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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To provide for the conservation of the Chesapeake Bay, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WITTMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the conservation of the Chesapeake Bay, 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.**

4 This Act may be cited as the “Chesapeake Bay Con-
5 servation Acceleration Act of 2023”.

1 **SEC. 2. CHESAPEAKE BAY STATES' PARTNERSHIP INITIA-**
2 **TIVE.**

3 Chapter 5 of subtitle D of title XII of the Food Secu-
4 rity Act of 1985 is amended by inserting after section
5 12400 (16 U.S.C. 3939bb–2) the following:

6 **"SEC. 1240Q. CHESAPEAKE BAY STATES' PARTNERSHIP INI-**
7 **TIATIVE.**

8 **"(a) DEFINITION OF CHESAPEAKE BAY WATER-**
9 **SHED.**—In this section, the term 'Chesapeake Bay water-
10 shed' means—

11 **"(1) the Chesapeake Bay;**

12 **"(2) the portions of the States of Delaware,**
13 **Maryland, New York, Pennsylvania, Virginia, and**
14 **West Virginia that contain the tributaries, back-**
15 **waters, and side channels, including their water-**
16 **sheds, that drain into the Chesapeake Bay; and**

17 **"(3) the District of Columbia.**

18 **"(b) ESTABLISHMENT AND PURPOSE.**—The Sec-
19 retary shall carry out a Chesapeake Bay States' Partner-
20 ship Initiative (referred to in this section as the 'Initia-
21 tive') to assist producers in implementing conservation ac-
22 tivities on agricultural lands in the Chesapeake Bay water-
23 shed for the purposes of—

24 **"(1) improving water quality and quantity in**
25 **the Chesapeake Bay watershed;**

1 “(2) restoring, enhancing, and preserving soil,
2 air, and related resources in the Chesapeake Bay
3 watershed; and

4 “(3) increasing the resilience of agricultural
5 production in the Chesapeake Bay watershed to
6 withstand the impacts of climate change.

7 “(c) CONSERVATION ACTIVITIES.—The Secretary
8 shall deliver the funds made available to carry out this
9 section through applicable programs under this subtitle,
10 including by providing enrollment opportunities that are
11 targeted to the Chesapeake Bay watershed, to assist pro-
12 ducers in enhancing land and water resources—

13 “(1) by controlling erosion and reducing sedi-
14 ment and nutrient levels in ground and surface
15 water; and

16 “(2) by planning, designing, implementing, and
17 evaluating habitat conservation, restoration, and en-
18 hancement measures where there is significant eco-
19 logical value if the land is—

20 “(A) retained in its current use; or

21 “(B) restored to its natural condition.

22 “(d) CONSIDERATIONS.—In delivering the funds
23 made available to carry out this section, the Secretary
24 shall give special consideration to applications—

1 “(1) submitted by producers in the most effec-
2 tive river basins for nutrient reduction; or

3 “(2) to carry out conservation activities that re-
4 duce nitrogen and sediment, improve management of
5 livestock and waste, and conserve wetlands.

6 “(e) DUTIES OF THE SECRETARY.—In carrying out
7 this section, the Secretary shall—

8 “(1) where available, use existing plans, models,
9 and assessments to assist producers in implementing
10 conservation activities; and

11 “(2) proceed expeditiously to deliver funding to
12 a producer to implement conservation activities that
13 are consistent with State strategies for the restora-
14 tion of the Chesapeake Bay watershed.

15 “(f) CONSULTATION AND COORDINATION.—The Sec-
16 retary shall—

17 “(1) in consultation with appropriate Federal
18 agencies, ensure conservation activities carried out
19 under this section complement Federal, State, and
20 local programs, including programs that address
21 water quality, in the Chesapeake Bay watershed;
22 and

23 “(2) in carrying out this section, coordinate
24 with the Farm Service Agency to identify needs and
25 opportunities for buffer management on land subject

1 to a contract under the conservation reserve pro-
2 gram under subchapter B of chapter 1 that may be
3 expiring soon.

