

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 3791

To reauthorize the America’s Conservation Enhancement Act,
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. CARPER (for himself and Mrs. CAPITO)

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 Reauthorization
6 Act of 2024”.

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

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

Sec. 101. Losses of livestock due to depredation by federally protected species.

Sec. 102. Black vulture livestock protection program.

Sec. 103. Chronic Wasting Disease Task Force.

Sec. 104. Protection of water, oceans, coasts, and wildlife from invasive species.

Sec. 105. North American Wetlands Conservation Act.

- Sec. 106. National Fish and Wildlife Foundation Establishment Act.
- Sec. 107. Modification of definition of sport fishing equipment under TSCA.
- Sec. 108. Chesapeake Bay Program.
- Sec. 109. Chesapeake Bay Initiative Act of 1998.
- Sec. 110. Chesapeake Watershed Investments for Landscape Defense.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH
PARTNERSHIPS

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

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

4 **SEC. 101. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY**
5 **FEDERALLY PROTECTED SPECIES.**

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

10 **SEC. 102. BLACK VULTURE LIVESTOCK PROTECTION PRO-**
11 **GRAM.**

12 Section 103 of the America’s Conservation Enhance-
13 ment Act (7 U.S.C. 8356) is amended—

14 (1) in the section heading, by inserting “;
15 **BLACK VULTURE LIVESTOCK PROTECTION**
16 **PROGRAM**” after “**COMMON RAVENS**”;

1 (2) by redesignating subsections (a) through (c)
2 as paragraphs (1) through (3), respectively, and in-
3 denting appropriately;

4 (3) in each of paragraphs (2) and (3) (as so re-
5 designated), by striking “subsection (a)” and insert-
6 ing “paragraph (1)”;

7 (4) by inserting before paragraph (1) (as so re-
8 designated) the following:

9 “(a) DEPREDATION PERMITS FOR BLACK VULTURES
10 AND COMMON RAVENS.—”; and

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

12 “(b) BLACK VULTURE LIVESTOCK PROTECTION
13 PROGRAM.—

14 “(1) IN GENERAL.—The Secretary, in coordina-
15 tion with States, shall carry out, through fiscal year
16 2030, a black vulture livestock protection program
17 (referred to in this subsection as the ‘program’) that
18 allows 1 public entity or Farm Bureau organization
19 per State to hold a statewide depredation permit to
20 protect commercial agriculture livestock from black
21 vulture predation.

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

25 “(A) shall—

1 “(i) demonstrate sufficient experience
2 and capacity to provide government regu-
3 lated services to the public, as determined
4 by the Secretary;

5 “(ii) submit a complete depredation
6 permit application, as determined by the
7 Secretary, for review and approval accord-
8 ing to procedures of the United States
9 Fish and Wildlife Service;

10 “(iii) be responsible for complying
11 with, and ensuring subpermittee compli-
12 ance with, as applicable, all permit condi-
13 tions; and

14 “(iv) be responsible for collecting,
15 managing, and reporting required informa-
16 tion under the permit; and

17 “(B) may subpermit to livestock producers
18 to take black vultures for the purposes of live-
19 stock protection.

20 “(3) STUDY.—The Secretary, in consultation
21 with the Secretary of Agriculture, acting through the
22 Administrator of the Animal and Plant Health In-
23 spection Service, shall carry out a study on whether
24 prescribed take levels of black vultures may be in-

1 creased for subpermittees within a biologically sus-
2 tainable take level for the population.

3 “(4) REPORT.—Not later than 1 year after the
4 date of enactment of the America’s Conservation
5 Enhancement Reauthorization Act of 2024, the Sec-
6 retary, in consultation with the Secretary of Agri-
7 culture, acting through the Administrator of the
8 Animal and Plant Health Inspection Service, shall
9 submit to the Chair and Ranking Member of the
10 Committee on Environment and Public Works of the
11 Senate and the Chair and Ranking Member of the
12 Committee on Natural Resources of the House of
13 Representatives a report on the status of the pro-
14 gram, including the results of the study required
15 under paragraph (3).”.

16 **SEC. 103. CHRONIC WASTING DISEASE TASK FORCE.**

17 Section 104(d)(1) of the America’s Conservation En-
18 hancement Act (16 U.S.C. 667h(d)(1)) is amended by
19 striking “2025” and inserting “2030”.

