

AMERICA’S CONSERVATION ENHANCEMENT  
REAUTHORIZATION ACT OF 2024

---

NOVEMBER 18, 2024.—Ordered to be printed

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Mr. WESTERMAN, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 8811]

The Committee on Natural Resources, to whom was referred the bill (H.R. 8811) to reauthorize the America’s Conservation Enhancement Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “America’s Conservation Enhancement Reauthorization Act of 2024”.

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

Sec. 1. Short title; table of contents.

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

- Sec. 101. Losses of livestock due to depredation by federally protected species.
- Sec. 102. Black vulture livestock protection program.
- Sec. 103. Chronic Wasting Disease Task Force.
- Sec. 104. Protection of water, oceans, coasts, and wildlife from invasive species.
- Sec. 105. North American Wetlands Conservation Act.
- Sec. 106. National Fish and Wildlife Foundation Establishment Act.
- Sec. 107. Modification of definition of sport fishing equipment under TSCA.
- Sec. 108. Chesapeake Bay Program.
- Sec. 109. Chesapeake Bay Initiative Act of 1998.
- Sec. 110. Chesapeake Watershed Investments for Landscape Defense.

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

- Sec. 201. National Fish Habitat Board.
- Sec. 202. Fish Habitat Partnerships.
- Sec. 203. Fish habitat conservation projects.
- Sec. 204. Technical and scientific assistance.
- Sec. 205. Accountability and reporting.
- Sec. 206. Funding.
- Sec. 207. Technical correction.

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

### SEC. 101. LOSSES OF LIVESTOCK DUE TO DEPREDAATION BY FEDERALLY PROTECTED SPECIES.

Section 102(d) of the America’s Conservation Enhancement Act (7 U.S.C. 8355(d)) is amended, in the matter preceding paragraph (1), by striking “2025” and inserting “2030”.

### SEC. 102. BLACK VULTURE LIVESTOCK PROTECTION PROGRAM.

Section 103 of the America’s Conservation Enhancement Act (7 U.S.C. 8356) is amended—

- (1) in the section heading, by inserting “; **BLACK VULTURE LIVESTOCK PROTECTION PROGRAM**” after “**COMMON RAVENS**” and conforming the table of contents accordingly;
- (2) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;
- (3) in each of paragraphs (2) and (3) (as so redesignated), by striking “subsection (a)” and inserting “paragraph (1)”;
- (4) by inserting before paragraph (1) (as so redesignated) the following:
  - “(a) **DEPREDAATION PERMITS FOR BLACK VULTURES AND COMMON RAVENS.—**”; and
  - (5) by adding at the end the following:
    - “(b) **BLACK VULTURE LIVESTOCK PROTECTION PROGRAM.—**
      - “(1) **IN GENERAL.—**The Secretary, in coordination with States, shall carry out, through fiscal year 2030, a black vulture livestock protection program (referred to in this subsection as the ‘program’) that allows 1 public entity or Farm Bureau organization per State to hold a statewide depredation permit to protect commercial agriculture livestock from black vulture predation.
      - “(2) **REQUIREMENTS.—**Each public entity or Farm Bureau organization that holds a depredation permit under the program—
        - “(A) shall—
          - “(i) demonstrate sufficient experience and capacity to provide government regulated services to the public, as determined by the Secretary;
          - “(ii) submit a complete depredation permit application, as determined by the Secretary, for review and approval according to procedures of the United States Fish and Wildlife Service;
          - “(iii) be responsible for complying with, and ensuring subpermittee compliance with, as applicable, all permit conditions; and
          - “(iv) be responsible for collecting, managing, and reporting required information under the permit; and
        - “(B) may subpermit to livestock producers to take black vultures for the purposes of livestock protection.
      - “(3) **STUDY.—**The Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall carry out a study on whether prescribed take levels of black vultures may be increased for subpermittees within a biologically sustainable take level for the population.
      - “(4) **REPORT.—**Not later than 1 year after the date of enactment of the America’s Conservation Enhancement Reauthorization Act of 2024, the Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall submit to the Chair and Ranking Member of the Committee on Environment and Public Works of the Senate and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives a report on the status of the program, including the results of the study required under paragraph (3).”.

### SEC. 103. CHRONIC WASTING DISEASE TASK FORCE.

Section 104 of the America’s Conservation Enhancement Act (16 U.S.C. 667h) is amended—

- (1) in subsection (b)—
  - (A) in paragraph (1), by striking “after the completion of the study required by subsection (c)”;
  - (B) in paragraph (5)(A), by striking “180 days after the date on which the study is completed under subsection (c)” and inserting “90 days after the date of the enactment of the America’s Conservation Enhancement Reauthorization Act of 2024. The efforts of the Task Force shall not be contingent on the completion of the study required by subsection (c)”;
- (2) in subsection (d)(1), by striking “2025” and inserting “2030”.

**SEC. 104. PROTECTION OF WATER, OCEANS, COASTS, AND WILDLIFE FROM INVASIVE SPECIES.**

Section 10(p) of the Fish and Wildlife Coordination Act (16 U.S.C. 666c-1(p)) is amended, in the matter preceding paragraph (1), by striking “2025” and inserting “2030”.

**SEC. 105. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking “2025” and inserting “2030”.

**SEC. 106. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.**

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking “2025” and inserting “2030”; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “and cooperative agreements,” and inserting “, cooperative agreements, participating agreements, and similar instruments used for providing partnership funds,”;

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

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

“(B) FUNDING AGREEMENTS.—Federal departments, agencies, and instrumentalities may enter into a Federal funding agreement with the Foundation for a period of not more than 10 years.”; and

(D) in subparagraph (C) (as so redesignated), by inserting “, and should when possible,” after “may”.

**SEC. 107. MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER TSCA.**

Section 108(a) of the America’s Conservation Enhancement Act (15 U.S.C. 2601 note) is amended by striking “During the 5-year period beginning on the date of enactment of this Act” and inserting “During the period beginning on the date of enactment of the America’s Conservation Enhancement Reauthorization Act of 2024 and ending on September 30, 2030”.

**SEC. 108. CHESAPEAKE BAY PROGRAM.**

Section 117(j) of the Federal Water Pollution Control Act (33 U.S.C. 1267(j)) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) for each of fiscal years 2026 through 2030, \$92,000,000.”.

**SEC. 109. CHESAPEAKE BAY INITIATIVE ACT OF 1998.**

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105-312; 112 Stat. 2963; 134 Stat. 920) is amended by striking “2025” and inserting “2030”.

**SEC. 110. CHESAPEAKE WATERSHED INVESTMENTS FOR LANDSCAPE DEFENSE.**

Section 111(e)(1) of the America’s Conservation Enhancement Act (33 U.S.C. 1267 note) is amended by striking “2025” and inserting “2030”.

