

116TH CONGRESS
1ST SESSION

S. 3051

To improve protections for wildlife, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2019

Mr. BARRASSO (for himself and Mr. CARPER) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

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,*

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

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

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

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

Sec. 104. Chronic Wasting Disease Task Force.

- Sec. 105. Fish and Wildlife Coordination Act.
- 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.
- Sec. 112. Great Lakes monitoring, assessment, science, and research.

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

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

TITLE III—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

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

TITLE IV—MISCELLANEOUS

- Sec. 401. Sense of the Senate regarding conservation agreements and activities.
- Sec. 402. Study to review conservation factors.
- Sec. 403. Study and report on expenditures.
- Sec. 404. Use of value of land for cost sharing.

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

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

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

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

14 (2) in paragraphs (2)(D)(ii), (2)(F)(ii),
 15 (3)(D)(ii), (3)(F)(ii), (4)(D)(ii), (4)(F)(ii),
 16 (5)(D)(ii), (5)(F)(ii), (6)(D)(ii), and (6)(F)(ii) by
 17 striking “paragraph (7)(B)” each place it appears
 18 and inserting “paragraph (8)(B)”;

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

22 (4) by redesignating paragraph (7) as para-
 23 graph (8);

24 (5) by inserting after paragraph (6) the fol-
 25 lowing:

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

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

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

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

13 “(B) AUTHORITY.—Not later than 180
14 days after the date of enactment of the Amer-
15 ica’s Conservation Enhancement Act, the Sec-
16 retary shall establish under section 24 of the
17 Stevenson-Wydler Technology Innovation Act of
18 1980 (15 U.S.C. 3719) a prize competition, to
19 be known as the ‘Theodore Roosevelt Genius
20 Prize for reducing human-predator conflict’—

21 “(i) to encourage technological innova-
22 tion with the potential to advance the mis-
23 sion of the United States Fish and Wildlife
24 Service with respect to reducing the fre-

quency of human-predator conflict using
nonlethal means; and

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

“(C) ADVISORY BOARD.—

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

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

“(I) predator-human interactions;

“(II) the habitats of large predators;

“(III) biology;

“(IV) technology development;

“(V) engineering;

“(VI) economics;

1 “(VII) business development and
2 management; and

3 “(VIII) any other discipline, as
4 the Secretary determines to be nec-
5 essary to achieve the purposes of this
6 paragraph.

7 “(iii) DUTIES.—Subject to clause (iv),
8 with respect to the prize competition, the
9 Board shall—

10 “(I) select a topic;

11 “(II) issue a problem statement;

12 “(III) advise the Secretary re-
13 garding any opportunity for techno-
14 logical innovation to reduce human-
15 predator conflict using nonlethal
16 means; and

17 “(IV) advise winners of the prize
18 competition regarding opportunities to
19 pilot and implement winning tech-
20 nologies in relevant fields, including in
21 partnership with conservation organi-
22 zations, Federal or State agencies,
23 federally recognized Indian Tribes,
24 private entities, and research institu-
25 tions with expertise or interest relat-

1 ing to reducing human-predator con-
2 flict using nonlethal means.

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

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

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

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

23 “(IV) 1 or more wildlife con-
24 servation groups, technology compa-
25 nies, research institutions, institutions

1 of higher education, industry associa-
 2 tions, or individual stakeholders with
 3 an interest in the management of na-
 4 tive wildlife species at risk due to con-
 5 flict with human activities.

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

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

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

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

20 “(E) JUDGES.—

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

1 “(ii) DETERMINATION BY SEC-
2 RETARY.—The judges appointed under
3 clause (i) shall not select any annual win-
4 ner of the prize competition if the Sec-
5 retary makes a determination that, in any
6 fiscal year, none of the technological ad-
7 vancements entered into the prize competi-
8 tion merits an award.

9 “(F) CONSULTATION WITH NOAA.—The
10 Secretary shall consult with the Secretary of
11 Commerce, acting through the Administrator of
12 the National Oceanic and Atmospheric Admin-
13 istration, in the case of a cash prize awarded
14 under the prize competition for a technology
15 that addresses conflict between marine preda-
16 tors under the jurisdiction of the Secretary of
17 Commerce, acting through the Administrator of
18 the National Oceanic and Atmospheric Admin-
19 istration, and humans.

