

Calendar No. 371

114TH CONGRESS
2D SESSION**S. 659****[Report No. 114–210]**

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2015

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

FEBRUARY 24, 2016

Reported by Mr. INHOFE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To protect and enhance opportunities for recreational hunting, fishing, and shooting, 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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.—This Act may be cited as the~~
5 ~~“Bipartisan Sportsmen’s Act of 2015”.~~

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- See. 1: Short title; table of contents.
- See. 2: Modification of definition of sport fishing equipment under the Toxic Substances Control Act.
- See. 3: Target practice and marksmanship.
- See. 4: Permits for importation of polar bear trophies taken in sport hunts in Canada.
- See. 5: Baiting of migratory game birds.
- See. 6: Protecting the right of individuals to bear arms at water resources development projects.
- See. 7: North American Wetlands Conservation Act.
- See. 8: Multinational Species Conservation Funds Reauthorization.
- See. 9: Interest on obligations held in the wildlife restoration fund.

3 **SEC. 2. MODIFICATION OF DEFINITION OF SPORT FISHING**
 4 **EQUIPMENT UNDER THE TOXIC SUBSTANCES**
 5 **CONTROL ACT.**

6 Section 3(2)(B) of the Toxic Substances Control Act
 7 (~~15 U.S.C. 2602(2)(B)~~) is amended—

8 (1) in clause (v), by striking “, and” and insert-
 9 ing “, or any component of any such article includ-
 10 ing; without limitation, shot, bullets and other pro-
 11 jectiles, propellants, and primers,”;

12 (2) in clause (vi) by striking the period at the
 13 end and inserting “, and”; and

14 (3) by inserting after clause (vi) the following:

15 “(vii) any sport fishing equipment (as such
 16 term is defined in section 4162(a) of the Internal
 17 Revenue Code of 1986) the sale of which is subject
 18 to the tax imposed by section 4161(a) of such Code
 19 (determined without regard to any exemptions from
 20 such tax provided by section 4162 or 4221 or any

1 other provision of such Code); and sport fishing
 2 equipment components.”.

3 **SEC. 3. TARGET PRACTICE AND MARKSMANSHIP.**

4 (a) **PURPOSE.**—The purpose of this section is to fa-
 5 cilitate the construction and expansion of public target
 6 ranges, including ranges on Federal land managed by the
 7 Forest Service and the Bureau of Land Management.

8 (b) **DEFINITION OF PUBLIC TARGET RANGE.**—In
 9 this section, the term “public target range” means a spe-
 10 cific location that—

11 (1) is identified by a governmental agency for
 12 recreational shooting;

13 (2) is open to the public;

14 (3) may be supervised; and

15 (4) may accommodate archery or rifle, pistol, or
 16 shotgun shooting.

17 (c) **AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
 18 **LIFE RESTORATION ACT.**—

19 (1) **DEFINITIONS.**—Section 2 of the Pittman-
 20 Robertson Wildlife Restoration Act (16 U.S.C.
 21 669a) is amended—

22 (A) by redesignating paragraphs (2)
 23 through (8) as paragraphs (3) through (9), re-
 24 spectively; and

1 (B) by inserting after paragraph (1) the
2 following:

3 “(2) the term ‘public target range’ means a
4 specific location that—

5 “(A) is identified by a governmental agen-
6 cy for recreational shooting;

7 “(B) is open to the public;

8 “(C) may be supervised; and

9 “(D) may accommodate archery or rifle,
10 pistol, or shotgun shooting;”.

11 (2) EXPENDITURES FOR MANAGEMENT OF
12 WILDLIFE AREAS AND RESOURCES.—Section 8(b) of
13 the Pittman-Robertson Wildlife Restoration Act (16
14 U.S.C. 669g(b)) is amended—

15 (A) by striking “(b) Each State” and in-
16 serting the following:

17 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
18 LIFE AREAS AND RESOURCES.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), each State”;

21 (B) in paragraph (1) (as so designated), by
22 striking “construction, operation,” and insert-
23 ing “operation”;

1 (C) in the second sentence, by striking
2 “The non-Federal share” and inserting the fol-
3 lowing:

4 “(3) NON-FEDERAL SHARE.—The non-Federal
5 share”;

6 (D) in the third sentence, by striking “The
7 Secretary” and inserting the following:

8 “(4) REGULATIONS.—The Secretary”; and

9 (E) by inserting after paragraph (1) (as
10 designated by subparagraph (A)) the following:

11 “(2) EXCEPTION.—Notwithstanding the limita-
12 tion described in paragraph (1), a State may pay up
13 to 90 percent of the cost of acquiring land for, ex-
14 panding, or constructing a public target range.”.

15 (3) FIREARM AND BOW HUNTER EDUCATION
16 AND SAFETY PROGRAM GRANTS.—Section 10 of the
17 Pittman-Robertson Wildlife Restoration Act (16
18 U.S.C. 669h-1) is amended—

19 (A) in subsection (a), by adding at the end
20 the following:

21 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—

22 Of the amount apportioned to a State for any fiscal
23 year under section 4(b), the State may elect to allo-
24 cate not more than 10 percent, to be combined with
25 the amount apportioned to the State under para-

graph (1) for that fiscal year, for acquiring land for,
expanding, or constructing a public target range.”;

(B) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(C) in subsection (c)(1)—

(i) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(ii) by adding at the end the following:

1 “(B) EXCEPTION.—Amounts provided for
 2 acquiring land for, constructing, or expanding a
 3 public target range shall remain available for
 4 expenditure and obligation during the 5-fiscal-
 5 year period beginning on October 1 of the first
 6 fiscal year for which the amounts are made
 7 available.”.

8 (d) SENSE OF CONGRESS REGARDING COOPERA-
 9 TION.—It is the sense of Congress that, consistent with
 10 applicable laws (including regulations), the Chief of the
 11 Forest Service and the Director of the Bureau of Land
 12 Management should cooperate with State and local au-
 13 thorities and other entities to carry out waste removal and
 14 other activities on any Federal land used as a public target
 15 range to encourage continued use of that land for target
 16 practice or marksmanship training.

17 **SEC. 4. PERMITS FOR IMPORTATION OF POLAR BEAR TRO-**
 18 **PHIES TAKEN IN SPORT HUNTS IN CANADA.**

19 Section 104(c)(5)(D) of the Marine Mammal Protec-
 20 tion Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended
 21 to read as follows:

22 “(D)(i) The Secretary of the Interior shall, ex-
 23 peditiously after the expiration of the applicable 30-
 24 day period under subsection (d)(2), issue a permit
 25 for the importation of any polar bear part (other

1 than an internal organ) from a polar bear taken in
 2 a sport hunt in Canada to any person—

3 “(I) who submits, with the permit applica-
 4 tion, proof that the polar bear was legally har-
 5 vested by the person before February 18, 1997;
 6 or

7 “(II) who has submitted, in support of a
 8 permit application submitted before May 15,
 9 2008, proof that the polar bear was legally har-
 10 vested by the person before May 15, 2008, from
 11 a polar bear population from which a sport-
 12 hunted trophy could be imported before that
 13 date in accordance with section 18.30(i) of title
 14 50, Code of Federal Regulations.

15 “(ii) The Secretary shall issue permits under
 16 clause (i)(I) without regard to subparagraphs (A)
 17 and (C)(ii) of this paragraph, subsection (d)(3), and
 18 sections 101 and 102. Sections 101(a)(3)(B) and
 19 102(b)(3) shall not apply to the importation of any
 20 polar bear part authorized by a permit issued under
 21 clause (i)(I). This clause shall not apply to polar
 22 bear parts that were imported before June 12, 1997.

23 “(iii) The Secretary shall issue permits under
 24 clause (i)(II) without regard to subparagraph (C)(ii)
 25 of this paragraph or subsection (d)(3). Sections

1 ~~101(a)(3)(B) and 102(b)(3)~~ shall not apply to the
 2 importation of any polar bear part authorized by a
 3 permit issued under clause ~~(i)~~(II). This clause shall
 4 not apply to polar bear parts that were imported be-
 5 fore the date of enactment of the Bipartisan Sports-
 6 men’s Act of 2015.”.

7 **SEC. 5. BAITING OF MIGRATORY GAME BIRDS.**

8 Section 3 of the Migratory Bird Treaty Act (16
 9 U.S.C. 704) is amended by striking subsection (b) and in-
 10 serting the following:

11 “(b) PROHIBITION OF BAITING.—

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

13 “(A) BAITED AREA.—

14 “(i) IN GENERAL.—The term ‘baited
 15 area’ means—

16 “(I) any area on which salt,
 17 grain, or other feed has been placed,
 18 exposed, deposited, distributed, or
 19 scattered, if the salt, grain, or feed
 20 could lure or attract migratory game
 21 birds; and

22 “(II) in the case of waterfowl,
 23 cranes (family Gruidae), and coots
 24 (family Rallidae), a standing,
 25 unharvested crop that has been ma-

1 manipulated through activities such as
 2 mowing, discing, or rolling, unless the
 3 activities are normal agricultural prac-
 4 tices.

5 “(ii) EXCLUSIONS.—An area shall not
 6 be considered to be a ‘baited area’ if the
 7 area—

8 “(I) has been treated with a nor-
 9 mal agricultural practice;

10 “(II) has standing crops that
 11 have not been manipulated; or

12 “(III) has standing crops that
 13 have been or are flooded.

14 “(B) BAITING.—The term ‘baiting’ means
 15 the direct or indirect placing, exposing, depos-
 16 iting, distributing, or scattering of salt, grain,
 17 or other feed that could lure or attract migra-
 18 tory game birds to, on, or over any areas on
 19 which a hunter is attempting to take migratory
 20 game birds.

21 “(C) MIGRATORY GAME BIRD.—The term
 22 ‘migratory game bird’ means migratory bird
 23 species—

“(i) that are within the taxonomic families of Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae; and

“(ii) for which open seasons are prescribed by the Secretary of the Interior.

“(D) ~~NORMAL AGRICULTURAL PRACTICE.~~—

“(i) ~~IN GENERAL.~~—The term ‘normal agricultural practice’ means any practice in † annual growing season that—

“(I) is carried out in order to produce a marketable crop, including planting, harvest, post-harvest, or soil conservation practices; and

“(II) is recommended for the successful harvest of a given crop by the applicable State office of the Cooperative Extension System of the Department of Agriculture, in consultation with, and if requested, the concurrence of, the head of the applicable State department of fish and wildlife.

“(ii) ~~INCLUSIONS.~~—

“(I) ~~IN GENERAL.~~—Subject to subclause (II), the term ‘normal agri-

1 cultural practice' includes the destruc-
 2 tion of a crop in accordance with
 3 practices required by the Federal
 4 Crop Insurance Corporation for agri-
 5 cultural producers to obtain crop in-
 6 surance under the Federal Crop In-
 7 surance Act (7 U.S.C. 1501 et seq.)
 8 on land on which a crop during the
 9 current or immediately preceding crop
 10 year was not harvestable due to a nat-
 11 ural disaster (including any hurricane,
 12 storm, tornado, flood, high water,
 13 wind-driven water, tidal wave, tsu-
 14 nami, earthquake, volcanic eruption,
 15 landslide, mudslide, drought, fire,
 16 snowstorm, or other catastrophe that
 17 is declared a major disaster by the
 18 President in accordance with section
 19 401 of the Robert T. Stafford Dis-
 20 aster Relief and Emergency Assist-
 21 ance Act (42 U.S.C. 5170)).

22 “(H) LIMITATIONS.—The term
 23 ‘normal agricultural practice’ only in-
 24 cludes a crop described in subclause
 25 (I) that has been destroyed or manip-

1 ulated through activities that include
 2 (but are not limited to) mowing,
 3 discing, or rolling if the Federal Crop
 4 Insurance Corporation certifies that
 5 flooding was not an acceptable method
 6 of destruction to obtain crop insur-
 7 ance under the Federal Crop Insur-
 8 ance Act (7 U.S.C. 1501 et seq.).

9 “(E) WATERFOWL.—The term ‘waterfowl’
 10 means native species of the family Anatidae.

11 “(2) PROHIBITION.—It shall be unlawful for
 12 any person—

13 “(A) to take any migratory game bird by
 14 baiting or on or over any baited area, if the
 15 person knows or reasonably should know that
 16 the area is a baited area; or

17 “(B) to place or direct the placement of
 18 bait on or adjacent to an area for the purpose
 19 of causing, inducing, or allowing any person to
 20 take or attempt to take any migratory game
 21 bird by baiting or on or over the baited area.

