

118TH CONGRESS
1ST SESSION

S. 2710

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. CARDIN (for himself, Mr. CASEY, Mr. VAN HOLLEN, Mr. WARNER, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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”.

6 **SEC. 2. CHESAPEAKE BAY STATES’ PARTNERSHIP INITIA-**
7 **TIVE.**

8 Chapter 5 of subtitle D of title XII of the Food Secu-
9 rity Act of 1985 is amended by inserting after section
10 12400 (16 U.S.C. 3939bb–2) the following:

1 **“SEC. 1240Q. CHESAPEAKE BAY STATES’ PARTNERSHIP INI-**
2 **TIATIVE.**

3 “(a) DEFINITION OF CHESAPEAKE BAY WATER-
4 SHED.—In this section, the term ‘Chesapeake Bay water-
5 shed’ means—

6 “(1) the Chesapeake Bay;

7 “(2) the portions of the States of Delaware,
8 Maryland, New York, Pennsylvania, Virginia, and
9 West Virginia that contain the tributaries, back-
10 waters, and side channels, including their water-
11 sheds, that drain into the Chesapeake Bay; and

12 “(3) the District of Columbia.

13 “(b) ESTABLISHMENT AND PURPOSE.—The Sec-
14 retary shall carry out a Chesapeake Bay States’ Partner-
15 ship Initiative (referred to in this section as the ‘Initia-
16 tive’) to assist producers in implementing conservation ac-
17 tivities on agricultural lands in the Chesapeake Bay water-
18 shed for the purposes of—

19 “(1) improving water quality and quantity in
20 the Chesapeake Bay watershed;

21 “(2) restoring, enhancing, and preserving soil,
22 air, and related resources in the Chesapeake Bay
23 watershed; and

24 “(3) increasing the resilience of agricultural
25 production in the Chesapeake Bay watershed to
26 withstand the impacts of climate change.

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

7 “(1) by controlling erosion and reducing sedi-
 8 ment and nutrient levels in ground and surface
 9 water; and

10 “(2) by planning, designing, implementing, and
 11 evaluating habitat conservation, restoration, and en-
 12 hancement measures where there is significant eco-
 13 logical value if the land is—

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

15 “(B) restored to its natural condition.

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

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

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

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

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

4 “(2) proceed expeditiously to deliver funding to
 5 a producer to implement conservation activities that
 6 are consistent with State strategies for the restora-
 7 tion of the Chesapeake Bay watershed.

8 “(f) CONSULTATION AND COORDINATION.—The Sec-
 9 retary shall—

10 “(1) in consultation with appropriate Federal
 11 agencies, ensure conservation activities carried out
 12 under this section complement Federal, State, and
 13 local programs, including programs that address
 14 water quality, in the Chesapeake Bay watershed;
 15 and

16 “(2) in carrying out this section, coordinate
 17 with the Farm Service Agency to identify needs and
 18 opportunities for buffer management on land subject
 19 to a contract under the conservation reserve pro-
 20 gram under subchapter B of chapter 1 that may be
 21 expiring soon.

22 “(g) TASK FORCE.—

23 “(1) IN GENERAL.—The Secretary and the Ad-
 24 ministrator of the Environmental Protection Agency
 25 shall jointly establish a Federal task force, to be

1 known as the ‘Task Force on Crediting Chesapeake
2 Bay Conservation Investments’ (referred to in this
3 subsection as the ‘task force’).

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

6 “(A) identifies improvements to the proc-
7 esses of analyzing, reporting, and quantifying
8 nutrient reductions from conservation activities
9 in the Chesapeake Bay watershed;

10 “(B) is responsive to the needs of States in
11 the Chesapeake Bay watershed (including the
12 District of Columbia) and the agricultural com-
13 munity;

14 “(C) maintains the scientific integrity of
15 the decision-making process and accounting
16 tools under the Chesapeake Bay Program (as
17 defined in section 117(a) of the Federal Water
18 Pollution Control Act (33 U.S.C. 1267(a)));
19 and

20 “(D) ensures producer privacy is protected.