4 “(g) TASK FORCE.—

5 “(1) IN GENERAL.—The Secretary and the Ad-
6 ministrator of the Environmental Protection Agency
7 shall jointly establish a Federal task force, to be
8 known as the ‘Task Force on Crediting Chesapeake
9 Bay Conservation Investments’ (referred to in this
10 subsection as the ‘task force’).

11 “(2) ACTION PLAN.—The task force shall de-
12 velop an action plan that—

13 “(A) identifies improvements to the proc-
14 esses of analyzing, reporting, and quantifying
15 nutrient reductions from conservation activities
16 in the Chesapeake Bay watershed;

17 “(B) is responsive to the needs of States in
18 the Chesapeake Bay watershed (including the
19 District of Columbia) and the agricultural com-
20 munity;

21 “(C) maintains the scientific integrity of
22 the decision-making process and accounting
23 tools under the Chesapeake Bay Program (as
24 defined in section 117(a) of the Federal Water

1 Pollution Control Act (33 U.S.C. 1267(a));

2 and

3 “(D) ensures producer privacy is protected.

4 “(3) IDENTIFICATION OF OPPORTUNITIES.—

5 The task force shall leverage findings from success-
6 ful data sharing pilots to identify opportunities to
7 integrate time-saving technologies for the implemen-
8 tation of conservation activities in the Chesapeake
9 Bay watershed.

10 “(h) FUNDING.—Of the funds made available by sec-
11 tion 1241(a) of this Act or section 21001(a) of Public Law
12 117–169 (136 Stat. 2015), the Secretary shall use to
13 carry out this section \$75,000,000 for each of fiscal years
14 2024 through 2027, to remain available until expended.”.

15 **SEC. 3. CONSERVATION RESERVE ENHANCEMENT PRO-**
16 **GRAM PARTICIPATION.**

17 (a) CONSERVATION RESERVE.—

18 (1) ELIGIBLE LAND.—Section 1231(b) of the
19 Food Security Act of 1985 (16 U.S.C. 3831(b)) is
20 amended—

21 (A) in paragraph (6)(B)(ii), by striking
22 “or” at the end;

23 (B) in paragraph (7)(C), by striking the
24 period at the end and inserting “; or”; and

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

1 “(8) cropland, marginal pastureland, grass-
2 lands, and other rural land that will—

3 “(A) have a positive impact on water qual-
4 ity in furtherance of the goals of the Conserva-
5 tion Reserve Enhancement Program established
6 by the Secretary under section 1231A; and

7 “(B) be devoted to a riparian buffer.”.

8 (2) CONSERVATION RESERVE ENHANCEMENT
9 PROGRAM.—Section 1231A of the Food Security Act
10 of 1985 (16 U.S.C. 3831a) is amended—

11 (A) in subsection (b)(3), by adding at the
12 end the following:

13 “(C) UPDATES TO EXISTING AGREE-
14 MENTS.—

15 “(i) IN GENERAL.—The Secretary
16 shall provide an option to signatories to an
17 agreement under this subsection to update
18 the agreement, without renegotiating other
19 provisions of the agreement, to include new
20 incentives made available under this sub-
21 chapter beginning on January 1, 2018,
22 such as riparian forest buffer management
23 payments.

24 “(ii) MATCHING FUNDS.—Require-
25 ments for matching funds described in

1 paragraph (2)(B) shall not apply to the
2 updates to an agreement described clause
3 (i).

4 “(D) AMENDMENTS TO AN AGREEMENT.—

5 “(i) IN GENERAL.—In the case of an
6 amendment to an agreement under this
7 subsection, including an addendum to an
8 agreement, the Secretary shall—

9 “(I) streamline the amendment
10 process relating to time-sensitive na-
11 tional priorities, including the Ches-
12 peake Bay total maximum daily load;
13 and

14 “(II) give priority to simple
15 amendments to update existing agree-
16 ments in accordance with subpara-
17 graph (C).

18 “(ii) SIMPLE AMENDMENTS.—A sim-
19 ple amendment of an agreement under this
20 subsection shall not constitute a renegoti-
21 ation of the agreement.”.

