

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 3051**

To improve protections for wildlife, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. BARRASSO (for himself and Mr.  
CARPER)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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 con-  
flict.

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

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

Sec. 104. Chronic Wasting Disease Task Force.

Sec. 105. Invasive species.

Sec. 106. North American Wetlands Conservation Act.

- Sec. 107. National Fish and Wildlife Foundation Establishment Act.  
 Sec. 108. Modification of definition of sport fishing equipment under Toxic Substances Control Act.  
 Sec. 109. Reauthorization of Chesapeake Bay Program.  
 Sec. 110. Reauthorization of Chesapeake Bay Initiative Act of 1998.  
 Sec. 111. Chesapeake watershed investments for landscape defense.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

- Sec. 201. Purpose.  
 Sec. 202. Definitions.  
 Sec. 203. National Fish Habitat Board.  
 Sec. 204. Fish Habitat Partnerships.  
 Sec. 205. Fish Habitat Conservation Projects.  
 Sec. 206. Technical and scientific assistance.  
 Sec. 207. Coordination with States and Indian Tribes.  
 Sec. 208. Interagency Operational Plan.  
 Sec. 209. Accountability and reporting.  
 Sec. 210. Effect of this title.  
 Sec. 211. Nonapplicability of Federal Advisory Committee Act.  
 Sec. 212. Funding.  
 Sec. 213. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.

TITLE III—MISCELLANEOUS

- Sec. 301. Study to review conservation factors.  
 Sec. 302. Study and report on expenditures.  
 Sec. 303. Use of value of land for cost sharing.

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

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

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

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

1           (2) by striking “paragraph (7)(B)” each place  
2 such term appears and inserting “paragraph  
3 (8)(B)”;

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

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

8           (5) by inserting after paragraph (6) the fol-  
9 lowing:

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

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

13           “(i) BOARD.—The term ‘Board’  
14 means the Reducing Human-Predator Con-  
15 flict Technology Advisory Board estab-  
16 lished by subparagraph (C)(i).

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

22           “(B) AUTHORITY.—Not later than 180  
23 days after the date of enactment of the Amer-  
24 ica’s Conservation Enhancement Act, the Sec-  
25 retary shall establish under section 24 of the

1 Stevenson-Wydler Technology Innovation Act of  
2 1980 (15 U.S.C. 3719) a prize competition, to  
3 be known as the ‘Theodore Roosevelt Genius  
4 Prize for reducing human-predator conflict’—

5 “(i) to encourage technological innova-  
6 tion with the potential to advance the mis-  
7 sion of the United States Fish and Wildlife  
8 Service with respect to reducing the fre-  
9 quency of human-predator conflict using  
10 nonlethal means; and

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

17 “(C) ADVISORY BOARD.—

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

22 “(ii) COMPOSITION.—The Board shall  
23 be composed of not fewer than 9 members  
24 appointed by the Secretary, who shall pro-  
25 vide expertise in—

1 “(I) predator-human interactions;

2 “(II) the habitats of large preda-

3 tors;

4 “(III) biology;

5 “(IV) technology development;

6 “(V) engineering;

7 “(VI) economics;

8 “(VII) business development and

9 management; and

10 “(VIII) any other discipline, as

11 the Secretary determines to be nec-

12 essary to achieve the purposes of this

13 paragraph.

14 “(iii) DUTIES.—Subject to clause (iv),

15 with respect to the prize competition, the

16 Board shall—

17 “(I) select a topic;

18 “(II) issue a problem statement;

19 “(III) advise the Secretary re-

20 garding any opportunity for techno-

21 logical innovation to reduce human-

22 predator conflict using nonlethal

23 means; and

24 “(IV) advise winners of the prize

25 competition regarding opportunities to

1 pilot and implement winning tech-  
2 nologies in relevant fields, including in  
3 partnership with conservation organi-  
4 zations, Federal or State agencies,  
5 federally recognized Indian Tribes,  
6 private entities, and research institu-  
7 tions with expertise or interest relat-  
8 ing to reducing human-predator con-  
9 flict using nonlethal means.

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

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

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

24 “(III) 1 or more State, regional,  
25 or local wildlife organizations, the

1 mission of which relates to the man-  
2 agement of native wildlife species at  
3 risk due to conflict with human activi-  
4 ties; and

5 “(IV) 1 or more wildlife con-  
6 servation groups, technology compa-  
7 nies, research institutions, institutions  
8 of higher education, industry associa-  
9 tions, or individual stakeholders with  
10 an interest in the management of na-  
11 tive wildlife species at risk due to con-  
12 flict with human activities.

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

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

18 “(i) IN GENERAL.—The Secretary  
19 shall offer to enter into an agreement  
20 under which the National Fish and Wild-  
21 life Foundation shall administer the prize  
22 competition.

23 “(ii) REQUIREMENTS.—An agreement  
24 entered into under clause (i) shall comply

1 with all requirements under paragraph  
2 (8)(B).

3 “(E) JUDGES.—

4 “(i) APPOINTMENT.—The Secretary  
5 shall appoint not fewer than 3 judges who  
6 shall, except as provided in clause (ii), se-  
7 lect the 1 or more annual winners of the  
8 prize competition.

9 “(ii) DETERMINATION BY SEC-  
10 RETARY.—The judges appointed under  
11 clause (i) shall not select any annual win-  
12 ner of the prize competition if the Sec-  
13 retary makes a determination that, in any  
14 fiscal year, none of the technological ad-  
15 vancements entered into the prize competi-  
16 tion merits an award.

17 “(F) CONSULTATION WITH NATIONAL OCE-  
18 ANIC AND ATMOSPHERIC ADMINISTRATION.—  
19 The Secretary shall consult with the Secretary  
20 of Commerce, acting through the Administrator  
21 of the National Oceanic and Atmospheric Ad-  
22 ministration, in the case of a cash prize award-  
23 ed under the prize competition for a technology  
24 that addresses conflict between humans and  
25 marine predators under the jurisdiction of the

1 Secretary of Commerce, acting through the Ad-  
2 ministrator of the National Oceanic and Atmos-  
3 pheric Administration.

4 “(G) REPORT TO CONGRESS.—Not later  
5 than 60 days after the date on which a cash  
6 prize is awarded under this paragraph, the Sec-  
7 retary shall submit to the Committee on Envi-  
8 ronment and Public Works of the Senate and  
9 the Committee on Natural Resources of the  
10 House of Representatives a report on the prize  
11 competition that includes—

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

16 “(ii) if the Secretary has entered into  
17 an agreement under subparagraph (D)(i),  
18 a statement by the National Fish and  
19 Wildlife Foundation that describes the ac-  
20 tivities carried out by the National Fish  
21 and Wildlife Foundation relating to the du-  
22 ties described in paragraph (8)(B); and

23 “(iii) a statement by 1 or more of the  
24 judges appointed under subparagraph (E)

1                   that explains the basis on which the winner  
2                   of the cash prize was selected.