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

1 House of Representatives a report on the prize
2 competition that includes—

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

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

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

18 “(H) TERMINATION OF AUTHORITY.—The
19 Board and all authority provided under this
20 paragraph shall terminate on December 31,
21 2023.”; and

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

23 (A) in subparagraph (A), in the matter
24 preceding clause (i), by striking “or (6)(C)(i)”
25 and inserting “(6)(C)(i), or (7)(C)(i)”; and

1 (B) in subparagraph (B)—

2 (i) in the matter preceding clause (i),
 3 by striking “or (6)(D)(i)” and inserting
 4 “(6)(D)(i), or (7)(D)(i)”; and
 5 (ii) in clause (i)(VII), by striking
 6 “and (6)(E)” and inserting “(6)(E), and
 7 (7)(E)”.

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

13 **SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY**
 14 **FEDERALLY PROTECTED SPECIES.**

15 (a) DEFINITIONS.—In this section:

16 (1) DEPREDATION.—

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

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

24 (i) damage to—

25 (I) other animals;

- 1 (II) vegetation;
- 2 (III) motor vehicles; or
- 3 (IV) structures;
- 4 (ii) diseases;
- 5 (iii) lost profits; or
- 6 (iv) consequential damages.

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

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

14 (B) the Endangered Species Act of 1973
 15 (16 U.S.C. 1531 et seq.); or

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

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

22 (4) **LIVESTOCK.**—

23 (A) **IN GENERAL.**—The term “livestock”
 24 means horses, mules and asses, rabbits, llamas,
 25 cattle, bison, swine, sheep, goats, poultry, bees,

1 honey and beehives, or any other animal gen-
 2 erally used for food or in the production of food
 3 or fiber.

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

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

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

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

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

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

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

1 more programs established by the States and Indian
2 tribes (including programs established after the date
3 of enactment of this Act)—

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

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

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

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

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

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

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

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

24 (2) ALLOCATION OF FUNDING.—

1 (A) REPORTS TO THE SECRETARIES.—Not
2 later than September 30 of each year, a State
3 or Indian tribe desiring to receive a grant under
4 the program shall submit to the Secretaries a
5 report describing, for the 1-year period ending
6 on that September 30, the losses of livestock
7 due to depredation by federally protected spe-
8 cies occurring on—

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

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

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

20 (3) ELIGIBILITY.—To be eligible to receive a
21 grant under paragraph (1), a State or Indian tribe
22 shall—

23 (A) designate an appropriate agency of the
24 State or Indian tribe to administer the 1 or

1 more programs supplemented by the grant
2 funds;

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

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

8 (D) submit to the Secretaries—

9 (i) annual reports that include—

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

13 (II) a description of any action
14 taken on the claims; and

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

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

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

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

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to carry out this section
 3 \$15,000,000 for each of fiscal years 2021 through 2025,
 4 of which—

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

8 (2) \$10,000,000 shall be used to provide grants
 9 for the purpose described in subsection (b)(1)(B).

10 **SEC. 103. DEPREDAATION PERMITS FOR BLACK VULTURES**
 11 **AND COMMON RAVENS.**

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

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

1 (c) REPORTING.—The Secretary shall require, as a
 2 condition of a permit under subsection (a), that the permit
 3 holder shall report to the appropriate enforcement agen-
 4 cies the takings of black vultures or common ravens pursu-
 5 ant to the permit.

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

7 (a) DEFINITION OF CHRONIC WASTING DISEASE.—
 8 In this section, the term “chronic wasting disease” means
 9 the animal disease afflicting deer, elk, and moose popu-
 10 lations that—

11 (1) is a transmissible disease of the nervous
 12 system resulting in distinctive lesions in the brain;
 13 and

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

18 (b) ESTABLISHMENT.—

19 (1) IN GENERAL.—There is established within
 20 the United States Fish and Wildlife Service a task
 21 force, to be known as the “Chronic Wasting Disease
 22 Task Force” (referred to in this subsection as the
 23 “Task Force”).

24 (2) DUTIES.—The Task Force shall—

1 (A) collaborate with foreign governments
2 to share research, coordinate efforts, and dis-
3 cuss best management practices to reduce, min-
4 imize, prevent, or eliminate chronic wasting dis-
5 ease in the United States;

6 (B) develop recommendations, including
7 recommendations based on findings of the study
8 conducted under subsection (c), and a set of
9 best practices regarding—

10 (i) the interstate coordination of prac-
11 tices to prevent the new introduction of
12 chronic wasting disease;

13 (ii) the prioritization and coordination
14 of the future study of chronic wasting dis-
15 ease, based on evolving research needs;

16 (iii) ways to leverage the collective re-
17 sources of Federal, State, and local agen-
18 cies, Indian Tribes, and foreign govern-
19 ments, and resources from private, non-
20 governmental entities, to address chronic
21 wasting disease in the United States and
22 along the borders of the United States;
23 and

24 (iv) any other area where containment
25 or management efforts relating to chronic

1 wasting disease may differ across jurisdic-
2 tions;

3 (C) draw from existing and future aca-
4 demic and management recommendations to de-
5 velop an interstate action plan under which
6 States and the Federal Government agree to
7 enact consistent management, educational, and
8 research practices relating to chronic wasting
9 disease; and

10 (D) facilitate the creation of a cooperative
11 agreement by which States and relevant Fed-
12 eral agencies agree to commit funds to imple-
13 ment best practices described in the interstate
14 action plan developed under subparagraph (C).