22 (3) PAYMENTS.—Section 1234 of the Food Se-
23 curity Act of 1985 (16 U.S.C. 3834) is amended—

24 (A) in subsection (b)(4)—

1 (i) by striking “In addition” and in-
2 serting the following:

3 “(A) IN GENERAL.—In addition”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) MINIMUM PAYMENT FOR CERTAIN
7 CONTRACTS.—In the case of a contract updated
8 under section 1231A(b)(3)(C), the incentive
9 payment under subparagraph (A) shall be in an
10 amount that is not less than 40 percent of the
11 actual costs described in that subparagraph.”;
12 and

13 (B) in subsection (g)(1), by striking
14 “\$50,000” and inserting “\$100,000”.

15 (b) ENVIRONMENTAL QUALITY INCENTIVES PRO-
16 GRAM.—

17 (1) CONSERVATION INCENTIVE CONTRACTS.—
18 Section 1240B(j)(2)(C) of the Food Security Act of
19 1985 (16 U.S.C. 3839aa–2(j)(2)(C)) is amended—

20 (A) in clause (i), by striking “and” at the
21 end;

22 (B) in clause (ii), by striking the period at
23 the end and inserting “; and”; and

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

1 “(iii) consider participation in the
2 conservation reserve program and the con-
3 servation reserve enhancement program
4 under subchapter B of chapter 1, and
5 practices under those programs, such as ri-
6 parian buffers, in prioritizing grazing prac-
7 tices under the program established by this
8 subchapter with respect to the efficient im-
9 plementation of grazing systems to holis-
10 tically address resource concerns.”.

11 (2) EVALUATION OF APPLICATIONS.—Section
12 1240C(b) of the Food Security Act of 1985 (16
13 U.S.C. 3839aa-3(b)) is amended—

14 (A) in paragraph (3), by striking “and” at
15 the end;

16 (B) in paragraph (4), by striking the pe-
17 riod at the end and inserting “; and”; and

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

19 “(5) that would include grazing practices under
20 the program established by this subchapter, in con-
21 sideration of participation in the conservation re-
22 serve program and the conservation reserve enhance-
23 ment program under subchapter B of chapter 1, and
24 practices under those programs, such as riparian
25 buffers, with respect to the efficient implementation

1 of grazing systems to holistically address resource
2 concerns.”.

3 **SEC. 4. CHESAPEAKE BAY WATERSHED TURNKEY PILOT**
4 **PROGRAM.**

5 Section 1231C of the Food Security Act of 1985 (16
6 U.S.C. 3831c) is amended by adding at the end the fol-
7 lowing:

8 “(e) CHESAPEAKE BAY WATERSHED TURNKEY
9 PILOT PROGRAM.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) CREP DEFINITIONS.—The terms
12 ‘CREP’, ‘eligible land’, and ‘management’ have
13 the meanings given those terms in section
14 1231A(a).

15 “(B) ELIGIBLE PRACTICE.—The term ‘eli-
16 gible practice’ means a forested riparian buffer
17 practice under a CREP and any associated ac-
18 tivities, including—

19 “(i) a stream crossing;

20 “(ii) fencing and alternate water sys-
21 tems;

22 “(iii) herbicide applications; and

23 “(iv) any other activity that is appro-
24 priate to establish the practice.

1 “(C) TECHNICAL SERVICE PROVIDER.—

2 The term ‘technical service provider’ means a
3 third-party provider with which the Secretary
4 enters into an agreement described in para-
5 graph (5)(A).

6 “(2) ESTABLISHMENT.—The Secretary shall es-
7 tablish a pilot program under which the Secretary
8 shall provide, for voluntary owners and operators,
9 establishment and management of eligible practices
10 on eligible land located in the Chesapeake Bay wa-
11 tershed that is enrolled through a CREP.

