

Suspend the Rules and Pass the Bill, S. 3791, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2D SESSION

S. 3791

To reauthorize the America's Conservation Enhancement Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8 (legislative day, FEBRUARY 7), 2024

Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, Mr. BOOZMAN, Mr. PADILLA, Mr. WICKER, Mr. WHITEHOUSE, Mr. MULLIN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize the America's Conservation Enhancement Act, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “America's Conservation Enhancement Reauthorization
6 Act of 2024”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

3 **TITLE I—WILDLIFE ENHANCE-**
4 **MENT, DISEASE, AND PREDA-**
5 **TION**

6 **SEC. 101. LOSSES OF LIVESTOCK DUE TO DEPREDAATION BY**
7 **FEDERALLY PROTECTED SPECIES.**

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

1 **SEC. 102. BLACK VULTURE LIVESTOCK PROTECTION PRO-**
2 **GRAM.**

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

5 (1) in the section heading, by inserting “;
6 **BLACK VULTURE LIVESTOCK PROTECTION**
7 **PROGRAM**” after “**COMMON RAVENS**” and con-
8 forming the table of contents accordingly;

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

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

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

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

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

20 “(b) **BLACK VULTURE LIVESTOCK PROTECTION**
21 **PROGRAM.**—

22 “(1) **IN GENERAL.**—The Secretary, in coordina-
23 tion with States, shall carry out, through fiscal year
24 2030, a black vulture livestock protection program
25 (referred to in this subsection as the ‘program’) that
26 allows 1 public entity or Farm Bureau organization

1 per State to hold a statewide depredation permit to
2 protect commercial agriculture livestock from black
3 vulture predation.

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

7 “(A) shall—

8 “(i) demonstrate sufficient experience
9 and capacity to provide government regu-
10 lated services to the public, as determined
11 by the Secretary;

12 “(ii) submit a complete depredation
13 permit application, as determined by the
14 Secretary, for review and approval accord-
15 ing to procedures of the United States
16 Fish and Wildlife Service;

17 “(iii) be responsible for complying
18 with, and ensuring subpermittee compli-
19 ance with, as applicable, all permit condi-
20 tions; and

21 “(iv) be responsible for collecting,
22 managing, and reporting required informa-
23 tion under the permit; and

1 “(B) may subpermit to livestock producers
2 to take black vultures for the purposes of live-
3 stock protection.

4 “(3) STUDY.—The Secretary, in consultation
5 with the Secretary of Agriculture, acting through the
6 Administrator of the Animal and Plant Health In-
7 spection Service, shall carry out a study on whether
8 prescribed take levels of black vultures may be in-
9 creased for subpermittees within a biologically sus-
10 tainable take level for the population.

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

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

2 Section 104 of the America’s Conservation Enhance-
3 ment Act (16 U.S.C. 667h) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), by striking “after
6 the completion of the study required by sub-
7 section (c)”;

8 (B) in paragraph (5)(A), by striking “180
9 days after the date on which the study is com-
10 pleted under subsection (c)” and inserting “90
11 days after the date of the enactment of the
12 America’s Conservation Enhancement Reau-
13 thorization Act of 2024. The efforts of the Task
14 Force shall not be contingent on the completion
15 of the study required by subsection (c)”;

16 (2) in subsection (d)(1), by striking “2025”
17 and inserting “2030”.

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

20 Section 10(p) of the Fish and Wildlife Coordination
21 Act (16 U.S.C. 666c–1(p)) is amended, in the matter pre-
22 ceding paragraph (1), by striking “2025” and inserting
23 “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 by striking
5 “2025” and inserting “2030”.

6 **SEC. 106. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**
7 **TABLISHMENT ACT.**

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

10 (1) in subsection (a)(1), in the matter pre-
11 ceding subparagraph (A), by striking “2025” and
12 inserting “2030”; and

13 (2) in subsection (b)(1)—

14 (A) in subparagraph (A), by striking “and
15 cooperative agreements,” and inserting “, coop-
16 erative agreements, participating agreements,
17 and similar instruments used for providing
18 partnership funds,”;

19 (B) by redesignating subparagraphs (B)
20 and (C) as subparagraphs (C) and (D), respec-
21 tively;

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

24 “(B) **FUNDING AGREEMENTS.**—Federal
25 departments, agencies, and instrumentalities
26 may enter into a Federal funding agreement

1 with the Foundation for a period of not more
2 than 10 years.”; and

3 (D) in subparagraph (C) (as so redesign-
4 nated), by inserting “, and should when pos-
5 sible,” after “may”.

