

**AMENDMENT TO H.R. 8800**  
**OFFERED BY MS. ELFRETH OF MARYLAND**

At the appropriate place in title III, insert the following new section:

1 **SEC. 3 \_\_\_\_ . INTERAGENCY AGREEMENTS TO EXECUTE CER-**  
2 **TAIN REVIEWS OF PRIORITY DEPARTMENT**  
3 **OF DEFENSE PROGRAMS AND PROJECTS.**

4 Chapter 159 of title 10, United States Code, is  
5 amended by inserting after section 2672 the following new  
6 section:

7 **“§ 2673. Interagency agreements to execute reviews**  
8 **of priority programs and projects**

9 “(a) AGREEMENTS AUTHORIZED.— (1) Subject to  
10 the requirements of paragraph (2), the Secretary of De-  
11 fense or the Secretary of a military department may enter  
12 into an agreement with the Director of the National Ma-  
13 rine Fisheries Service or the Director of the United States  
14 Fish and Wildlife Service under which—

15 “(A) the Director agrees to execute a review  
16 process under a law specified in paragraph (2) for  
17 a priority military program or project, as designated  
18 by the Secretary; and

1           “(B) the Secretary of Defense or the Secretary  
2 of a military department agrees to provide to the Di-  
3 rector direct financial assistance in such amounts as  
4 may be necessary to hire personnel to execute the re-  
5 view process, provided such amounts are used only  
6 for such purpose.

7           “(2) The Secretary of Defense or the Secretary of  
8 a military department may enter into an agreement under  
9 this subsection with respect to a program or project only  
10 if—

11           “(A) the Secretary determines that it is in the  
12 interest of national defense to carry out a review  
13 process for the program or project within a par-  
14 ticular period of time; and

15           “(B) the Director of the National Marine Fish-  
16 eries Service or the Director of the United States  
17 Fish and Wildlife Service provides notice to the Sec-  
18 retary that the National Marine Fisheries Service or  
19 the United States Fish and Wildlife Service, as the  
20 case may be, does not have sufficient funds or ade-  
21 quate personnel to carry out the review process with-  
22 in such period without the receipt of assistance  
23 under the agreement.

24           “(3) The laws specified in this paragraph are each  
25 of the following:

1           “(A) The Marine Mammal Protection Act of  
2           1972 (16 U.S.C. 1361 et seq.).

3           “(B) The Endangered Species Act of 1973 (16  
4           U.S.C. 1531 et seq.).

5           “(C) The Magnuson-Stevens Fishery Conserva-  
6           tion and Management Act (16 U.S.C. 1801 et seq.).

7           “(b) DEFINITIONS.—In this section:

8           “(1) The term ‘eligible expense’, with respect to  
9           a review process, includes an expense for—

10                   “(A) support of or participation in military  
11                   planning activities that precede the initiation of  
12                   the review process;

13                   “(B) activities directly related to the re-  
14                   view process, including any associated consulta-  
15                   tion process; and

16                   “(C) development of programmatic agree-  
17                   ments.

18           “(2) The term ‘review process’, with respect to  
19           a law, means the process of reviewing the potential  
20           environmental impacts of a program or project to  
21           determine whether the program or project meets the  
22           requirements of the law, including any requirement  
23           for a consultation, plan, permit, or approval.”.