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

**SEC. 201. NATIONAL FISH HABITAT BOARD.**

Section 203 of the America’s Conservation Enhancement Act (16 U.S.C. 8203) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking “26 members” and inserting “28 members”;

(B) by amending subparagraph (A) to read as follows:

“(A) 2 shall be representatives of the Department of the Interior, including the United States Fish and Wildlife Service and the Bureau of Land Management.”; and

(C) by striking subparagraphs (G) and (H) and inserting the following:

“(G) 2 shall be representatives of Indian Tribes, of whom—

“(i) 1 shall be a representative of Indian Tribes in the State of Alaska; and

- “(ii) 1 shall be a representative of Indian Tribes in States other than the State of Alaska;
- “(H) 2 shall be representatives of—
  - “(i) the Regional Fishery Management Councils established by section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)); or
  - “(ii) the Marine Fisheries Commissions;”; and
- (2) in subsection (e)(1)(B), by striking “all members” and inserting “the members present”.

**SEC. 202. FISH HABITAT PARTNERSHIPS.**

Section 204 of the America’s Conservation Enhancement Act (16 U.S.C. 8204) is amended—

- (1) in subsection (e)—
  - (A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “, subject to paragraph (3),” after “Act and”; and
  - (B) by adding at the end the following:
    - “(3) LIMITATION.—The Board shall only submit a report required under paragraph (1) in the fiscal years in which the Board is proposing modifications to, or new designations of, 1 or more Partnerships.”; and
    - (2) by amending subsection (f) to read as follows:
      - “(f) DESIGNATION OR MODIFICATION OF PARTNERSHIP.—
        - “(1) IN GENERAL.—Congress shall have the exclusive authority to designate or modify a Partnership.
        - “(2) DESIGNATION OR MODIFICATION PROCESS.—A Partnership designation or modification the Board recommends to Congress shall be deemed to be approved by Congress if Congress does not pass a joint resolution of disapproval with respect to the designation or modification by the date that is 90 days after the date on which the relevant congressional committees receive such recommendation.”.

**SEC. 203. FISH HABITAT CONSERVATION PROJECTS.**

Section 205 of the America’s Conservation Enhancement Act (16 U.S.C. 8205) is amended—

- (1) in subsection (b), by striking “for the following fiscal year”; and
- (2) in subsection (e)—
  - (A) by striking paragraph (1) and inserting the following:
    - “(1) IN GENERAL.—The non-Federal share of the total cost of all fish habitat conservation projects carried out by a Partnership each year shall be at least 50 percent.”; and
    - (B) in paragraph (2), in the matter preceding subparagraph (A), by striking “Such non-Federal share of the cost of a fish habitat conservation project” and inserting “The non-Federal share described in paragraph (1)”.

**SEC. 204. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

Section 206(a) of the America’s Conservation Enhancement Act (16 U.S.C. 8206(a)) is amended by inserting “, the Bureau of Land Management,” after “the Forest Service”.

**SEC. 205. ACCOUNTABILITY AND REPORTING.**

Section 209 of the America’s Conservation Enhancement Act (16 U.S.C. 8209) is amended—

- (1) by striking subsection (b);
- (2) in subsection (a)—
  - (A) by striking the subsection designation and heading and all that follows through “Not later than” in paragraph (1) and inserting the following:
    - “(a) IN GENERAL.—Not later than”; and
    - (B) by redesignating paragraph (2) as subsection (b) and indenting appropriately; and
  - (3) in subsection (b) (as so redesignated)—
    - (A) in the matter preceding subparagraph (A), by striking “paragraph (1)” and inserting “subsection (a)”; and
    - (B) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (5), respectively, and indenting appropriately;
    - (C) in paragraph (3) (as so redesignated), by striking “and” at the end;
    - (D) by inserting after paragraph (3) (as so redesignated) the following:
      - “(4) a description of the status of fish habitats in the United States as identified by Partnerships; and”; and
      - (E) in paragraph (5) (as so redesignated)—
        - (i) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately; and

(ii) in subparagraph (C) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.

**SEC. 206. FUNDING.**

Section 212(a) of the America's Conservation Enhancement Act (16 U.S.C. 8212(a)) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting “PARTNERSHIPS AND” after “HABITAT”;

(B) by striking “2025” and inserting “2030”; and

(C) by inserting “Partnership operations under section 204 and” after “to provide funds for”;

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “2025” and inserting “2030”; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “2025” and inserting “2030”.

**SEC. 207. TECHNICAL CORRECTION.**

Section 211 of the America's Conservation Enhancement Act (16 U.S.C. 8211) is amended, in the matter preceding paragraph (1), by striking “The Federal Advisory Committee Act (5 U.S.C. App.)” and inserting “Chapter 10 of title 5, United States Code (commonly known as the ‘Federal Advisory Committee Act’),”.

**PURPOSE OF THE LEGISLATION**

The purpose of H.R. 8811 is to reauthorize the America's Conservation Enhancement Act, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

H.R. 8811, as amended, would reauthorize and amend several conservation programs authorized by the America's Conservation Enhancement (ACE) Act,<sup>1</sup> and ensures the continued success of proactive, voluntary, and collaborative efforts for the benefit of species and sportsmen and women.

Title I includes a clean reauthorizations of the North American Wetlands Conservation Act and several programs related to the Chesapeake Bay region. It would also Congressionally authorize the sub-permit structure of the U.S. Fish and Wildlife Service's (Service) Black Vulture Livestock Protection Program. The Service issues permits to States or State farm bureaus, who then issue sub-permits to livestock producers. The bill requires the Service, in conjunction with the U.S. Department of Agriculture, to conduct a study to determine if take levels may be increased for sub permittees.

Title I, as amended, would reauthorize the Chronic Wasting Disease (CWD) Task Force and remove a requirement for the National Academy of Sciences to publish a study on CWD before the task force can convene. The bill instead requires the Task Force to convene within 90 days of enactment. It would also reauthorize the National Fish and Wildlife Foundation (NFWF) Establishment Act. Specifically, it would amend NFWF's authorizing statute to clarify that federal agencies may enter into an agreement with NFWF to administer a federal grant program for no more than ten years.

Title II would reauthorize and make technical changes to the National Fish Habitat Partnership (NFHP) Program. The technical changes include modifying the composition of the National Fish Habitat Board to ensure representation from Tribes, Regional Fishery Management Councils, and Marine Fisheries Commissions. As

<sup>1</sup> Public Law 116–188.

amended, the bill requires Congress to pass a resolution of disapproval within 90 days, if it disagrees with the National Fish Habitat Board's partnership designation recommendations. The bill would reauthorize NFHP through fiscal year 2030 at existing authorized appropriations levels.

#### COMMITTEE ACTION

H.R. 8811 was introduced on June 21, 2024, by Rep. Robert Wittman (R-VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. The bill was also referred to the Committee on Transportation and Infrastructure, the Committee on Agriculture, and the Committee on Energy and Commerce. On July 9, 2024, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On September 19, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 8811 by unanimous consent. Representative Jen Kiggans (R-VA) offered an Amendment in the Nature of a Substitute designated Kiggans\_095 ANS. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

#### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on July 9, 2024.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title; table of contents*

*This Act may be cited as the “America’s Conservation Enhancement Reauthorization Act of 2024”.*

#### TITLE I: WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

##### *Sec. 101*

- Reauthorizes a grant program to compensate farmers and ranchers who lose livestock due to depredation by a federally protected species, through fiscal year (FY) 2030.