3                   “(H) TERMINATION OF AUTHORITY.—The  
4                   Board and all authority provided under this  
5                   paragraph shall terminate on December 31,  
6                   2023.”; and

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

8                   (A) in subparagraph (A), by striking “or  
9                   (6)(C)(i)” and inserting “(6)(C)(i), or  
10                  (7)(C)(i)”;

11                  (B) in subparagraph (B)—

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

14                   (ii) in clause (i)(VII), by striking  
15                   “and (6)(E)” and inserting “(6)(E), and  
16                   (7)(E)”.

17                  (b) SENSE OF CONGRESS.—It is the sense of Con-  
18                  gress that data collected from the tagging of predators can  
19                  inform innovative management of those predators and in-  
20                  novative education activities to minimize human-predator  
21                  conflict.

22                  **SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDAATION BY**  
23                  **FEDERALLY PROTECTED SPECIES.**

24                  (a) DEFINITIONS.—In this section:

25                   (1) DEPREDAATION.—

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

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

8 (i) damage to—

9 (I) other animals;

10 (II) vegetation;

11 (III) motor vehicles; or

12 (IV) structures;

13 (ii) diseases;

14 (iii) lost profits; or

15 (iv) consequential damages.

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

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

23 (B) the Endangered Species Act of 1973  
24 (16 U.S.C. 1531 et seq.); or

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

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

7 (4) LIVESTOCK.—

8 (A) IN GENERAL.—The term “livestock”  
9 means horses, mules and asses, rabbits, llamas,  
10 cattle, bison, swine, sheep, goats, poultry, bees,  
11 honey and beehives, or any other animal gen-  
12 erally used for food or in the production of food  
13 or fiber.

14 (B) INCLUSION.—The term “livestock” in-  
15 cludes guard animals actively engaged in the  
16 protection of livestock described in subpara-  
17 graph (A).

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

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

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

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

4 (b) GRANT PROGRAM FOR LOSSES OF LIVESTOCK  
5 DUE TO DEPREDAATION BY FEDERALLY PROTECTED SPE-  
6 CIES.—

7 (1) IN GENERAL.—The Secretaries shall estab-  
8 lish a program to provide grants to States and In-  
9 dian Tribes to supplement amounts provided by  
10 States, Indian Tribes, or State agencies under 1 or  
11 more programs established by the States and Indian  
12 Tribes (including programs established after the  
13 date of enactment of this Act)—

14 (A) to assist livestock producers in car-  
15 rying out—

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

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

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

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

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

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

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

10 (2) ALLOCATION OF FUNDING.—

11 (A) REPORTS TO THE SECRETARIES.—Not  
12 later than September 30 of each year, a State  
13 or Indian Tribe desiring to receive a grant  
14 under the program shall submit to the Secre-  
15 taries a report describing, for the 1-year period  
16 ending on that September 30, the losses of live-  
17 stock due to depredation by federally protected  
18 species occurring on—

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

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

23 (B) ALLOCATION.—The Secretaries shall  
24 allocate available funding to carry out this Act  
25 among States and Indian Tribes for a 1-year

1 period ending on September 30 based on the  
2 losses described in the reports submitted for the  
3 previous 1-year period ending on September 30  
4 under subparagraph (A).

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

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

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

14 (C) maintain files of all claims received  
15 and paid under grant-funded programs, includ-  
16 ing supporting documentation; and

17 (D) submit to the Secretaries—

18 (i) annual reports that include—

19 (I) a summary of claims and ex-  
20 penditures under the program during  
21 the year; and

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

24 (ii) such other reports as the Secre-  
25 taries may require to assist the Secretaries

1 in determining the effectiveness of assisted  
2 activities under this section.

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

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

7 (2) the program supplements, and does not re-  
8 place or supplant, any State compensation programs  
9 for depredation.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to carry out this section  
12 \$15,000,000 for each of fiscal years 2021 through 2025,  
13 of which—

14 (1) \$5,000,000 shall be used to provide grants  
15 for the purposes described in subsection (b)(1)(A);  
16 and

17 (2) \$10,000,000 shall be used to provide grants  
18 for the purpose described in subsection (b)(1)(B).

19 **SEC. 103. DEPREDATION PERMITS FOR BLACK VULTURES**  
20 **AND COMMON RAVENS.**

21 (a) IN GENERAL.—The Secretary of the Interior, act-  
22 ing through the Director of the United States Fish and  
23 Wildlife Service (referred to in this section as the “Sec-  
24 retary”), may issue depredation permits to livestock pro-  
25 ducers authorizing takings of black vultures or common

1 ravens otherwise prohibited by Federal law to prevent  
2 those vultures or common ravens from taking livestock  
3 during the calving season or lambing season.

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

10 (c) REPORTING.—The Secretary shall require, as a  
11 condition of a permit under subsection (a), that the permit  
12 holder shall report to the appropriate enforcement agen-  
13 cies the takings of black vultures or common ravens pursu-  
14 ant to the permit.

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

16 (a) DEFINITIONS.—In this section:

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

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

22 (A) is a transmissible disease of the nerv-  
23 ous system resulting in distinctive lesions in the  
24 brain; and

1 (B) belongs to the group of diseases known  
2 as transmissible spongiform encephalopathies,  
3 which group includes scrapie, bovine spongiform  
4 encephalopathy, and Creutzfeldt-Jakob disease.

5 (3) SECRETARIES.—The term “Secretaries”  
6 means the Secretary of Agriculture, acting through  
7 the Administrator of the Animal and Plant Health  
8 Inspection Service, and the Secretary of the Interior,  
9 acting through the Director of the United States Ge-  
10 ological Survey and the Director of the United  
11 States Fish and Wildlife Service, acting jointly.

12 (b) ESTABLISHMENT.—

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

19 (2) DUTIES.—The Task Force shall—

20 (A) collaborate with foreign governments  
21 to share research, coordinate efforts, and dis-  
22 cuss best management practices to reduce, min-  
23 imize, prevent, or eliminate chronic wasting dis-  
24 ease in the United States;

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

5 (i) the interstate coordination of prac-  
6 tices to prevent the new introduction of  
7 chronic wasting disease;

8 (ii) the prioritization and coordination  
9 of the future study of chronic wasting dis-  
10 ease, based on evolving research needs;

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

19 (iv) any other area where containment  
20 or management efforts relating to chronic  
21 wasting disease may differ across jurisdic-  
22 tions; and

23 (C) develop, from the recommendations de-  
24 veloped under subparagraph (B), an action plan  
25 that gives States, the Federal Government, In-



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

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

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

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

1 (vi) not more than 2 representatives  
2 from an Indian Tribe or Tribal organiza-  
3 tion chosen in a process determined, in  
4 consultation with Indian Tribes, by the  
5 Secretary; and

6 (vii) not more than 5 nongovern-  
7 mental members with relevant expertise  
8 appointed, after the date on which the  
9 members are first appointed under clauses  
10 (i) through (vi), by a majority vote of the  
11 State representatives appointed under  
12 clause (iv).