21 “(3) IDENTIFICATION OF OPPORTUNITIES.—
22 The task force shall leverage findings from success-
23 ful data sharing pilots to identify opportunities to
24 integrate time-saving technologies for the implemen-

1 tation of conservation activities in the Chesapeake
2 Bay watershed.

3 “(h) FUNDING.—Of the funds made available by sec-
4 tion 1241(a) of this Act or section 21001(a) of Public Law
5 117–169 (136 Stat. 2015), the Secretary shall use to
6 carry out this section \$75,000,000 for each of fiscal years
7 2024 through 2027, to remain available until expended.”.

8 **SEC. 3. CONSERVATION RESERVE ENHANCEMENT PRO-**
9 **GRAM PARTICIPATION.**

10 (a) CONSERVATION RESERVE.—

11 (1) ELIGIBLE LAND.—Section 1231(b) of the
12 Food Security Act of 1985 (16 U.S.C. 3831(b)) is
13 amended—

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

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

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

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

21 “(A) have a positive impact on water qual-
22 ity in furtherance of the goals of the Conserva-
23 tion Reserve Enhancement Program established
24 by the Secretary under section 1231A; and

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

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

4 (A) in subsection (b)(3), by adding at the
5 end the following:

6 “(C) UPDATES TO EXISTING AGREE-
7 MENTS.—

8 “(i) IN GENERAL.—The Secretary
9 shall provide an option to signatories to an
10 agreement under this subsection to update
11 the agreement, without renegotiating other
12 provisions of the agreement, to include new
13 incentives made available under this sub-
14 chapter beginning on January 1, 2018,
15 such as riparian forest buffer management
16 payments.

17 “(ii) MATCHING FUNDS.—Require-
18 ments for matching funds described in
19 paragraph (2)(B) shall not apply to the
20 updates to an agreement described clause
21 (i).

22 “(D) AMENDMENTS TO AN AGREEMENT.—

23 “(i) IN GENERAL.—In the case of an
24 amendment to an agreement under this

subsection, including an addendum to an agreement, the Secretary shall—

“(I) streamline the amendment process relating to time-sensitive national priorities, including the Chesapeake Bay total maximum daily load; and

“(II) give priority to simple amendments to update existing agreements in accordance with subparagraph (C).

“(ii) SIMPLE AMENDMENTS.—A simple amendment of an agreement under this subsection shall not constitute a renegotiation of the agreement.”.

(3) PAYMENTS.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended—

(A) in subsection (b)(4)—

(i) by striking “In addition” and inserting the following:

“(A) IN GENERAL.—In addition”; and

(ii) by adding at the end the following:

“(B) MINIMUM PAYMENT FOR CERTAIN CONTRACTS.—In the case of a contract updated

under section 1231A(b)(3)(C), the incentive payment under subparagraph (A) shall be in an amount that is not less than 40 percent of the actual costs described in that subparagraph.”; and

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

(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

(1) CONSERVATION INCENTIVE CONTRACTS.—

Section 1240B(j)(2)(C) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(j)(2)(C)) is amended—

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

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

(C) by adding at the end the following:

“(iii) consider participation in the conservation reserve program and the conservation reserve enhancement program under subchapter B of chapter 1, and practices under those programs, such as riparian buffers, in prioritizing grazing practices under the program established by this subchapter with respect to the efficient im-

1 plementation of grazing systems to holis-
 2 tically address resource concerns.”.

3 (2) EVALUATION OF APPLICATIONS.—Section
 4 1240C(b) of the Food Security Act of 1985 (16
 5 U.S.C. 3839aa–3(b)) is amended—

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

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

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

11 “(5) that would include grazing practices under
 12 the program established by this subchapter, in con-
 13 sideration of participation in the conservation re-
 14 serve program and the conservation reserve enhance-
 15 ment program under subchapter B of chapter 1, and
 16 practices under those programs, such as riparian
 17 buffers, with respect to the efficient implementation
 18 of grazing systems to holistically address resource
 19 concerns.”.

