15 (4) COST SHARING.—

16 (A) DEPARTMENT OF THE INTERIOR  
17 SHARE.—The Department of the Interior share  
18 of the cost of a project funded under the grant  
19 program shall not exceed 50 percent of the total  
20 cost of the project, as determined by the Sec-  
21 retary.

22 (B) NON-DEPARTMENT OF THE INTERIOR  
23 SHARE.—

24 (i) IN GENERAL.—The non-Depart-  
25 ment of the Interior share of the cost of a

1 project funded under the grant program  
2 may be provided in cash or in the form of  
3 an in-kind contribution of services or mate-  
4 rials.

5 (ii) OTHER FEDERAL FUNDING.—  
6 Non-Department of the Interior Federal  
7 funds may be used for not more than 25  
8 percent of the total cost of a project fund-  
9 ed under the grant program.

10 (5) ADMINISTRATION.—The Secretary may  
11 enter into an agreement to manage the grant pro-  
12 gram with an organization that offers grant manage-  
13 ment services.

14 (d) REPORTING.—Not later than 180 days after the  
15 date of enactment of this Act, and annually thereafter,  
16 the Secretary shall submit to Congress a report describing  
17 the implementation of this section, including a description  
18 of each project that has received funding under this sec-  
19 tion.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

24 (2) SUPPLEMENT, NOT SUPPLANT.—Funds  
25 made available under paragraph (1) shall supple-

1       ment, and not supplant, funding for other activities  
2       conducted by the Secretary in the Chesapeake Bay  
3       watershed.

4       **TITLE II—NATIONAL FISH HABITAT**  
5       **CONSERVATION**  
6       **THROUGH PARTNERSHIPS**

7       **SEC. 201. PURPOSE.**

8       The purpose of this title is to encourage partnerships  
9       among public agencies and other interested persons to pro-  
10      mote fish conservation—

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

15                   (A) improving ecological conditions;

16                   (B) restoring natural processes; or

17                   (C) preventing the decline of intact and  
18      healthy systems;

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

23           (3) to broaden the community of support for  
24      fish habitat conservation by—

25                   (A) increasing fishing opportunities;

1 (B) fostering the participation of local  
 2 communities, especially young people in local  
 3 communities, in conservation activities; and

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

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

10 (A) to empower strategic conservation ac-  
 11 tions supported by broadly available scientific  
 12 information; and

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

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

19 (A) the conservation outcomes produced  
 20 collectively by Fish Habitat Partnerships; and

21 (B) new opportunities and voluntary ap-  
 22 proaches for conserving fish habitat.

23 **SEC. 202. DEFINITIONS.**

24 In this title:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Commerce, Science,  
5                   and Transportation and the Committee on En-  
6                   vironment and Public Works of the Senate; and

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

9           (2) BOARD.—The term “Board” means the Na-  
10           tional Fish Habitat Board established by section  
11           203.

12           (3) DIRECTOR.—The term “Director” means  
13           the Director of the United States Fish and Wildlife  
14           Service.

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

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

24           (6) NATIONAL OCEANIC AND ATMOSPHERIC AD-  
25           MINISTRATION ASSISTANT ADMINISTRATOR.—The



1 term “National Oceanic and Atmospheric Adminis-  
2 tration Assistant Administrator” means the Assist-  
3 ant Administrator for Fisheries of the National Oce-  
4 anic and Atmospheric Administration.

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

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

11 (A) land; or

12 (B) water (including water rights).

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

15 (A) the Atlantic States Marine Fisheries  
16 Commission;

17 (B) the Gulf States Marine Fisheries Com-  
18 mission; and

19 (C) the Pacific States Marine Commission.

20 (10) SECRETARY.—The term “Secretary”  
21 means the Secretary of the Interior.

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

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

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

4                   and

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

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

12           (a) ESTABLISHMENT.—

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

16                           (A) to promote, oversee, and coordinate the  
17                           implementation of this title;

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

20                           (C) to recommend to Congress entities for  
21                           designation as Partnerships; and

22                           (D) to review and make recommendations  
23                           regarding fish habitat conservation projects.

