

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To improve protections for wildlife, and for other purposes.

IN THE SENATE OF THE UNITED STATES

*(on behalf of himself and Mr. Cooper)*  
Mr. BARRASSO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

## A BILL

To improve protections for wildlife, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

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

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

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

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

Sec. 104. Chronic Wasting Disease Task Force.

Sec. 105. Fish and Wildlife Coordination Act.

2

- Sec. 106. North American Wetlands Conservation Act.
- Sec. 107. National Fish and Wildlife Foundation Establishment Act.
- Sec. 108. Modification of definition of sport fishing equipment under Toxic Substances Control Act.
- Sec. 109. Reauthorization of Chesapeake Bay Program.
- Sec. 110. Reauthorization of Chesapeake Bay Initiative Act of 1998.
- Sec. 111. Chesapeake watershed investments for landscape defense.
- Sec. 112. Great Lakes monitoring, assessment, science, and research.

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

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

TITLE III—NATIONAL FISH HABITAT CONSERVATION THROUGH  
PARTNERSHIPS

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

TITLE IV—MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

quency of human-predator conflict using  
nonlethal means; and

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

“(C) ADVISORY BOARD.—

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

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

“(I) predator-human interactions;

“(II) the habitats of large predators;

“(III) biology;

“(IV) technology development;

“(V) engineering;

“(VI) economics;

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

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

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

10                   “(I) select a topic;

11                   “(II) issue a problem statement;

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(E) JUDGES.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) DEFINITIONS.—In this section:

16 (1) DEPREDATION.—

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

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

24 (i) damage to—  
 25 (I) other animals;

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

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

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

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

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

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

22 (4) **LIVESTOCK.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) ALLOCATION OF FUNDING.—

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

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

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

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

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

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

1 more programs supplemented by the grant  
2 funds;

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

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

8 (D) submit to the Secretaries—

9 (i) annual reports that include—

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

18 (b) ESTABLISHMENT.—

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

24 (2) DUTIES.—The Task Force shall—

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

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

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

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

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

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

1           wasting disease may differ across jurisdic-  
2           tions;

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

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

15          (3) MEMBERSHIP.—

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

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

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

(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 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;

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

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

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

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

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

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

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

6 (5) DATE OF INITIAL APPOINTMENT.—

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

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

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

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

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

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

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

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

7 (8) INTERSTATE ACTION PLAN.—

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

17 (B) COOPERATIVE AGREEMENTS.—

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



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

7 (C) MATCHING FUNDS.—

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

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

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

1        representatives on the Task Force, a report describ-  
2        ing—

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

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

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

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

20               (E) any other relevant information.

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

23               (1) DEFINITIONS.—In this subsection:

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

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

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

10 (2) STUDY.—

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

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

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

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

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

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

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

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

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

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

1 (iii) significant gaps in current sci-  
2 entific knowledge regarding the trans-  
3 mission pathways and mechanisms identi-  
4 fied under clause (i)(I); and

5 (iv) for prioritization the scientific re-  
6 search projects that will address the knowl-  
7 edge gaps identified under clause (iii); and

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

14 (i) the National Chronic Wasting Dis-  
15 ease Herd Certification Program of the  
16 Animal and Plant Health Inspection Serv-  
17 ice;

18 (ii) the United States Geological Sur-  
19 vey; and

20 (iii) State wildlife and agricultural  
21 agencies, in the case of practices, stand-  
22 ards, and guidance that provide practical,  
23 science-based recommendations to State  
24 and Federal agencies for minimizing or  
25 eliminating the risk of transmission of

1 chronic wasting disease in the United  
2 States.

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

7 (5) DATA SHARING.—The Secretaries shall  
8 share with the entity conducting the study under  
9 paragraph (2) data and access to databases on  
10 chronic wasting disease under the jurisdiction of—

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

14 (B) the United States Geological Survey.

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

23 (A) the findings of the study; and

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

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

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

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

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

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

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

24 (1) in subsection (c)(2)—

25 (A) in subparagraph (A)—

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

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

6 “(i) relevant Federal agencies;”;

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

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

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

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

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

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

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



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

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

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

11 (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

15 (A) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12           (1) in subsection (c)—

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

16           “(c) POWERS.—

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

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

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

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

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

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

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

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

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

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

3 “(2) TREATMENT OF REAL PROPERTY.—

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

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

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

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

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

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

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

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

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

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

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

15 (2) in subsection (b)—

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

18 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

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

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

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

15 (B) in paragraph (2)—

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

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

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

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

25 “(3) ADMINISTRATION OF AMOUNTS.—

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (a) **DEFINITIONS.**—In this section:

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

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

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

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

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

20 (A) the Chesapeake Bay;

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

25 (C) the District of Columbia.

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

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

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

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

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

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

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

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

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

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

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

9 (b) PROGRAM ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and protection activities within the Chesapeake  
2 Bay watershed;

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

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

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

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

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

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

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

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

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

24 (iv) the Chief of Engineers;



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

3 (vi) the Secretary of Transportation;

4 (vii) the Chief of the Forest Service;

5 and

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

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

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

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

18 (c) GRANTS AND TECHNICAL ASSISTANCE.—

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

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

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

8           (A) A State.

9           (B) The District of Columbia.

10          (C) A unit of local government.

11          (D) A nonprofit organization.

12          (E) An institution of higher education.