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

22 Section 10(p) of the Fish and Wildlife Coordination
23 Act (16 U.S.C. 666e–1(p)) is amended, in the matter pre-
24 ceding paragraph (1), by striking “2025” and inserting
25 “2030”.

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

3 Section 7(c) of the North American Wetlands Con-
4 servation Act (16 U.S.C. 4406(c)) is amended—

5 (1) by striking “not to exceed \$60,000,000”
6 and inserting the following: “not to exceed—

7 “(1) \$60,000,000”;

8 (2) in paragraph (1) (as so designated), by
9 striking the period at the end and inserting “; and”;
10 and

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

12 “(2) \$65,000,000 for each of fiscal years 2026
13 through 2030.”.

14 **SEC. 106. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**
15 **TABLISHMENT ACT.**

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

18 (1) in subsection (a)(1), in the matter pre-
19 ceding subparagraph (A), by striking “2025” and
20 inserting “2030”; and

21 (2) in subsection (b)(1)—

22 (A) in subparagraph (A), by striking “and
23 cooperative agreements,” and inserting “, coop-
24 erative agreements, participating agreements,
25 and similar instruments used for providing
26 partnership funds,”;

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

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

6 “(B) FUNDING AGREEMENTS.—Federal
7 departments, agencies, and instrumentalities
8 may enter into a Federal funding agreement
9 with the Foundation for a period of not less
10 than 5 years and not more than 10 years.”; and

11 (D) in subparagraph (C) (as so redesign-
12 ated), by inserting “, and should when pos-
13 sible,” after “may”.

14 **SEC. 107. MODIFICATION OF DEFINITION OF SPORT FISH-**
15 **ING EQUIPMENT UNDER TSCA.**

16 Section 108(a) of the America’s Conservation En-
17 hancement Act (15 U.S.C. 2601 note; Public Law 116–
18 188) is amended by striking “During the 5-year period
19 beginning on the date of enactment of this Act” and in-
20 serting “During the period beginning on the date of enact-
21 ment of the America’s Conservation Enhancement Reau-
22 thorization Act of 2024 and ending on September 30,
23 2030”.

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

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

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

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

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

9 “(6) for each of fiscal years 2026 through
10 2030, \$100,000,000.”.

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

12 Section 502(c) of the Chesapeake Bay Initiative Act
13 of 1998 (Public Law 105–312; 112 Stat. 2963; 134 Stat.
14 920) is amended by striking “2025” and inserting
15 “2030”.

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

18 Section 111(e)(1) of the America’s Conservation En-
19 hancement Act (33 U.S.C. 1267 note; Public Law 116–
20 188) is amended by striking “2025” and inserting
21 “2030”.

1 **TITLE II—NATIONAL FISH HABI-**
2 **TAT CONSERVATION**
3 **THROUGH PARTNERSHIPS**

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

5 Section 203 of the America’s Conservation Enhance-
6 ment Act (16 U.S.C. 8203) is amended—

7 (1) in subsection (a)(2)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “26 members” and inserting
10 “28 members”;

11 (B) by striking subparagraph (A) and in-
12 serting the following:

13 “(A) 2 shall be representatives of the De-
14 partment of the Interior, including the United
15 States Fish and Wildlife Service and the Bu-
16 reau of Land Management;” and

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

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

21 “(i) 1 shall be a representative of In-
22 dian Tribes in the State of Alaska; and

23 “(ii) 1 shall be a representative of In-
24 dian Tribes in States other than the State
25 of Alaska;

1 “(H) 2 shall be representatives of—

2 “(i) the Regional Fishery Manage-
3 ment Councils established by section
4 302(a)(1) of the Magnuson-Stevens Fish-
5 ery Conservation and Management Act (16
6 U.S.C. 1852(a)(1)); or

7 “(ii) the Marine Fisheries Commis-
8 sions;”; and

9 (2) in subsection (e)(1)(B), by striking “all
10 members” and inserting “the members present”.

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

12 Section 204(e) of the America’s Conservation En-
13 hancement Act (16 U.S.C. 8204(e)) is amended—

14 (1) in paragraph (1), in the matter preceding
15 subparagraph (A), by inserting “, subject to para-
16 graph (3),” after “Act and”; and

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

18 “(3) LIMITATION.—The Board shall only sub-
19 mit a report required under paragraph (1) in the fis-
20 cal years in which the Board is proposing modifica-
21 tions to, or new designations of, 1 or more Partner-
22 ships.”.