15 (3) MEMBERSHIP.—

16 (A) IN GENERAL.—The Task Force shall
17 be composed of—

18 (i) 1 representative of the United
19 States Fish and Wildlife Service with expe-
20 rience in chronic wasting disease, to be ap-
21 pointed by the Secretary of the Interior
22 (referred to in this subsection as the “Sec-
23 retary”);

24 (ii) 1 representative of the United
25 States Geological Survey;

1 (iii) 2 representatives of the Depart-
2 ment of Agriculture with experience in
3 chronic wasting disease, to be appointed by
4 the Secretary of Agriculture—

5 (I) 1 of whom shall have exper-
6 tise in research; and

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

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

15 (I) not more than 1 of whom
16 shall be a representative of the State
17 agency with jurisdiction over wildlife
18 management or wildlife disease in the
19 State; and

20 (II) in the case of a State with a
21 farmed cervid program or economy,
22 not more than 1 of whom shall be a
23 representative of the State agency
24 with jurisdiction over farmed cervid
25 regulation in the State;

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

9 (vi) not more than 2 representatives
10 from an Indian tribe or tribal organization
11 chosen in a process determined, in con-
12 sultation with Indian tribes, by the Sec-
13 retary for each of clauses (iv) and (v); and

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

21 (B) EFFECT.—Nothing in this paragraph
22 requires a State to participate in the Task
23 Force.

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

1 (A) the Federal representative described in
 2 paragraph (3)(A)(i); and

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

6 (5) DATE OF INITIAL APPOINTMENT.—

7 (A) IN GENERAL.—The members of the
 8 Task Force shall be appointed not later than
 9 180 days after the date on which the study is
 10 completed under subsection (c).

11 (B) NOTIFICATION.—On appointment of
 12 the members of the Task Force, the Co-Chairs
 13 of the Task Force shall notify the Chairs and
 14 Ranking Members of the Committees on Envi-
 15 ronment and Public Works of the Senate and
 16 Natural Resources of the House of Representa-
 17 tives.

18 (6) VACANCIES.—Any vacancy in the members
 19 appointed to the Task Force—

20 (A) shall not affect the power or duty of
 21 the Task Force; and

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

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

1 (A) not less frequently than twice each
2 year; and

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

7 (8) INTERSTATE ACTION PLAN.—

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

17 (B) COOPERATIVE AGREEMENTS.—

18 (i) IN GENERAL.—To the maximum
19 extent practicable, the Secretary, any other
20 applicable Federal agency, and each appli-
21 cable State shall enter into a cooperative
22 agreement to fund necessary actions under
23 the interstate action plan submitted under
24 subparagraph (A).

1 (ii) TARGET DATE.—The Secretary
2 shall make the best effort of the Secretary
3 to enter into any cooperative agreement
4 under clause (i) not later than 180 days
5 after the date of submission of the inter-
6 state action plan under subparagraph (A).

7 (C) MATCHING FUNDS.—

8 (i) IN GENERAL.—Subject to clause
9 (ii), for each fiscal year, the Federal Gov-
10 ernment shall provide funds to carry out
11 an interstate action plan through a cooper-
12 ative agreement under subparagraph (B)
13 in the amount of funds provided by the ap-
14 plicable States.

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

19 (9) REPORTS.—Not later than September 30 of
20 the first full fiscal year after the date on which the
21 first members of the Task Force are appointed, and
22 each September 30 thereafter, the Task Force shall
23 submit to the Secretary, and the heads of the State
24 agencies with jurisdiction over wildlife disease and

1 farmed cervid regulation of each State with a rep-
 2 resentative on the Task Force, a report describing—

3 (A) progress on the implementation of ac-
 4 tions identified in the interstate action plan
 5 submitted under paragraph (8)(A), including
 6 the efficacy of funding under the cooperative
 7 agreement entered into under paragraph
 8 (8)(B);

9 (B) updated resource requirements that
 10 are needed to reduce and eliminate chronic
 11 wasting disease in the United States;

12 (C) any relevant updates to the rec-
 13 ommended best management practices included
 14 in the interstate action plan submitted under
 15 paragraph (8)(B) to reduce or eliminate chronic
 16 wasting disease;

17 (D) new research findings and emerging
 18 research needs relating to chronic wasting dis-
 19 ease; and

20 (E) any other relevant information.