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

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

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

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

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

25 (5) DATE OF INITIAL APPOINTMENT.—

1 (A) IN GENERAL.—The members of the  
2 Task Force shall be appointed not later than  
3 180 days after the date on which the study is  
4 completed under subsection (c).

5 (B) NOTIFICATION.—On appointment of  
6 the members of the Task Force, the Co-Chairs  
7 of the Task Force shall notify the Chairs and  
8 Ranking Members of the Committees on Envi-  
9 ronment and Public Works and Agriculture,  
10 Nutrition, and Forestry of the Senate and Nat-  
11 ural Resources and Agriculture of the House of  
12 Representatives.

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

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

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

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

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

23 (B) at such time and place, and by such  
24 means, as the Co-Chairs of the Task Force de-

1           termine to be appropriate, which may include  
2           the use of remote conference technology.

3           (8) INTERSTATE ACTION PLAN.—

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

13                 (B) COOPERATIVE AGREEMENTS.—

14                     (i) IN GENERAL.—To the maximum  
15           extent practicable, the Secretaries, any  
16           other applicable Federal agency, and each  
17           applicable State may enter into a coopera-  
18           tive agreement to fund necessary actions  
19           under the interstate action plan submitted  
20           under subparagraph (A).

21                     (ii) TARGET DATE.—The Secretaries  
22           shall make the best effort of the Secre-  
23           taries to enter into any cooperative agree-  
24           ment under clause (i) not later than 180  
25           days after the date of submission of the

1 interstate action plan under subparagraph  
2 (A).

3 (C) MATCHING FUNDS.—

4 (i) IN GENERAL.—Subject to clause  
5 (ii), for each fiscal year, the Secretaries  
6 may provide funds to carry out an inter-  
7 state action plan through a cooperative  
8 agreement under subparagraph (B) in the  
9 amount of funds provided by the applicable  
10 States.

11 (ii) LIMITATION.—The amount pro-  
12 vided by the United States Fish and Wild-  
13 life Service under clause (i) for a fiscal  
14 year shall be not greater than \$5,000,000.

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

24 (A) progress on the implementation of ac-  
25 tions identified in the interstate action plan

1 submitted under paragraph (8)(A), including  
2 the efficacy of funding under the cooperative  
3 agreement entered into under paragraph  
4 (8)(B);

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

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

13 (D) new research findings and emerging  
14 research needs relating to chronic wasting dis-  
15 ease; and

16 (E) any other relevant information.

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

19 (1) DEFINITION OF ACADEMY.—In this sub-  
20 section, the term “Academy” means the National  
21 Academy of Sciences.

22 (2) STUDY.—

23 (A) IN GENERAL.—The Secretaries shall  
24 enter into an arrangement with the Academy  
25 under which the Academy shall conduct, and

1 submit to the Secretaries a report describing  
2 the findings of, a special resource study to iden-  
3 tify the predominant pathways and mechanisms  
4 of the transmission of chronic wasting disease  
5 in wild, captive, and farmed populations of  
6 cervids in the United States.

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

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

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

18 (i)(I) to the extent possible, the path-  
19 ways and mechanisms for the transmission  
20 of chronic wasting disease within live  
21 cervid populations and cervid products,  
22 which may include pathways and mecha-  
23 nisms for transmission from Canada;

1 (II) the infection rates for each path-  
2 way and mechanism identified under sub-  
3 clause (I); and

4 (III) the relative frequency of trans-  
5 mission of each pathway and mechanism  
6 identified under subclause (I);

7 (ii)(I) anthropogenic and environ-  
8 mental factors contributing to new chronic  
9 wasting disease emergence events;

10 (II) the development of geographical  
11 areas with increased chronic wasting dis-  
12 ease prevalence; and

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

15 (iii) significant gaps in current sci-  
16 entific knowledge regarding the trans-  
17 mission pathways and mechanisms identi-  
18 fied under clause (i)(I) and potential pre-  
19 vention, detection, and control methods  
20 identified under clause (v);

21 (iv) for prioritization the scientific re-  
22 search projects that will address the knowl-  
23 edge gaps identified under clause (iii),  
24 based on the likelihood that a project will

1 contribute significantly to the prevention  
2 or control of chronic wasting disease; and

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

9 (B) assess the effectiveness of the potential  
10 prevention, detection, or control measures, prac-  
11 tices, or technologies identified under subpara-  
12 graph (A)(v); and

13 (C) review and compare science-based best  
14 practices, standards, and guidance regarding  
15 the prevention, detection, and management of  
16 chronic wasting disease in wild, captive, and  
17 farmed populations of cervids in the United  
18 States that have been developed by—

19 (i) the National Chronic Wasting Dis-  
20 ease Herd Certification Program of the  
21 Animal and Plant Health Inspection Serv-  
22 ice;

23 (ii) the National Wildlife Research  
24 Center of the Animal and Plant Health In-  
25 spection Service;

1 (iii) the United States Geological Sur-  
2 vey;

3 (iv) State wildlife and agricultural  
4 agencies, in the case of practices, stand-  
5 ards, and guidance that provide practical,  
6 science-based recommendations to State  
7 and Federal agencies for minimizing or  
8 eliminating the risk of transmission of  
9 chronic wasting disease in the United  
10 States; and

11 (v) industry or academia, in the case  
12 of any published guidance on practices that  
13 provide practical, science-based rec-  
14 ommendations to cervid producers for  
15 minimizing or eliminating the risk of  
16 transmission of chronic wasting disease  
17 within or between herds.

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

22 (5) DATA SHARING.—The Secretaries shall  
23 share with the Academy, as necessary to conduct the  
24 study under paragraph (2), subject to the avoidance  
25 of a violation of a privacy or confidentiality require-

1       ment and the protection of confidential or privileged  
2       commercial, financial, or proprietary information,  
3       data and access to databases and research informa-  
4       tion on chronic wasting disease under the jurisdic-  
5       tion of—

6               (A) the Animal and Plant Health Inspec-  
7               tion Service; and

8               (B) the United States Geological Survey.

9               (6) REPORT.—Not later than 60 days after the  
10       date of completion of the study, the Secretaries shall  
11       submit to the Committee on Agriculture, Nutrition,  
12       and Forestry, the Committee on Energy and Nat-  
13       ural Resources, and the Committee on Environment  
14       and Public Works of the Senate and the Committee  
15       on Agriculture and the Committee on Natural Re-  
16       sources of the House of Representatives a report  
17       that describes—

18               (A) the findings of the study; and

19               (B) any conclusions and recommendations  
20       that the Secretaries determine to be appro-  
21       priate.