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

1 (A) 1 shall be a representative of the De-  
2 partment of the Interior;

3 (B) 1 shall be a representative of the  
4 United States Geological Survey;

5 (C) 1 shall be a representative of the De-  
6 partment of Commerce;

7 (D) 1 shall be a representative of the De-  
8 partment of Agriculture;

9 (E) 1 shall be a representative of the Asso-  
10 ciation of Fish and Wildlife Agencies;

11 (F) 4 shall be representatives of State  
12 agencies, 1 of whom shall be nominated by a re-  
13 gional association of fish and wildlife agencies  
14 from each of the Northeast, Southeast, Mid-  
15 west, and Western regions of the United States;

16 (G) 2 shall be representatives of either—

17 (i) Indian Tribes in the State of Alas-  
18 ka; or

19 (ii) Indian Tribes in States other than  
20 the State of Alaska;

21 (H) 1 shall be a representative of either—

22 (i) the Regional Fishery Management  
23 Councils established under section 302 of  
24 the Magnuson-Stevens Fishery Conserva-

1                   tion and Management Act (16 U.S.C.  
2                   1852); or

3                   (ii) a representative of the Marine  
4                   Fisheries Commissions;

5                   (I) 1 shall be a representative of the Sport  
6                   Fishing and Boating Partnership Council;

7                   (J) 7 shall be representatives selected from  
8                   at least one from each of the following:

9                   (i) the recreational sportfishing indus-  
10                  try;

11                  (ii) the commercial fishing industry;

12                  (iii) marine recreational anglers;

13                  (iv) freshwater recreational anglers;

14                  (v) habitat conservation organizations;

15                  and

16                  (vi) science-based fishery organiza-  
17                  tions;

18                  (K) 1 shall be a representative of a na-  
19                  tional private landowner organization;

20                  (L) 1 shall be a representative of an agri-  
21                  cultural production organization;

22                  (M) 1 shall be a representative of local  
23                  government interests involved in fish habitat  
24                  restoration;

1           (N) 2 shall be representatives from dif-  
2           ferent sectors of corporate industries, which  
3           may include—

4                   (i) natural resource commodity inter-  
5                   ests, such as petroleum or mineral extrac-  
6                   tion;

7                   (ii) natural resource user industries;  
8                   and

9                   (iii) industries with an interest in fish  
10                  and fish habitat conservation; and

11               (O) 1 shall be an individual in a leadership  
12               position in the private sector or landowner rep-  
13               resentative of an active partnership.

14               (3) COMPENSATION.—A member of the Board  
15               shall serve without compensation.

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

24               (b) APPOINTMENT AND TERMS.—

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

5           (2) INITIAL BOARD MEMBERSHIP.—

6           (A) IN GENERAL.—The initial Board shall  
7           consist of representatives as described in sub-  
8           paragraphs (A) through (F) of subsection  
9           (a)(2).

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

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

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

4                   (A) two shall be appointed for a term of 1  
5           year;

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

8                   (C) three shall be appointed for a term of  
9           3 years.

10          (4) VACANCIES.—

11                   (A) IN GENERAL.—A vacancy of a member  
12           of the Board described in subparagraph (H),  
13           (I), (J), (K), (L), (M), (N), or (O) of sub-  
14           section (a)(2) shall be filled by an appointment  
15           made by the remaining members of the Board.

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

24          (5) CONTINUATION OF SERVICE.—An individual  
25           whose term of service as a member of the Board ex-

1 pires may continue to serve on the Board until a  
2 successor is appointed.

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

8 (A) vote to remove that member; and

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

11 (c) CHAIRPERSON.—

12 (1) IN GENERAL.—The representative of the  
13 Association of Fish and Wildlife Agencies appointed  
14 under subsection (a)(2)(E) shall serve as Chair-  
15 person of the Board.

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

18 (d) MEETINGS.—

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

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

21 (B) not less frequently than twice each cal-  
22 endar year.

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

25 (e) PROCEDURES.—



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

4                   (A) a requirement that a quorum of the  
5           members of the Board be present to transact  
6           business;

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

10                  (C) procedures for establishing national  
11           goals and priorities for fish habitat conservation  
12           for the purposes of this title;

13                  (D) procedures for designating Partner-  
14           ships under section 204; and

15                  (E) procedures for reviewing, evaluating,  
16           and making recommendations regarding fish  
17           habitat conservation projects.