21 (c) CHRONIC WASTING DISEASE TRANSMISSION IN
 22 CERVIDAE RESOURCE STUDY.—

23 (1) DEFINITIONS.—In this subsection:

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

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

3 (C) SECRETARIES.—The term “Secre-
4 taries” means the Secretary of Agriculture, act-
5 ing through the Administrator of the Animal
6 and Plant Health Inspection Service, and the
7 Secretary of the Interior, acting through the
8 Director of the United States Geological Sur-
9 vey, acting jointly.

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.

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) the pathways and mechanisms
7 for the transmission of chronic wasting
8 disease within live cervid populations and
9 cervid products, which may include path-
10 ways and mechanisms for transmission
11 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;

(iii) significant gaps in current scientific knowledge regarding the transmission pathways and mechanisms identified under clause (i)(I); and

(iv) for prioritization the scientific research projects that will address the knowledge gaps identified under clause (iii); and

(B) review and compare science-based best practices, standards, and guidance regarding the management of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States that have been developed by—

(i) the National Chronic Wasting Disease Herd Certification Program of the Animal and Plant Health Inspection Service;

(ii) the United States Geological Survey; and

(iii) State wildlife and agricultural agencies, in the case of practices, standards, and guidance that provide practical, science-based recommendations to State and Federal agencies for minimizing or eliminating the risk of transmission of

1 chronic wasting disease in the United
2 States.

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 entity conducting the study under
9 paragraph (2) data and access to databases on
10 chronic wasting disease under the jurisdiction of—

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

14 (B) the United States Geological Survey.

15 (6) REPORT.—On completion of the study, the
16 Secretaries shall submit to the Committee on Agri-
17 culture, Nutrition, and Forestry, the Committee on
18 Energy and Natural Resources, and the Committee
19 on Environment and Public Works of the Senate
20 and the Committee on Agriculture and the Com-
21 mittee on Natural Resources of the House of Rep-
22 resentatives a report that describes—

23 (A) the findings of the study; and

1 (B) any conclusions and recommendations
 2 that the Secretaries determine to be appro-
 3 priate.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to carry out this sec-
 6 tion—

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

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

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

21 **SEC. 105. FISH AND WILDLIFE COORDINATION ACT.**

22 Section 10 of the Fish and Wildlife Coordination Act
 23 (16 U.S.C. 666c–1) is amended—

24 (1) in subsection (c)(2)—

25 (A) in subparagraph (A)—

1 (i) by redesignating clauses (i) and
 2 (ii) as clauses (ii) and (iii), respectively;
 3 and

4 (ii) by inserting before clause (ii) (as
 5 so redesignated) the following:

6 “(i) relevant Federal agencies;”;

7 (B) by redesignating subparagraphs (B)
 8 and (C) as subparagraphs (C) and (D), respec-
 9 tively; and

10 (C) by inserting after subparagraph (A)
 11 the following:

12 “(B) in consultation with stakeholders, in-
 13 cluding nongovernmental organizations and in-
 14 dustry;” and

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

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

19 “(1) \$2,500,000 to the Secretary of the Army,
 20 acting through the Chief of Engineers; and

21 “(2) \$2,500,000 to the Secretary of the Inte-
 22 rior, acting through the Director of the United
 23 States Fish and Wildlife Service.”.

1 **SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION**
 2 **ACT.**

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

9 **SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**
 10 **TABLISHMENT ACT.**

11 (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

15 (A) in subsection (b)—

16 (i) by striking paragraph (2) and in-
 17 serting the following:

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

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

1 “(B) represent a balance of expertise in
 2 ocean, coastal, freshwater, and terrestrial re-
 3 source conservation.”; and

4 (ii) by striking paragraph (3) and in-
 5 serting the following:

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

9 (B) in subsection (g)(2)—

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

15 “(A) IN GENERAL.—Officers”; and

16 (ii) by striking subparagraph (B) and
 17 inserting the following:

18 “(B) EXECUTIVE DIRECTOR.—The Foun-
 19 dation shall have an Executive Director who
 20 shall be—

21 “(i) appointed by, and serve at the di-
 22 rection of, the Board as the chief executive
 23 officer of the Foundation; and

1 “(ii) knowledgeable and experienced in
 2 matters relating to fish and wildlife con-
 3 servation.”.