##### *Sec. 102*

- Congressionally authorizes the Black Vulture Livestock Protection Program through FY 2030.
- Under the program, the Service is required to issue a state-wide depredation permit to one public entity or Farm Bureau organization per state. The permit holder may issue sub-permits to individual livestock producers for the purpose of protecting their livestock.
- Requires the Service, in consultation with the Animal and Plant Health Inspection Service, to conduct a study on whether prescribed take levels of black vultures may be increased for permittees within a biologically sustainable take level.

- Requires a report to Congress on the status of the program and the results of the study no later than 1 year after enactment.

*Sec. 103*

- Reauthorizes the Chronic Wasting Disease Task Force through FY 2030.
- Removes the requirement for a National Academy of Science study on Chronic Wasting Disease to be published before the task force can convene.
- Requires the Service to convene the task force within 90 days of enactment of the bill.

*Sec. 104*

- Reauthorizes Section 10(p) of the Fish and Wildlife Coordination Act through FY 2030 which directs the Secretaries of the Army (Army Corps), the Interior, and Agriculture to plan and carry out activities to protect water and wildlife by controlling and managing invasive species.

*Sec. 105*

- Reauthorizes the North American Wetlands Conservation Act through FY 2030.

*Sec. 106*

- Reauthorizes the National Fish and Wildlife Foundation (NFWF) through FY 2030.
- Clarifies that federal agencies may enter into federal funding agreements with NFWF for not more than 10 years.

*Sec. 107*

- Reauthorizes Section 108(a) of the ACE Act of 2020 through FY 2030, which prohibits the Environmental Protection Agency from taking any action to regulate the lead content of sport fishing equipment or sport fishing equipment components under the Toxic Substances Control Act.

*Sec. 108*

- Reauthorizes the Environmental Protection Agency's (EPA) Chesapeake Bay Program through FY 2030.

*Sec. 109*

- Reauthorizes the Department of the Interior's (DOI) Chesapeake Bay Initiative Act of 1998 through FY 2030.

*Sec. 110*

- Reauthorizes the DOI's Chesapeake Watershed Investments for Landscape Defense Program through FY 2030.

TITLE II: NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

*Sec. 201*

- Amends the composition of the National Fish Habitat Board by increasing the number of members from 26 to 28. Mandates that two of the members be representatives of the Department of the In-

terior, two representatives be from Tribes (one from Alaska, one from a State other than Alaska), and two representatives be from a Regional Fishery Management Council and a Marine Fisheries Commission.

*Sec. 202*

- Amends Section 204(e) of the ACE Act of 2020 to require the National Fish Habitat Board to submit a report to Congress in fiscal years in which it is proposing modifications to, or new designations of, fish habitat partnerships.
- Fish habitat partnerships that are recommended to Congress by the National Fish Habitat Board are deemed approved unless Congress passes a joint resolution of disapproval within 90 days of the recommendation being made.

*Sec. 203*

- Amends Section 205 of the ACE Act of 2020 to require the non-federal cost share of all fish habitat conservation projects carried out by a fish habitat partnership to be at least 50 percent.

*Sec. 204*

- Adds the Bureau of Land Management as an agency that may provide technical assistance under the Act.

*Sec. 205*

- Adds a requirement to include in the 5-year report describing the progress of fish habitat partnerships a description of status of fish habitats in the United States as identified by partnerships.

*Sec. 206*

- Reauthorizes appropriations at current funding levels for the Fish Habitat and Partnerships Conservation Projects through FY 2030.

*Sec. 207*

- Makes a technical correction related to how the Federal Advisory Committee Act is cited in statute.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.



2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the America's Conservation Enhancement Act, and for other purposes.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

#### EXISTING PROGRAMS

*Directed Rule Making.* This bill does not contain any directed rule makings.

*Duplication of Existing Programs.* This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

## AMERICA'S CONSERVATION ENHANCEMENT ACT

\* \* \* \* \*

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

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

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

Sec. 1. Short title; table of contents.

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

\* \* \* \* \*

Sec. 103. Depredation permits for black vultures and common ravens; *black vulture livestock protection program*.

\* \* \* \* \*

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

\* \* \* \* \*

### SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDAATION BY FEDERALLY PROTECTED SPECIES.

(a) **DEFINITIONS.**—In this section:

(1) **DEPREDAATION.**—

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

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

(i) damage to—

(I) other animals;

(II) vegetation;

(III) motor vehicles; or

(IV) structures;

(ii) diseases;

(iii) lost profits; or

(iv) consequential damages.

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

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

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

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

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

(4) **LIVESTOCK.**—

(A) **IN GENERAL.**—The term “livestock” means horses, mules and asses, rabbits, llamas, cattle, bison, swine,

sheep, goats, poultry, bees, honey and beehives, or any other animal generally used for food or in the production of food or fiber.

(B) INCLUSION.—The term “livestock” includes guard animals actively engaged in the protection of livestock described in subparagraph (A).

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

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

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

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

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

(1) IN GENERAL.—The Secretaries shall establish a program to provide grants to States and Indian Tribes to supplement amounts provided by States, Indian Tribes, or State agencies under 1 or more programs established by the States and Indian Tribes (including programs established after the date of enactment of this Act)—

(A) to assist livestock producers in carrying out—

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

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

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

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

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

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

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

(2) ALLOCATION OF FUNDING.—

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

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

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

(B) ALLOCATION.—The Secretaries shall allocate available funding to carry out this Act among States and Indian Tribes for a 1-year period ending on September 30 based on the losses described in the reports submitted for the

previous 1-year period ending on September 30 under subparagraph (A).

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

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

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

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

(D) submit to the Secretaries—

(i) annual reports that include—

(I) a summary of claims and expenditures under the program during the year; and

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

(ii) such other reports as the Secretaries may require to assist the Secretaries in determining the effectiveness of assisted activities under this section.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) no State or Indian Tribe is required to participate in the program; and

(2) the program supplements, and does not replace or supplant, any State compensation programs for depredation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2021 through ~~2025~~ 2030, of which—

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

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

**SEC. 103. DEPREDAATION PERMITS FOR BLACK VULTURES AND COMMON RAVENS; *BLACK VULTURE LIVESTOCK PROTECTION PROGRAM*.**

*(a) DEPREDAATION PERMITS FOR BLACK VULTURES AND COMMON RAVENS.—*

**[(a)] (1) IN GENERAL.**—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the “Secretary”), may issue depredation permits to livestock producers authorizing takings of black vultures or common ravens otherwise prohibited by Federal law to prevent those vultures or common ravens from taking livestock during the calving season or lambing season.