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

20 **SEC. 204. FISH HABITAT PARTNERSHIPS.**

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

24           (b) PURPOSES.—The purposes of a Partnership shall  
25           be—

1           (1) to work with other regional habitat con-  
2           servation programs to promote cooperation and co-  
3           ordination to enhance fish populations and fish habi-  
4           tats;

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

7           (3) to involve diverse groups of public and pri-  
8           vate partners;

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

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

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

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

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

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

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

4           (2) demonstrate to the Board that the entity  
5 has—

6                   (A) a focus on promoting the health of im-  
7 portant fish and fish habitats;

8                   (B) an ability to coordinate the implemen-  
9 tation of priority projects that support the goals  
10 and national priorities set by the Board that  
11 are within the Partnership boundary;

12                   (C) a self-governance structure that sup-  
13 ports the implementation of strategic priorities  
14 for fish habitat;

15                   (D) the ability to develop local and re-  
16 gional relationships with a broad range of enti-  
17 ties to further strategic priorities for fish and  
18 fish habitat;

19                   (E) a strategic plan that details required  
20 investments for fish habitat conservation that  
21 addresses the strategic fish habitat priorities of  
22 the Partnership and supports and meets the  
23 strategic priorities of the Board;

24                   (F) the ability to develop and implement  
25 fish habitat conservation projects that address

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

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

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

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

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

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

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

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

12          (6) includes a governance structure that—

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

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

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

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

25          (e) REPORT TO CONGRESS.—

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

8           (A) identifies each entity that—

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

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

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

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

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

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

24           (2) PUBLIC AVAILABILITY; NOTIFICATION.—

25           The Board shall—

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

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

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

11 (g) EXISTING PARTNERSHIPS.—

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

1 habitat conservation project, as required by sub-  
2 section (e).

3 (5) The extent to which the fish habitat con-  
4 servation project—

5 (A) will increase fish populations in a man-  
6 ner that leads to recreational fishing opportuni-  
7 ties for the public;

8 (B) will be carried out through a coopera-  
9 tive agreement among Federal, State, and local  
10 governments, Indian Tribes, and private enti-  
11 ties;

12 (C) increases public access to land or  
13 water for fish and wildlife-dependent rec-  
14 reational opportunities;

15 (D) advances the conservation of fish and  
16 wildlife species that have been identified by a  
17 State agency as species of greatest conservation  
18 need;

19 (E) where appropriate, advances the con-  
20 servation of fish and fish habitats under the  
21 Magnuson-Stevens Fishery Conservation and  
22 Management Act (16 U.S.C. 1801 et seq.) and  
23 other relevant Federal law and State wildlife  
24 action plans; and

1 (F) promotes strong and healthy fish habi-  
2 tats so that desired biological communities are  
3 able to persist and adapt.

4 (6) The substantiality of the character and de-  
5 sign of the fish habitat conservation project.

6 (d) LIMITATIONS.—

7 (1) REQUIREMENTS FOR EVALUATION.—No  
8 fish habitat conservation project may be rec-  
9 ommended by the Board under subsection (b) or  
10 provided financial assistance under this title unless  
11 the fish habitat conservation project includes an  
12 evaluation plan designed using applicable Board  
13 guidance—

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

18 (B) to reflect appropriate changes to the  
19 fish habitat conservation project if the assess-  
20 ment substantiates that the fish habitat con-  
21 servation project objectives are not being met;

22 (C) to identify improvements to existing  
23 fish populations, recreational fishing opportuni-  
24 ties, and the overall economic benefits for the

1 local community of the fish habitat conservation  
2 project; and

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

6 (2) ACQUISITION AUTHORITIES.—

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

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

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

17 (B) STATE AGENCY APPROVAL.—

18 (i) IN GENERAL.—All real property  
19 interest acquisition projects funded under  
20 this title must be approved by the State  
21 agency in the State in which the project is  
22 occurring.

23 (ii) PROHIBITION.—The Board may  
24 not recommend, and the Secretary may not  
25 provide any funding for, any real property

1 interest acquisition that has not been ap-  
2 proved by the State agency.

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

13 (D) RESTRICTIONS.—A real property in-  
14 terest may not be acquired pursuant to a fish  
15 habitat conservation project by a State, local  
16 government, or other non-Federal entity con-  
17 ducted with funds provided under this title, un-  
18 less—

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

23 (ii) the Secretary and the Board de-  
24 termine that the State, local government,  
25 or other non-Federal entity would benefit

1 from undertaking the management of the  
2 real property being acquired because that  
3 is in accordance with the goals of a Part-  
4 nership.