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

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

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

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

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

3 (4) COST SHARING.—

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

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

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

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

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

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

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

9       (e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

20       (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5                   (A) deepwater ecosystem sciences;

6                   (B) biological and food-web components;

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

9                   (D) fish population structures;

10                  (E) fish habitat investigations;

11                  (F) invasive species science;

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

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

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

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

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

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

10      **SEC. 201. PURPOSE.**

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

17      **SEC. 202. DEFINITIONS.**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subsection (a)(1)—

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

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

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

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

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

25 (3) in subsection (c)(2)(A)—

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

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

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

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

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

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

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

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

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

4 **SEC. 301. PURPOSE.**

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

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

12 (A) improving ecological conditions;

13 (B) restoring natural processes; or

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

16 (2) to establish a consensus set of national conservation strategies as a framework to guide future  
17 actions and investment by Fish Habitat Partnerships;  
18  
19

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

22 (A) increasing fishing opportunities;

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

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

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

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

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

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

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

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

20 **SEC. 302. DEFINITIONS.**

21 In this title:

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



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

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

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

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

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

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

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

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

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

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

9               (A) land; or

10              (B) water (including water rights).

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

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

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

17              (C) the Pacific States Marine Commission.

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

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

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

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

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

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

10 (a) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

14 (G) two shall be representatives of either—

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

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

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

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

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

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

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

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

9 (ii) the commercial fishing industry;

10 (iii) marine recreational anglers;

11 (iv) freshwater recreational anglers;

12 (v) habitat conservation organizations;

13 and

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

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

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

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

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

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

4 (ii) natural resource user industries;  
5 and

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

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

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

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

21 (b) APPOINTMENT AND TERMS.—

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

1 (2) INITIAL BOARD MEMBERSHIP.—

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

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

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

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

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

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

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

5 (4) VACANCIES.—

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

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

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

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



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

3 (A) vote to remove that member; and

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

6 (c) CHAIRPERSON.—

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

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

13 (d) MEETINGS.—

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

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

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

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

20 (e) PROCEDURES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12          (6) includes a governance structure that—

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

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

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

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

25     (c) REPORT TO CONGRESS.—

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

8                   (A) identifies each entity that—

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

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

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

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

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

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

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

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

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

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

11 (g) EXISTING PARTNERSHIPS.—

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) LIMITATIONS.—

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

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

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

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

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

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

6 (2) ACQUISITION AUTHORITIES.—

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

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

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

17 (B) STATE AGENCY APPROVAL.—

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

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

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

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

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

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

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

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

5 (e) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

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

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

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

14      (f) APPROVAL.—

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



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

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

15   **SEC. 306. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5       (a) **REPORTING.**—

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

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

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

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

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

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

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

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

12 (iii) a justification for—

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

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

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

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

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

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

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

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

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

15                (A) the activities of the Partnerships; or

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

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

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

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

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

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

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

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

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

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

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

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

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

23           (2) Federal law (including regulations);

24           (3) an Executive order; or

25           (4) a judicial decree.

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

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

13       (g) EFFECT ON OTHER AUTHORITIES.—

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

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

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



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

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

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

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

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

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

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

18 **SEC. 312. FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) FISH HABITAT CONSERVATION PROJECTS.—

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

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

3 (2) ADMINISTRATIVE AND PLANNING EX-  
4 PENSES.—There is authorized to be appropriated to  
5 the Secretary for each of fiscal years 2019 through  
6 2023 an amount equal to 5 percent of the amount  
7 appropriated for the applicable fiscal year pursuant  
8 to paragraph (1)—

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

11 (B) to carry out section 309.

12 (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—  
13 There is authorized to be appropriated for each of  
14 fiscal years 2020 through 2024 to carry out, and  
15 provide technical and scientific assistance under, sec-  
16 tion 306—

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

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

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

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

3 (E) \$400,000 to the Chief of the Forest  
4 Service for use by the United States Depart-  
5 ment of Agriculture Forest Service.

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

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

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

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

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

4       (c) DONATIONS.—

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

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

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

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

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

20                (B) may be—

21                      (i) used directly by the Secretary; or

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

1 **SEC. 313. PROHIBITION AGAINST IMPLEMENTATION OF**  
2 **REGULATORY AUTHORITY BY FEDERAL**  
3 **AGENCIES THROUGH PARTNERSHIPS.**

4 Any Partnership designated under this title—

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

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

9 **TITLE IV—MISCELLANEOUS**

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

12 It is the sense of the Senate that—

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

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

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

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

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

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

8 (1) the Secretary of Agriculture;

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

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

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

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

24 (2) to review any barriers to—

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

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

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

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

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

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

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

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

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

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

17 (a) REPORTS ON EXPENDITURES.—

18 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

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



troller General data and other relevant information that describes the amounts expended or disbursed (including through loans, loan guarantees, grants, or any other financing mechanism) by the department or agency as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

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

(ii) with respect to the second report under paragraph (2), the 2 fiscal years preceding the date of submission of the report.

(B) REQUIREMENTS.—Data and other relevant information submitted under subparagraph (A) shall describe, with respect to the applicable amounts—

(i) the programmatic office of the department or agency on behalf of which each amount was expended or disbursed;

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

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

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

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

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

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

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

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

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

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

20 (b) REPORT ON CONSERVATION ACTIVITIES.—

21 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 and

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

1   **“SEC. 13. VALUE OF LAND.**

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