6 **SEC. 107. MODIFICATION OF DEFINITION OF SPORT FISH-**
7 **ING EQUIPMENT UNDER TSCA.**

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

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

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

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

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

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

23 “(6) for each of fiscal years 2026 through
24 2030, \$92,000,000.”.

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

2 Section 502(c) of the Chesapeake Bay Initiative Act
3 of 1998 (Public Law 105–312; 112 Stat. 2963; 134 Stat.
4 920) is amended by striking “2025” and inserting
5 “2030”.

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

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

11 **TITLE II—NATIONAL FISH HABI-**
12 **TAT CONSERVATION**
13 **THROUGH PARTNERSHIPS**

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

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

17 (1) in subsection (a)(2)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “26 members” and inserting
20 “28 members”;

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

23 “(A) 2 shall be representatives of the De-
24 partment of the Interior, including the United
25 States Fish and Wildlife Service and the Bu-
26 reau of Land Management;”; and

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

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

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

7 “(ii) 1 shall be a representative of In-
8 dian Tribes in States other than the State
9 of Alaska;

10 “(H) 2 shall be representatives of—

11 “(i) the Regional Fishery Manage-
12 ment Councils established by section
13 302(a)(1) of the Magnuson-Stevens Fish-
14 ery Conservation and Management Act (16
15 U.S.C. 1852(a)(1)); or

16 “(ii) the Marine Fisheries Commis-
17 sions;”; and

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

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

21 Section 204 of the America’s Conservation Enhance-
22 ment Act (16 U.S.C. 8204) is amended—

23 (1) in subsection (e)—

1 (A) in paragraph (1), in the matter pre-
2 ceding subparagraph (A), by inserting “, sub-
3 ject to paragraph (3),” after “Act and”; and

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

5 “(3) LIMITATION.—The Board shall only sub-
6 mit a report required under paragraph (1) in the fis-
7 cal years in which the Board is proposing modifica-
8 tions to, or new designations of, 1 or more Partner-
9 ships.”; and

10 (2) by amending subsection (f) to read as fol-
11 lows:

12 “(f) DESIGNATION OR MODIFICATION OF PARTNER-
13 SHIP.—

14 “(1) IN GENERAL.—Congress shall have the ex-
15 clusive authority to designate or modify a Partner-
16 ship.

17 “(2) DESIGNATION OR MODIFICATION PROC-
18 ESS.—A Partnership designation or modification the
19 Board recommends to Congress shall be deemed to
20 be approved by Congress if Congress does not pass
21 a joint resolution of disapproval with respect to the
22 designation or modification by the date that is 90
23 days after the date on which the relevant congress-
24 sional committees receive such recommendation.”.

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

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

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

6 (2) in subsection (e)—

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

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

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

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

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

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

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

26 (1) by striking subsection (b);

1 (2) in subsection (a)—

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

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

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

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

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

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

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

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

24 (E) in paragraph (5) (as so redesi-
25 gnated)—

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 redesi-
6 gnated), 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(a) of the America’s Conservation En-
11 hancement Act (16 U.S.C. 8212(a)) is amended—

12 (1) in paragraph (1)—

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

15 (B) by striking “2025” and inserting
16 “2030”; and

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

20 (2) in paragraph (2), in the matter preceding
21 subparagraph (A), by striking “2025” and inserting
22 “2030”; and

23 (3) in paragraph (3), in the matter preceding
24 subparagraph (A), by striking “2025” and inserting
25 “2030”.

1 **SEC. 207. TECHNICAL CORRECTION.**

2 Section 211 of the America’s Conservation Enhance-
3 ment Act (16 U.S.C. 8211) is amended, in the matter pre-
4 ceding paragraph (1), by striking “The Federal Advisory
5 Committee Act (5 U.S.C. App.)” and inserting “Chapter
6 10 of title 5, United States Code (commonly known as
7 the ‘Federal Advisory Committee Act’),”.