22 “(3) REGULATIONS.—The Secretary of the In-
 23 terior may promulgate regulations to implement this
 24 subsection.

1 “(4) **REPORTS.**—Annually, the Secretary of Ag-
 2 riculture shall submit to the Secretary of the Inte-
 3 rior a report that describes any changes to normal
 4 agricultural practices across the range of crops
 5 grown by agricultural producers in each region of
 6 the United States in which the recommendations are
 7 provided to agricultural producers.”.

8 **SEC. 6. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR**
 9 **ARMS AT WATER RESOURCES DEVELOPMENT**
 10 **PROJECTS.**

11 The Secretary of the Army shall not promulgate or
 12 enforce any regulation that prohibits an individual from
 13 possessing a firearm, including an assembled or functional
 14 firearm, in any area open to the public (other than a Fed-
 15 eral facility as defined in section 930(g) of title 18, United
 16 States Code) at a water resources development project
 17 covered under section 327.0 of title 36, Code of Federal
 18 Regulations (as in effect on the date of enactment of this
 19 Act), if—

20 (1) the individual is not otherwise prohibited by
 21 law from possessing the firearm; and

22 (2) the possession of the firearm is in compli-
 23 ance with the law of the State in which the water
 24 resources development project is located.

1 **SEC. 7. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

2 Section 7(e) of the North American Wetlands Con-
3 servation Act (16 U.S.C. 4406(e)) is amended—

4 (1) in paragraph (4), by striking “and”;

5 (2) in paragraph (5), by striking the period at
6 the end and inserting “; and”; and

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

8 “(6) \$50,000,000 for each of fiscal years 2015
9 through 2020.”.

10 **SEC. 8. MULTINATIONAL SPECIES CONSERVATION FUNDS**
11 **REAUTHORIZATION.**

12 (a) **REAUTHORIZATION OF AFRICAN ELEPHANT CON-**
13 **SERVATION ACT.**—Section 2306(a) of the African Ele-
14 phant Conservation Act (16 U.S.C. 4245(a)) is amended
15 by striking “2007 through 2012” and inserting “2016
16 through 2020”.

17 (b) **REAUTHORIZATION OF RHINOCEROS AND TIGER**
18 **CONSERVATION ACT OF 1994.**—Section 10(a) of the Rhi-
19 noceros and Tiger Conservation Act of 1994 (16 U.S.C.
20 5306(a)) is amended by striking “2007 through 2012”
21 and inserting “2016 through 2020”.

22 (c) **REAUTHORIZATION OF ASIAN ELEPHANT CON-**
23 **SERVATION ACT OF 1997.**—Section 8(a) of the Asian Ele-
24 phant Conservation Act of 1997 (16 U.S.C. 4266(a)) is
25 amended by striking “2007 through 2012” and inserting
26 “2016 through 2020”.

1 (d) AMENDMENT AND REAUTHORIZATION OF GREAT
 2 APE CONSERVATION ACT OF 2000.—The Great Ape Con-
 3 servation Act of 2000 is amended as follows:

4 (1) MULTIYEAR GRANTS.—In section 4 (16
 5 U.S.C. 6303), by adding at the end the following
 6 new subsections:

7 “(j) MULTIYEAR GRANTS.—

8 “(1) IN GENERAL.—The Secretary may award
 9 a multiyear grant under this section to a person who
 10 is otherwise eligible for a grant under this section;
 11 to carry out a project that the person demonstrates
 12 is an effective, long-term conservation strategy for
 13 great apes and their habitats.

14 “(2) ANNUAL GRANTS NOT AFFECTED.—This
 15 subsection shall not be construed as precluding the
 16 Secretary from awarding grants on an annual
 17 basis.”.

18 (2) PANEL OF EXPERTS.—In section 4(i) (16
 19 U.S.C. 6303(i))—

20 (A) in paragraph (1), by—

21 (i) striking “Every 2 years” and in-
 22 serting “Within one year after the date of
 23 the enactment of the Bipartisan Sports-
 24 men’s Act of 2015, and every 5 years
 25 thereafter”;

1 (ii) striking “may convene” and in-
2 serting “shall convene”;

3 (iii) inserting “and priorities” after
4 “needs”; and

5 (iv) adding at the end the following
6 new sentence: “The panel shall, to the ex-
7 tent practicable, include representatives
8 from foreign range states with expertise in
9 great ape conservation.”; and

10 (B) by redesignating paragraph (2) as
11 paragraph (4), and inserting after paragraph
12 (1) the following new paragraphs:

13 “(2) In identifying conservation needs and pri-
14 orities under paragraph (1), the panel shall consider
15 relevant great ape conservation plans or strategies
16 including scientific research and findings related
17 to—

18 “(A) the conservation needs and priorities
19 of great apes;

20 “(B) regional or species-specific action
21 plans or strategies;

22 “(C) applicable strategies developed or ini-
23 tiated by the Secretary; and

24 “(D) any other applicable conservation
25 plan or strategy.

1 ~~“(3) The Secretary, subject to the availability~~
 2 ~~of appropriations, may pay expenses of convening~~
 3 ~~and facilitating meetings of the panel.”.~~

4 ~~(3) ADMINISTRATIVE EXPENSES LIMITATION.—~~
 5 ~~In section 5(b)(2) (16 U.S.C. 6304(b)(2)), by strik-~~
 6 ~~ing “\$100,000” and inserting “\$150,000”.~~

7 ~~(4) AUTHORIZATION OF APPROPRIATIONS.—In~~
 8 ~~section 6 (16 U.S.C. 6305), by striking “2006~~
 9 ~~through 2010” and inserting “2016 through 2020”.~~
 10 ~~(e) AMENDMENT AND REAUTHORIZATION OF MA-~~
 11 ~~RINE TURTLE CONSERVATION ACT OF 2004.—~~

12 ~~(1) IN GENERAL.—The Marine Turtle Con-~~
 13 ~~servation Act of 2004 is amended—~~

14 ~~(A) in sections 2(b) and 3(2) (16 U.S.C.~~
 15 ~~6601(b), 6602(2)), by inserting “and territories~~
 16 ~~of the United States” after “foreign countries”~~
 17 ~~each place it occurs;~~

18 ~~(B) in section 3 (16 U.S.C. 6602) by add-~~
 19 ~~ing at the end the following:~~

20 ~~“(7) TERRITORY OF THE UNITED STATES.—~~
 21 ~~The term ‘territory of the United States’ means each~~
 22 ~~of Puerto Rico, the United States Virgin Islands,~~
 23 ~~Guam, American Samoa, the Commonwealth of the~~
 24 ~~Northern Mariana Islands, and any other territory~~
 25 ~~or possession of the United States.”; and~~

(C) in section 4 (16 U.S.C. 6603)—

(i) in subsection (b)(1)(A), by inserting “or territory of the United States” after “foreign country”; and

(ii) in subsection (d) by inserting “and territories of the United States” after “foreign countries”.

(2) ADMINISTRATIVE EXPENSES LIMITATION.—

Section 5(b)(2) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)(2)) is amended by striking “\$80,000” and inserting “\$150,000”.

(3) REAUTHORIZATION.—Section 7 of the Ma-

rine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “each of fiscal years 2005 through 2009” and inserting “each of fiscal years 2016 through 2020”.

SEC. 9. INTEREST ON OBLIGATIONS HELD IN THE WILDLIFE RESTORATION FUND.

Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended by striking “2016” and inserting “2026”.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—*This Act may be cited as the “Bipartisan Sportsmen’s Act of 2016”.*

1 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Modification of definition of sport fishing equipment under the Toxic Substances Control Act.

Sec. 3. Target practice and marksmanship.

Sec. 4. Permits for importation of polar bear trophies taken in sport hunts in Canada.

Sec. 5. Baiting of migratory game birds.

Sec. 7. North American Wetlands Conservation Act.

Sec. 8. Multinational Species Conservation Funds Reauthorization.

Sec. 9. Reauthorization of Neotropical Migratory Bird Conservation Act.

Sec. 10. Challenge cost-sharing program for management of recreation facilities.

Sec. 11. National Fish and Wildlife Foundation Establishment Act.

Sec. 12. Use of authorized pesticides; discharges of pesticides; report.

Sec. 13. Seaward boundaries.

Sec. 14. Reissuance of final rule regarding gray wolves in the Western Great Lakes.

Sec. 15. Reissuance of final rule regarding gray wolves in Wyoming.

Sec. 16. Prohibition on issuance of final rule.

Sec. 17. National Fish Habitat Conservation.

3 **SEC. 2. MODIFICATION OF DEFINITION OF SPORT FISHING**
 4 **EQUIPMENT UNDER THE TOXIC SUBSTANCES**
 5 **CONTROL ACT.**

6 Section 3(2)(B) of the Toxic Substances Control Act
 7 (15 U.S.C. 2602(2)(B)) is amended—

8 (1) in clause (v), by striking “and” at the end;

9 (2) in clause (vi) by striking the period at the
 10 end and inserting “, and”; and

11 (3) by inserting after clause (vi) the following:

12 “(vii) any sport fishing equipment (as such term
 13 is defined in section 4162(a) of the Internal Revenue
 14 Code of 1986) the sale of which is subject to the tax
 15 imposed by section 4161(a) of such Code (determined
 16 without regard to any exemptions from such tax pro-

1 *vided by section 4162 or 4221 or any other provision*
 2 *of such Code), and sport fishing equipment compo-*
 3 *nents.”.*

4 **SEC. 3. TARGET PRACTICE AND MARKSMANSHIP.**

5 (a) *PURPOSE.*—*The purpose of this section is to facili-*
 6 *tate the construction and expansion of public target ranges,*
 7 *including ranges on Federal land managed by the Forest*
 8 *Service and the Bureau of Land Management.*

9 (b) *DEFINITION OF PUBLIC TARGET RANGE.*—*In this*
 10 *section, the term “public target range” means a specific lo-*
 11 *cation that—*

12 (1) *is identified by a governmental agency for*
 13 *recreational shooting;*

14 (2) *is open to the public;*

15 (3) *may be supervised; and*

16 (4) *may accommodate archery or rifle, pistol, or*
 17 *shotgun shooting.*

18 (c) *AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE*
 19 *RESTORATION ACT.*—

20 (1) *DEFINITIONS.*—*Section 2 of the Pittman-*
 21 *Robertson Wildlife Restoration Act (16 U.S.C. 669a)*
 22 *is amended—*

23 (A) *by redesignating paragraphs (2)*
 24 *through (8) as paragraphs (3) through (9), re-*
 25 *spectively; and*

1 (B) by inserting after paragraph (1) the fol-
 2 lowing:

3 “(2) the term ‘public target range’ means a spe-
 4 cific location that—

5 “(A) is identified by a governmental agency
 6 for recreational shooting;

7 “(B) is open to the public;

8 “(C) may be supervised; and

9 “(D) may accommodate archery or rifle,
 10 pistol, or shotgun shooting;”.

11 (2) *EXPENDITURES FOR MANAGEMENT OF WILD-*
 12 *LIFE AREAS AND RESOURCES.*—Section 8(b) of the
 13 *Pittman-Robertson Wildlife Restoration Act* (16
 14 *U.S.C. 669g(b))* is amended—

15 (A) by striking “(b) Each State” and in-
 16 serting the following:

17 “(b) *EXPENDITURES FOR MANAGEMENT OF WILDLIFE*
 18 *AREAS AND RESOURCES.*—

19 “(1) *IN GENERAL.*—Except as provided in para-
 20 graph (2), each State”;

21 (B) in paragraph (1) (as so designated), by
 22 striking “construction, operation,” and inserting
 23 “operation”;

24 (C) in the second sentence, by striking “The
 25 non-Federal share” and inserting the following:

1 “(3) *NON-FEDERAL SHARE*.—*The non-Federal*
2 *share*”;

3 *(D) in the third sentence, by striking “The*
4 *Secretary” and inserting the following:*

5 “(4) *REGULATIONS*.—*The Secretary*”; and

6 *(E) by inserting after paragraph (1) (as*
7 *designated by subparagraph (A)) the following:*

8 “(2) *EXCEPTION*.—*Notwithstanding the limita-*
9 *tion described in paragraph (1), a State may pay up*
10 *to 90 percent of the cost of acquiring land for, ex-*
11 *panding, or constructing a public target range.”.*

12 (3) *FIREARM AND BOW HUNTER EDUCATION AND*
13 *SAFETY PROGRAM GRANTS*.—*Section 10 of the Pitt-*
14 *man-Robertson Wildlife Restoration Act (16 U.S.C.*
15 *669h–1) is amended—*

16 *(A) in subsection (a), by adding at the end*
17 *the following:*

18 “(3) *ALLOCATION OF ADDITIONAL AMOUNTS*.—*Of*
19 *the amount apportioned to a State for any fiscal year*
20 *under section 4(b), the State may elect to allocate not*
21 *more than 10 percent, to be combined with the*
22 *amount apportioned to the State under paragraph (1)*
23 *for that fiscal year, for acquiring land for, expanding,*
24 *or constructing a public target range.”;*

1 (B) by striking subsection (b) and inserting
2 the following:

3 “(b) *COST SHARING.*—

4 “(1) *IN GENERAL.*—Except as provided in para-
5 graph (2), the Federal share of the cost of any activity
6 carried out using a grant under this section shall not
7 exceed 75 percent of the total cost of the activity.