20 **SEC. 4. CHESAPEAKE BAY WATERSHED TURNKEY PILOT**
 21 **PROGRAM.**

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

1 “(c) CHESAPEAKE BAY WATERSHED TURNKEY
2 PILOT PROGRAM.—

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

4 “(A) CREP DEFINITIONS.—The terms
5 ‘CREP’, ‘eligible land’, and ‘management’ have
6 the meanings given those terms in section
7 1231A(a).

8 “(B) ELIGIBLE PRACTICE.—The term ‘eli-
9 gible practice’ means a forested riparian buffer
10 practice under a CREP and any associated ac-
11 tivities, including—

12 “(i) a stream crossing;

13 “(ii) fencing and alternate water sys-
14 tems;

15 “(iii) herbicide applications; and

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

18 “(C) TECHNICAL SERVICE PROVIDER.—
19 The term ‘technical service provider’ means a
20 third-party provider with which the Secretary
21 enters into an agreement described in para-
22 graph (5)(A).

23 “(2) ESTABLISHMENT.—The Secretary shall es-
24 tablish a pilot program under which the Secretary
25 shall provide, for voluntary owners and operators,

1 establishment and management of eligible practices
2 on eligible land located in the Chesapeake Bay wa-
3 tershed that is enrolled through a CREP.

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

7 “(A) provide, for an owner or operator, es-
8 tablishment and management of an eligible
9 practice on the eligible land, which may be pro-
10 vided by a technical service provider pursuant
11 to an agreement under paragraph (5); and

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

13 “(i) to pay any costs of the establish-
14 ment or management of the eligible prac-
15 tice, including any compensation provided
16 under paragraph (5)(C); or

17 “(ii) to submit to the Secretary any
18 additional paperwork with respect to the
19 pilot program under this subsection.

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

24 “(A) shall provide to the Secretary and
25 any technical service providers, as applicable,

1 access to the eligible land for purposes of the
2 establishment or management of the eligible
3 practice; and

4 “(B) may not receive any cost-share pay-
5 ment, practice incentive payment, or manage-
6 ment payment under this subchapter with re-
7 spect to the eligible practice.

8 “(5) AGREEMENTS WITH TECHNICAL SERVICE
9 PROVIDERS.—

10 “(A) IN GENERAL.—The Secretary may
11 enter into an agreement under section 1242
12 with 1 or more third-party providers certified
13 under that section, including those certified
14 through a streamlined certification process
15 under subsection (e)(5) of that section, and
16 that provide technical assistance under this title
17 in the Chesapeake Bay watershed to conduct
18 the establishment and management of an eligi-
19 ble practice on eligible land under the pilot pro-
20 gram under this subsection.

21 “(B) ACTIVITIES.—In addition to any ac-
22 tivity that a technical service provider may con-
23 duct pursuant to section 1242 relating to the
24 establishment of an eligible practice, a technical
25 service provider may carry out such activities as

are necessary to conduct the establishment and management of an eligible practice.

“(C) COMPENSATION.—Under an agreement entered into under subparagraph (A), the Secretary shall provide to a technical service provider reasonable compensation for services provided under the agreement, including administrative, technical assistance, design, and installation costs.

“(6) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the status of, and any activities carried out under, the pilot program under this subsection.”.

SEC. 5. CHESAPEAKE BAY WATERSHED WORKFORCE DEVELOPMENT.