4 (2) CONFORMING AMENDMENT.—Section
 5 4(a)(1)(B) of the North American Wetlands Con-
 6 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended
 7 by striking “Secretary of the Board” and inserting
 8 “Executive Director of the Board”.

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

12 (1) in subsection (c)—

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

16 “(c) POWERS.—

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

19 (B) by redesignating paragraphs (1)
 20 through (11) as subparagraphs (A) through
 21 (K), respectively, and indenting appropriately;

22 (C) in subparagraph (D) (as redesignated
 23 by subparagraph (B)), by striking “that are in-
 24 sured by an agency or instrumentality of the
 25 United States” and inserting “at 1 or more fi-

1 nancial institutions that are members of the
2 Federal Deposit Insurance Corporation or the
3 Securities Investment Protection Corporation”;

4 (D) in subparagraph (E) (as redesignated
5 by subparagraph (B)), by striking “paragraph
6 (3) or (4)” and inserting “subparagraph (C) or
7 (D)”;

8 (E) in subparagraph (J) (as redesignated
9 by subparagraph (B)), by striking “and” at the
10 end;

11 (F) by striking subparagraph (K) (as re-
12 designated by subparagraph (B)) and inserting
13 the following:

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

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

1 (G) by striking the undesignated matter at
 2 the end and inserting the following:

3 “(2) TREATMENT OF REAL PROPERTY.—

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

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

18 “(3) SAVINGS CLAUSE.—The acceptance and
 19 administration of amounts by the Foundation under
 20 paragraph (1)(K) does not alter, supersede, or limit
 21 any regulatory or statutory requirement associated
 22 with those amounts.”;

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

24 (3) by redesignating subsections (h) and (i) as
 25 subsections (f) and (g), respectively.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 10 of the National Fish and Wildlife Foundation Estab-
 3 lishment Act (16 U.S.C. 3709) is amended—

4 (1) in subsection (a), by striking paragraph (1)
 5 and inserting the following:

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

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

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

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

15 (2) in subsection (b)—

16 (A) by striking paragraph (1) and insert-
 17 ing the following:

18 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

19 “(A) IN GENERAL.—In addition to the
 20 amounts authorized to be appropriated under
 21 subsection (a), Federal departments, agencies,
 22 or instrumentalities are authorized to provide
 23 funds to the Foundation through Federal finan-
 24 cial assistance grants and cooperative agree-
 25 ments, subject to the condition that the

1 amounts are used for purposes that further the
 2 conservation and management of fish, wildlife,
 3 plants, and other natural resources in accord-
 4 ance with this Act.

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

11 “(C) MANAGEMENT FEES.—The Founda-
 12 tion may assess and collect fees for the manage-
 13 ment of amounts received under this para-
 14 graph.”;

15 (B) in paragraph (2)—

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

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

20 (iii) by striking “and State and local
 21 government agencies” and inserting “,
 22 State and local government agencies, and
 23 other entities”; and

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

25 “(3) ADMINISTRATION OF AMOUNTS.—

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

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

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

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

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

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

15 (d) LIMITATION ON AUTHORITY.—Section 11 of the
 16 National Fish and Wildlife Foundation Establishment Act
 17 (16 U.S.C. 3710) is amended by inserting “exclusive” be-
 18 fore “authority”.

19 **SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISH-**
 20 **ING EQUIPMENT UNDER TOXIC SUBSTANCES**
 21 **CONTROL ACT.**

22 Section 3(2)(B) of the Toxic Substances Control Act
 23 (15 U.S.C. 2602(2)(B)) is amended—

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

1 (2) in clause (vi) by striking the period at the
2 end and inserting “, and”; and

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

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

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

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

17 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$90,000,000 for each of fiscal years 2021 through 2025.”.

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

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

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

3 (a) DEFINITIONS.—In this section:

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

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

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

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

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

20 (A) the Chesapeake Bay;

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

25 (C) the District of Columbia.

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

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

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

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

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

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

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

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

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

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

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

9 (b) PROGRAM ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and protection activities within the Chesapeake
2 Bay watershed;

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

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

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

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

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

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

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

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

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

24 (iv) the Chief of Engineers;

1 (v) the Director of the United States
 2 Geological Survey;

3 (vi) the Secretary of Transportation;

4 (vii) the Chief of the Forest Service;

5 and

6 (viii) the head of any other applicable
 7 agency;

8 (B) the Governors of each of the States of
 9 Delaware, Maryland, New York, Pennsylvania,
 10 Virginia, and West Virginia and the Mayor of
 11 the District of Columbia;

12 (C) fish and wildlife joint venture partner-
 13 ships; and

14 (D) other public agencies and organiza-
 15 tions with authority for the planning and imple-
 16 mentation of conservation strategies in the
 17 Chesapeake Bay watershed.