8 “(2) *PUBLIC TARGET RANGE CONSTRUCTION OR*
9 *EXPANSION.*—The Federal share of the cost of acquir-
10 ing land for, expanding, or constructing a public tar-
11 get range in a State on Federal or non-Federal land
12 pursuant to this section or section 8(b) shall not ex-
13 ceed 90 percent of the cost of the activity.”; and

14 (C) in subsection (c)(1)—

15 (i) by striking “Amounts made” and
16 inserting the following:

17 “(A) *IN GENERAL.*—Except as provided in
18 subparagraph (B), amounts made”; and

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

20 “(B) *EXCEPTION.*—Amounts provided for
21 acquiring land for, constructing, or expanding a
22 public target range shall remain available for ex-
23 penditure and obligation during the 5-fiscal-year
24 period beginning on October 1 of the first fiscal

1 year for which the amounts are made avail-
2 able.”.

3 (d) *SENSE OF CONGRESS REGARDING COOPERA-*
4 *TION.—It is the sense of Congress that, consistent with ap-*
5 *plicable laws (including regulations), the Chief of the Forest*
6 *Service and the Director of the Bureau of Land Manage-*
7 *ment should cooperate with State and local authorities and*
8 *other entities to carry out waste removal and other activi-*
9 *ties on any Federal land used as a public target range to*
10 *encourage continued use of that land for target practice or*
11 *marksmanship training.*

12 **SEC. 4. PERMITS FOR IMPORTATION OF POLAR BEAR TRO-**
13 **PHIES TAKEN IN SPORT HUNTS IN CANADA.**

14 Section 104(c)(5)(D) of the Marine Mammal Protec-
15 tion Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to
16 read as follows:

17 “(D)(i) The Secretary of the Interior shall, expe-
18 ditiously after the expiration of the applicable 30-day
19 period under subsection (d)(2), issue a permit for the
20 importation of any polar bear part (other than an in-
21 ternal organ) from a polar bear taken in a sport hunt
22 in Canada to any person—

23 “(I) who submits, with the permit applica-
24 tion, proof that the polar bear was legally har-
25 vested by the person before February 18, 1997; or

1 “(II) who has submitted, in support of a
 2 permit application submitted before May 15,
 3 2008, proof that the polar bear was legally har-
 4 vested by the person before May 15, 2008, from
 5 a polar bear population from which a sport-
 6 hunted trophy could be imported before that date
 7 in accordance with section 18.30(i) of title 50,
 8 Code of Federal Regulations.

9 “(ii) The Secretary shall issue permits under
 10 clause (i)(I) without regard to subparagraphs (A) and
 11 (C)(ii) of this paragraph, subsection (d)(3), and sec-
 12 tions 101 and 102. Sections 101(a)(3)(B) and
 13 102(b)(3) shall not apply to the importation of any
 14 polar bear part authorized by a permit issued under
 15 clause (i)(I). This clause shall not apply to polar bear
 16 parts that were imported before June 12, 1997.

17 “(iii) The Secretary shall issue permits under
 18 clause (i)(II) without regard to subparagraph (C)(ii)
 19 of this paragraph or subsection (d)(3). Sections
 20 101(a)(3)(B) and 102(b)(3) shall not apply to the im-
 21 portation of any polar bear part authorized by a per-
 22 mit issued under clause (i)(II). This clause shall not
 23 apply to polar bear parts that were imported before
 24 the date of enactment of the Bipartisan Sportsmen’s
 25 Act of 2016.”.

1 **SEC. 5. BAITING OF MIGRATORY GAME BIRDS.**

2 *Section 3 of the Migratory Bird Treaty Act (16 U.S.C.*
 3 *704) is amended by striking subsection (b) and inserting*
 4 *the following:*

5 “(b) *PROHIBITION OF BAITING.*—

6 “(1) *DEFINITIONS.*—*In this subsection:*

7 “(A) *BAITED AREA.*—

8 “(i) *IN GENERAL.*—*The term ‘baited*
 9 *area’ means—*

10 “(I) *any area on which salt,*
 11 *grain, or other feed has been placed,*
 12 *exposed, deposited, distributed, or scat-*
 13 *tered, if the salt, grain, or feed could*
 14 *lure or attract migratory game birds;*
 15 *and*

16 “(II) *in the case of waterfowl,*
 17 *cranes (family Gruidae), and coots*
 18 *(family Rallidae), a standing,*
 19 *unharvested crop that has been manip-*
 20 *ulated through activities such as mow-*
 21 *ing, discing, or rolling, unless the ac-*
 22 *tivities are normal agricultural prac-*
 23 *tices.*

24 “(ii) *EXCLUSIONS.*—*An area shall not*
 25 *be considered to be a ‘baited area’ if the*
 26 *area—*

1 “(I) *has been treated with a nor-*
2 *mal agricultural practice;*

3 “(II) *has standing crops that have*
4 *not been manipulated; or*

5 “(III) *has standing crops that*
6 *have been or are flooded.*

7 “(B) *BAITING.*—*The term ‘baiting’ means*
8 *the direct or indirect placing, exposing, depos-*
9 *iting, distributing, or scattering of salt, grain, or*
10 *other feed that could lure or attract migratory*
11 *game birds to, on, or over any areas on which*
12 *a hunter is attempting to take migratory game*
13 *birds.*

14 “(C) *MIGRATORY GAME BIRD.*—*The term*
15 *‘migratory game bird’ means migratory bird*
16 *species—*

17 “(i) *that are within the taxonomic*
18 *families of Anatidae, Columbidae, Gruidae,*
19 *Rallidae, and Scolopacidae; and*

20 “(ii) *for which open seasons are pre-*
21 *scribed by the Secretary of the Interior.*

22 “(D) *NORMAL AGRICULTURAL PRACTICE.*—

23 “(i) *IN GENERAL.*—*The term ‘normal*
24 *agricultural practice’ means any practice*
25 *in 1 annual growing season that—*

1 “(I) is carried out in order to
2 produce a marketable crop, including
3 planting, harvest, post-harvest, or soil
4 conservation practices; and

5 “(II) is recommended for the suc-
6 cessful harvest of a given crop by the
7 applicable State office of the Coopera-
8 tive Extension System of the Depart-
9 ment of Agriculture, in consultation
10 with, and if requested, the concurrence
11 of, the head of the applicable State de-
12 partment of fish and wildlife.

13 “(ii) INCLUSIONS.—

14 “(I) IN GENERAL.—Subject to
15 subclause (II), the term ‘normal agri-
16 cultural practice’ includes the destruc-
17 tion of a crop in accordance with prac-
18 tices required by the Federal Crop In-
19 surance Corporation for agricultural
20 producers to obtain crop insurance
21 under the Federal Crop Insurance Act
22 (7 U.S.C. 1501 et seq.) on land on
23 which a crop during the current or im-
24 mediately preceding crop year was not
25 harvestable due to a natural disaster

(including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)).

“(II) LIMITATIONS.—The term ‘normal agricultural practice’ only includes a crop described in subclause (I) that has been destroyed or manipulated through activities that include (but are not limited to) mowing, discing, or rolling if the Federal Crop Insurance Corporation certifies that flooding was not an acceptable method of destruction to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

“(E) WATERFOWL.—The term ‘waterfowl’ means native species of the family Anatidae.

1 “(2) *PROHIBITION.*—*It shall be unlawful for any*
 2 *person—*

3 “(A) *to take any migratory game bird by*
 4 *baiting or on or over any baited area, if the per-*
 5 *son knows or reasonably should know that the*
 6 *area is a baited area; or*

7 “(B) *to place or direct the placement of bait*
 8 *on or adjacent to an area for the purpose of*
 9 *causing, inducing, or allowing any person to*
 10 *take or attempt to take any migratory game bird*
 11 *by baiting or on or over the baited area.*

12 “(3) *REGULATIONS.*—*The Secretary of the Inte-*
 13 *rior may promulgate regulations to implement this*
 14 *subsection.*

15 “(4) *REPORTS.*—*Annually, the Secretary of Ag-*
 16 *riculture shall submit to the Secretary of the Interior*
 17 *a report that describes any changes to normal agri-*
 18 *cultural practices across the range of crops grown by*
 19 *agricultural producers in each region of the United*
 20 *States in which the recommendations are provided to*
 21 *agricultural producers.”.*

1 **SEC. 6. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR**
 2 **ARMS AT WATER RESOURCES DEVELOPMENT**
 3 **PROJECTS.**

4 *The Secretary of the Army shall not promulgate or en-*
 5 *force any regulation that prohibits an individual from pos-*
 6 *sessing a firearm, including an assembled or functional*
 7 *firearm, in any area open to the public (other than a Fed-*
 8 *eral facility as defined in section 930(g) of title 18, United*
 9 *States Code) at a water resources development project cov-*
 10 *ered under section 327.0 of title 36, Code of Federal Regula-*
 11 *tions (as in effect on the date of enactment of this Act),*
 12 *if—*

- 13 *(1) the individual is not otherwise prohibited by*
 14 *law from possessing the firearm; and*
 15 *(2) the possession of the firearm is in compliance*
 16 *with the law of the State in which the water resources*
 17 *development project is located.*

18 **SEC. 7. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

19 *(a) REAL PROPERTY.—Section 6(a)(3) of the North*
 20 *American Wetlands Conservation Act (16 U.S.C.*
 21 *4405(a)(3)) is amended—*

22 *(1) by striking “(3) in lieu of” and inserting the*
 23 *following:*

24 *“(3) PROVISION OF FUNDS OR CONVEYANCE OF*
 25 *REAL PROPERTY INTEREST.—*

26 *“(A) IN GENERAL.—In lieu of”;*

1 (2) *in the second sentence, by striking “The Sec-*
 2 *retary shall” and inserting the following:*

3 “(B) *DETERMINATION.—The Secretary*
 4 *shall”; and*

5 (3) *by striking the third sentence and inserting*
 6 *the following:*

7 “(C) *REAL PROPERTY.—Any real property*
 8 *interest conveyed under this paragraph shall be*
 9 *subject to terms and conditions that ensure*
 10 *that—*

11 “(i) *the real property interest will be*
 12 *administered for the long-term conservation*
 13 *and management of the wetland ecosystem*
 14 *and the fish and wildlife dependent on that*
 15 *ecosystem;*

16 “(ii) *the grantor of a real property in-*
 17 *terest has been provided with information*
 18 *relating to all available conservation op-*
 19 *tions, including conservation options that*
 20 *involve the conveyance of a real property*
 21 *interest for a limited period of time; and*

22 “(iii) *the provision of the information*
 23 *described in clause (ii) has been docu-*
 24 *mented.”.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.—Section*
 2 7(c) of the North American Wetlands Conservation Act (16
 3 U.S.C. 4406(c)) is amended—

4 (1) in paragraph (4), by striking “and”;

5 (2) in paragraph (5), by striking the period at
 6 the end and inserting “; and”; and

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

8 “(6) \$50,000,000 for each of fiscal years 2016
 9 through 2021.”.