5 (e) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

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

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

1           (4) WAIVER AUTHORITY.—The Secretary, in  
2           consultation with the Secretary of Commerce with  
3           respect to marine or estuarine projects, may waive  
4           the application of paragraph (2)(A) with respect to  
5           a State or an Indian Tribe, or otherwise reduce the  
6           portion of the non-Federal share of the cost of an  
7           activity required to be paid by a State or an Indian  
8           Tribe under paragraph (1), if the Secretary deter-  
9           mines that the State or Indian Tribe does not have  
10          sufficient funds not derived from another Federal  
11          grant program to pay such non-Federal share, or  
12          portion of the non-Federal share, without the use of  
13          loans.

14          (f) APPROVAL.—

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

1           (2) FUNDING.—If the Secretary approves a fish  
2           habitat conservation project under paragraph (1),  
3           the Secretary shall use amounts made available to  
4           carry out this title to provide funds to carry out the  
5           fish habitat conservation project.

6           (3) NOTIFICATION.—If the Secretary rejects  
7           under paragraph (1) any fish habitat conservation  
8           project recommended by the Board, not later than  
9           90 days after the date of receipt of the recommenda-  
10          tion, the Secretary shall provide to the Board, the  
11          appropriate Partnership, and the appropriate con-  
12          gressional committees a written statement of the  
13          reasons that the Secretary rejected the fish habitat  
14          conservation project.

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

16          (a) IN GENERAL.—The Director, the National Oce-  
17          anic and Atmospheric Administration Assistant Adminis-  
18          trator, the Environmental Protection Agency Assistant  
19          Administrator, and the Director of the United States Geo-  
20          logical Survey, in coordination with the Forest Service and  
21          other appropriate Federal departments and agencies, may  
22          provide scientific and technical assistance to Partnerships,  
23          participants in fish habitat conservation projects, and the  
24          Board.



1 (b) INCLUSIONS.—Scientific and technical assistance  
2 provided under subsection (a) may include—

3 (1) providing technical and scientific assistance  
4 to States, Indian Tribes, regions, local communities,  
5 and nongovernmental organizations in the develop-  
6 ment and implementation of Partnerships;

7 (2) providing technical and scientific assistance  
8 to Partnerships for habitat assessment, strategic  
9 planning, and prioritization;

10 (3) supporting the development and implemen-  
11 tation of fish habitat conservation projects that are  
12 identified as high priorities by Partnerships and the  
13 Board;

14 (4) supporting and providing recommendations  
15 regarding the development of science-based moni-  
16 toring and assessment approaches for implementa-  
17 tion through Partnerships;

18 (5) supporting and providing recommendations  
19 for a national fish habitat assessment;

20 (6) ensuring the availability of experts to assist  
21 in conducting scientifically based evaluation and re-  
22 porting of the results of fish habitat conservation  
23 projects; and

24 (7) providing resources to secure State agency  
25 scientific and technical assistance to support Part-

1       nerships, participants in fish habitat conservation  
2       projects, and the Board.

3 **SEC. 207. COORDINATION WITH STATES AND INDIAN**  
4                   **TRIBES.**

5       The Secretary shall provide a notice to, and cooperate  
6 with, the appropriate State agency or Tribal agency, as  
7 applicable, of each State and Indian Tribe within the  
8 boundaries of which an activity is planned to be carried  
9 out pursuant to this title, including notification, by not  
10 later than 30 days before the date on which the activity  
11 is implemented.

12 **SEC. 208. INTERAGENCY OPERATIONAL PLAN.**

13       Not later than 1 year after the date of enactment  
14 of this Act, and every 5 years thereafter, the Director, in  
15 cooperation with the National Oceanic and Atmospheric  
16 Administration Assistant Administrator, the Environ-  
17 mental Protection Agency Assistant Administrator, the  
18 Director of the United States Geological Survey, and the  
19 heads of other appropriate Federal departments and agen-  
20 cies (including, at a minimum, those agencies represented  
21 on the Board) shall develop an interagency operational  
22 plan that describes—

23               (1) the functional, operational, technical, sci-  
24               entific, and general staff, administrative, and mate-  
25               rial needs for the implementation of this title; and

1           (2) any interagency agreements between or  
2           among Federal departments and agencies to address  
3           those needs.