22       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
23       are authorized to be appropriated to carry out this sec-  
24       tion—

1           (1) for the period of fiscal years 2021 through  
2           2025, \$5,000,000 to the Secretary of the Interior,  
3           acting through the Director of the United States  
4           Fish and Wildlife Service, to carry out administra-  
5           tive activities under subsection (b);

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

10          (3) for fiscal year 2021, \$1,200,000 to the Sec-  
11          retary of Agriculture, acting through the Adminis-  
12          trator of the Animal and Plant Health Inspection  
13          Service, to carry out activities to fund research  
14          under subsection (c).

15 **SEC. 105. INVASIVE SPECIES.**

16          Section 10 of the Fish and Wildlife Coordination Act  
17 (16 U.S.C. 666c-1) is amended—

18           (1) in subsection (c)(2)—

19               (A) in subparagraph (A)—

20                   (i) by redesignating clauses (i) and

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

22                   and

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

24                   so redesignated) the following:

25                       “(i) relevant Federal agencies;”;

1 (B) by redesignating subparagraphs (B)  
2 and (C) as subparagraphs (C) and (D), respec-  
3 tively; and

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

6 “(B) in consultation with stakeholders, in-  
7 cluding nongovernmental organizations and in-  
8 dustry;”; and

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

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

13 “(1) \$2,500,000 to the Secretary of the Army,  
14 acting through the Chief of Engineers; and

15 “(2) \$2,500,000 to the Secretary of the Inte-  
16 rior.”.

17 **SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION**  
18 **ACT.**

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

1 **SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**  
2 **TABLISHMENT ACT.**

3 (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

7 (A) in subsection (b)—

8 (i) by striking paragraph (2) and in-  
9 serting the following:

10 “(2) APPOINTMENT OF DIRECTORS.—After con-  
11 sulting with the Secretary of Commerce and consid-  
12 ering the recommendations submitted by the Board,  
13 the Secretary of the Interior shall appoint 28 Direc-  
14 tors who, to the maximum extent practicable, shall—

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

18 “(B) represent a balance of expertise in  
19 ocean, coastal, freshwater, and terrestrial re-  
20 source conservation.”; and

21 (ii) by striking paragraph (3) and in-  
22 serting the following:

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

26 (B) in subsection (g)(2)—

1 (i) in subparagraph (A), by striking  
2 “(A) Officers and employees may not be  
3 appointed until the Foundation has suffi-  
4 cient funds to pay them for their service.  
5 Officers” and inserting the following:

6 “(A) IN GENERAL.—Officers”; and

7 (ii) by striking subparagraph (B) and  
8 inserting the following:

9 “(B) EXECUTIVE DIRECTOR.—The Foun-  
10 dation shall have an Executive Director who  
11 shall be—

12 “(i) appointed by, and serve at the di-  
13 rection of, the Board as the chief executive  
14 officer of the Foundation; and

15 “(ii) knowledgeable and experienced in  
16 matters relating to fish and wildlife con-  
17 servation.”.

18 (2) CONFORMING AMENDMENT.—Section  
19 4(a)(1)(B) of the North American Wetlands Con-  
20 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended  
21 by striking “Secretary of the Board” and inserting  
22 “Executive Director of the Board”.

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

1 (1) in subsection (c)—

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

5 “(c) POWERS.—

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

8 (B) by redesignating paragraphs (1)  
9 through (11) as subparagraphs (A) through  
10 (K), respectively, and indenting appropriately;

11 (C) in subparagraph (D) (as redesignated  
12 by subparagraph (B)), by striking “that are in-  
13 sured by an agency or instrumentality of the  
14 United States” and inserting “at 1 or more fi-  
15 nancial institutions that are members of the  
16 Federal Deposit Insurance Corporation or the  
17 Securities Investment Protection Corporation”;

18 (D) in subparagraph (E) (as redesignated  
19 by subparagraph (B)), by striking “paragraph  
20 (3) or (4)” and inserting “subparagraph (C) or  
21 (D)”;

22 (E) in subparagraph (J) (as redesignated  
23 by subparagraph (B)), by striking “and” at the  
24 end;

1 (F) by striking subparagraph (K) (as re-  
2 designated by subparagraph (B)) and inserting  
3 the following:

4 “(K) to receive and administer restitution  
5 and community service payments, amounts for  
6 mitigation of impacts to natural resources, and  
7 other amounts arising from legal, regulatory, or  
8 administrative proceedings, subject to the con-  
9 dition that the amounts are received or admin-  
10 istered for purposes that further the conserva-  
11 tion and management of fish, wildlife, plants,  
12 and other natural resources; and

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

15 (G) by striking the undesignated matter at  
16 the end and inserting the following:

17 “(2) TREATMENT OF REAL PROPERTY.—

18 “(A) IN GENERAL.—For purposes of this  
19 Act, an interest in real property shall be treated  
20 as including easements or other rights for pres-  
21 ervation, conservation, protection, or enhance-  
22 ment by and for the public of natural, scenic,  
23 historic, scientific, educational, inspirational, or  
24 recreational resources.

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

8           “(3) SAVINGS CLAUSE.—The acceptance and  
9           administration of amounts by the Foundation under  
10          paragraph (1)(K) does not alter, supersede, or limit  
11          any regulatory or statutory requirement associated  
12          with those amounts.”;

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

14          (3) by redesignating subsections (h) and (i) as  
15          subsections (f) and (g), respectively.

16          (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
17          10 of the National Fish and Wildlife Foundation Estab-  
18          lishment Act (16 U.S.C. 3709) is amended—

19          (1) in subsection (a), by striking paragraph (1)  
20          and inserting the following:

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

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

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

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

5           (2) in subsection (b)—

6           (A) by striking paragraph (1) and insert-  
7           ing the following:

8           “(1) AMOUNTS FROM FEDERAL AGENCIES.—

9           “(A) IN GENERAL.—In addition to the  
10           amounts authorized to be appropriated under  
11           subsection (a), Federal departments, agencies,  
12           or instrumentalities are authorized to provide  
13           funds to the Foundation through Federal finan-  
14           cial assistance grants and cooperative agree-  
15           ments, subject to the condition that the  
16           amounts are used for purposes that further the  
17           conservation and management of fish, wildlife,  
18           plants, and other natural resources in accord-  
19           ance with this Act.