10 **SEC. 8. MULTINATIONAL SPECIES CONSERVATION FUNDS**

11 **REAUTHORIZATION.**

12 (a) *REAUTHORIZATION OF AFRICAN ELEPHANT CON-*
 13 *SERVATION ACT.—Section 2306(a) of the African Elephant*
 14 *Conservation Act (16 U.S.C. 4245(a)) is amended by strik-*
 15 *ing “2007 through 2012” and inserting “2016 through*
 16 *2020”.*

17 (b) *REAUTHORIZATION OF RHINOCEROS AND TIGER*
 18 *CONSERVATION ACT OF 1994.—Section 10(a) of the Rhinoc-*
 19 *eros and Tiger Conservation Act of 1994 (16 U.S.C.*
 20 *5306(a)) is amended by striking “2007 through 2012” and*
 21 *inserting “2016 through 2020”.*

22 (c) *REAUTHORIZATION OF ASIAN ELEPHANT CON-*
 23 *SERVATION ACT OF 1997.—Section 8(a) of the Asian Ele-*
 24 *phant Conservation Act of 1997 (16 U.S.C. 4266(a)) is*

1 *amended by striking “2007 through 2012” and inserting*
 2 *“2016 through 2020”.*

3 *(d) AMENDMENT AND REAUTHORIZATION OF GREAT*
 4 *APE CONSERVATION ACT OF 2000.—The Great Ape Con-*
 5 *servation Act of 2000 is amended as follows:*

6 *(1) MULTIYEAR GRANTS.—In section 4 (16*
 7 *U.S.C. 6303), by adding at the end the following new*
 8 *subsections:*

9 *“(j) MULTIYEAR GRANTS.—*

10 *“(1) IN GENERAL.—The Secretary may award a*
 11 *multiyear grant under this section to a person who*
 12 *is otherwise eligible for a grant under this section, to*
 13 *carry out a project that the person demonstrates is an*
 14 *effective, long-term conservation strategy for great*
 15 *apes and their habitats.*

16 *“(2) ANNUAL GRANTS NOT AFFECTED.—This*
 17 *subsection shall not be construed as precluding the*
 18 *Secretary from awarding grants on an annual*
 19 *basis.”.*

20 *(2) PANEL OF EXPERTS.—In section 4(i) (16*
 21 *U.S.C. 6303(i))—*

22 *(A) in paragraph (1), by—*

23 *(i) striking “Every 2 years” and in-*
 24 *serting “Within one year after the date of*
 25 *the enactment of the Bipartisan Sports-*

1 *men’s Act of 2016, and every 5 years there-*
 2 *after”;*

3 *(ii) striking “may convene” and in-*
 4 *serting “shall convene”;*

5 *(iii) inserting “and priorities” after*
 6 *“needs”; and*

7 *(iv) adding at the end the following*
 8 *new sentence: “The panel shall, to the extent*
 9 *practicable, include representatives from*
 10 *foreign range states with expertise in great*
 11 *ape conservation.”; and*

12 *(B) by redesignating paragraph (2) as*
 13 *paragraph (4), and inserting after paragraph*
 14 *(1) the following new paragraphs:*

15 *“(2) In identifying conservation needs and pri-*
 16 *orities under paragraph (1), the panel shall consider*
 17 *relevant great ape conservation plans or strategies in-*
 18 *cluding scientific research and findings related to—*

19 *“(A) the conservation needs and priorities*
 20 *of great apes;*

21 *“(B) regional or species-specific action*
 22 *plans or strategies;*

23 *“(C) applicable strategies developed or initi-*
 24 *ated by the Secretary; and*

1 “(D) any other applicable conservation plan
2 or strategy.

3 “(3) The Secretary, subject to the availability of
4 appropriations, may pay expenses of convening and
5 facilitating meetings of the panel.”.

6 (3) *ADMINISTRATIVE EXPENSES LIMITATION.*—In
7 section 5(b)(2) (16 U.S.C. 6304(b)(2)), by striking
8 “\$100,000” and inserting “\$150,000”.

9 (4) *AUTHORIZATION OF APPROPRIATIONS.*—In
10 section 6 (16 U.S.C. 6305), by striking “2006 through
11 2010” and inserting “2016 through 2020”.

12 (e) *AMENDMENT AND REAUTHORIZATION OF MARINE*
13 *TURTLE CONSERVATION ACT OF 2004.*—

14 (1) *IN GENERAL.*—The Marine Turtle Conserva-
15 tion Act of 2004 is amended—

16 (A) in sections 2(b) and 3(2) (16 U.S.C.
17 6601(b), 6602(2)), by inserting “and territories
18 of the United States” after “foreign countries”
19 each place it occurs;

20 (B) in section 3 (16 U.S.C. 6602) by adding
21 at the end the following:

22 “(7) *TERRITORY OF THE UNITED STATES.*—The
23 term ‘territory of the United States’ means each of
24 Puerto Rico, the United States Virgin Islands, Guam,
25 American Samoa, the Commonwealth of the Northern

1 *Mariana Islands, and any other territory or posses-*
 2 *sion of the United States.”; and*

3 *(C) in section 4 (16 U.S.C. 6603)—*

4 *(i) in subsection (b)(1)(A), by inserting*
 5 *“or territory of the United States” after*
 6 *“foreign country”; and*

7 *(ii) in subsection (d) by inserting “and*
 8 *territories of the United States” after “for-*
 9 *oreign countries”.*

10 *(2) ADMINISTRATIVE EXPENSES LIMITATION.—*

11 *Section 5(b)(2) of the Marine Turtle Conservation Act*
 12 *of 2004 (16 U.S.C. 6604(b)(2)) is amended by strik-*
 13 *ing “\$80,000” and inserting “\$150,000”.*

14 *(3) REAUTHORIZATION.—Section 7 of the Ma-*

15 *rine Turtle Conservation Act of 2004 (16 U.S.C.*
 16 *6606) is amended by striking “each of fiscal years*
 17 *2005 through 2009” and inserting “each of fiscal*
 18 *years 2016 through 2020”.*

19 **SEC. 9. REAUTHORIZATION OF NEOTROPICAL MIGRATORY**
 20 **BIRD CONSERVATION ACT.**

21 *Section 10 of the Neotropical Migratory Bird Con-*
 22 *servation Act (16 U.S.C. 6109) is amended to read as fol-*
 23 *lows:*

1 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *IN GENERAL.*—*There is authorized to be appro-*
3 *priated to carry out this Act \$6,500,000 for each of fiscal*
4 *years 2015 through 2020.*

5 “(b) *USE OF FUNDS.*—*Of the amounts made available*
6 *under subsection (a) for each fiscal year, not less than 75*
7 *percent shall be expended for projects carried out at a loca-*
8 *tion outside of the United States.”.*

9 **SEC. 10. CHALLENGE COST-SHARING PROGRAM FOR MAN-**
10 **AGEMENT OF RECREATION FACILITIES.**

11 *Section 225 of the Water Resources Development Act*
12 *of 1992 (33 U.S.C. 2328) is amended—*

13 *(1) by redesignating subsection (c) as subsection*
14 *(d); and*

15 *(2) by inserting after subsection (b) the fol-*
16 *lowing:*

17 “(c) *USER FEES.*—

18 “(1) *COLLECTION OF FEES.*—

19 “(A) *IN GENERAL.*—*The Secretary may*
20 *allow a non-Federal public or private entity that*
21 *has entered into an agreement pursuant to sub-*
22 *section (b) to collect user fees for the use of devel-*
23 *oped recreation sites and facilities, whether de-*
24 *veloped or constructed by that entity or the De-*
25 *partment of the Army.*

1 “(B) *USE OF VISITOR RESERVATION SERV-*
 2 *ICES.—A public or private entity described in*
 3 *subparagraph (A) may use to manage fee collec-*
 4 *tions and reservations under this section any*
 5 *visitor reservation service that the Secretary has*
 6 *provided for by contract or interagency agree-*
 7 *ment, subject to such terms and conditions as the*
 8 *Secretary determines to be appropriate.*

9 “(2) *USE OF FEES.—A non-Federal public or*
 10 *private entity that collects user fees under paragraph*
 11 *(1) may—*

12 “(A) *retain up to 100 percent of the fees col-*
 13 *lected, as determined by the Secretary; and*

14 “(B) *notwithstanding section 210(b)(4) of*
 15 *the Flood Control Act of 1968 (16 U.S.C. 460d–*
 16 *3(b)(4)), use that amount for operation, mainte-*
 17 *nance, and management at the recreation site at*
 18 *which the fee is collected.*

19 “(3) *TERMS AND CONDITIONS.—The authority of*
 20 *a non-Federal public or private entity under this sub-*
 21 *section shall be subject to such terms and conditions*
 22 *as the Secretary determines necessary to protect the*
 23 *interests of the United States.”.*

1 **SEC. 11. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**
 2 **TABLISHMENT ACT.**

3 *(a) BOARD OF DIRECTORS OF THE FOUNDATION.—*

4 *(1) IN GENERAL.—Section 3 of the National Fish*
 5 *and Wildlife Foundation Establishment Act (16*
 6 *U.S.C. 3702) is amended—*

7 *(A) in subsection (b)—*

8 *(i) by striking paragraph (2) and in-*
 9 *serting the following:*

10 *“(2) IN GENERAL.—After consulting with the*
 11 *Secretary of Commerce and considering the rec-*
 12 *ommendations submitted by the Board, the Secretary*
 13 *of the Interior shall appoint 28 Directors who, to the*
 14 *maximum extent practicable, shall—*

15 *“(A) be knowledgeable and experienced in*
 16 *matters relating to the conservation of fish, wild-*
 17 *life, or other natural resources; and*

18 *“(B) represent a balance of expertise in*
 19 *ocean, coastal, freshwater, and terrestrial re-*
 20 *source conservation.”; and*

21 *(ii) by striking paragraph (3) and in-*
 22 *serting the following:*

23 *“(3) TERMS.—Each Director (other than a Di-*
 24 *rector described in paragraph (1)) shall be appointed*
 25 *for a term of 6 years.”; and*

26 *(B) in subsection (g)(2)—*

1 (i) in subparagraph (A), by striking
 2 “(A) Officers and employees may not be ap-
 3 pointed until the Foundation has sufficient
 4 funds to pay them for their service. Offi-
 5 cers” and inserting the following:

6 “(A) *IN GENERAL.—Officers*”; and

7 (ii) by striking subparagraph (B) and
 8 inserting the following:

9 “(B) *EXECUTIVE DIRECTOR.—The Founda-*
 10 *tion shall have an Executive Director who shall*
 11 *be—*

12 “(i) appointed by, and serve at the di-
 13 rection of, the Board as the chief executive
 14 officer of the Foundation; and

15 “(ii) knowledgeable and experienced in
 16 matters relating to fish and wildlife con-
 17 servation.”.

18 (2) *CONFORMING AMENDMENT.—Section*
 19 *4(a)(1)(B) of the North American Wetlands Conserva-*
 20 *tion Act (16 U.S.C. 4403(a)(1)(B)) is amended by*
 21 *striking “Secretary of the Board” and inserting “Ex-*
 22 *ecutive Director of the Board”.*

23 (b) *RIGHTS AND OBLIGATIONS OF THE FOUNDA-*
 24 *TION.—Section 4 of the National Fish and Wildlife Founda-*
 25 *tion Establishment Act (16 U.S.C. 3703) is amended—*

1 (1) in subsection (c)—

2 (A) by striking “(c) POWERS.—To carry
3 out its purposes under” and inserting the fol-
4 lowing:

5 “(c) POWERS.—

6 “(1) IN GENERAL.—To carry out the purposes
7 described in”;

8 (B) by redesignating paragraphs (1)
9 through (11) as subparagraphs (A) through (K),
10 respectively, and indenting appropriately;

11 (C) in subparagraph (D) (as redesignated
12 by subparagraph (B)), by striking “that are in-
13 sured by an agency or instrumentality of the
14 United States” and inserting “at 1 or more fi-
15 nancial institutions that are members of the Fed-
16 eral Deposit Insurance Corporation or the Secu-
17 rities Investment Protection Corporation”;

18 (D) in subparagraph (E) (as redesignated
19 by subparagraph (B)), by striking “paragraph
20 (3) or (4)” and inserting “subparagraph (C) or
21 (D)”;

22 (E) in subparagraph (J) (as redesignated
23 by subparagraph (B)), by striking “; and” and
24 inserting a semicolon;

1 (F) by striking subparagraph (K) (as reded-
 2 ignated by subparagraph (B)) and inserting the
 3 following:

4 “(K) to receive and administer restitution
 5 and community service payments, amounts for
 6 mitigation of impacts to natural resources, and
 7 other amounts arising from legal, regulatory, or
 8 administrative proceedings, subject to the condi-
 9 tion that the amounts are received or adminis-
 10 tered for purposes that further the conservation
 11 and management of fish, wildlife, plants, and
 12 other natural resources; and

13 “(L) to do acts necessary to carry out the
 14 purposes of the Foundation.”; and

15 (G) by striking the undesignated matter at
 16 the end and inserting the following:

17 “(2) TREATMENT OF REAL PROPERTY.—

18 “(A) IN GENERAL.—For purposes of this
 19 Act, an interest in real property shall be treated
 20 as including easements or other rights for preser-
 21 vation, conservation, protection, or enhancement
 22 by and for the public of natural, scenic, historic,
 23 scientific, educational, inspirational, or rec-
 24 reational resources.