**[(b)] (2) LIMITED TO AFFECTED STATES OR REGIONS.**—The Secretary may issue permits under **[(subsection (a))] paragraph (1)** only to livestock producers in States and regions in which livestock producers are affected or have been affected in the previous year by black vultures or common ravens, as determined by Secretary.

**[(c)] (3) REPORTING.**—The Secretary shall require, as a condition of a permit under **[(subsection (a))] paragraph (1)**, that the permit holder shall report to the appropriate enforcement

agencies the takings of black vultures or common ravens pursuant to the permit.

**(b) BLACK VULTURE LIVESTOCK PROTECTION PROGRAM.—**

*(1) IN GENERAL.—The Secretary, in coordination with States, shall carry out, through fiscal year 2030, a black vulture livestock protection program (referred to in this subsection as the “program”) that allows 1 public entity or Farm Bureau organization per State to hold a statewide depredation permit to protect commercial agriculture livestock from black vulture predation.*

*(2) REQUIREMENTS.—Each public entity or Farm Bureau organization that holds a depredation permit under the program—*

*(A) shall—*

*(i) demonstrate sufficient experience and capacity to provide government regulated services to the public, as determined by the Secretary;*

*(ii) submit a complete depredation permit application, as determined by the Secretary, for review and approval according to procedures of the United States Fish and Wildlife Service;*

*(iii) be responsible for complying with, and ensuring subpermittee compliance with, as applicable, all permit conditions; and*

*(iv) be responsible for collecting, managing, and reporting required information under the permit; and*

*(B) may subpermit to livestock producers to take black vultures for the purposes of livestock protection.*

*(3) STUDY.—The Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall carry out a study on whether prescribed take levels of black vultures may be increased for subpermittees within a biologically sustainable take level for the population.*

*(4) REPORT.—Not later than 1 year after the date of enactment of the America’s Conservation Enhancement Reauthorization Act of 2024, the Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall submit to the Chair and Ranking Member of the Committee on Environment and Public Works of the Senate and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives a report on the status of the program, including the results of the study required under paragraph (3).*

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

**(a) DEFINITIONS.—**In this section:

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

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

**(A)** is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

**(B)** belongs to the group of diseases known as transmissible spongiform encephalopathies, which group in-

cludes scrapie, bovine spongiform encephalopathy, and Creutzfeldt-Jakob disease.

(3) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, and the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the United States Fish and Wildlife Service, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish within the United States Fish and Wildlife Service a task force, to be known as the “Chronic Wasting Disease Task Force” (referred to in this subsection as the “Task Force”) [after the completion of the study required by subsection (c)].

(2) DUTIES.—The Task Force shall—

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

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

(i) the interstate coordination of practices to prevent the new introduction of chronic wasting disease;

(ii) the prioritization and coordination of the future study of chronic wasting disease, based on evolving research needs;

(iii) ways to leverage the collective resources of Federal, State, and local agencies, Indian Tribes, and foreign governments, and resources from private, non-governmental entities, to address chronic wasting disease in the United States and along the borders of the United States; and

(iv) any other area where containment or management efforts relating to chronic wasting disease may differ across jurisdictions; and

(C) develop, from the recommendations developed under subparagraph (B), an action plan that gives States, the Federal Government, Indian Tribes, and the farmed cervid industry specific recommendations to ensure consistent and coordinated management and focused, prioritized research to stop the spread of and mitigate the impacts of chronic wasting disease.

(3) MEMBERSHIP.—

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

(i) 1 representative of the United States Fish and Wildlife Service with experience in chronic wasting disease, to be appointed by the Secretary of the Interior (referred to in this subsection as the “Secretary”);

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

(iii) 2 representatives of the Department of Agriculture with experience in chronic wasting disease, to be appointed by the Secretary of Agriculture—

(I) 1 of whom shall have expertise in cervid health research; and

(II) 1 of whom shall have expertise in wildlife management;

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

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

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

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

(vi) not more than 2 representatives from an Indian Tribe or Tribal organization chosen in a process determined, in consultation with Indian Tribes, by the Secretary; and

(vii) not more than 5 nongovernmental members with relevant expertise appointed, after the date on which the members are first appointed under clauses (i) through (vi), by a majority vote of the State representatives appointed under clause (iv).

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

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

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

(B) 1 of the Federal representatives described in paragraph (3)(A)(iii); and

(C) 1 State representative appointed under paragraph (3)(A)(iv), to be selected by a majority vote of those State representatives.

(5) DATE OF INITIAL APPOINTMENT.—

(A) IN GENERAL.—The members of the Task Force shall be appointed not later than **180 days** after the date on which the study is completed under subsection (c) *90 days after the date of the enactment of the America's Conservation Enhancement Reauthorization Act of 2024. The efforts of the Task Force shall not be contingent on the completion of the study required by subsection (c).*

(B) NOTIFICATION.—On appointment of the members of the Task Force, the Co-Chairs of the Task Force shall notify the Chairs and Ranking Members of the Committees

on Environment and Public Works and Agriculture, Nutrition, and Forestry of the Senate and Natural Resources and Agriculture of the House of Representatives.

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

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

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

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

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

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

(8) INTERSTATE ACTION PLAN.—

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

(B) COOPERATIVE AGREEMENTS.—

(i) IN GENERAL.—To the maximum extent practicable, the Secretaries, any other applicable Federal agency, and each applicable State may enter into a cooperative agreement to fund necessary actions under the interstate action plan submitted under subparagraph (A).

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

(C) MATCHING FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), for each fiscal year, the Secretaries may provide funds to carry out an interstate action plan through a cooperative agreement under subparagraph (B) in the amount of funds provided by the applicable States.

(ii) LIMITATION.—The amount provided by the United States Fish and Wildlife Service under clause (i) for a fiscal year shall be not greater than \$5,000,000.

(9) REPORTS.—Not later than September 30 of the first full fiscal year after the date on which the first members of the Task Force are appointed, and each September 30 thereafter, the Task Force shall submit to the Secretaries, and the heads of the State agencies with jurisdiction over wildlife disease and farmed cervid regulation of each State with a representatives on the Task Force, a report describing—

(A) progress on the implementation of actions identified in the interstate action plan submitted under paragraph



(8)(A), including the efficacy of funding under the cooperative agreement entered into under paragraph (8)(B);

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

(C) any relevant updates to the recommended best management practices included in the interstate action plan submitted under paragraph (8)(B) to reduce or eliminate chronic wasting disease;

(D) new research findings and emerging research needs relating to chronic wasting disease; and

(E) any other relevant information.

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

(1) DEFINITION OF ACADEMY.—In this subsection, the term “Academy” means the National Academy of Sciences.

(2) STUDY.—

(A) IN GENERAL.—The Secretaries shall enter into an arrangement with the Academy under which the Academy shall conduct, and submit to the Secretaries a report describing the findings of, a special resource study to identify the predominant pathways and mechanisms of the transmission of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States.