4 **SEC. 209. ACCOUNTABILITY AND REPORTING.**

5           (a) REPORTING.—

6           (1) IN GENERAL.—Not later than 5 years after  
7           the date of enactment of this Act, and every 5 years  
8           thereafter, the Board shall submit to the appropriate  
9           congressional committees a report describing the  
10          progress of this title.

11          (2) CONTENTS.—Each report submitted under  
12          paragraph (1) shall include—

13                (A) an estimate of the number of acres,  
14                stream miles, or acre-feet, or other suitable  
15                measures of fish habitat, that was maintained  
16                or improved by Partnerships under this title  
17                during the 5-year period ending on the date of  
18                submission of the report;

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

22                (C) a description of the improved opportu-  
23                nities for public recreational fishing achieved  
24                under this title; and

1 (D) an assessment of the status of fish  
2 habitat conservation projects carried out with  
3 funds provided under this title during that pe-  
4 riod, disaggregated by year, including—

5 (i) a description of the fish habitat  
6 conservation projects recommended by the  
7 Board under section 205(b);

8 (ii) a description of each fish habitat  
9 conservation project approved by the Sec-  
10 retary under section 205(f), in order of  
11 priority for funding;

12 (iii) a justification for—

13 (I) the approval of each fish  
14 habitat conservation project; and

15 (II) the order of priority for  
16 funding of each fish habitat conserva-  
17 tion project;

18 (iv) a justification for any rejection of  
19 a fish habitat conservation project rec-  
20 ommended by the Board under section  
21 205(b) that was based on a factor other  
22 than the criteria described in section  
23 205(c); and

24 (v) an accounting of expenditures by  
25 Federal, State, or local governments, In-

1           dian Tribes, or other entities to carry out  
2           fish habitat conservation projects under  
3           this title.

4           (b) STATUS AND TRENDS REPORT.—Not later than  
5 December 31, 2021, and every 5 years thereafter, the  
6 Board shall submit to the appropriate congressional com-  
7 mittees a report that includes—

8           (1) a status of all Partnerships designated  
9           under this title;

10           (2) a description of the status of fish habitats  
11           in the United States as identified by designated  
12           Partnerships; and

13           (3) enhancements or reductions in public access  
14           as a result of—

15                   (A) the activities of the Partnerships; or

16                   (B) any other activities carried out pursu-  
17           ant to this title.

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

19           (a) WATER RIGHTS.—Nothing in this title—

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

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

24           (3) preempts or affects any State water law or  
25           interstate compact governing water; or

1           (4) affects any Federal or State law in exist-  
2           ence on the date of enactment of the Act regarding  
3           water quality or water quantity.

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

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

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

14           (2) authorizes the Secretary to control or regu-  
15           late within a State the fishing or hunting of fish and  
16           wildlife.

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

21           (1) an agreement between the Indian Tribe and  
22           the United States;

23           (2) Federal law (including regulations);

24           (3) an Executive order; or

25           (4) a judicial decree.

1           (e) ADJUDICATION OF WATER RIGHTS.—Nothing in  
2 this title diminishes or affects the ability of the Secretary  
3 to join an adjudication of rights to the use of water pursu-  
4 ant to subsection (a), (b), or (c) of section 208 of the De-  
5 partments of State, Justice, Commerce, and The Judiciary  
6 Appropriation Act, 1953 (43 U.S.C. 666).

7           (f) DEPARTMENT OF COMMERCE AUTHORITY.—  
8 Nothing in this title affects the authority, jurisdiction, or  
9 responsibility of the Department of Commerce to manage,  
10 control, or regulate fish or fish habitats under the Magnu-  
11 son-Stevens Fishery Conservation and Management Act  
12 (16 U.S.C. 1801 et seq.).

13           (g) EFFECT ON OTHER AUTHORITIES.—

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

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

24                         (A) the Federal Water Pollution Control  
25                         Act (33 U.S.C. 1251 et seq.);

1 (B) the Fish and Wildlife Coordination Act  
 2 (16 U.S.C. 661 et seq.);

3 (C) the Water Resources Development Act  
 4 of 1986 (Public Law 99–662; 100 Stat. 4082);  
 5 or

6 (D) any other Federal law or court settle-  
 7 ment.