1 “(B) *ENCUMBERED REAL PROPERTY*.—A
 2 *gift, devise, or bequest may be accepted by the*
 3 *Foundation even though the gift, devise, or be-*
 4 *quest is encumbered, restricted, or subject to ben-*
 5 *eficial interests of private persons if any current*
 6 *or future interest in the gift, devise, or bequest*
 7 *is for the benefit of the Foundation.*

8 “(3) *SAVINGS CLAUSE*.—*The acceptance and ad-*
 9 *ministration of amounts by the Foundation under*
 10 *paragraph (1)(K) does not alter, supersede, or limit*
 11 *any regulatory or statutory requirement associated*
 12 *with those amounts.”;*

13 (2) *by striking subsections (f) and (g); and*

14 (3) *by redesignating subsections (h) and (i) as*
 15 *subsections (f) and (g), respectively.*

16 (c) *AUTHORIZATION OF APPROPRIATIONS*.—*Section 10*
 17 *of the National Fish and Wildlife Foundation Establish-*
 18 *ment Act (16 U.S.C. 3709) is amended—*

19 (1) *in subsection (a), by striking paragraph (1)*
 20 *and inserting the following:*

21 “(1) *IN GENERAL*.—*There are authorized to be*
 22 *appropriated to carry out this Act for each of fiscal*
 23 *years 2015 through 2020—*

24 “(A) *\$15,000,000 to the Secretary of the In-*
 25 *terior;*

1 “(B) \$5,000,000 to the Secretary of Agri-
2 culture; and

3 “(C) \$5,000,000 to the Secretary of Com-
4 merce.”;

5 (2) in subsection (b)—

6 (A) by striking paragraph (1) and inserting
7 the following:

8 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

9 “(A) IN GENERAL.—In addition to the
10 amounts authorized to be appropriated under
11 subsection (a), Federal departments, agencies, or
12 instrumentalities may provide Federal funds to
13 the Foundation, subject to the condition that the
14 amounts are used for purposes that further the
15 conservation and management of fish, wildlife,
16 plants, and other natural resources in accord-
17 ance with this Act.

18 “(B) ADVANCES.—Federal departments,
19 agencies, or instrumentalities may advance
20 amounts described in subparagraph (A) to the
21 Foundation in a lump sum without regard to
22 when the expenses for which the amounts are
23 used are incurred.

1 “(C) *MANAGEMENT FEES.*—*The Foundation*
 2 *may assess and collect fees for the management*
 3 *of amounts received under this paragraph.*”;

4 *(B) in paragraph (2)—*

5 *(i) in the paragraph heading, by strik-*
 6 *ing “FUNDS” and inserting “AMOUNTS”;*

7 *(ii) by striking “shall be used” and in-*
 8 *serting “may be used”; and*

9 *(iii) by striking “and State and local*
 10 *government agencies” and inserting “, State*
 11 *and local government agencies, and other*
 12 *entities”; and*

13 *(C) by adding at the end the following:*

14 “(3) *ADMINISTRATION OF AMOUNTS.*—

15 “(A) *IN GENERAL.*—*In entering into con-*
 16 *tracts, agreements, or other partnerships pursu-*
 17 *ant to this Act, a Federal department, agency, or*
 18 *instrumentality shall have discretion to waive*
 19 *any competitive process applicable to the depart-*
 20 *ment, agency, or instrumentality for entering*
 21 *into contracts, agreements, or partnerships with*
 22 *the Foundation if the purpose of the waiver is—*

23 “(i) *to address an environmental emer-*
 24 *gency resulting from a natural or other dis-*
 25 *aster; or*

1 “(ii) as determined by the head of the
 2 applicable Federal department, agency, or
 3 instrumentality, to reduce administrative
 4 expenses and expedite the conservation and
 5 management of fish, wildlife, plants, and
 6 other natural resources.

7 “(B) *REPORTS.*—The Foundation shall in-
 8 clude in the annual report submitted under sec-
 9 tion 7(b) a description of any use of the author-
 10 ity under subparagraph (A) by a Federal de-
 11 partment, agency, or instrumentality in that fis-
 12 cal year.”; and

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

14 “(d) *USE OF GIFTS, DEVISES, OR BEQUESTS OF*
 15 *MONEY OR OTHER PROPERTY.*—Any gifts, devises, or be-
 16 quests of amounts or other property, or any other amounts
 17 or other property, transferred to, deposited with, or other-
 18 wise in the possession of the Foundation pursuant to this
 19 Act, may be made available by the Foundation to Federal
 20 departments, agencies, or instrumentalities and may be ac-
 21 cepted and expended (or the disposition of the amounts or
 22 property directed), without further appropriation, by those
 23 Federal departments, agencies, or instrumentalities, subject
 24 to the condition that the amounts or property be used for

1 *purposes that further the conservation and management of*
 2 *fish, wildlife, plants, and other natural resources.”.*

3 (d) *LIMITATION ON AUTHORITY.*—Section 11 of the
 4 *National Fish and Wildlife Foundation Establishment Act*
 5 *(16 U.S.C. 3710) is amended by inserting “exclusive” before*
 6 *“authority”.*

7 **SEC. 12. USE OF AUTHORIZED PESTICIDES; DISCHARGES OF**
 8 **PESTICIDES; REPORT.**

9 (a) *USE OF AUTHORIZED PESTICIDES.*—Section 3(f)
 10 *of the Federal Insecticide, Fungicide, and Rodenticide Act*
 11 *(7 U.S.C. 136a(f)) is amended by adding at the end the*
 12 *following:*

13 “(5) *USE OF AUTHORIZED PESTICIDES.*—*Except*
 14 *as provided in section 402(s) of the Federal Water*
 15 *Pollution Control Act (33 U.S.C. 1342), the Adminis-*
 16 *trator or a State shall not require a permit under*
 17 *that Act for a discharge from a point source into nav-*
 18 *igable waters of—*

19 “(A) *a pesticide authorized for sale, dis-*
 20 *tribution, or use under this Act; or*

21 “(B) *the residue of the pesticide, resulting*
 22 *from the application of the pesticide.”.*

23 (b) *DISCHARGES OF PESTICIDES.*—Section 402 of the
 24 *Federal Water Pollution Control Act (33 U.S.C. 1342) is*
 25 *amended by adding at the end the following:*

1 “(s) *DISCHARGES OF PESTICIDES.*—

2 “(1) *NO PERMIT REQUIREMENT.*—*Except as pro-*
 3 *vided in paragraph (2), a permit shall not be re-*
 4 *quired by the Administrator or a State under this Act*
 5 *for a discharge from a point source into navigable*
 6 *waters of—*

7 “(A) *a pesticide authorized for sale, dis-*
 8 *tribution, or use under the Federal Insecticide,*
 9 *Fungicide, and Rodenticide Act (7 U.S.C. 136 et*
 10 *seq.); or*

11 “(B) *the residue of the pesticide, resulting*
 12 *from the application of the pesticide.*

13 “(2) *EXCEPTIONS.*—*Paragraph (1) shall not*
 14 *apply to the following discharges of a pesticide or pes-*
 15 *ticide residue:*

16 “(A) *A discharge resulting from the appli-*
 17 *cation of a pesticide in violation of a provision*
 18 *of the Federal Insecticide, Fungicide, and*
 19 *Rodenticide Act (7 U.S.C. 136 et seq.) relevant*
 20 *to protecting water quality if—*

21 “(i) *the discharge would not have oc-*
 22 *curred without the violation; or*

23 “(ii) *the amount of pesticide or pes-*
 24 *ticide residue in the discharge is greater*

1 *than would have occurred without the viola-*
 2 *tion.*

3 *“(B) Stormwater discharges subject to regu-*
 4 *lation under subsection (p).*

5 *“(C) The following discharges subject to reg-*
 6 *ulation under this section:*

7 *“(i) Manufacturing or industrial efflu-*
 8 *ent.*

9 *“(ii) Treatment works effluent.*

10 *“(iii) Discharges incidental to the nor-*
 11 *mal operation of a vessel, including a dis-*
 12 *charge resulting from ballasting operations*
 13 *or vessel biofouling prevention.”.*

14 *(c) REPORT.—Not later than 1 year after the date of*
 15 *enactment of this Act, the Administrator of the Environ-*
 16 *mental Protection Agency, in consultation with the Sec-*
 17 *retary of Agriculture, shall submit a report to the Com-*
 18 *mittee on Environment and Public Works and the Com-*
 19 *mittee on Agriculture of the Senate and the Committee on*
 20 *Transportation and Infrastructure and the Committee on*
 21 *Agriculture of the House of Representatives that includes—*

22 *(1) the status of intra-agency coordination be-*
 23 *tween the Office of Water and the Office of Pesticide*
 24 *Programs of the Environmental Protection Agency re-*
 25 *garding streamlining information collection, stand-*

1 *ards of review, and data use relating to water quality*
 2 *impacts from the registration and use of pesticides;*

3 *(2) an analysis of the effectiveness of current reg-*
 4 *ulatory actions relating to pesticide registration and*
 5 *use aimed at protecting water quality; and*

6 *(3) any recommendations on how the Federal In-*
 7 *secticide, Fungicide, and Rodenticide Act (7 U.S.C.*
 8 *136 et seq.) can be modified to better protect water*
 9 *quality and human health.*

10 **SEC. 13. SEAWARD BOUNDARIES.**

11 *(a) IN GENERAL.—Section 4 of the Submerged Lands*
 12 *Act (43 U.S.C. 1312) is amended—*

13 *(1) in the first sentence, by striking “The” and*
 14 *inserting the following:*

15 *“(a) GENERAL RULE.—*

16 *“(1) IN GENERAL.—Except for the States de-*
 17 *scribed in subsection (b), the”;*

18 *(2) in the second sentence, by striking “Any*
 19 *State” and inserting the following:*

20 *“(2) EXTENSIONS.—Any State”;*

21 *(3) in the third sentence, by striking “Any*
 22 *claim” and inserting the following:*

23 *“(3) CLAIMS.—Any claim”;*

24 *(4) in the fourth sentence, by striking “Nothing”*
 25 *and inserting the following:*

1 “(4) *PRIOR APPROVAL*.—*Nothing*”; and

2 (5) *by adding at the end the following:*

3 “(b) *SEAWARD BOUNDARIES OF CERTAIN COASTAL*
 4 *STATES*.—*Subject to subsection (a), for management activi-*
 5 *ties pursuant to the fishery management plan for the reef*
 6 *fish resources of the Gulf of Mexico or any amendment to*
 7 *such plan, the seaward boundary of each of the following*
 8 *States shall be a line 3 marine leagues distant from the*
 9 *coast line of the State as of the date that is 1 day before*
 10 *the date of enactment of this subsection:*

11 “(1) *Alabama*.

12 “(2) *Florida*.

13 “(3) *Louisiana*.

14 “(4) *Mississippi*.”.