18 (c) GRANTS AND TECHNICAL ASSISTANCE.—

19 (1) CHESAPEAKE WILD GRANT PROGRAM.—To
 20 the extent that funds are made available to carry out
 21 this subsection, the Secretary shall establish and
 22 carry out, as part of the Chesapeake WILD pro-
 23 gram, a voluntary grant and technical assistance
 24 program, to be known as the “Chesapeake Water-
 25 shed Investments for Landscape Defense grant pro-

gram”, to provide competitive matching grants of varying amounts and technical assistance to eligible entities described in paragraph (2) to carry out activities described in subsection (b)(2).

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

(A) A State.

(B) The District of Columbia.

(C) A unit of local government.

(D) A nonprofit organization.

(E) An institution of higher education.

(F) Any other entity that the Secretary determines to be appropriate in accordance with the criteria established under paragraph (3).

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

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

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

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

3 (4) COST SHARING.—

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

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

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

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

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

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

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

9 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

20 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (A) deepwater ecosystem sciences;

6 (B) biological and food-web components;

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

9 (D) fish population structures;

10 (E) fish habitat investigations;

11 (F) invasive species science;

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

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

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

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

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

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

10 **SEC. 201. PURPOSE.**

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

17 **SEC. 202. DEFINITIONS.**

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

20 (1) by redesignating paragraphs (2) through
21 (9) as paragraphs (4) through (11), respectively;
22 and

23 (2) by inserting after paragraph (1) the fol-
24 lowing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subsection (a)(1)—

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

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

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

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

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

25 (3) in subsection (c)(2)(A)—

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

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

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

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

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

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

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

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

1 **TITLE III—NATIONAL FISH HABITAT**
2 **CONSERVATION**
3 **THROUGH PARTNERSHIPS**

4 **SEC. 301. PURPOSE.**

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

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

12 (A) improving ecological conditions;

13 (B) restoring natural processes; or

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

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

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

22 (A) increasing fishing opportunities;

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

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

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

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

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

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

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

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

20 **SEC. 302. DEFINITIONS.**

21 In this title:

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

1 (A) the Committee on Commerce, Science,
2 and Transportation and the Committee on En-
3 vironment and Public Works of the Senate; and

4 (B) the Committee on Natural Resources
5 of the House of Representatives.

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

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

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

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

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

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

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

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

9 (A) land; or

10 (B) water (including water rights).

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

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

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

17 (C) the Pacific States Marine Commission.

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

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

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

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

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

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

10 (a) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

14 (G) two shall be representatives of either—

15 (i) Indian Tribes in the State of Alas-
16 ka; or

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

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

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

1 (ii) a representative of the Marine
2 Fisheries Commissions;

3 (I) one shall be a representative of the
4 Sportfishing and Boating Partnership Council;

5 (J) seven shall be representatives selected
6 from at least one from each of the following:

7 (i) the recreational sportfishing indus-
8 try;

9 (ii) the commercial fishing industry;

10 (iii) marine recreational anglers;

11 (iv) freshwater recreational anglers;

12 (v) habitat conservation organizations;

13 and

14 (vi) science-based fishery organiza-
15 tions;

16 (K) one shall be a representative of a na-
17 tional private landowner organization;

18 (L) one shall be a representative of an ag-
19 ricultural production organization;

20 (M) one shall be a representative of local
21 government interests involved in fish habitat
22 restoration;

23 (N) two shall be representatives from dif-
24 ferent sectors of corporate industries, which
25 may include—

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

4 (ii) natural resource user industries;
 5 and

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

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

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

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

21 (b) APPOINTMENT AND TERMS.—

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

1 (2) INITIAL BOARD MEMBERSHIP.—

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

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

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

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

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

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

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

5 (4) VACANCIES.—

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

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

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

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

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

3 (A) vote to remove that member; and

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

6 (c) CHAIRPERSON.—

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

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

13 (d) MEETINGS.—

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

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

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

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

20 (e) PROCEDURES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (6) includes a governance structure that—

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

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

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

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

25 (e) REPORT TO CONGRESS.—

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

8 (A) identifies each entity that—

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

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

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

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

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

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

24 (2) PUBLIC AVAILABILITY; NOTIFICATION.—

25 The Board shall—

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

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

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

11 (g) EXISTING PARTNERSHIPS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) LIMITATIONS.—

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

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

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

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

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

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

6 (2) ACQUISITION AUTHORITIES.—

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

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

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

17 (B) STATE AGENCY APPROVAL.—

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

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

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

3 (C) ASSESSMENT OF OTHER AUTHORI-
4 TIES.—The Board may not recommend, and the
5 Secretary may not provide any funding under
6 this title for, any real property interest 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. 306. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