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

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

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

(i)(I) to the extent possible, the pathways and mechanisms for the transmission of chronic wasting disease within live cervid populations and cervid products, which may include pathways and mechanisms for transmission from Canada;

(II) the infection rates for each pathway and mechanism identified under subclause (I); and

(III) the relative frequency of transmission of each pathway and mechanism identified under subclause (I);

(ii)(I) anthropogenic and environmental factors contributing to new chronic wasting disease emergence events;

(II) the development of geographical areas with increased chronic wasting disease prevalence; and

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

(iii) significant gaps in current scientific knowledge regarding the transmission pathways and mechanisms identified under clause (i)(I) and potential prevention, detection, and control methods identified under clause (v);

(iv) for prioritization the scientific research projects that will address the knowledge gaps identified under clause (iii), based on the likelihood that a project will contribute significantly to the prevention or control of chronic wasting disease; and

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

(B) assess the effectiveness of the potential prevention, detection, or control measures, practices, or technologies identified under subparagraph (A)(v); and

(C) review and compare science-based best practices, standards, and guidance regarding the prevention, detection, and 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 National Wildlife Research Center of the Animal and Plant Health Inspection Service;

(iii) the United States Geological Survey;

(iv) 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 chronic wasting disease in the United States; and

(v) industry or academia, in the case of any published guidance on practices that provide practical, science-based recommendations to cervid producers for minimizing or eliminating the risk of transmission of chronic wasting disease within or between herds.

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

(5) DATA SHARING.—The Secretaries shall share with the Academy, as necessary to conduct the study under paragraph (2), subject to the avoidance of a violation of a privacy or confidentiality requirement and the protection of confidential or privileged commercial, financial, or proprietary information, data and access to databases and research information on chronic wasting disease under the jurisdiction of—

(A) the Animal and Plant Health Inspection Service; and

(B) the United States Geological Survey.

(6) REPORT.—Not later than 60 days after the date of completion of the study, the Secretaries shall submit to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the findings of the study; and

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

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

(1) for the period of fiscal years 2021 through **[2025]** 2030, \$5,000,000 to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to carry out administrative activities under subsection (b);

(2) for fiscal year 2021, \$1,200,000 to the Secretary of the Interior, acting through the Director of the United States Geological Survey, to carry out activities to fund research under subsection (c); and

(3) for fiscal year 2021, \$1,200,000 to the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, to carry out activities to fund research under subsection (c).

\* \* \* \* \*

**SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER TOXIC SUBSTANCES CONTROL ACT.**

(a) PROHIBITION.—**[During the 5-year period beginning on the date of enactment of this Act]** *During the period beginning on the date of enactment of the America’s Conservation Enhancement Reauthorization Act of 2024 and ending on September 30, 2030*, the Administrator of the Environmental Protection Agency shall not take any action to regulate the lead content of sport fishing equipment or sport fishing equipment components under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

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

\* \* \* \* \*

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

(a) DEFINITIONS.—In this section:

(1) CHESAPEAKE BAY AGREEMENTS.—The term “Chesapeake Bay agreements” means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay watershed ecosystem and the living resources of the Chesapeake Bay watershed ecosystem; and

(B) signed by the Chesapeake Executive Council.

(2) CHESAPEAKE BAY PROGRAM.—The term “Chesapeake Bay program” means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay agreements.

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

(A) the Chesapeake Bay;

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

(C) the District of Columbia.

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

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

(B) the Mayor of the District of Columbia;

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

(D) the Administrator of the Environmental Protection Agency.

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

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

(7) RESTORATION AND PROTECTION ACTIVITY.—The term “restoration and protection activity” means an activity carried out for the conservation, stewardship, and enhancement of habitat for fish and wildlife—

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

(B) for use and enjoyment by the public.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(b) PROGRAM ESTABLISHMENT.—

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

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

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

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

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

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

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

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

(iv) to improve opportunities for public access and recreation in the Chesapeake Bay watershed consistent with the ecological needs of fish and wildlife habitat;

(v) to facilitate strategic planning to maximize the resilience of natural ecosystems and habitats under changing watershed conditions;

(vi) to engage the public through outreach, education, and citizen involvement to increase capacity and support for coordinated restoration and protection activities in the Chesapeake Bay watershed;

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

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

(ix) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities.

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

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

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

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

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

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

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

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

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

(iii) the Chief of the Natural Resources Conservation Service;

(iv) the Chief of Engineers;

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

(vi) the Secretary of Transportation;

(vii) the Chief of the Forest Service; and

(viii) the head of any other applicable agency;

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

(C) fish and wildlife joint venture partnerships; and

(D) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Chesapeake Bay watershed.

(c) GRANTS AND TECHNICAL ASSISTANCE.—

(1) CHESAPEAKE WILD GRANT PROGRAM.—To the extent that funds are made available to carry out this subsection, the Secretary shall establish and carry out, as part of the Chesapeake WILD program, a voluntary grant and technical assistance program, to be known as the “Chesapeake Watershed Investments for Landscape Defense grant program”, 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 as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

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

(4) COST SHARING.—

(A) DEPARTMENT OF THE INTERIOR SHARE.—The Department of the Interior share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the project, as determined by the Secretary.

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

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

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

(5) ADMINISTRATION.—The Secretary may enter into an agreement to manage the grant program with an organization that offers grant management services.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2021 through **[2025]** 2030.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under paragraph (1) shall supplement, and not supplant, funding for other activities conducted by the Secretary in the Chesapeake Bay watershed.

## TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNER- SHIPS

\* \* \* \* \*

### SEC. 203. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

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

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

(B) to establish national goals and priorities for fish habitat conservation;

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

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

(2) MEMBERSHIP.—The Board shall be composed of **[26 members]** 28 *members*, of whom—

**[(A) 1 shall be a representative of the Department of the Interior;]**

*(A) 2 shall be representatives of the Department of the Interior, including the United States Fish and Wildlife Service and the Bureau of Land Management;*

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

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish

and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

[(G) 2 shall be representatives of either—

[(i) Indian Tribes in the State of Alaska; or

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

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

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

[(ii) a representative of the Marine Fisheries Commissions; ]

(G) 2 shall be representatives of Indian Tribes, of whom—

(i) 1 shall be a representative of Indian Tribes in the State of Alaska; and

(ii) 1 shall be a representative of Indian Tribes in States other than the State of Alaska;

(H) 2 shall be representatives of—

(i) the Regional Fishery Management Councils established by section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)); or

(ii) the Marine Fisheries Commissions;

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

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

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

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

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

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

(O) 1 shall be an individual in a leadership position in the private sector or landowner representative of an active partnership.

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

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsist-



ence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

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

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—The initial Board shall consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board under subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (O) of subsection (a)(2).

(C) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than three Tribal representatives, from which the Board shall appoint one representative pursuant to subparagraph (G) of subsection (a)(2).

(3) STAGGERED TERMS.—Of the members described in subsection (a)(2)(J) initially appointed to the Board—

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

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

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

(4) VACANCIES.—

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

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than three Tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (O) of subsection (a)(2) misses three consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed under subsection (a)(2)(E) shall serve as Chairperson of the Board.