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

1           “(C) MANAGEMENT FEES.—The Founda-  
2           tion may assess and collect fees for the manage-  
3           ment of amounts received under this para-  
4           graph.”;

5           (B) in paragraph (2)—

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

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

10          (iii) by striking “and State and local  
11          government agencies” and inserting “,  
12          State and local government agencies, and  
13          other entities”; and

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

15          “(3) ADMINISTRATION OF AMOUNTS.—

16          “(A) IN GENERAL.—In entering into con-  
17          tracts, agreements, or other partnerships pursu-  
18          ant to this Act, a Federal department, agency,  
19          or instrumentality shall have discretion to waive  
20          any competitive process applicable to the de-  
21          partment, agency, or instrumentality for enter-  
22          ing into contracts, agreements, or partnerships  
23          with the Foundation if the purpose of the waiv-  
24          er is—

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

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

10                  “(B) REPORTS.—The Foundation shall in-  
11                  clude in the annual report submitted under sec-  
12                  tion 7(b) a description of any use of the author-  
13                  ity under subparagraph (A) by a Federal de-  
14                  partment, agency, or instrumentality in that fis-  
15                  cal year.”; and

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

17                  “(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF  
18                  MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-  
19                  quests of amounts or other property, or any other amounts  
20                  or other property, transferred to, deposited with, or other-  
21                  wise in the possession of the Foundation pursuant to this  
22                  Act, may be made available by the Foundation to Federal  
23                  departments, agencies, or instrumentalities and may be  
24                  accepted and expended (or the disposition of the amounts  
25                  or property directed), without further appropriation, by

1 those Federal departments, agencies, or instrumentalities,  
2 subject to the condition that the amounts or property be  
3 used for purposes that further the conservation and man-  
4 agement of fish, wildlife, plants, and other natural re-  
5 sources.”.

6 (d) LIMITATION ON AUTHORITY.—Section 11 of the  
7 National Fish and Wildlife Foundation Establishment Act  
8 (16 U.S.C. 3710) is amended by inserting “exclusive” be-  
9 fore “authority”.

10 **SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISH-**  
11 **ING EQUIPMENT UNDER TOXIC SUBSTANCES**  
12 **CONTROL ACT.**

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

20 (b) DEFINITION OF SPORT FISHING EQUIPMENT.—  
21 In this section, the term “sport fishing equipment” means  
22 any sport fishing equipment (as such term is defined in  
23 section 4162(a) of the Internal Revenue Code of 1986)  
24 the sale of which is subject to the tax imposed by section  
25 4161(a) of such Code (determined without regard to any

1 exemptions from such tax provided by section 4162 or  
2 4221 or any other provision of such Code).

3 **SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
4 **GRAM.**

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

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

11 “(1) for fiscal year 2021, \$90,000,000;

12 “(2) for fiscal year 2022, \$90,500,000;

13 “(3) for fiscal year 2023, \$91,000,000;

14 “(4) for fiscal year 2024, \$91,500,000; and

15 “(5) for fiscal year 2025, \$92,000,000.”.

16 **SEC. 110. REAUTHORIZATION OF CHESAPEAKE BAY INITIA-**  
17 **TIVE ACT OF 1998.**

18 Section 502(c) of the Chesapeake Bay Initiative Act  
19 of 1998 (Public Law 105–312) is amended by striking  
20 “2019” and inserting “2025”.

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

23 (a) DEFINITIONS.—In this section:

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

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

8           (B) signed by the Chesapeake Executive  
9 Council.

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

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

17           (A) the Chesapeake Bay;

18           (B) the portions of the States of Delaware,  
19 Maryland, New York, Pennsylvania, Virginia,  
20 and West Virginia that drain into the Ches-  
21 peake Bay; and

22           (C) the District of Columbia.

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

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

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

5 (C) the Chair of the Chesapeake Bay Com-  
6 mission; and

7 (D) the Administrator of the Environ-  
8 mental Protection Agency.

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

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

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

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

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

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

5           (b) PROGRAM ESTABLISHMENT.—

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

11          (2) PURPOSES.—The purposes of the Chesa-  
12          peake WILD program are—

13                (A) coordinating restoration and protection  
14                activities among Federal, State, local, and re-  
15                gional entities and conservation partners  
16                throughout the Chesapeake Bay watershed;

17                (B) engaging other agencies and organiza-  
18                tions to build a broader range of partner sup-  
19                port, capacity, and potential funding for  
20                projects in the Chesapeake Bay watershed;

21                (C) carrying out coordinated restoration  
22                and protection activities, and providing for tech-  
23                nical assistance, throughout the Chesapeake  
24                Bay watershed—

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

3 (ii) to improve and maintain water  
4 quality to support fish and wildlife, habi-  
5 tats of fish and wildlife, and drinking  
6 water for people;

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

11 (iv) to improve opportunities for pub-  
12 lic access and recreation in the Chesapeake  
13 Bay watershed consistent with the ecologi-  
14 cal needs of fish and wildlife habitat;

15 (v) to facilitate strategic planning to  
16 maximize the resilience of natural eco-  
17 systems and habitats under changing wa-  
18 tershed conditions;

19 (vi) to engage the public through out-  
20 reach, education, and citizen involvement  
21 to increase capacity and support for co-  
22 ordinated restoration and protection activi-  
23 ties in the Chesapeake Bay watershed;

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

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

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

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

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

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

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

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

9 (C) establish the grant program in accord-  
10 ance with subsection (c).

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

14 (A) the heads of Federal agencies, includ-  
15 ing—

16 (i) the Administrator of the Environ-  
17 mental Protection Agency;

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

20 (iii) the Chief of the Natural Re-  
21 sources Conservation Service;

22 (iv) the Chief of Engineers;

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

25 (vi) the Secretary of Transportation;

1 (vii) the Chief of the Forest Service;

2 and

3 (viii) the head of any other applicable

4 agency;

5 (B) the Governors of each of the States of

6 Delaware, Maryland, New York, Pennsylvania,

7 Virginia, and West Virginia and the Mayor of

8 the District of Columbia;

9 (C) fish and wildlife joint venture partner-

10 ships; and

11 (D) other public agencies and organiza-

12 tions with authority for the planning and imple-

13 mentation of conservation strategies in the

14 Chesapeake Bay watershed.

15 (c) GRANTS AND TECHNICAL ASSISTANCE.—

16 (1) CHESAPEAKE WILD GRANT PROGRAM.—To

17 the extent that funds are made available to carry out

18 this subsection, the Secretary shall establish and

19 carry out, as part of the Chesapeake WILD pro-

20 gram, a voluntary grant and technical assistance

21 program, to be known as the “Chesapeake Water-

22 shed Investments for Landscape Defense grant pro-

23 gram”, to provide competitive matching grants of

24 varying amounts and technical assistance to eligible

1 entities described in paragraph (2) to carry out ac-  
2 tivities described in subsection (b)(2).

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

6 (A) A State.

7 (B) The District of Columbia.

8 (C) A unit of local government.

9 (D) A nonprofit organization.

10 (E) An institution of higher education as  
11 such term is defined in section 101(a) of the  
12 Higher Education Act of 1965 (20 U.S.C.  
13 1001(a)).