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

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

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

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

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

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

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

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

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

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

3 **SEC. 307. COORDINATION WITH STATES AND INDIAN**
4 **TRIBES.**

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

12 **SEC. 308. INTERAGENCY OPERATIONAL PLAN.**

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

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

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

4 **SEC. 309. ACCOUNTABILITY AND REPORTING.**

5 (a) REPORTING.—

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

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

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

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

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

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

5 (i) a description of the fish habitat
6 conservation projects recommended by the
7 Board under section 305(b);

8 (ii) a description of each fish habitat
9 conservation project approved by the Sec-
10 retary under section 305(f), in order of
11 priority for funding;

12 (iii) a justification for—

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

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

18 (iv) a justification for any rejection of
19 a fish habitat conservation project rec-
20 ommended by the Board under section
21 305(b) that was based on a factor other
22 than the criteria described in section
23 305(c); and

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

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

4 (b) STATUS AND TRENDS REPORT.—Not later than
 5 December 31, 2020, and every 5 years thereafter, the
 6 Board shall submit to the appropriate congressional com-
 7 mittees a report that includes—

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

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

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

15 (A) the activities of the Partnerships; or

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

18 **SEC. 310. EFFECT OF THIS TITLE.**

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

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

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

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

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

4 (b) AUTHORITY TO ACQUIRE WATER RIGHTS OR
 5 RIGHTS TO PROPERTY.—Only a State, local government,
 6 or other non-Federal entity may acquire, under State law,
 7 water rights or rights to property with funds made avail-
 8 able through section 312.

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

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

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

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

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

23 (2) Federal law (including regulations);

24 (3) an Executive order; or

25 (4) a judicial decree.

1 (e) ADJUDICATION OF WATER RIGHTS.—Nothing in
 2 this title diminishes or affects the ability of the Secretary
 3 to join an adjudication of rights to the use of water pursu-
 4 ant to subsection (a), (b), or (c) of section 308 of the De-
 5 partments of State, Justice, Commerce, and The Judiciary
 6 Appropriation Act, 1953 (43 U.S.C. 666).

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

13 (g) EFFECT ON OTHER AUTHORITIES.—

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

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

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

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

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

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

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

12 **SEC. 311. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 13 **MITTEE ACT.**

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

- 16 (1) the Board; or
 17 (2) any Partnership.

18 **SEC. 312. FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) FISH HABITAT CONSERVATION PROJECTS.—

21 There is authorized to be appropriated to the Sec-
 22 retary \$7,200,000 for each of fiscal years 2019
 23 through 2023 to provide funds for fish habitat con-
 24 servation projects approved under section 305(f), of

which 5 percent is authorized only for projects carried out by Indian Tribes.

(2) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2019 through 2023 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses under this title; and

(B) to carry out section 309.

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2020 through 2024 to carry out, and provide technical and scientific assistance under, section 306—

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

(B) \$400,000 to the National Oceanic and Atmospheric Administration Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) \$400,000 to the Environmental Protection Agency Assistant Administrator for use 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 Chief of the Forest
4 Service for use by the United States Depart-
5 ment of Agriculture 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. 313. PROHIBITION AGAINST IMPLEMENTATION OF**
2 **REGULATORY AUTHORITY BY FEDERAL**
3 **AGENCIES THROUGH PARTNERSHIPS.**

4 Any Partnership designated under this title—

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

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

9 **TITLE IV—MISCELLANEOUS**

10 **SEC. 401. SENSE OF THE SENATE REGARDING CONSERVA-**
11 **TION AGREEMENTS AND ACTIVITIES.**

12 It is the sense of the Senate that—

13 (1) voluntary conservation agreements benefit
14 species and the habitats on which the species rely;

15 (2) States, Indian Tribes, units of local govern-
16 ment, landowners, and other stakeholders should be
17 encouraged to participate in voluntary conservation
18 agreements; and

19 (3) the Secretary of the Interior, acting through
20 the Director of the United States Fish and Wildlife
21 Service, and the Secretary of Commerce, acting
22 through the Assistant Administrator of the National
23 Marine Fisheries Service, should consider the enroll-
24 ment in, and performance of, conservation agree-
25 ments and investment in, and implementation of,
26 general conservation activities by States, Indian

1 Tribes, units of local government, landowners, and
2 other stakeholders in making determinations under
3 the Endangered Species Act of 1973 (16 U.S.C.
4 1531 et seq.).