15 (b) *CONFORMING AMENDMENTS*.—*Section 2 of the*
 16 *Submerged Lands Act (43 U.S.C. 1301) is amended—*

17 (1) *in subsection (a)(2), by inserting “, or 3 ma-*
 18 *rine leagues distant from the coast line of a State de-*
 19 *scribed in section 4(b),” after “the coast line of each*
 20 *such State”; and*

21 (2) *in subsection (b)—*

22 (A) *by striking “from the coast line”;*

23 (B) *by inserting “from the coast line of a*
 24 *State, or more than 3 marine leagues from the*

1 *coast line of a State described in section 4(b),”*
 2 *after “three geographical miles”; and*
 3 (C) *by inserting “from the coast line of a*
 4 *State, or more than 3 marine leagues from the*
 5 *coast line of a State described in section 4(b),”*
 6 *after “three marine leagues”.*

7 **SEC. 14. REISSUANCE OF FINAL RULE REGARDING GRAY**
 8 **WOLVES IN THE WESTERN GREAT LAKES.**

9 *Before the end of the 60-day period beginning on the*
 10 *date of enactment of this Act, the Secretary of the Interior*
 11 *shall reissue the final rule published on December 28, 2011*
 12 *(76 Fed. Reg. 81666), without regard to any other provision*
 13 *of statute or regulation that applies to issuance of such rule.*
 14 *Such reissuance shall not be subject to judicial review.*

15 **SEC. 15. REISSUANCE OF FINAL RULE REGARDING GRAY**
 16 **WOLVES IN WYOMING.**

17 *Before the end of the 60-day period beginning on the*
 18 *date of enactment of this Act, the Secretary of the Interior*
 19 *shall reissue the final rule published on September 10, 2012*
 20 *(77 Fed. Reg. 55530), without regard to any other provision*
 21 *of statute or regulation that applies to issuance of such rule.*
 22 *Such reissuance shall not be subject to judicial review.*

23 **SEC. 16. PROHIBITION ON ISSUANCE OF FINAL RULE.**

24 *The Director of the United States Fish and Wildlife*
 25 *Service shall not issue a final rule that—*

- 1 (1) *succeeds the proposed rule entitled “Non-Sub-*
 2 *sistence Take of Wildlife, and Public Participation*
 3 *and Closure Procedures, on National Wildlife Refuges*
 4 *in Alaska” (81 Fed. Reg. 887 (January 8, 2016)); or*
 5 (2) *is substantially similar to that proposed rule.*

6 **SEC. 17. NATIONAL FISH HABITAT CONSERVATION.**

7 (a) *SHORT TITLE.*—*This section may be cited as the*
 8 *“National Fish Habitat Conservation Through Partner-*
 9 *ships Act”.*

10 (b) *PURPOSE.*—*The purpose of this section is to en-*
 11 *courage partnerships among public agencies and other in-*
 12 *terested parties to promote fish conservation—*

13 (1) *to achieve measurable habitat conservation*
 14 *results through strategic actions of Fish Habitat Part-*
 15 *nerships that lead to better fish habitat conditions*
 16 *and increased fishing opportunities by—*

17 (A) *improving ecological conditions;*

18 (B) *restoring natural processes; or*

19 (C) *preventing the decline of intact and*
 20 *healthy systems;*

21 (2) *to establish a consensus set of national con-*
 22 *servation strategies as a framework to guide future*
 23 *actions and investment by Fish Habitat Partnerships;*

24 (3) *to broaden the community of support for fish*
 25 *habitat conservation by—*

1 (A) increasing fishing opportunities;

2 (B) fostering the participation of local com-
3 munities, especially young people in local com-
4 munities, in conservation activities; and

5 (C) raising public awareness of the role
6 healthy fish habitat play in the quality of life
7 and economic well-being of local communities;

8 (4) to fill gaps in the National Fish Habitat As-
9 sessment and the associated database of the National
10 Fish Habitat Assessment—

11 (A) to empower strategic conservation ac-
12 tions supported by broadly available scientific
13 information; and

14 (B) to integrate socioeconomic data in the
15 analysis to improve the lives of humans in a
16 manner consistent with fish habitat conservation
17 goals; and

18 (5) to communicate to the public and conserva-
19 tion partners—

20 (A) the conservation outcomes produced col-
21 lectively by Fish Habitat Partnerships; and

22 (B) new opportunities and voluntary ap-
23 proaches for conserving fish habitat.

24 (c) *DEFINITIONS.*—In this section:

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 2 *TEES.*—*The term “appropriate congressional commit-*
 3 *tees” means—*

4 (A) *the Committee on Commerce, Science,*
 5 *and Transportation and the Committee on Envi-*
 6 *ronment and Public Works of the Senate; and*

7 (B) *the Committee on Natural Resources of*
 8 *the House of Representatives.*

9 (2) *BOARD.*—*The term “Board” means the Na-*
 10 *tional Fish Habitat Board established by subsection*
 11 *(d)(1)(A).*

12 (3) *DIRECTOR.*—*The term “Director” means the*
 13 *Director of the United States Fish and Wildlife Serv-*
 14 *ice.*

15 (4) *EPA ASSISTANT ADMINISTRATOR.*—*The term*
 16 *“EPA Assistant Administrator” means the Assistant*
 17 *Administrator for Water of the Environmental Pro-*
 18 *tection Agency.*

19 (5) *INDIAN TRIBE.*—*The term “Indian tribe” has*
 20 *the meaning given the term in section 4 of the Indian*
 21 *Self-Determination and Education Assistance Act (25*
 22 *U.S.C. 450b).*

23 (6) *NOAA ASSISTANT ADMINISTRATOR.*—*The*
 24 *term “NOAA Assistant Administrator” means the As-*

1 *sistant Administrator for Fisheries of the National*
 2 *Oceanic and Atmospheric Administration.*

3 (7) *PARTNERSHIP.*—*The term “Partnership”*
 4 *means a self-governed entity designated by the Board*
 5 *as a Fish Habitat Conservation Partnership pursuant*
 6 *to subsection (e)(1) .*

7 (8) *REAL PROPERTY INTEREST.*—*The term “real*
 8 *property interest” means an ownership interest in—*

9 (A) *land; or*

10 (B) *water (including water rights).*

11 (9) *SECRETARY.*—*The term “Secretary” means*
 12 *the Secretary of the Interior.*

13 (10) *STATE.*—*The term “State” means each of*
 14 *the several States.*

15 (11) *STATE AGENCY.*—*The term “State agency”*
 16 *means—*

17 (A) *the fish and wildlife agency of a State;*

18 *and*

19 (B) *any department or division of a depart-*
 20 *ment or agency of a State that manages in the*
 21 *public trust the inland or marine fishery re-*
 22 *sources or sustains the habitat for those fishery*
 23 *resources of the State pursuant to State law or*
 24 *the constitution of the State.*

25 (d) *NATIONAL FISH HABITAT BOARD.*—

1 (1) *ESTABLISHMENT.*—

2 (A) *FISH HABITAT BOARD.*—*There is estab-*
 3 *lished a board, to be known as the “National*
 4 *Fish Habitat Board”, whose duties are—*

5 (i) *to promote, oversee, and coordinate*
 6 *the implementation of this section;*

7 (ii) *to establish national goals and pri-*
 8 *orities for fish habitat conservation;*

9 (iii) *to approve Partnerships; and*

10 (iv) *to review and make recommenda-*
 11 *tions regarding fish habitat conservation*
 12 *projects.*

13 (B) *MEMBERSHIP.*—*The Board shall be*
 14 *composed of 25 members, of whom—*

15 (i) *1 shall be a representative of the*
 16 *Department of the Interior;*

17 (ii) *1 shall be a representative of the*
 18 *United States Geological Survey;*

19 (iii) *1 shall be a representative of the*
 20 *Department of Commerce;*

21 (iv) *1 shall be a representative of the*
 22 *Department of Agriculture;*

23 (v) *1 shall be a representative of the*
 24 *Association of Fish and Wildlife Agencies;*

1 (vi) 4 shall be representatives of State
 2 agencies, 1 of whom shall be nominated by
 3 a regional association of fish and wildlife
 4 agencies from each of the Northeast, South-
 5 east, Midwest, and Western regions of the
 6 United States;

7 (vii) 1 shall be a representative of ei-
 8 ther—

9 (I) Indian tribes in the State of
 10 Alaska; or

11 (II) Indian tribes in States other
 12 than the State of Alaska;

13 (viii) 1 shall be a representative of ei-
 14 ther—

15 (I) the Regional Fishery Manage-
 16 ment Councils established under sec-
 17 tion 302 of the Magnuson-Stevens
 18 Fishery Conservation and Management
 19 Act (16 U.S.C. 1852); or

20 (II) a representative of the Marine
 21 Fisheries Commissions, which is com-
 22 posed of—

23 (aa) the Atlantic States Ma-
 24 rine Fisheries Commission;

1 *(bb) the Gulf States Marine*
 2 *Fisheries Commission; and*

3 *(cc) the Pacific States Ma-*
 4 *rine Fisheries Commission;*

5 *(ix) 1 shall be a representative of the*
 6 *Sportfishing and Boating Partnership*
 7 *Council;*

8 *(x) 7 shall be representatives selected*
 9 *from each of—*

10 *(I) the recreational sportfishing*
 11 *industry;*

12 *(II) the commercial fishing indus-*
 13 *try;*

14 *(III) marine recreational anglers;*

15 *(IV) freshwater recreational an-*
 16 *glers;*

17 *(V) habitat conservation organiza-*
 18 *tions; and*

19 *(VI) science-based fishery organi-*
 20 *zations;*

21 *(xi) 1 shall be a representative of a na-*
 22 *tional private landowner organization;*

23 *(xii) 1 shall be a representative of an*
 24 *agricultural production organization;*

1 (xiii) 1 shall be a representative of
2 local government interests involved in fish
3 habitat restoration;

4 (xiv) 2 shall be representatives from
5 different sectors of corporate industries,
6 which may include—

7 (I) natural resource commodity
8 interests, such as petroleum or mineral
9 extraction;

10 (II) natural resource user indus-
11 tries; and

12 (III) industries with an interest
13 in fish and fish habitat conservation;
14 and

15 (xv) 1 shall be a leadership private sec-
16 tor or landowner representative of an active
17 partnership.

18 (C) COMPENSATION.—A member of the
19 Board shall serve without compensation.

20 (D) TRAVEL EXPENSES.—A member of the
21 Board may be allowed travel expenses, including
22 per diem in lieu of subsistence, at rates author-
23 ized for an employee of an agency under sub-
24 chapter I of chapter 57 of title 5, United States
25 Code, while away from the home or regular place

1 *of business of the member in the performance of*
 2 *the duties of the Board.*

3 (2) *APPOINTMENT AND TERMS.*—

4 (A) *IN GENERAL.*—*Except as otherwise pro-*
 5 *vided in this subsection, a member of the Board*
 6 *described in any of clauses (vi) through (xiv) of*
 7 *paragraph (1)(B) shall serve for a term of 3*
 8 *years.*

9 (B) *INITIAL BOARD MEMBERSHIP.*—

10 (i) *IN GENERAL.*—*The initial Board*
 11 *will consist of representatives as described*
 12 *in clauses (i) through (vi) of paragraph*
 13 *(1)(B).*

14 (ii) *REMAINING MEMBERS.*—*Not later*
 15 *than 60 days after the date of enactment of*
 16 *this Act, the representatives of the initial*
 17 *Board pursuant to clause (i) shall appoint*
 18 *the remaining members of the Board de-*
 19 *scribed in clauses (viii) through (xiv) of*
 20 *paragraph (1)(B).*

21 (iii) *TRIBAL REPRESENTATIVES.*—*Not*
 22 *later than 60 days after the enactment of*
 23 *this Act, the Secretary shall provide to the*
 24 *Board a recommendation of not fewer than*
 25 *3 tribal representatives, from which the*

1 *Board shall appoint 1 representative pursu-*
 2 *ant to clause (vii) of paragraph (1)(B).*

3 (C) *TRANSITIONAL TERMS.*—*Of the members*
 4 *described in paragraph (1)(B)(x) initially ap-*
 5 *pointed to the Board—*

6 (i) *2 shall be appointed for a term of*
 7 *1 year;*

8 (ii) *2 shall be appointed for a term of*
 9 *2 years; and*

10 (iii) *3 shall be appointed for a term of*
 11 *3 years.*

12 (D) *VACANCIES.*—

13 (i) *IN GENERAL.*—*A vacancy of a*
 14 *member of the Board described in any of*
 15 *clauses (viii) through (xiv) of paragraph*
 16 *(1)(B) shall be filled by an appointment*
 17 *made by the remaining members of the*
 18 *Board.*

19 (ii) *TRIBAL REPRESENTATIVES.*—*Fol-*
 20 *lowing a vacancy of a member of the Board*
 21 *described in clause (vii) of paragraph*
 22 *(1)(B), the Secretary shall recommend to*
 23 *the Board a list of not fewer than 3 tribal*
 24 *representatives, from which the remaining*

1 *members of the Board shall appoint a rep-*
 2 *resentative to fill the vacancy.*

3 *(E) CONTINUATION OF SERVICE.—An indi-*
 4 *vidual whose term of service as a member of the*
 5 *Board expires may continue to serve on the*
 6 *Board until a successor is appointed.*

7 *(F) REMOVAL.—If a member of the Board*
 8 *described in any of clauses (viii) through (xiv) of*
 9 *paragraph (1)(B) misses 3 consecutive regularly*
 10 *scheduled Board meetings, the members of the*
 11 *Board may—*

12 *(i) vote to remove that member; and*

13 *(ii) appoint another individual in ac-*
 14 *cordance with subparagraph (D).*

15 *(3) CHAIRPERSON.—*

16 *(A) IN GENERAL.—The representative of the*
 17 *Association of Fish and Wildlife Agencies ap-*
 18 *pointed pursuant to paragraph (1)(B)(v) shall*
 19 *serve as Chairperson of the Board.*

20 *(B) TERM.—The Chairperson of the Board*
 21 *shall serve for a term of 3 years.*

22 *(4) MEETINGS.—*

23 *(A) IN GENERAL.—The Board shall meet—*

24 *(i) at the call of the Chairperson; but*

1 (ii) not less frequently than twice each
2 calendar year.