8 (3) CLEAN WATER ACT.—Nothing in this title  
 9 affects any provision of the Federal Water Pollution  
 10 Control Act (33 U.S.C. 1251 et seq.), including any  
 11 definition in that Act.

12 **SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
 13 **MITTEE ACT.**

14 The Federal Advisory Committee Act (5 U.S.C. App.)  
 15 shall not apply to—

16 (1) the Board; or

17 (2) any Partnership.

18 **SEC. 212. FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) FISH HABITAT CONSERVATION PROJECTS.—

21 There is authorized to be appropriated to the Sec-  
 22 retary \$7,200,000 for each of fiscal years 2021  
 23 through 2025 to provide funds for fish habitat con-  
 24 servation projects approved under section 205(f), of



1 which 5 percent is authorized only for projects car-  
2 ried out by Indian Tribes.

3 (2) ADMINISTRATIVE AND PLANNING EX-  
4 PENSES.—There is authorized to be appropriated to  
5 the Secretary for each of fiscal years 2021 through  
6 2025 an amount equal to 5 percent of the amount  
7 appropriated for the applicable fiscal year pursuant  
8 to paragraph (1)—

9 (A) for administrative and planning ex-  
10 penses under this title; and

11 (B) to carry out section 209.

12 (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—  
13 There is authorized to be appropriated for each of  
14 fiscal years 2021 through 2025 to carry out, and  
15 provide technical and scientific assistance under, sec-  
16 tion 206—

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

19 (B) \$400,000 to the National Oceanic and  
20 Atmospheric Administration Assistant Adminis-  
21 trator for use by the National Oceanic and At-  
22 mospheric Administration;

23 (C) \$400,000 to the Environmental Pro-  
24 tection Agency Assistant Administrator for use  
25 by the Environmental Protection Agency;

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

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

6 (b) AGREEMENTS AND GRANTS.—The Secretary  
7 may—

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

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

22 (3) subject to the availability of appropriations,  
23 make funds authorized by this Act available to any  
24 Federal department or agency for use by that de-  
25 partment or agency to provide grants for any fish

1 habitat protection project, restoration project, or en-  
2 hancement project that the Secretary determines to  
3 be consistent with this title.

4 (c) DONATIONS.—

5 (1) IN GENERAL.—The Secretary may—

6 (A) enter into an agreement with any orga-  
7 nization described in section 501(c)(3) of the  
8 Internal Revenue Code of 1986 that is exempt  
9 from taxation under section 501(a) of that  
10 Code to solicit private donations to carry out  
11 the purposes of this title; and

12 (B) accept donations of funds, property,  
13 and services to carry out the purposes of this  
14 title.

15 (2) TREATMENT.—A donation accepted under  
16 this title—

17 (A) shall be considered to be a gift or be-  
18 quest to, or otherwise for the use of, the United  
19 States; and

20 (B) may be—

21 (i) used directly by the Secretary; or

22 (ii) provided to another Federal de-  
23 partment or agency through an inter-  
24 agency agreement.

1 **SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF**  
 2 **REGULATORY AUTHORITY BY FEDERAL**  
 3 **AGENCIES THROUGH PARTNERSHIPS.**

4 Any Partnership designated under this title—

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

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

9 **TITLE III—MISCELLANEOUS**

10 **SEC. 301. STUDY TO REVIEW CONSERVATION FACTORS.**

11 (a) DEFINITION OF SECRETARIES.—In this section,  
 12 the term “Secretaries” means—

13 (1) the Secretary of Agriculture;

14 (2) the Secretary of Commerce, acting through  
 15 the Assistant Administrator of the National Marine  
 16 Fisheries Service; and

17 (3) the Secretary of the Interior, acting through  
 18 the Director of the United States Fish and Wildlife  
 19 Service.

