

submit to the appropriate congressional committees a report describing the progress of this chapter.

(2) Contents

Each report submitted under paragraph (1) shall include—

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

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

(C) a description of the improved opportunities for public recreational fishing achieved under this chapter; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this chapter during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 8205(b) of this title;

(ii) a description of each fish habitat conservation project approved by the Secretary under section 8205(f) of this title, in order of priority for funding;

(iii) a justification for—

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

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 8205(b) of this title that was based on a factor other than the criteria described in section 8205(c) of this title; and

(v) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this chapter.

(b) Status and trends report

Not later than December 31, 2021, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships designated under this chapter;

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

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

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this chapter.

(Pub. L. 116-188, title II, §209, Oct. 30, 2020, 134 Stat. 935.)

§ 8210. Effect of this chapter

(a) Water rights

Nothing in this chapter—

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

(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.)

Editorial Notes

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.)

Editorial Notes

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.)