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

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

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

24 (B) advance the implementation of priority  
25 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       **TITLE II—NATIONAL FISH HABITAT**  
19       **TAT CONSERVATION**  
20       **THROUGH PARTNERSHIPS**

21       **SEC. 201. PURPOSE.**

22       The purpose of this title is to encourage partnerships  
23       among public agencies and other interested persons to pro-  
24       mote fish conservation—

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

5                   (A) improving ecological conditions;

6                   (B) restoring natural processes; or

7                   (C) preventing the decline of intact and  
8 healthy systems;

9           (2) to establish a consensus set of national con-  
10 servation strategies as a framework to guide future  
11 actions and investment by Fish Habitat Partner-  
12 ships;

13           (3) to broaden the community of support for  
14 fish habitat conservation by—

15                   (A) increasing fishing opportunities;

16                   (B) fostering the participation of local  
17 communities, especially young people in local  
18 communities, in conservation activities; and

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

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

1 (A) to empower strategic conservation ac-  
2 tions supported by broadly available scientific  
3 information; and

4 (B) to integrate socioeconomic data in the  
5 analysis to improve the lives of humans in a  
6 manner consistent with fish habitat conserva-  
7 tion goals; and

8 (5) to communicate to the public and conserva-  
9 tion partners—

10 (A) the conservation outcomes produced  
11 collectively by Fish Habitat Partnerships; and

12 (B) new opportunities and voluntary ap-  
13 proaches for conserving fish habitat.

14 **SEC. 202. DEFINITIONS.**

15 In this title:

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
17 **TEES.**—The term “appropriate congressional com-  
18 mittees” means—

19 (A) the Committee on Commerce, Science,  
20 and Transportation and the Committee on En-  
21 vironment and Public Works of the Senate; and

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

1           (2) BOARD.—The term “Board” means the Na-  
2           tional Fish Habitat Board established by section  
3           203.

4           (3) DIRECTOR.—The term “Director” means  
5           the Director of the United States Fish and Wildlife  
6           Service.

7           (4) ENVIRONMENTAL PROTECTION AGENCY AS-  
8           SISTANT ADMINISTRATOR.—The term “Environ-  
9           mental Protection Agency Assistant Administrator”  
10          means the Assistant Administrator for Water of the  
11          Environmental Protection Agency.

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

16          (6) NATIONAL OCEANIC AND ATMOSPHERIC AD-  
17          MINISTRATION ASSISTANT ADMINISTRATOR.—The  
18          term “National Oceanic and Atmospheric Adminis-  
19          tration Assistant Administrator” means the Assist-  
20          ant Administrator for Fisheries of the National Oce-  
21          anic and Atmospheric Administration.

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

1           (8) REAL PROPERTY INTEREST.—The term  
2           “real property interest” means an ownership interest  
3           in—

4                   (A) land; or

5                   (B) water (including water rights).

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

8                   (A) the Atlantic States Marine Fisheries  
9           Commission;

10                  (B) the Gulf States Marine Fisheries Com-  
11           mission; and

12                  (C) the Pacific States Marine Commission.

13           (10) SECRETARY.—The term “Secretary”  
14           means the Secretary of the Interior.

15           (11) STATE.—The term “State” means each of  
16           the several States, Puerto Rico, American Samoa,  
17           Guam, the Northern Mariana Islands, the United  
18           States Virgin Islands, and the District of Columbia.

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

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

22           and

23                   (B) any department or division of a de-  
24           partment or agency of a State that manages in  
25           the public trust the inland or marine fishery re-

1 sources of the State or sustains the habitat for  
2 those fishery resources pursuant to State law or  
3 the constitution of the State.

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

5 (a) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

23 (C) 1 shall be a representative of the De-  
24 partment of Commerce;

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

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

5 (F) 4 shall be representatives of State  
6 agencies, 1 of whom shall be nominated by a re-  
7 gional association of fish and wildlife agencies  
8 from each of the Northeast, Southeast, Mid-  
9 west, and Western regions of the United States;

10 (G) 2 shall be representatives of either—

11 (i) Indian Tribes in the State of Alas-  
12 ka; or

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

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

16 (i) the Regional Fishery Management  
17 Councils established under section 302 of  
18 the Magnuson-Stevens Fishery Conserva-  
19 tion and Management Act (16 U.S.C.  
20 1852); or

21 (ii) a representative of the Marine  
22 Fisheries Commissions;

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

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

3                   (i) the recreational sportfishing indus-  
4                   try;

5                   (ii) the commercial fishing industry;

6                   (iii) marine recreational anglers;

7                   (iv) freshwater recreational anglers;

8                   (v) habitat conservation organizations;

9                   and

10                  (vi) science-based fishery organiza-  
11                  tions;

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

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

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

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

22                   (i) natural resource commodity inter-  
23                   ests, such as petroleum or mineral extrac-  
24                   tion;

1 (ii) natural resource user industries;

2 and

3 (iii) industries with an interest in fish

4 and fish habitat conservation; and

5 (O) 1 shall be an individual in a leadership

6 position in the private sector or landowner rep-

7 resentative of an active partnership.

8 (3) COMPENSATION.—A member of the Board

9 shall serve without compensation.

10 (4) TRAVEL EXPENSES.—A member of the

11 Board may be allowed travel expenses, including per

12 diem in lieu of subsistence, at rates authorized for

13 an employee of an agency under subchapter I of

14 chapter 57 of title 5, United States Code, while

15 away from the home or regular place of business of

16 the member in the performance of the duties of the

17 Board.

18 (b) APPOINTMENT AND TERMS.—

19 (1) IN GENERAL.—Except as otherwise pro-

20 vided in this section, a member of the Board de-

21 scribed in any of subparagraphs (F) through (O) of

22 subsection (a)(2) shall serve for a term of 3 years.

23 (2) INITIAL BOARD MEMBERSHIP.—

24 (A) IN GENERAL.—The initial Board shall

25 consist of representatives as described in sub-

1 paragraphs (A) through (F) of subsection  
2 (a)(2).

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

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

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

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

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

24 (C) three shall be appointed for a term of  
25 3 years.

1 (4) VACANCIES.—

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

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

15 (5) CONTINUATION OF SERVICE.—An individual  
16 whose term of service as a member of the Board ex-  
17 pires may continue to serve on the Board until a  
18 successor is appointed.

19 (6) REMOVAL.—If a member of the Board de-  
20 scribed in any of subparagraphs (H) through (O) of  
21 subparagraph (a)(2) misses three consecutive regu-  
22 larly scheduled Board meetings, the members of the  
23 Board may—

24 (A) vote to remove that member; and

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

3 (c) CHAIRPERSON.—

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

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

10 (d) MEETINGS.—

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

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

13 (B) not less frequently than twice each cal-  
14 endar year.