12 “(3) DUTIES OF THE SECRETARY.—With re-
13 spect to eligible land enrolled through the pilot pro-
14 gram under this subsection, the Secretary shall—

15 “(A) provide, for an owner or operator, es-
16 tablishment and management of an eligible
17 practice on the eligible land, which may be pro-
18 vided by a technical service provider pursuant
19 to an agreement under paragraph (5); and

20 “(B) not require the owner or operator—

21 “(i) to pay any costs of the establish-
22 ment or management of the eligible prac-
23 tice, including any compensation provided
24 under paragraph (5)(C); or

1 “(ii) to submit to the Secretary any
2 additional paperwork with respect to the
3 pilot program under this subsection.

4 “(4) DUTIES OF OWNERS AND OPERATORS.—
5 With respect to eligible land enrolled through the
6 pilot program under this subsection, an owner or op-
7 erator of the eligible land—

8 “(A) shall provide to the Secretary and
9 any technical service providers, as applicable,
10 access to the eligible land for purposes of the
11 establishment or management of the eligible
12 practice; and

13 “(B) may not receive any cost-share pay-
14 ment, practice incentive payment, or manage-
15 ment payment under this subchapter with re-
16 spect to the eligible practice.

17 “(5) AGREEMENTS WITH TECHNICAL SERVICE
18 PROVIDERS.—

19 “(A) IN GENERAL.—The Secretary may
20 enter into an agreement under section 1242
21 with 1 or more third-party providers certified
22 under that section, including those certified
23 through a streamlined certification process
24 under subsection (e)(5) of that section, and
25 that provide technical assistance under this title

1 in the Chesapeake Bay watershed to conduct
2 the establishment and management of an eligi-
3 ble practice on eligible land under the pilot pro-
4 gram under this subsection.

5 “(B) ACTIVITIES.—In addition to any ae-
6 tivity that a technical service provider may con-
7 duct pursuant to section 1242 relating to the
8 establishment of an eligible practice, a technical
9 service provider may carry out such activities as
10 are necessary to conduct the establishment and
11 management of an eligible practice.

12 “(C) COMPENSATION.—Under an agree-
13 ment entered into under subparagraph (A), the
14 Secretary shall provide to a technical service
15 provider reasonable compensation for services
16 provided under the agreement, including admin-
17 istrative, technical assistance, design, and in-
18 stallation costs.

19 “(6) REPORT TO CONGRESS.—Not later than 1
20 year after the date of enactment of this subsection,
21 the Secretary shall submit to the Committee on Ag-
22 riculture, Nutrition, and Forestry of the Senate and
23 the Committee on Agriculture of the House of Rep-
24 resentatives a report describing the status of, and

1 any activities carried out under, the pilot program
2 under this subsection.”.

3 **SEC. 5. CHESAPEAKE BAY WATERSHED WORKFORCE DE-**
4 **VELOPMENT.**

5 (a) GRANTS AND FELLOWSHIPS FOR FOOD AND AG-
6 RICULTURAL SCIENCES EDUCATION.—Section 1417 of the
7 National Agricultural Research, Extension, and Teaching
8 Policy Act of 1977 (7 U.S.C. 3152) is amended—

9 (1) in subsection (b)—

10 (A) in the matter preceding paragraph (1),
11 by striking “other colleges and universities”
12 and inserting “other institutions of higher edu-
13 cation (as defined in section 101 of the Higher
14 Education Act of 1965 (20 U.S.C. 1001))”; and

15 (B) in paragraph (3), by striking “food
16 and agricultural sciences teaching programs, or
17 teaching programs emphasizing” and inserting
18 “teaching programs, including paid work-based
19 learning (as defined in section 3 of the Carl D.
20 Perkins Career and Technical Education Act of
21 2006 (20 U.S.C. 2302)), for food and agricul-
22 tural sciences or”;

23 (2) in subsection (c)—

24 (A) in paragraph (1), by striking “and” at
25 the end;

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting “; and”; and

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

4 “(3) applications for teaching enhancement
5 projects, including paid work-based learning (as de-
6 fined in section 3 of the Carl D. Perkins Career and
7 Technical Education Act of 2006 (20 U.S.C. 2302)),
8 that address a need for additional trained profes-
9 sionals in food and agricultural sciences or rural eco-
10 nomic, community, and business development.”; and

11 (3) in subsection (m)—

12 (A) in paragraph (1), by striking “and” at
13 the end;

14 (B) in paragraph (2), by striking the pe-
15 riod at the end and inserting “; and”; and

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

17 “(3) \$60,000,000 for each of fiscal years 2024
18 through 2033.”.