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

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

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

(e) PROCEDURES.—

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

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

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

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

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

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

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

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

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

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

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats;

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

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

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

(6) to use adaptive management principles, including evaluation of project success and functionality;

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

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

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

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

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

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

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

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

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) REQUIREMENTS FOR RECOMMENDATION TO CONGRESS.—The Board may recommend to Congress for designation an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

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

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

(3) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, coral reefs, and estuaries;

(4) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decision making;

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

(6) includes a governance structure that—

(A) reflects the range of all partners; and

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

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

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

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act and, *subject to paragraph (3)*, each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled “Report to Congress on Future Fish Habitat Partnerships and Modifications”, that—

(A) identifies each entity that—

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

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

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

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

(i) the purpose of the recommended Partnership; and

(ii) how the recommended Partnership fulfills the requirements described in subsection (d).

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

(A) make the report publicly available, including on the internet; and

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

(3) LIMITATION.—*The Board shall only submit a report required under paragraph (1) in the fiscal years in which the Board is proposing modifications to, or new designations of, 1 or more Partnerships.*

[(f) DESIGNATION OR MODIFICATION OF PARTNERSHIP.—Congress shall have the exclusive authority to designate or modify a Partnership. ]

(f) DESIGNATION OR MODIFICATION OF PARTNERSHIP.—

(1) IN GENERAL.—*Congress shall have the exclusive authority to designate or modify a Partnership.*

(2) DESIGNATION OR MODIFICATION PROCESS.—*A Partnership designation or modification the Board recommends to Congress shall be deemed to be approved by Congress if Congress does not pass a joint resolution of disapproval with respect to the designation or modification by the date that is 90 days after the date on which the relevant congressional committees receive such recommendation.*

(g) EXISTING PARTNERSHIPS.—

(1) DESIGNATION REVIEW.—Not later than 5 years after the date of enactment of this Act, any partnership receiving Federal funds as of the date of enactment of this Act shall be subject to a designation review by Congress in which Congress

shall have the opportunity to designate the partnership under subsection (f).

(2) **INELIGIBILITY FOR FEDERAL FUNDS.**—A partnership referred to in paragraph (1) that Congress does not designate as described in that paragraph shall be ineligible to receive Federal funds under this title.

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

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

(b) **RECOMMENDATIONS BY BOARD.**—Not later than July 1 of each year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this title [for the following fiscal year].

(c) **CRITERIA FOR PROJECT SELECTION.**—The Board shall select each fish habitat conservation project recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

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

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

(3) The extent to which the fish habitat conservation project—

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

(B) addresses the national priorities established by the Board;

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

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

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

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

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

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

(5) The extent to which the fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

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

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

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

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

(C) to identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION AUTHORITIES.—

(A) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this title if the acquisition ensures—

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

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) STATE AGENCY APPROVAL.—

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

(ii) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(C) ASSESSMENT OF OTHER AUTHORITIES.—The Board may not recommend, and the Secretary may not provide any funding under this title for, any real property interest acquisition unless the Partnership that recommended the project has conducted a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity conducted with funds provided under this title, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a Partnership.

(e) NON-FEDERAL CONTRIBUTIONS.—

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

*(1) IN GENERAL.—The non-Federal share of the total cost of all fish habitat conservation projects carried out by a Partnership each year shall be at least 50 percent.*

(2) NON-FEDERAL SHARE.—[Such non-Federal share of the cost of a fish habitat conservation project] *The non-Federal share described in paragraph (1)—*

(A) may not be derived from another Federal grant program; and

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

(3) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian Tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).

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

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), and subject to subsection (d)

and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

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

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

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

(a) IN GENERAL.—The Director, the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service, *the Bureau of Land Management*, and other appropriate Federal departments and agencies, may provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.

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

(1) providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

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

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

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

(6) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

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#### **SEC. 209. ACCOUNTABILITY AND REPORTING.**

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



[(2)] (b) CONTENTS.—Each report submitted under [paragraph (1)] subsection (a) shall include—

[(A)] (1) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by Partnerships under this title during the 5-year period ending on the date of submission of the report;

[(B)] (2) a description of the public access to fish habitats established or improved under this title during that 5-year period;

[(C)] (3) a description of the improved opportunities for public recreational fishing achieved under this title; [and]

(4) a description of the status of fish habitats in the United States as identified by Partnerships; and

[(D)] (5) an assessment of the status of fish habitat conservation projects carried out with funds provided under this title during that period, disaggregated by year, including—

[(i)] (A) a description of the fish habitat conservation projects recommended by the Board under section 205(b);

[(ii)] (B) a description of each fish habitat conservation project approved by the Secretary under section 205(f), in order of priority for funding;

[(iii)] (C) a justification for—

[(I)] (i) the approval of each fish habitat conservation project; and

[(II)] (ii) the order of priority for funding of each fish habitat conservation project;

[(iv)] (D) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 205(b) that was based on a factor other than the criteria described in section 205(c); and

[(v)] (E) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this title.

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

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

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

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

[(A) the activities of the Partnerships; or

[(B) any other activities carried out pursuant to this title. ]

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#### SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

[The Federal Advisory Committee Act (5 U.S.C. App.)] Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to—

(1) the Board; or

(2) any Partnership.

**SEC. 212. FUNDING.****(a) AUTHORIZATION OF APPROPRIATIONS.—**

(1) **FISH HABITAT PARTNERSHIPS AND CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2021 through **[2025]** 2030 to provide funds for *Partnership operations under section 204* and fish habitat conservation projects approved under section 205(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 2021 through **[2025]** 2030 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 209.

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There is authorized to be appropriated for each of fiscal years 2021 through **[2025]** 2030 to carry out, and provide technical and scientific assistance under, section 206—

(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;

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

(E) \$400,000 to the Secretary of Agriculture, acting through the Chief of the Forest Service, for use by the Forest Service.

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

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

(2) apply for, accept, and, subject to the availability of appropriations, use a grant from any individual or entity to carry out the purposes of this title; and

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

**(c) DONATIONS.—**

(1) **IN GENERAL.**—The Secretary may—

- (A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this title; and
- (B) accept donations of funds, property, and services to carry out the purposes of this title.
- (2) TREATMENT.—A donation accepted under this title—
  - (A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and
  - (B) may be—
    - (i) used directly by the Secretary; or
    - (ii) provided to another Federal department or agency through an interagency agreement.

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## FISH AND WILDLIFE COORDINATION ACT

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### SEC. 10. PROTECTION OF WATER, OCEANS, COASTS, AND WILDLIFE FROM INVASIVE SPECIES.