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

17 (e) PROCEDURES.—

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

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

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

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

7 (D) procedures for designating Partner-  
8 ships under section 204; and

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

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

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

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

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

20 (1) to work with other regional habitat con-  
21 servation programs to promote cooperation and co-  
22 ordination to enhance fish populations and fish habi-  
23 tats;

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

1           (3) to involve diverse groups of public and pri-  
2       vate partners;

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

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

8           (6) to use adaptive management principles, in-  
9       cluding evaluation of project success and  
10      functionality;

11          (7) to develop appropriate local or regional  
12      habitat evaluation and assessment measures and cri-  
13      teria that are compatible with national habitat con-  
14      dition measures; and

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

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

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

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

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

3 (B) an ability to coordinate the implemen-  
4 tation of priority projects that support the goals  
5 and national priorities set by the Board that  
6 are within the Partnership boundary;

7 (C) a self-governance structure that sup-  
8 ports the implementation of strategic priorities  
9 for fish habitat;

10 (D) the ability to develop local and re-  
11 gional relationships with a broad range of enti-  
12 ties to further strategic priorities for fish and  
13 fish habitat;

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

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

23 (G) the ability to develop fish habitat con-  
24 servation priorities based on sound science and  
25 data, the ability to measure the effectiveness of

1 fish habitat projects of the Partnership, and a  
2 clear plan as to how Partnership science and  
3 data components will be integrated with the  
4 overall Board science and data effort.

5 (d) REQUIREMENTS FOR RECOMMENDATION TO CON-  
6 GRESS.—The Board may recommend to Congress for des-  
7 ignation an application for a Partnership submitted under  
8 subsection (c) if the Board determines that the appli-  
9 cant—

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

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

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

24 (4) identifies strategic fish and fish habitat pri-  
25 orities for the Partnership area in the form of geo-

1 graphical focus areas or key stressors or impair-  
2 ments to facilitate strategic planning and decision  
3 making;

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

6 (6) includes a governance structure that—

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

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

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

16 (8) promotes collaboration in developing a stra-  
17 tegic vision and implementation program that is sci-  
18 entifically sound and achievable.

19 (e) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than February 1  
21 of the first fiscal year beginning after the date of en-  
22 actment of this Act and each February 1 thereafter,  
23 the Board shall develop and submit to the appro-  
24 priate congressional committees an annual report, to

1 be entitled “Report to Congress on Future Fish  
2 Habitat Partnerships and Modifications”, that—

3 (A) identifies each entity that—

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

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

8 (B) describes any proposed modifications  
9 to a Partnership previously designated by Con-  
10 gress under subsection (f);

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

14 (i) the purpose of the recommended  
15 Partnership; and

16 (ii) how the recommended Partnership  
17 fulfills the requirements described in sub-  
18 section (d).

19 (2) PUBLIC AVAILABILITY; NOTIFICATION.—

20 The Board shall—

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

23 (B) provide to the appropriate congres-  
24 sional committees and the State agency of any  
25 State included in a recommended Partnership

1           area written notification of the public avail-  
2           ability of the report.

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

6           (g) EXISTING PARTNERSHIPS.—

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

14          (2) INELIGIBILITY FOR FEDERAL FUNDS.—A  
15          partnership referred to in paragraph (1) that Con-  
16          gress does not designate as described in that para-  
17          graph shall be ineligible to receive Federal funds  
18          under this title.

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

20          (a) SUBMISSION TO BOARD.—Not later than March  
21 31 of each year, each Partnership shall submit to the  
22 Board a list of priority fish habitat conservation projects  
23 recommended by the Partnership for annual funding  
24 under this title.

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

8 (c) CRITERIA FOR PROJECT SELECTION.—The  
9 Board shall select each fish habitat conservation project  
10 recommended to the Secretary under subsection (b) after  
11 taking into consideration, at a minimum, the following in-  
12 formation:

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

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

19 (3) The extent to which the fish habitat con-  
20 servation project—

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

1 (B) addresses the national priorities estab-  
2 lished by the Board;

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

7 (D) identifies appropriate monitoring and  
8 evaluation measures and criteria that are com-  
9 patible with national measures;

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

12 (F) leverages other funds to implement the  
13 project;

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

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

19 (4) The availability of sufficient non-Federal  
20 funds to match Federal contributions for the fish  
21 habitat conservation project, as required by sub-  
22 section (e).

23 (5) The extent to which the fish habitat con-  
24 servation project—

1 (A) will increase fish populations in a man-  
2 ner that leads to recreational fishing opportuni-  
3 ties for the public;

4 (B) will be carried out through a coopera-  
5 tive agreement among Federal, State, and local  
6 governments, Indian Tribes, and private enti-  
7 ties;

8 (C) increases public access to land or  
9 water for fish and wildlife-dependent rec-  
10 reational opportunities;

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

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

21 (F) promotes strong and healthy fish habi-  
22 tats so that desired biological communities are  
23 able to persist and adapt.

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

1 (d) LIMITATIONS.—

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

9 (A) to appropriately assess the biological,  
10 ecological, or other results of the habitat protec-  
11 tion, restoration, or enhancement activities car-  
12 ried out using the assistance;

13 (B) to reflect appropriate changes to the  
14 fish habitat conservation project if the assess-  
15 ment substantiates that the fish habitat con-  
16 servation project objectives are not being met;

17 (C) to identify improvements to existing  
18 fish populations, recreational fishing opportuni-  
19 ties, and the overall economic benefits for the  
20 local community of the fish habitat conservation  
21 project; and

22 (D) to require the submission to the Board  
23 of a report describing the findings of the assess-  
24 ment.

25 (2) ACQUISITION AUTHORITIES.—

1 (A) IN GENERAL.—A State, local govern-  
2 ment, or other non-Federal entity is eligible to  
3 receive funds for the acquisition of real prop-  
4 erty from willing sellers under this title if the  
5 acquisition ensures—

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

8 (ii) a scientifically based, direct en-  
9 hancement to the health of fish and fish  
10 populations, as determined by the Board.

11 (B) STATE AGENCY APPROVAL.—

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

17 (ii) PROHIBITION.—The Board may  
18 not recommend, and the Secretary may not  
19 provide any funding for, any real property  
20 interest acquisition that has not been ap-  
21 proved by the State agency.

22 (C) ASSESSMENT OF OTHER AUTHORI-  
23 TIES.—The Board may not recommend, and the  
24 Secretary may not provide any funding under  
25 this title for, any real property interest acqui-

1           tion unless the Partnership that recommended  
2           the project has conducted a project assessment,  
3           submitted with the funding request and ap-  
4           proved by the Board, to demonstrate all other  
5           Federal, State, and local authorities for the ac-  
6           quisition of real property have been exhausted.