3 (B) *PUBLIC ACCESS*.—All meetings of the
4 Board shall be open to the public.

5 (5) *PROCEDURES*.—

6 (A) *IN GENERAL*.—The Board shall estab-
7 lish procedures to carry out the business of the
8 Board, including—

9 (i) a requirement that a quorum of the
10 members of the Board be present to transact
11 business;

12 (ii) a requirement that no rec-
13 ommendations may be adopted by the
14 Board, except by the vote of $\frac{2}{3}$ of all mem-
15 bers;

16 (iii) procedures for establishing na-
17 tional goals and priorities for fish habitat
18 conservation for the purposes of this section;

19 (iv) procedures for designating Part-
20 nerships under subsection (e); and

21 (v) procedures for reviewing, evalu-
22 ating, and making recommendations re-
23 garding fish habitat conservation projects.

24 (B) *QUORUM*.—A majority of the members
25 of the Board shall constitute a quorum.

1 (e) *FISH HABITAT PARTNERSHIPS*.—

2 (1) *AUTHORITY TO APPROVE*.—*The Board may*
 3 *approve and designate Fish Habitat Partnerships in*
 4 *accordance with this subsection.*

5 (2) *PURPOSES*.—*The purposes of a Partnership*
 6 *shall be—*

7 (A) *to work with other regional habitat con-*
 8 *servation programs to promote cooperation and*
 9 *coordination to enhance fish and fish habitats;*

10 (B) *to engage local and regional commu-*
 11 *nities to build support for fish habitat conserva-*
 12 *tion;*

13 (C) *to involve diverse groups of public and*
 14 *private partners;*

15 (D) *to develop collaboratively a strategic vi-*
 16 *sion and achievable implementation plan that is*
 17 *scientifically sound;*

18 (E) *to leverage funding from sources that*
 19 *support local and regional partnerships;*

20 (F) *to use adaptive management principles,*
 21 *including evaluation of project success and*
 22 *functionality;*

23 (G) *to develop appropriate local or regional*
 24 *habitat evaluation and assessment measures and*

1 *criteria that are compatible with national habi-*
 2 *tat condition measures; and*

3 *(H) to implement local and regional pri-*
 4 *ority projects that improve conditions for fish*
 5 *and fish habitat.*

6 *(3) CRITERIA FOR APPROVAL.—An entity seeking*
 7 *to be designated as a Partnership shall—*

8 *(A) submit to the Board an application at*
 9 *such time, in such manner, and containing such*
 10 *information as the Board may reasonably re-*
 11 *quire; and*

12 *(B) demonstrate to the Board that the enti-*
 13 *ty has—*

14 *(i) a focus on promoting the health of*
 15 *important fish and fish habitats;*

16 *(ii) an ability to coordinate the imple-*
 17 *mentation of priority projects that support*
 18 *the goals and national priorities set by the*
 19 *Board that are within the Partnership*
 20 *boundary;*

21 *(iii) a self-governance structure that*
 22 *supports the implementation of strategic*
 23 *priorities for fish habitat;*

24 *(iv) the ability to develop local and re-*
 25 *gional relationships with a broad range of*

1 *entities to further strategic priorities for*
 2 *fish and fish habitat;*

3 *(v) a strategic plan that details re-*
 4 *quired investments for fish habitat conserva-*
 5 *tion that addresses the strategic fish habitat*
 6 *priorities of the Partnership and supports*
 7 *and meets the strategic priorities of the*
 8 *Board;*

9 *(vi) the ability to develop and imple-*
 10 *ment fish habitat conservation projects that*
 11 *address strategic priorities of the Partner-*
 12 *ship and the Board; and*

13 *(vii) the ability to develop fish habitat*
 14 *conservation priorities based on sound*
 15 *science and data, the ability to measure the*
 16 *effectiveness of fish habitat projects of the*
 17 *Partnership, and a clear plan as to how*
 18 *Partnership science and data components*
 19 *will be integrated with the overall Board*
 20 *science and data effort.*

21 *(4) APPROVAL.—The Board may approve an ap-*
 22 *plication for a Partnership submitted under para-*
 23 *graph (3) if the Board determines that the appli-*
 24 *cant—*

1 (A) identifies representatives to provide
2 support and technical assistance to the Partner-
3 ship from a diverse group of public and private
4 partners, which may include State or local gov-
5 ernments, nonprofit entities, Indian tribes, and
6 private individuals, that are focused on con-
7 servation of fish habitats to achieve results across
8 jurisdictional boundaries on public and private
9 land;

10 (B) is organized to promote the health of
11 important fish species and important fish habi-
12 tats, including reservoirs, natural lakes, coastal
13 and marine environments, and estuaries;

14 (C) identifies strategic fish and fish habitat
15 priorities for the Partnership area in the form of
16 geographical focus areas or key stressors or im-
17 pairments to facilitate strategic planning and
18 decisionmaking;

19 (D) is able to address issues and priorities
20 on a nationally significant scale;

21 (E) includes a governance structure that—

22 (i) reflects the range of all partners;

23 and

24 (ii) promotes joint strategic planning
25 and decisionmaking by the applicant;

1 (F) demonstrates completion of, or signifi-
 2 cant progress toward the development of, a stra-
 3 tegic plan to address the decline in fish popu-
 4 lations, rather than simply treating symptoms,
 5 in accordance with the goals and national prior-
 6 ities established by the Board; and

7 (G) promotes collaboration in developing a
 8 strategic vision and implementation program
 9 that is scientifically sound and achievable.

10 (f) *FISH HABITAT CONSERVATION PROJECTS.*—

11 (1) *SUBMISSION TO BOARD.*—Not later than
 12 March 31 of each calendar year, each Partnership
 13 shall submit to the Board a list of priority fish habi-
 14 tat conservation projects recommended by the Part-
 15 nership for annual funding under this section.

16 (2) *RECOMMENDATIONS BY BOARD.*—Not later
 17 than July 1 of each calendar year, the Board shall
 18 submit to the Secretary a priority list of fish habitat
 19 conservation projects that includes the description, in-
 20 cluding estimated costs, of each project that the Board
 21 recommends that the Secretary approve and fund
 22 under this section for the following fiscal year.

23 (3) *CRITERIA FOR PROJECT SELECTION.*—The
 24 Board shall select each fish habitat conservation
 25 project to be recommended to the Secretary under

paragraph (2) after taking into consideration, at a minimum, the following information:

(A) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(B) The capabilities and experience of project proponents to implement successfully the proposed project.

(C) The extent to which the fish habitat conservation project —

(i) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this section;

(ii) addresses the national priorities established by the Board;

(iii) is supported by the findings of the Habitat Assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(iv) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(v) provides a well-defined budget linked to deliverables and outcomes;

1 (vi) leverages other funds to implement
2 the project;

3 (vii) addresses the causes and processes
4 behind the decline of fish or fish habitats;
5 and

6 (viii) includes an outreach or edu-
7 cation component that includes the local or
8 regional community.

9 (D) The availability of sufficient non-Fed-
10 eral funds to match Federal contributions for the
11 fish habitat conservation project, as required by
12 paragraph (5);

13 (E) The extent to which the local or re-
14 gional fish habitat conservation project—

15 (i) will increase fish populations in a
16 manner that leads to recreational fishing
17 opportunities for the public;

18 (ii) will be carried out through a coop-
19 erative agreement among Federal, State,
20 and local governments, Indian tribes, and
21 private entities;

22 (iii) increases public access to land or
23 water for fish and wildlife-dependent rec-
24 reational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and other relevant Federal law and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(F) The substantiality of the character and design of the fish habitat conservation project.

(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(i) to appropriately assess the biological, ecological, or other results of the habitat

1 protection, restoration, or enhancement ac-
 2 tivities carried out using the assistance;

3 (ii) to reflect appropriate changes to
 4 the fish habitat conservation project if the
 5 assessment substantiates that the fish habi-
 6 tat conservation project objectives are not
 7 being met;

8 (iii) to identify improvements to exist-
 9 ing fish populations, recreational fishing
 10 opportunities and the overall economic ben-
 11 efits for the local community of the fish
 12 habitat conservation project; and

13 (iv) to require the submission to the
 14 Board of a report describing the findings of
 15 the assessment.

16 (B) ACQUISITION AUTHORITIES.—

17 (i) IN GENERAL.—A State, local gov-
 18 ernment, or other non-Federal entity is eli-
 19 gible to receive funds for the acquisition of
 20 real property from willing sellers under this
 21 section if the acquisition ensures 1 of—

22 (I) public access for compatible
 23 fish and wildlife-dependent recreation;
 24 or

1 (II) *a scientifically based, direct*
 2 *enhancement to the health of fish and*
 3 *fish populations, as determined by the*
 4 *Board.*

5 (ii) *STATE AGENCY APPROVAL.—*

6 (I) *IN GENERAL.—All real prop-*
 7 *erty interest acquisition projects fund-*
 8 *ed under this section are required to be*
 9 *approved by the State agency in the*
 10 *State in which the project is occurring.*

11 (II) *PROHIBITION.—The Board*
 12 *may not recommend, and the Secretary*
 13 *may not provide any funding for, any*
 14 *real property interest acquisition that*
 15 *has not been approved by the State*
 16 *agency.*

17 (iii) *ASSESSMENT OF OTHER AUTHORI-*
 18 *TIES.—The Fish Habitat Partnership shall*
 19 *conduct a project assessment, submitted*
 20 *with the funding request and approved by*
 21 *the Board, to demonstrate all other Federal,*
 22 *State, and local authorities for the acquisi-*
 23 *tion of real property have been exhausted.*

24 (iv) *RESTRICTIONS.—A real property*
 25 *interest may not be acquired pursuant to a*

1 *fish habitat conservation project by a State,*
 2 *local government, or other non-Federal enti-*
 3 *ty, unless—*

4 *(I) the owner of the real property*
 5 *authorizes the State, local government,*
 6 *or other non-Federal entity to acquire*
 7 *the real property; and*

8 *(II) the Secretary and the Board*
 9 *determine that the State, local govern-*
 10 *ment, or other non-Federal entity*
 11 *would benefit from undertaking the*
 12 *management of the real property being*
 13 *acquired because that is in accordance*
 14 *with the goals of a partnership.*

15 (5) *NON-FEDERAL CONTRIBUTIONS.—*

16 *(A) IN GENERAL.—Except as provided in*
 17 *subparagraph (B), no fish habitat conservation*
 18 *project may be recommended by the Board under*
 19 *paragraph (2) or provided financial assistance*
 20 *under this section unless at least 50 percent of*
 21 *the cost of the fish habitat conservation project*
 22 *will be funded with non-Federal funds.*

23 *(B) NON-FEDERAL SHARE.—The non-Fed-*
 24 *eral share of the cost of a fish habitat conserva-*
 25 *tion project—*

1 (i) may not be derived from another
2 Federal grant program; but

3 (ii) may include in-kind contributions
4 and cash.

5 (C) SPECIAL RULE FOR INDIAN TRIBES.—
6 Notwithstanding subparagraph (A) or any other
7 provision of law, any funds made available to an
8 Indian tribe pursuant to this section may be
9 considered to be non-Federal funds for the pur-
10 pose of subparagraph (A).

11 (6) APPROVAL.—

12 (A) IN GENERAL.—Not later than 90 days
13 after the date of receipt of the recommended pri-
14 ority list of fish habitat conservation projects
15 under paragraph (2), subject to the limitations
16 of paragraph (4), and based, to the maximum
17 extent practicable, on the criteria described in
18 paragraph (3), the Secretary, after consulting
19 with the Secretary of Commerce on marine or es-
20 tuarine projects, shall approve or reject any fish
21 habitat conservation project recommended by the
22 Board.