20 (b) STUDY.—To assess factors affecting successful  
 21 conservation activities under the Endangered Species Act  
 22 of 1973 (16 U.S.C. 1531 et seq.), the Secretaries shall  
 23 carry out a study—

24 (1)(A) to review any factors that threaten or  
 25 endanger a species, such as wildlife disease, for  
 26 which a listing under the Endangered Species Act of

1 1973 (16 U.S.C. 1531 et seq.) would not contribute  
2 to the conservation of the species; and

3 (B) to identify additional conservation measures  
4 that can be taken to protect and conserve a species  
5 described in subparagraph (A);

6 (2) to review any barriers to—

7 (A) the delivery of Federal, State, local, or  
8 private funds for such conservation activities,  
9 including statutory or regulatory impediments,  
10 staffing needs, and other relevant consider-  
11 ations; or

12 (B) the implementation of conservation  
13 agreements, plans, or other cooperative agree-  
14 ments, including agreements focused on vol-  
15 untary activities, multispecies efforts, and other  
16 relevant considerations;

17 (3) to review factors that impact the ability of  
18 the Federal Government to successfully implement  
19 the Endangered Species Act of 1973 (16 U.S.C.  
20 1531 et seq.);

21 (4) to develop recommendations regarding  
22 methods to address barriers identified under para-  
23 graph (2), if any;

24 (5) to review determinations under the Endan-  
25 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)

1 in which a species is determined to be recovered by  
2 the Secretary of the Interior, acting through the Di-  
3 rector of the United States Fish and Wildlife Serv-  
4 ice, or the Secretary of Commerce, acting through  
5 the Assistant Administrator of the National Marine  
6 Fisheries Service, but remains listed under that Act,  
7 including—

8 (A) an explanation of the factors pre-  
9 venting a delisting or downlisting of the species;  
10 and

11 (B) recommendations regarding methods  
12 to address the factors described in subpara-  
13 graph (A); and

14 (6) to review any determinations under the En-  
15 dangered Species Act of 1973 (16 U.S.C. 1531 et  
16 seq.) in which a species has been identified as need-  
17 ing listing or uplisting under that Act but remains  
18 unlisted or listed as a threatened species, respec-  
19 tively, including—

20 (A) an explanation of the factors pre-  
21 venting a listing or uplisting of the species; and

22 (B) recommendations regarding methods  
23 to address the factors described in subpara-  
24 graph (A).

1 (c) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the Secretaries shall submit to  
3 the Committees on Appropriations and Environment and  
4 Public Works of the Senate and the Committees on Appro-  
5 priations and Natural Resources of the House of Rep-  
6 resentatives and make publicly available a report describ-  
7 ing the results of the study under subsection (b).

8 **SEC. 302. STUDY AND REPORT ON EXPENDITURES.**

9 (a) REPORTS ON EXPENDITURES.—

10 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

11 (A) IN GENERAL.—At the determination of  
12 the Comptroller General of the United States  
13 (referred to in this section as the “Comptroller  
14 General”), to facilitate the preparation of the  
15 reports from the Comptroller General under  
16 paragraph (2), the head of each Federal depart-  
17 ment and agency shall submit to the Comp-  
18 troller General data and other relevant informa-  
19 tion that describes the amounts expended or  
20 disbursed (including through loans, loan guar-  
21 antees, grants, or any other financing mecha-  
22 nism) by the department or agency as a direct  
23 result of any provision of the Endangered Spe-  
24 cies Act of 1973 (16 U.S.C. 1531 et seq.) (in-

1 including any regulation promulgated pursuant to  
2 that Act) during—

3 (i) with respect to the first report  
4 under paragraph (2), the 3 fiscal years  
5 preceding the date of submission of the re-  
6 port; and

7 (ii) with respect to the second report  
8 under paragraph (2), the 2 fiscal years  
9 preceding the date of submission of the re-  
10 port.

11 (B) REQUIREMENTS.—Data and other rel-  
12 evant information submitted under subpara-  
13 graph (A) shall describe, with respect to the ap-  
14 plicable amounts—

15 (i) the programmatic office of the de-  
16 partment or agency on behalf of which  
17 each amount was expended or disbursed;

18 (ii) the provision of the Endangered  
19 Species Act of 1973 (16 U.S.C. 1531 et  
20 seq.) (or regulation promulgated pursuant  
21 to that Act) pursuant to which each  
22 amount was expended or disbursed; and

23 (iii) the project or activity carried out  
24 using each amount, in detail sufficient to



1 reflect the breadth, scope, and purpose of  
2 the project or activity.