7           (D) RESTRICTIONS.—A real property in-  
8           terest may not be acquired pursuant to a fish  
9           habitat conservation project by a State, local  
10          government, or other non-Federal entity con-  
11          ducted with funds provided under this title, un-  
12          less—

13                 (i) the owner of the real property au-  
14                 thorizes the State, local government, or  
15                 other non-Federal entity to acquire the  
16                 real property; and

17                 (ii) the Secretary and the Board de-  
18                 termine that the State, local government,  
19                 or other non-Federal entity would benefit  
20                 from undertaking the management of the  
21                 real property being acquired because that  
22                 is in accordance with the goals of a Part-  
23                 nership.

24          (e) NON-FEDERAL CONTRIBUTIONS.—

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

8           (2) NON-FEDERAL SHARE.—Such non-Federal  
9           share of the cost of a fish habitat conservation  
10          project—

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

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

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

20          (4) WAIVER AUTHORITY.—The Secretary, in  
21          consultation with the Secretary of Commerce with  
22          respect to marine or estuarine projects, may waive  
23          the application of paragraph (2)(A) with respect to  
24          a State or an Indian Tribe, or otherwise reduce the  
25          portion of the non-Federal share of the cost of an

1 activity required to be paid by a State or an Indian  
2 Tribe under paragraph (1), if the Secretary deter-  
3 mines that the State or Indian Tribe does not have  
4 sufficient funds not derived from another Federal  
5 grant program to pay such non-Federal share, or  
6 portion of the non-Federal share, without the use of  
7 loans.

8 (f) APPROVAL.—

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

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

24 (3) NOTIFICATION.—If the Secretary rejects  
25 under paragraph (1) any fish habitat conservation

1 project recommended by the Board, not later than  
2 90 days after the date of receipt of the recommenda-  
3 tion, the Secretary shall provide to the Board, the  
4 appropriate Partnership, and the appropriate con-  
5 gressional committees a written statement of the  
6 reasons that the Secretary rejected the fish habitat  
7 conservation project.

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

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

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

20 (1) providing technical and scientific assistance  
21 to States, Indian Tribes, regions, local communities,  
22 and nongovernmental organizations in the develop-  
23 ment and implementation of Partnerships;

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

4           (3) supporting the development and implemen-  
5           tation of fish habitat conservation projects that are  
6           identified as high priorities by Partnerships and the  
7           Board;

8           (4) supporting and providing recommendations  
9           regarding the development of science-based moni-  
10          toring and assessment approaches for implementa-  
11          tion through Partnerships;

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

14          (6) ensuring the availability of experts to assist  
15          in conducting scientifically based evaluation and re-  
16          porting of the results of fish habitat conservation  
17          projects; and

18          (7) providing resources to secure State agency  
19          scientific and technical assistance to support Part-  
20          nerships, participants in fish habitat conservation  
21          projects, and the Board.

22 **SEC. 207. COORDINATION WITH STATES AND INDIAN**  
23 **TRIBES.**

24          The Secretary shall provide a notice to, and cooperate  
25 with, the appropriate State agency or Tribal agency, as

1 applicable, of each State and Indian Tribe within the  
2 boundaries of which an activity is planned to be carried  
3 out pursuant to this title, including notification, by not  
4 later than 30 days before the date on which the activity  
5 is implemented.

6 **SEC. 208. INTERAGENCY OPERATIONAL PLAN.**

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

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

20 (2) any interagency agreements between or  
21 among Federal departments and agencies to address  
22 those needs.

23 **SEC. 209. ACCOUNTABILITY AND REPORTING.**

24 (a) REPORTING.—



- 1 (i) a description of the fish habitat  
2 conservation projects recommended by the  
3 Board under section 205(b);
- 4 (ii) a description of each fish habitat  
5 conservation project approved by the Sec-  
6 retary under section 205(f), in order of  
7 priority for funding;
- 8 (iii) a justification for—
- 9 (I) the approval of each fish  
10 habitat conservation project; and
- 11 (II) the order of priority for  
12 funding of each fish habitat conserva-  
13 tion project;
- 14 (iv) a justification for any rejection of  
15 a fish habitat conservation project rec-  
16 ommended by the Board under section  
17 205(b) that was based on a factor other  
18 than the criteria described in section  
19 205(c); and
- 20 (v) an accounting of expenditures by  
21 Federal, State, or local governments, In-  
22 dian Tribes, or other entities to carry out  
23 fish habitat conservation projects under  
24 this title.

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

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

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

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

12 (A) the activities of the Partnerships; or

13 (B) any other activities carried out pursu-  
14 ant to this title.

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

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

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

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

21 (3) preempts or affects any State water law or  
22 interstate compact governing water; or

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

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

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

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

11 (2) authorizes the Secretary to control or regu-  
12 late within a State the fishing or hunting of fish and  
13 wildlife.

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

18 (1) an agreement between the Indian Tribe and  
19 the United States;

20 (2) Federal law (including regulations);

21 (3) an Executive order; or

22 (4) a judicial decree.

23 (e) ADJUDICATION OF WATER RIGHTS.—Nothing in  
24 this title diminishes or affects the ability of the Secretary  
25 to join an adjudication of rights to the use of water pursu-

1 ant to subsection (a), (b), or (c) of section 208 of the De-  
2 partments of State, Justice, Commerce, and The Judiciary  
3 Appropriation Act, 1953 (43 U.S.C. 666).

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

10 (g) EFFECT ON OTHER AUTHORITIES.—

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

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

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

23 (B) the Fish and Wildlife Coordination Act  
24 (16 U.S.C. 661 et seq.);

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

4 (D) any other Federal law or court settle-  
5 ment.

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

10 **SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
11 **MITTEE ACT.**

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

14 (1) the Board; or

15 (2) any Partnership.

16 **SEC. 212. FUNDING.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) FISH HABITAT CONSERVATION PROJECTS.—

19 There is authorized to be appropriated to the Sec-  
20 retary \$7,200,000 for each of fiscal years 2021  
21 through 2025 to provide funds for fish habitat con-  
22 servation projects approved under section 205(f), of  
23 which 5 percent is authorized only for projects car-  
24 ried out by Indian Tribes.

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

7           (A) for administrative and planning ex-  
8 penses under this title; and

9           (B) to carry out section 209.

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

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

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

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

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

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

4           (b) AGREEMENTS AND GRANTS.—The Secretary  
5 may—

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

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

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

1       hancement project that the Secretary determines to  
2       be consistent with this title.

3       (c) DONATIONS.—

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

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

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

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

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

19                 (B) may be—

20                         (i) used directly by the Secretary; or

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

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

4 Any Partnership designated under this title—

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

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

9 **TITLE III—MISCELLANEOUS**

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

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

13 (1) the Secretary of Agriculture;

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

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

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

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

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

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

6 (2) to review any barriers to—

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (a) REPORTS ON EXPENDITURES.—

10 (1) FEDERAL DEPARTMENTS AND AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11           (b) REPORT ON CONSERVATION ACTIVITIES.—

12                   (1) FEDERAL DEPARTMENTS AND AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

13 and

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

15 **“SEC. 13. VALUE OF LAND.**

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