- (a) DEFINITIONS.—In this section:
  - (1) CONTROL.—The term “control”, with respect to an invasive species, means the eradication, suppression, or reduction of the population of the invasive species within the area in which the invasive species is present.
  - (2) ECOSYSTEM.—The term “ecosystem” means the complex of a community of organisms and the environment of the organisms.
  - (3) ELIGIBLE STATE.—The term “eligible State” means any of—
    - (A) a State;
    - (B) the District of Columbia;
    - (C) the Commonwealth of Puerto Rico;
    - (D) Guam;
    - (E) American Samoa;
    - (F) the Commonwealth of the Northern Mariana Islands;
 and
    - (G) the United States Virgin Islands.
  - (4) INVASIVE SPECIES.—
    - (A) IN GENERAL.—The term “invasive species” means an alien species, the introduction of which causes, or is likely to cause, economic or environmental harm or harm to human health.
    - (B) ASSOCIATED DEFINITION.—For purposes of subparagraph (A), the term “alien species”, with respect to a particular ecosystem, means any species (including the seeds, eggs, spores, or other biological material of the species that are capable of propagating the species) that is not native to the affected ecosystem.
  - (5) MANAGE; MANAGEMENT.—The terms “manage” and “management”, with respect to an invasive species, mean the active implementation of any activity—

- (A) to reduce or stop the spread of the invasive species; and
- (B) to inhibit further infestations of the invasive species, the spread of the invasive species, or harm caused by the invasive species, including investigations regarding methods for early detection and rapid response, prevention, control, or management of the invasive species.
- (6) PREVENT.—The term “prevent”, with respect to an invasive species, means—
  - (A) to hinder the introduction of the invasive species onto land or water; or
  - (B) to impede the spread of the invasive species within land or water by inspecting, intercepting, or confiscating invasive species threats prior to the establishment of the invasive species onto land or water of an eligible State.
- (7) SECRETARY CONCERNED.—The term “Secretary concerned” means—
  - (A) the Secretary of the Army, with respect to Federal land administered by the Corps of Engineers;
  - (B) the Secretary of the Interior, with respect to Federal land administered by the Secretary of the Interior through—
    - (i) the United States Fish and Wildlife Service;
    - (ii) the Bureau of Indian Affairs;
    - (iii) the Bureau of Land Management;
    - (iv) the Bureau of Reclamation; or
    - (v) the National Park Service;
  - (C) the Secretary of Agriculture, with respect to Federal land administered by the Secretary of Agriculture through the Forest Service; and
  - (D) the head or a representative of any other Federal agency the duties of whom require planning relating to, and the treatment of, invasive species for the purpose of protecting water and wildlife on land and coasts and in oceans and water.
- (8) SPECIES.—The term “species” means a group of organisms, all of which—
  - (A) have a high degree of genetic similarity;
  - (B) are morphologically distinct;
  - (C) generally—
    - (i) interbreed at maturity only among themselves; and
    - (ii) produce fertile offspring; and
  - (D) show persistent differences from members of allied groups of organisms.
- (b) CONTROL AND MANAGEMENT.—Each Secretary concerned shall plan and carry out activities on land directly managed by the Secretary concerned to protect water and wildlife by controlling and managing invasive species—
  - (1) to inhibit or reduce the populations of invasive species; and
  - (2) to effectuate restoration or reclamation efforts.
- (c) STRATEGIC PLAN.—
  - (1) IN GENERAL.—Each Secretary concerned shall develop a strategic plan for the implementation of the invasive species

program to achieve, to the maximum extent practicable, a substantive annual net reduction of invasive species populations or infested acreage on land or water managed by the Secretary concerned.

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

(A) in coordination with affected—

- (i) relevant Federal agencies;
- (ii) eligible States; and
- (iii) political subdivisions of eligible States;

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

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

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

(3) FACTORS FOR CONSIDERATION.—In developing a strategic plan under this subsection, the Secretary concerned shall take into consideration the economic and ecological costs of action or inaction, as applicable.

(d) COST-EFFECTIVE METHODS.—In selecting a method to be used to control or manage an invasive species as part of a specific control or management project conducted as part of a strategic plan developed under subsection (c), the Secretary concerned shall prioritize the use of methods that—

(1) effectively control and manage invasive species, as determined by the Secretary concerned, based on sound scientific data;

(2) minimize environmental impacts; and

(3) control and manage invasive species in the most cost-effective manner.

(e) COMPARATIVE ECONOMIC ASSESSMENT.—To achieve compliance with subsection (d), the Secretary concerned shall require a comparative economic assessment of invasive species control and management methods to be conducted.

(f) EXPEDITED ACTION.—

(1) IN GENERAL.—The Secretaries concerned shall use all tools and flexibilities available (as of the date of enactment of this section) to expedite the projects and activities described in paragraph (2).

(2) DESCRIPTION OF PROJECTS AND ACTIVITIES.—A project or activity referred to in paragraph (1) is a project or activity—

(A) to protect water or wildlife from an invasive species that, as determined by the Secretary concerned is, or will be, carried out on land or water that is—

- (i) directly managed by the Secretary concerned; and
- (ii) located in an area that is—

(I) at high risk for the introduction, establishment, or spread of invasive species; and

(II) determined by the Secretary concerned to require immediate action to address the risk identified in subclause (I); and

(B) carried out in accordance with applicable agency procedures, including any applicable—

- (i) land or resource management plan; or
- (ii) land use plan.

(g) ALLOCATION OF FUNDING.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned shall use not less than 75 percent for on-the-ground control and management of invasive species, which may include—

- (1) the purchase of necessary products, equipment, or services to conduct that control and management;
- (2) the use of integrated pest management options, including options that use pesticides authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);
- (3) the use of biological control agents that are proven to be effective to reduce invasive species populations;
- (4) the use of revegetation or cultural restoration methods designed to improve the diversity and richness of ecosystems;
- (5) the use of monitoring and detection activities for invasive species, including equipment, detection dogs, and mechanical devices;
- (6) the use of appropriate methods to remove invasive species from a vehicle or vessel capable of conveyance; or
- (7) the use of other effective mechanical or manual control methods.

(h) INVESTIGATIONS, OUTREACH, AND PUBLIC AWARENESS.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned may use not more than 15 percent for investigations, development activities, and outreach and public awareness efforts to address invasive species control and management needs.

(i) ADMINISTRATIVE COSTS.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, not more than 10 percent may be used for administrative costs incurred to carry out those programs, including costs relating to oversight and management of the programs, recordkeeping, and implementation of the strategic plan developed under subsection (c).

(j) REPORTING REQUIREMENTS.—Not later than 60 days after the end of the second fiscal year beginning after the date of enactment of this section, each Secretary concerned shall submit to Congress a report—

- (1) describing the use by the Secretary concerned during the 2 preceding fiscal years of funds for programs that address or include invasive species management; and
- (2) specifying the percentage of funds expended for each of the purposes specified in subsections (g), (h), and (i).

(k) RELATION TO OTHER AUTHORITY.—

(1) OTHER INVASIVE SPECIES CONTROL, PREVENTION, AND MANAGEMENT AUTHORITIES.—Nothing in this section precludes the Secretary concerned from pursuing or supporting, pursuant to any other provision of law, any activity regarding the control, prevention, or management of an invasive species, includ-

ing investigations to improve the control, prevention, or management of the invasive species.