3 (2) COMPTROLLER GENERAL.—Not later than  
4 2 years and 4 years after the date of enactment of  
5 this Act, the Comptroller General shall submit to the  
6 Committees on Appropriations, Commerce, Science,  
7 and Transportation, and Environment and Public  
8 Works of the Senate and the Committee on Approp-  
9 riations and Natural Resources of the House of  
10 Representatives a report that describes—

11 (A) the aggregate amount expended or dis-  
12 bursed by all Federal departments and agencies  
13 as a direct result of any provision of the En-  
14 dangered Species Act of 1973 (16 U.S.C. 1531  
15 et seq.) (including any regulation promulgated  
16 pursuant to that Act) during—

17 (i) with respect to the first report, the  
18 3 fiscal years preceding the date of submis-  
19 sion of the report; and

20 (ii) with respect to the second report,  
21 the 2 fiscal years preceding the date of  
22 submission of the report;

23 (B) the provision of the Endangered Spe-  
24 cies Act of 1973 (16 U.S.C. 1531 et seq.) (or  
25 regulation promulgated pursuant to that Act)

1           pursuant to which each such amount was ex-  
2           pended or disbursed; and

3           (C) with respect to each relevant depart-  
4           ment or agency—

5           (i) the total amount expended or dis-  
6           bursed by the department or agency as de-  
7           scribed in subparagraph (A); and

8           (ii) the information described in  
9           clauses (i) through (iii) of paragraph  
10          (1)(B).

11       (b) REPORT ON CONSERVATION ACTIVITIES.—

12           (1) FEDERAL DEPARTMENTS AND AGENCIES.—

13       At the determination of the Comptroller General, to  
14       facilitate the preparation of the report under para-  
15       graph (2), the head of each Federal department and  
16       agency shall submit to the Comptroller General data  
17       and other relevant information that describes the  
18       conservation activities by the Federal department or  
19       agency as a direct result of any provision of the En-  
20       dangered Species Act of 1973 (16 U.S.C. 1531 et  
21       seq.) (including any regulation promulgated pursu-  
22       ant to that Act) during—

23           (A) with respect to the first report under  
24           paragraph (2), the 3 fiscal years preceding the  
25           date of submission of the report; and

1 (B) with respect to the second report  
2 under paragraph (2), the 2 fiscal years pre-  
3 ceding the date of submission of the report.

4 (2) COMPTROLLER GENERAL.—Not later than  
5 2 years and 4 years after the date of enactment of  
6 this Act, the Comptroller General shall submit to the  
7 Committees on Commerce, Science, and Transpor-  
8 tation and Environment and Public Works of the  
9 Senate and the Committee on Natural Resources of  
10 the House of Representatives a report that—

11 (A) describes the conservation activities by  
12 all Federal departments and agencies for spe-  
13 cies listed as a threatened species or endan-  
14 gered species under the Endangered Species  
15 Act of 1973 (16 U.S.C. 1531 et seq.), as re-  
16 ported under paragraph (1), during—

17 (i) with respect to the first report, the  
18 3 fiscal years preceding the date of submis-  
19 sion of the report; and

20 (ii) with respect to the second report,  
21 the 2 fiscal years preceding the date of  
22 submission of the report;

23 (B) is organized into categories with re-  
24 spect to whether a recovery plan for a species  
25 has been established;

1 (C) includes conservation outcomes associ-  
2 ated with the conservation activities; and

3 (D) as applicable, describes the conserva-  
4 tion activities that required interaction between  
5 Federal agencies and between Federal agencies  
6 and State and Tribal agencies and units of local  
7 government pursuant to the Endangered Spe-  
8 cies Act of 1973 (16 U.S.C. 1531 et seq.).

9 **SEC. 303. USE OF VALUE OF LAND FOR COST SHARING.**

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

12 (1) by redesignating section 13 as section 14;  
13 and

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

15 **“SEC. 13. VALUE OF LAND.**

16 “Notwithstanding any other provision of law, any in-  
17 stitution eligible to receive Federal funds under the Agri-  
18 cultural Research, Extension, and Education Reform Act  
19 of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use  
20 the value of any land owned by the institution as an in-

- 1 kind match to satisfy any cost sharing requirement under
- 2 this Act.”.

Passed the Senate September 16, 2020.

Attest:

*Secretary.*

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 3051**

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**AN ACT**

To improve protections for wildlife, and for other purposes.