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

24 Section 205 of the America’s Conservation Enhance-
25 ment Act (16 U.S.C. 8205) is amended—

1 (1) in subsection (b), by striking “for the fol-
2 lowing fiscal year”; and

3 (2) in subsection (e)—

4 (A) by striking paragraph (1) and insert-
5 ing the following:

6 “(1) IN GENERAL.—The non-Federal share of
7 the total cost of all fish habitat conservation projects
8 carried out by a Partnership each year shall be at
9 least 50 percent.”; and

10 (B) in paragraph (2), in the matter pre-
11 ceding subparagraph (A), by striking “Such
12 non-Federal share of the cost of a fish habitat
13 conservation project” and inserting “The non-
14 Federal share described in paragraph (1)”.

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

16 Section 206(a) of the America’s Conservation En-
17 hancement Act (16 U.S.C. 8206(a)) is amended by insert-
18 ing “, the Bureau of Land Management,” after “the For-
19 est Service”.

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

21 Section 209 of the America’s Conservation Enhance-
22 ment Act (16 U.S.C. 8209) is amended—

23 (1) by striking subsection (b);

24 (2) in subsection (a)—

1 (A) by striking the subsection designation
2 and heading and all that follows through “Not
3 later than” in paragraph (1) and inserting the
4 following:

5 “(a) IN GENERAL.—Not later than”; and

6 (B) by redesignating paragraph (2) as sub-
7 section (b) and indenting appropriately; and
8 (3) in subsection (b) (as so redesignated)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “paragraph (1)” and inserting
11 “subsection (a)”;

12 (B) by redesignating subparagraphs (A),
13 (B), (C), and (D) as paragraphs (1), (2), (3),
14 and (5), respectively, and indenting appro-
15 priately;

16 (C) in paragraph (3) (as so redesignated),
17 by striking “and” at the end;

18 (D) by inserting after paragraph (3) (as so
19 redesignated) the following:

20 “(4) a description of the status of fish habitats
21 in the United States as identified by Partnerships;
22 and”; and

23 (E) in paragraph (5) (as so redesign-
24 nated)—

1 (i) by redesignating clauses (i)
2 through (v) as subparagraphs (A) through
3 (E), respectively, and indenting appro-
4 priately; and

5 (ii) in subparagraph (C) (as so reded-
6 igned), by redesignating subclauses (I)
7 and (II) as clauses (i) and (ii), respec-
8 tively, and indenting appropriately.

9 **SEC. 206. FUNDING.**

10 Section 212 of the America’s Conservation Enhance-
11 ment Act (16 U.S.C. 8212) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in the paragraph heading, by in-
15 sserting “PARTNERSHIPS AND” after “HABI-
16 TAT”;

17 (ii) by inserting “and \$10,000,000 for
18 each of fiscal years 2026 through 2030”
19 after “through 2025”; and

20 (iii) by inserting “Partnership oper-
21 ations under section 204 and” after “to
22 provide funds for”;

23 (B) in paragraph (2), in the matter pre-
24 ceding subparagraph (A), by striking “2025”
25 and inserting “2030”; and

1 (C) in paragraph (3)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “2025” and insert-
4 ing “2030”;

5 (ii) by redesignating subparagraphs
6 (B) through (E) as subparagraphs (C)
7 through (F), respectively; and

8 (iii) by inserting after subparagraph
9 (A) the following:

10 “(B) \$400,000 to the Secretary for use by
11 the Bureau of Land Management;” and

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

13 “(d) NATIONAL FISH HABITAT ASSESSMENT.—
14 There is authorized to be appropriated for completion of
15 the National Fish Habitat Assessment described in section
16 201(4), including the associated database of the National
17 Fish Habitat Assessment described in that section,
18 \$1,000,000, to remain available until expended.”.

19 **SEC. 207. TECHNICAL CORRECTION.**

20 Section 211 of the America’s Conservation Enhance-
21 ment Act (16 U.S.C. 8211) is amended, in the matter pre-
22 ceding paragraph (1), by striking “The Federal Advisory
23 Committee Act (5 U.S.C. App.)” and inserting “Chapter
24 10 of title 5, United States Code (commonly known as
25 the ‘Federal Advisory Committee Act’),”.