5 **SEC. 402. STUDY TO REVIEW CONSERVATION FACTORS.**

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

8 (1) the Secretary of Agriculture;

9 (2) the Secretary of Commerce, acting through
10 the Assistant Administrator of the National Marine
11 Fisheries Service; and

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

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

19 (1) to review any factors that threaten or en-
20 danger a species for which a listing under the En-
21 dangered Species Act of 1973 (16 U.S.C. 1531 et
22 seq.) would not lead to a sustainable population of
23 the species;

24 (2) to review any barriers to—

1 (A) the delivery of Federal, State, local, or
2 private funds for such conservation activities,
3 including statutory or regulatory impediments,
4 staffing needs, and other relevant consider-
5 ations; or

6 (B) the implementation of conservation
7 agreements, plans, or other cooperative agree-
8 ments, including agreements focused on vol-
9 untary activities, multispecies efforts, and other
10 relevant considerations;

11 (3) to review factors that impact the ability of
12 the Federal Government to successfully implement
13 the Endangered Species Act of 1973 (16 U.S.C.
14 1531 et seq.);

15 (4) to develop recommendations regarding
16 methods to address barriers identified under para-
17 graph (2), if any; and

18 (5) to review determinations under the Endan-
19 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
20 in which a species is determined to be recovered by
21 the Secretary of the Interior, acting through the Di-
22 rector of the United States Fish and Wildlife Serv-
23 ice, or the Secretary of Commerce, acting through
24 the Assistant Administrator of the National Marine

1 Fisheries Service, but remains listed under that Act,
 2 including—

3 (A) an explanation of the factors pre-
 4 venting a delisting or downlisting of the species;
 5 and

6 (B) recommendations regarding methods
 7 to address the factors described in subpara-
 8 graph (A).

9 (c) REPORT.—Not later than 1 year after the date
 10 of enactment of this Act, the Secretaries shall submit to
 11 the Committees on Appropriations and Environment and
 12 Public Works of the Senate and the Committees on Appro-
 13 priations and Natural Resources of the House of Rep-
 14 resentatives and make publicly available a report describ-
 15 ing the results of the study under subsection (b).

16 **SEC. 403. STUDY AND REPORT ON EXPENDITURES.**

17 (a) REPORTS ON EXPENDITURES.—

18 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

19 (A) IN GENERAL.—At the determination of
 20 the Comptroller General of the United States
 21 (referred to in this section as the “Comptroller
 22 General”), to facilitate the preparation of the
 23 reports from the Comptroller General under
 24 paragraph (2), the head of each Federal depart-
 25 ment and agency shall submit to the Comp-

1 troller General data and other relevant informa-
2 tion that describes the amounts expended or
3 disbursed (including through loans, loan guar-
4 antees, grants, or any other financing mecha-
5 nism) by the department or agency as a direct
6 result of any provision of the Endangered Spe-
7 cies Act of 1973 (16 U.S.C. 1531 et seq.) (in-
8 cluding any regulation promulgated pursuant to
9 that Act) during—

10 (i) with respect to the first report
11 under paragraph (2), the 3 fiscal years
12 preceding the date of submission of the re-
13 port; and

14 (ii) with respect to the second report
15 under paragraph (2), the 2 fiscal years
16 preceding the date of submission of the re-
17 port.

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

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

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

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

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

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

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

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

7 (B) the provision of the Endangered Spe-
 8 cies Act of 1973 (16 U.S.C. 1531 et seq.) (or
 9 regulation promulgated pursuant to that Act)
 10 pursuant to which each such amount was ex-
 11 pended or disbursed; and

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

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

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

20 (b) REPORT ON CONSERVATION ACTIVITIES.—

21 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

22 At the determination of the Comptroller General, to
 23 facilitate the preparation of the report under para-
 24 graph (2), the head of each Federal department and
 25 agency shall submit to the Comptroller General data

1 and other relevant information that describes the
 2 conservation activities by the Federal department or
 3 agency as a direct result of any provision of the En-
 4 dangered Species Act of 1973 (16 U.S.C. 1531 et
 5 seq.) (including any regulation promulgated pursu-
 6 ant to that Act) during—

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

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

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

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

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

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

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

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

12 (D) as applicable, describes the conserva-
 13 tion activities that required interaction between
 14 Federal agencies and between Federal agencies
 15 and State and Tribal agencies and units of local
 16 government pursuant to the Endangered Spe-
 17 cies Act of 1973 (16 U.S.C. 1531 et seq.).

18 **SEC. 404. USE OF VALUE OF LAND FOR COST SHARING.**

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

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

22 and

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

1 **“SEC. 13. VALUE OF LAND.**

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

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