

(2) affects any water right in existence on October 30, 2020;

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

(4) affects any Federal or State law in existence on October 30, 2020, regarding water quality or water quantity.

(b) Authority to acquire water rights or rights to property

Only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property with funds made available through section 8212 of this title.

(c) State authority

Nothing in this chapter—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) Effect on Indian Tribes

Nothing in this chapter abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian Tribe recognized by treaty or any other means, including—

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

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) Adjudication of water rights

Nothing in this chapter diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 666 of title 43.

(f) Department of Commerce authority

Nothing in this chapter affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) Effect on other authorities

(1) Private property protection

Nothing in this chapter permits the use of funds made available to carry out this chapter to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest, respectively.

(2) Mitigation

Nothing in this chapter authorizes the use of funds made available to carry out this chapter for fish and wildlife mitigation purposes under—

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

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

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

(D) any other Federal law or court settlement.

(3) Clean Water Act

Nothing in this chapter affects any provision of the Federal Water Pollution Control Act (33

U.S.C. 1251 et seq.), including any definition in that Act.

(Pub. L. 116-188, title II, §210, Oct. 30, 2020, 134 Stat. 936.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (f), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (g)(2)(A), (3), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (g)(2)(B), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c-1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables.

The Water Resources Development Act of 1986, referred to in subsec. (g)(2)(C), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082. For complete classification of this Act to the Code, see section 1(a) of Pub. L. 99-662, set out as a Short Title note under section 2201 of Title 33, Navigation and Navigable Waters, and Tables.

§8211. Nonapplicability of Federal Advisory Committee Act

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

(1) the Board; or

(2) any Partnership.

(Pub. L. 116-188, title II, §211, Oct. 30, 2020, 134 Stat. 937.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§8212. Funding

(a) Authorization of appropriations

(1) Fish habitat conservation projects

There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2021 through 2025 to provide funds for fish habitat conservation projects approved under section 8205(f) of this title, of which 5 percent is authorized only for projects carried out by Indian Tribes.

(2) Administrative and planning expenses

There is authorized to be appropriated to the Secretary for each of fiscal years 2021 through 2025 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses under this chapter; and

(B) to carry out section 8209 of this title.

(3) Technical and scientific assistance

There is authorized to be appropriated for each of fiscal years 2021 through 2025 to carry

out, and provide technical and scientific assistance under, section 8206 of this title—

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

(B) \$400,000 to the National Oceanic and Atmospheric Administration Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) \$400,000 to the Environmental Protection Agency Assistant Administrator for use by the Environmental Protection Agency;

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

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

(b) Agreements and grants

The Secretary may—

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

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

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

(c) Donations

(1) In general

The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of title

26 that is exempt from taxation under section 501(a) of title 26 to solicit private donations to carry out the purposes of this chapter; and

(B) accept donations of funds, property, and services to carry out the purposes of this chapter.

(2) Treatment

A donation accepted under this chapter—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

(Pub. L. 116–188, title II, §212, Oct. 30, 2020, 134 Stat. 937.)

REFERENCES IN TEXT

The Federal Financial Assistance Management Improvement Act of 1999, referred to in subsec. (b)(1), is Pub. L. 106–107, Nov. 20, 1999, 113 Stat. 1486, which was formerly set out as a note under section 6101 of Title 31, Money and Finance. Pursuant to section 11 of the Act, the Act ceased to be effective 8 years after Nov. 20, 1999.

This Act, referred to in subsec. (b)(3), is Pub. L. 116–188, Oct. 30, 2020, 134 Stat. 905, known as America’s Conservation Enhancement Act. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

§ 8213. Prohibition against implementation of regulatory authority by Federal agencies through partnerships

Any Partnership designated under this chapter—

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

(2) shall not be used to implement any regulatory authority of any Federal agency.

(Pub. L. 116–188, title II, §213, Oct. 30, 2020, 134 Stat. 938.)