19 (b) EXPERIENCED SERVICES PROGRAM.—Section
20 1252(a)(2) of the Food Security Act of 1985 (16 U.S.C.
21 3851(a)(2)) is amended—

22 (1) in subparagraph (D), by striking “and” at
23 the end;

24 (2) in subparagraph (E), by striking the period
25 at the end and inserting “; and”; and

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

2 “(F) assisting cooperative initiatives under
3 section 1417(b)(3) of the National Agricultural
4 Research, Extension, and Teaching Policy Act
5 of 1977 (7 U.S.C. 3152(b)(3)) to improve high-
6 er education teaching programs, including paid
7 work-based learning (as defined in section 3 of
8 the Carl D. Perkins Career and Technical Edu-
9 cation Act of 2006 (20 U.S.C. 2302)), at insti-
10 tutions of higher education.”.

11 **SEC. 6. PRIMARY REGULATORY OVERSIGHT FOR DOMES-**
12 **TIC, WILD-CAUGHT, INVASIVE CATFISH.**

13 (a) **EXEMPTION OF DOMESTIC, WILD-CAUGHT,**
14 **INVASIVE CATFISH FROM USDA OVERSIGHT.—**

15 (1) **FOOD SAFETY AND INSPECTION SERVICE.—**

16 Section 1(w)(2) of the Federal Meat Inspection Act
17 (21 U.S.C. 601(w)(2)) is amended by inserting “,
18 except for domestic, wild-caught blue catfish
19 (*Ictalurus furcatus*) and flathead catfish (*Pylodictis*
20 *olivaris*) invasive to the Chesapeake Bay ecosystem”
21 after “Siluriformes”.

22 (2) **USDA GRADING PROGRAM.—**Section
23 203(n)(1) of the Agricultural Marketing Act of 1946
24 (7 U.S.C. 1622(n)(1)) is amended by inserting “, ex-
25 cept for domestic, wild-caught blue catfish (*Ictalurus*

1 furcatus) and flathead catfish (*Pylodictis olivaris*)
2 invasive to the Chesapeake Bay ecosystem” after
3 “Siluriformes”.

4 (b) INTERAGENCY COORDINATION.—Not later than
5 90 days after the date of enactment of this Act, the Sec-
6 retary of Agriculture (referred to in this section as the
7 “Secretary”) shall execute a memorandum of under-
8 standing with the Commissioner of Food and Drugs (re-
9 ferred to in this section as the “Commissioner”) for the
10 purpose of transferring primary regulatory oversight of
11 the domestic and import inspection of domestic, wild-
12 caught blue catfish (*Ictalurus furcatus*) and flathead cat-
13 fish (*Pylodictis olivaris*) invasive to the Chesapeake Bay
14 ecosystem from the Secretary to the Commissioner, pursu-
15 ant to the authorities of the Commissioner under the Fed-
16 eral Food, Drug, and Cosmetic Act (21 U.S.C. 301 et
17 seq.), the Fair Packaging and Labeling Act (15 U.S.C.
18 1451 et seq.), and the Public Health Service Act (42
19 U.S.C. 201 et seq.).

20 (c) REGULATIONS.—Not later than 180 days after
21 the date of enactment of this Act, the Secretary, in con-
22 sultation with the Commissioner, shall issue final regula-
23 tions to carry out this Act and the amendments made by
24 this Act, as applicable, in a manner that ensures that
25 there is no duplication in inspection activities relating to

- 1 domestic, wild-caught blue catfish (*Ictalurus furcatus*) and
- 2 flathead catfish (*Pylodictis olivaris*) invasive to the Chesapeake Bay ecosystem.
- 3