(2) PUBLIC WATER SUPPLY SYSTEMS.—Nothing in this section authorizes the Secretary concerned to suspend any water delivery or diversion, or otherwise to prevent the operation of a public water supply system, as a measure to control, manage, or prevent the introduction or spread of an invasive species.

(1) USE OF PARTNERSHIPS.—Subject to the subsections (m) and (n), the Secretary concerned may enter into any contract or cooperative agreement with another Federal agency, an eligible State, a federally recognized Indian tribe, a political subdivision of an eligible State, or a private individual or entity to assist with the control and management of an invasive species.

(m) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—As a condition of a contract or cooperative agreement under subsection (1), the Secretary concerned and the applicable Federal agency, eligible State, political subdivision of an eligible State, or private individual or entity shall enter into a memorandum of understanding that describes—

(A) the nature of the partnership between the parties to the memorandum of understanding; and

(B) the control and management activities to be conducted under the contract or cooperative agreement.

(2) CONTENTS.—A memorandum of understanding under this subsection shall contain, at a minimum, the following:

(A) A prioritized listing of each invasive species to be controlled or managed.

(B) An assessment of the total acres of land or area of water infested by the invasive species.

(C) An estimate of the expected total acres of land or area of water infested by the invasive species after control and management of the invasive species is attempted.

(D) A description of each specific, integrated pest management option to be used, including a comparative economic assessment to determine the least-costly method.

(E) Any map, boundary, or Global Positioning System coordinates needed to clearly identify the area in which each control or management activity is proposed to be conducted.

(F) A written assurance that each partner will comply with section 15 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2814).

(3) COORDINATION.—If a partner to a contract or cooperative agreement under subsection (1) is an eligible State, political subdivision of an eligible State, or private individual or entity, the memorandum of understanding under this subsection shall include a description of—

(A) the means by which each applicable control or management effort will be coordinated; and

(B) the expected outcomes of managing and controlling the invasive species.

(4) PUBLIC OUTREACH AND AWARENESS EFFORTS.—If a contract or cooperative agreement under subsection (1) involves any outreach or public awareness effort, the memorandum of understanding under this subsection shall include a list of

goals and objectives for each outreach or public awareness effort that have been determined to be efficient to inform national, regional, State, Tribal, or local audiences regarding invasive species control and management.

(n) INVESTIGATIONS.—The purpose of any invasive species-related investigation carried out under a contract or cooperative agreement under subsection (l) shall be—

(1) to develop solutions and specific recommendations for control and management of invasive species; and

(2) specifically to provide faster implementation of control and management methods.

(o) COORDINATION WITH AFFECTED LOCAL GOVERNMENTS.—Each project and activity carried out pursuant to this section shall be coordinated with affected local governments in a manner that is consistent with section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)).

(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for each of fiscal years 2021 through **[2025]** 2030—

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

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

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## NORTH AMERICAN WETLANDS CONSERVATION ACT

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### SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) AID IN WILDLIFE RESTORATION.—(1)

(2)

(3) The amendments made by this subsection of this Act take effect October 1, 1989.

(b) MIGRATORY BIRD FINES, PENALTIES, FORFEITURES.—The sums received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines, or from forfeitures of property are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act. This subsection shall not be construed to require the sale of instrumentalities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act not to exceed \$60,000,000 for each of fiscal years 2021 through **[2025]** 2030.

(d) AVAILABILITY OF FUNDS.—Sums made available under this section shall be available until expended.

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## NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

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### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—



(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2021 through **[2025]** 2030—

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

(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation, or to a recipient of a grant provided by the Foundation, by private persons and State and local government agencies.

(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(b) ADDITIONAL AUTHORIZATION.—

(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

(B) *FUNDING AGREEMENTS.*—*Federal departments, agencies, and instrumentalities may enter into a Federal funding agreement with the Foundation for a period of not more than 10 years.*

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

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

(2) USE OF AMOUNTS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) may be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons, State and local government agencies, and other entities.

(3) ADMINISTRATION OF AMOUNTS.—

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

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

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

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

(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

(1) any expense related to litigation; or

(2) any activity the purpose of which is to influence legislation pending before Congress.

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

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## **FEDERAL WATER POLLUTION CONTROL ACT**

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### **TITLE I—RESEARCH AND RELATED PROGRAMS**

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#### **SEC. 117. CHESAPEAKE BAY.**

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATIVE COST.—The term “administrative cost” means the cost of salaries and fringe benefits incurred in administering a grant under this section.

(2) CHESAPEAKE BAY AGREEMENT.—The term “Chesapeake Bay Agreement” means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Ches-

apeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

(3) CHESAPEAKE BAY ECOSYSTEM.—The term “Chesapeake Bay ecosystem” means the ecosystem of the Chesapeake Bay and its watershed.

(4) CHESAPEAKE BAY PROGRAM.—The term “Chesapeake Bay Program” means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term “Chesapeake Executive Council” means the signatories to the Chesapeake Bay Agreement.

(6) SIGNATORY JURISDICTION.—The term “signatory jurisdiction” means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

(2) PROGRAM OFFICE.—

(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

(e) IMPLEMENTATION AND MONITORING GRANTS.—

(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

(2) PROPOSALS.—

(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

(B) CONTENTS.—A proposal under subparagraph (A) shall include—

(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

(4) FEDERAL SHARE.—The Federal share of a grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

(5) NON-FEDERAL SHARE.—A grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

(A) all projects and activities funded for the fiscal year;

(B) the goals and objectives of projects funded for the previous fiscal year; and

(C) the net benefits of projects funded for previous fiscal years.

(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

(3) BUDGET COORDINATION.—

(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

(g) CHESAPEAKE BAY PROGRAM.—

(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

(1) IN GENERAL.—Not later than April 22, 2003, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

(2) REQUIREMENTS.—The study and report shall—

(A) assess the state of the Chesapeake Bay ecosystem;

(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

- (E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.
- (i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—
- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.
- (2) REQUIREMENTS.—The study shall—
- (A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;
- (B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;
- (C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and
- (D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.
- (3) ANNUAL SURVEY.—The Administrator shall carry out an annual survey of sea grasses in the Chesapeake Bay.
- (j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—
- (1) for fiscal year 2021, \$90,000,000;
- (2) for fiscal year 2022, \$90,500,000;
- (3) for fiscal year 2023, \$91,000,000;
- (4) for fiscal year 2024, \$91,500,000; [and]
- (5) for fiscal year 2025, \$92,000,000[.]; and
- (6) for each of fiscal years 2026 through 2030, \$92,000,000.

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## CHESAPEAKE BAY INITIATIVE ACT OF 1998

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## TITLE V—CHESAPEAKE BAY INITIATIVE

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### SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

- (a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—
- (1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”), shall provide technical and financial assistance, in cooperation with other Federal

agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 1999 through [2025] 2030.