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

(1) in subsection (b)—

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

6 (B) in paragraph (3), by striking “food
7 and agricultural sciences teaching programs, or
8 teaching programs emphasizing” and inserting
9 “teaching programs, including paid work-based
10 learning (as defined in section 3 of the Carl D.
11 Perkins Career and Technical Education Act of
12 2006 (20 U.S.C. 2302)), for food and agricul-
13 tural sciences or”;

14 (2) in subsection (c)—

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

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

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

20 “(3) applications for teaching enhancement
21 projects, including paid work-based learning (as de-
22 fined in section 3 of the Carl D. Perkins Career and
23 Technical Education Act of 2006 (20 U.S.C. 2302)),
24 that address a need for additional trained profes-

1 sionals in food and agricultural sciences or rural eco-
 2 nomic, community, and business development.”; and

3 (3) in subsection (m)—

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

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

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

9 “(3) \$60,000,000 for each of fiscal years 2024
 10 through 2033.”.

11 (b) EXPERIENCED SERVICES PROGRAM.—Section
 12 1252(a)(2) of the Food Security Act of 1985 (16 U.S.C.
 13 3851(a)(2)) is amended—

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

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

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

19 “(F) assisting cooperative initiatives under
 20 section 1417(b)(3) of the National Agricultural
 21 Research, Extension, and Teaching Policy Act
 22 of 1977 (7 U.S.C. 3152(b)(3)) to improve high-
 23 er education teaching programs, including paid
 24 work-based learning (as defined in section 3 of
 25 the Carl D. Perkins Career and Technical Edu-

1 cation Act of 2006 (20 U.S.C. 2302)), at insti-
 2 tutions of higher education.”.

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

5 (a) EXEMPTION OF DOMESTIC, WILD-CAUGHT,
 6 INVASIVE CATFISH FROM USDA OVERSIGHT.—

7 (1) FOOD SAFETY AND INSPECTION SERVICE.—

8 Section 1(w)(2) of the Federal Meat Inspection Act
 9 (21 U.S.C. 601(w)(2)) is amended by inserting “,
 10 except for domestic, wild-caught blue catfish
 11 (*Ictalurus furcatus*) and flathead catfish (*Pylodictis*
 12 *olivaris*) invasive to the Chesapeake Bay ecosystem”
 13 after “Siluriformes”.

14 (2) USDA GRADING PROGRAM.—Section
 15 203(n)(1) of the Agricultural Marketing Act of 1946
 16 (7 U.S.C. 1622(n)(1)) is amended by inserting “, ex-
 17 cept for domestic, wild-caught blue catfish (*Ictalurus*
 18 *furcatus*) and flathead catfish (*Pylodictis olivaris*)
 19 invasive to the Chesapeake Bay ecosystem” after
 20 “Siluriformes”.

21 (b) INTERAGENCY COORDINATION.—Not later than
 22 90 days after the date of enactment of this Act, the Sec-
 23 retary of Agriculture (referred to in this section as the
 24 “Secretary”) shall execute a memorandum of under-
 25 standing with the Commissioner of Food and Drugs (re-

1 ferred to in this section as the “Commissioner”) for the
2 purpose of transferring primary regulatory oversight of
3 the domestic and import inspection of domestic, wild-
4 caught blue catfish (*Ictalurus furcatus*) and flathead cat-
5 fish (*Pylodictis olivaris*) invasive to the Chesapeake Bay
6 ecosystem from the Secretary to the Commissioner, pursu-
7 ant to the authorities of the Commissioner under the Fed-
8 eral Food, Drug, and Cosmetic Act (21 U.S.C. 301 et
9 seq.), the Fair Packaging and Labeling Act (15 U.S.C.
10 1451 et seq.), and the Public Health Service Act (42
11 U.S.C. 201 et seq.).

12 (c) REGULATIONS.—Not later than 180 days after
13 the date of enactment of this Act, the Secretary, in con-
14 sultation with the Commissioner, shall issue final regula-
15 tions to carry out this Act and the amendments made by
16 this Act, as applicable, in a manner that ensures that
17 there is no duplication in inspection activities relating to
18 domestic, wild-caught blue catfish (*Ictalurus furcatus*) and
19 flathead catfish (*Pylodictis olivaris*) invasive to the Chesa-
20 peake Bay ecosystem.

○