23 (B) FUNDING.—If the Secretary approves a
24 fish habitat conservation project under subpara-
25 graph (A), the Secretary shall use amounts made

1 *available to carry out this section to provide*
 2 *funds to carry out the fish habitat conservation*
 3 *project.*

4 (C) *NOTIFICATION.*—*If the Secretary rejects*
 5 *any fish habitat conservation project rec-*
 6 *ommended by the Board under paragraph (2),*
 7 *not later than 180 days after the date of receipt*
 8 *of the recommendation, the Secretary shall pro-*
 9 *vide to the Board, the appropriate Partnership,*
 10 *and the appropriate congressional committees a*
 11 *written statement of the reasons that the Sec-*
 12 *retary rejected the fish habitat conservation*
 13 *project.*

14 (g) *TECHNICAL AND SCIENTIFIC ASSISTANCE.*—

15 (1) *IN GENERAL.*—*The Director, the NOAA As-*
 16 *stant Administrator, the EPA Assistant Adminis-*
 17 *trator, and the Director of the United States Geologi-*
 18 *cal Survey, in coordination with the Forest Service*
 19 *and other appropriate Federal departments and agen-*
 20 *cies, may provide scientific and technical assistance*
 21 *to the Partnerships, participants in fish habitat con-*
 22 *servation projects, and the Board.*

23 (2) *INCLUSIONS.*—*Scientific and technical assist-*
 24 *ance provided pursuant to paragraph (1) may in-*
 25 *clude—*

1 (A) providing technical and scientific as-
2 sistance to States, Indian tribes, regions, local
3 communities, and nongovernmental organiza-
4 tions in the development and implementation of
5 Partnerships;

6 (B) providing technical and scientific as-
7 sistance to Partnerships for habitat assessment,
8 strategic planning, and prioritization;

9 (C) supporting the development and imple-
10 mentation of fish habitat conservation projects
11 that are identified as high priorities by Partner-
12 ships and the Board;

13 (D) supporting and providing recommenda-
14 tions regarding the development of science-based
15 monitoring and assessment approaches for im-
16 plementation through Partnerships;

17 (E) supporting and providing recommenda-
18 tions for a national fish habitat assessment;

19 (F) ensuring the availability of experts to
20 assist in conducting scientifically based evalua-
21 tion and reporting of the results of fish habitat
22 conservation projects; and

23 (G) providing resources to secure state agen-
24 cy scientific and technical assistance to support

1 *Partnerships, participants in fish habitat con-*
 2 *servation projects, and the Board.*

3 (h) *COORDINATION WITH STATES AND INDIAN*
 4 *TRIBES.*—*The Secretary shall provide a notice to, and co-*
 5 *operate with, the appropriate State agency or tribal agency,*
 6 *as applicable, of each State and Indian tribe within the*
 7 *boundaries of which an activity is planned to be carried*
 8 *out pursuant to this section, including notification, by not*
 9 *later than 30 days before the date on which the activity*
 10 *is implemented.*

11 (i) *INTERAGENCY OPERATIONAL PLAN.*—*Not later*
 12 *than 1 year after the date of enactment of this Act, and*
 13 *every 5 years thereafter, the Director, in cooperation with*
 14 *the NOAA Assistant Administrator, the EPA Assistant Ad-*
 15 *ministrator, the Director of the United States Geological*
 16 *Survey, and the heads of other appropriate Federal depart-*
 17 *ments and agencies (including at a minimum, those agen-*
 18 *cies represented on the Board) shall develop an interagency*
 19 *operational plan that describes—*

20 (1) *the functional, operational, technical, sci-*
 21 *entific, and general staff, administrative, and mate-*
 22 *rial needs for the implementation of this section; and*
 23 (2) *any interagency agreements between or*
 24 *among Federal departments and agencies to address*
 25 *those needs.*

1 (j) *ACCOUNTABILITY AND REPORTING.*—

2 (1) *REPORTING.*—

3 (A) *IN GENERAL.*—Not later than 5 years
4 after the date of enactment of this Act, and every
5 5 years thereafter, the Board shall submit to the
6 appropriate congressional committees a report
7 describing the progress of this section.

8 (B) *CONTENTS.*—Each report submitted
9 under subparagraph (A) shall include—

10 (i) an estimate of the number of acres,
11 stream miles, or acre-feet, or other suitable
12 measures of fish habitat, that was main-
13 tained or improved by partnerships of Fed-
14 eral, State, or local governments, Indian
15 tribes, or other entities in the United States
16 during the 5-year period ending on the date
17 of submission of the report;

18 (ii) a description of the public access to
19 fish habitats established or improved during
20 that 5-year period;

21 (iii) a description of the improved op-
22 portunities for public recreational fishing;
23 and

24 (iv) an assessment of the status of fish
25 habitat conservation projects carried out

1 *with funds provided under this section dur-*
 2 *ing that period, disaggregated by year, in-*
 3 *cluding—*

4 *(I) a description of the fish habi-*
 5 *tat conservation projects recommended*
 6 *by the Board under subsection (f)(2);*

7 *(II) a description of each fish*
 8 *habitat conservation project approved*
 9 *by the Secretary under subsection*
 10 *(f)(6), in order of priority for funding;*

11 *(III) a justification for—*

12 *(aa) the approval of each fish*
 13 *habitat conservation project; and*

14 *(bb) the order of priority for*
 15 *funding of each fish habitat con-*
 16 *servation project;*

17 *(IV) a justification for any rejec-*
 18 *tion of a fish habitat conservation*
 19 *project recommended by the Board*
 20 *under subsection (f)(2) that was based*
 21 *on a factor other than the criteria de-*
 22 *scribed in subsection (f)(3); and*

23 *(V) an accounting of expenditures*
 24 *by Federal, State, or local govern-*
 25 *ments, Indian tribes, or other entities*

1 to carry out fish habitat conservation
2 projects.

3 (2) *STATUS AND TRENDS REPORT.*—Not later
4 than December 31, 2016, and every 5 years thereafter,
5 the Board shall submit to the appropriate congres-
6 sional committees a report that includes—

7 (A) a status of all Partnerships approved
8 under this section;

9 (B) a description of the status of fish habi-
10 tats in the United States as identified by estab-
11 lished Partnerships; and

12 (C) enhancements or reductions in public
13 access as a result of—

14 (i) the activities of the Partnerships; or

15 (ii) any other activities carried out
16 pursuant to this section.

17 (3) *REVISIONS.*—Not later than December 31,
18 2016, and every 5 years thereafter, the Board shall
19 consider revising the goals of the Board, after consid-
20 eration of each report required by paragraph (2).

21 (k) *EFFECT OF SECTION.*—

22 (1) *WATER RIGHTS.*—Nothing in this section—

23 (A) establishes any express or implied re-
24 served water right in the United States for any
25 purpose;

1 (B) affects any water right in existence on
2 the date of enactment of this Act;

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

5 (D) affects any Federal or State law in ex-
6 istence on the date of enactment of the Act re-
7 garding water quality or water quantity.

8 (2) *AUTHORITY TO ACQUIRE WATER RIGHTS OR*
9 *RIGHTS TO PROPERTY.*—Under this section, only a
10 State, local government, or other non-Federal entity
11 may acquire, under State law, water rights or rights
12 to property.

13 (3) *STATE AUTHORITY.*—Nothing in this sec-
14 tion—

15 (A) affects the authority, jurisdiction, or re-
16 sponsibility of a State to manage, control, or
17 regulate fish and wildlife under the laws and
18 regulations of the State; or

19 (B) authorizes the Secretary to control or
20 regulate within a State the fishing or hunting of
21 fish and wildlife.

22 (4) *EFFECT ON INDIAN TRIBES.*—Nothing in this
23 section abrogates, abridges, affects, modifies, super-
24 sedes, or alters any right of an Indian tribe recog-
25 nized by treaty or any other means, including—

1 (A) *an agreement between the Indian tribe*
 2 *and the United States;*

3 (B) *Federal law (including regulations);*

4 (C) *an Executive order; or*

5 (D) *a judicial decree.*

6 (5) *ADJUDICATION OF WATER RIGHTS.—Nothing*
 7 *in this section diminishes or affects the ability of the*
 8 *Secretary to join an adjudication of rights to the use*
 9 *of water pursuant to subsection (a), (b), or (c) of sec-*
 10 *tion 208 of the Department of Justice Appropriation*
 11 *Act, 1953 (43 U.S.C. 666).*

12 (6) *DEPARTMENT OF COMMERCE AUTHORITY.—*
 13 *Nothing in this section affects the authority, jurisdic-*
 14 *tion, or responsibility of the Department of Commerce*
 15 *to manage, control, or regulate fish or fish habitats*
 16 *under the Magnuson-Stevens Fishery Conservation*
 17 *and Management Act (16 U.S.C. 1801 et seq.).*

18 (7) *EFFECT ON OTHER AUTHORITIES.—*

19 (A) *PRIVATE PROPERTY PROTECTION.—*
 20 *Nothing in this section permits the use of funds*
 21 *made available to carry out this section to ac-*
 22 *quire real property or a real property interest*
 23 *without the written consent of each owner of the*
 24 *real property or real property interest.*

1 (B) *MITIGATION*.—*Nothing in this section*
 2 *permits the use of funds made available to carry*
 3 *out this section for fish and wildlife mitigation*
 4 *purposes under—*

5 (i) *the Federal Water Pollution Control*
 6 *Act (33 U.S.C. 1251 et seq.);*

7 (ii) *the Fish and Wildlife Coordination*
 8 *Act (16 U.S.C. 661 et seq.);*

9 (iii) *the Water Resources Development*
 10 *Act of 1986 (Public Law 99–662; 100 Stat.*
 11 *4082); or*

12 (iv) *any other Federal law or court set-*
 13 *tlement.*

14 (C) *CLEAN WATER ACT*.—*Nothing in this*
 15 *section affects any provision of the Federal*
 16 *Water Pollution Control Act (33 U.S.C. 1251 et*
 17 *seq.), including any definition in that Act.*

18 (l) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
 19 *MITTEE ACT*.—*The Federal Advisory Committee Act (5*
 20 *U.S.C. App.) shall not apply to—*

21 (1) *the Board; or*

22 (2) *any Partnership.*

23 (m) *FUNDING*.—

24 (1) *AUTHORIZATION OF APPROPRIATIONS*.—

1 (A) *FISH HABITAT CONSERVATION*
 2 *PROJECTS.—There is authorized to be appro-*
 3 *priated to the Secretary \$7,200,000 for each of*
 4 *fiscal years 2016 through 2021 to provide funds*
 5 *for fish habitat conservation projects approved*
 6 *under subsection (f)(6), of which 5 percent shall*
 7 *be made available for each fiscal year for projects*
 8 *carried out by Indian tribes.*

9 (B) *ADMINISTRATIVE AND PLANNING EX-*
 10 *PENSES.—There is authorized to be appropriated*
 11 *to the Secretary for each of fiscal years 2016*
 12 *through 2021 an amount equal to 5 percent of*
 13 *the amount appropriated for the applicable fiscal*
 14 *year pursuant to subparagraph (A)—*

15 (i) *for administrative and planning*
 16 *expenses; and*

17 (ii) *to carry out subsection (j).*

18 (C) *TECHNICAL AND SCIENTIFIC ASSIST-*
 19 *ANCE.—There is authorized to be appropriated*
 20 *for each of fiscal years 2016 through 2021 to*
 21 *carry out, and provide technical and scientific*
 22 *assistance under, subsection (g)—*

23 (i) *\$500,000 to the Secretary for use by*
 24 *the United States Fish and Wildlife Service;*

1 (ii) \$500,000 to the NOAA Assistant
2 Administrator for use by the National Oce-
3 anic and Atmospheric Administration;

4 (iii) \$500,000 to the EPA Assistant
5 Administrator for use by the Environmental
6 Protection Agency; and

7 (iv) \$500,000 to the Secretary for use
8 by the United States Geological Survey.

9 (2) AGREEMENTS AND GRANTS.—The Secretary
10 may—

11 (A) on the recommendation of the Board,
12 and notwithstanding sections 6304 and 6305 of
13 title 31, United States Code, and the Federal Fi-
14 nancial Assistance Management Improvement
15 Act of 1999 (31 U.S.C. 6101 note; Public Law
16 106–107), enter into a grant agreement, coopera-
17 tive agreement, or contract with a Partnership
18 or other entity for a fish habitat conservation
19 project or restoration or enhancement project;

20 (B) apply for, accept, and use a grant from
21 any individual or entity to carry out the pur-
22 poses of this section; and

23 (C) make funds available to any Federal de-
24 partment or agency for use by that department
25 or agency to provide grants for any fish habitat

1 *protection project, restoration project, or en-*
 2 *hancement project that the Secretary determines*
 3 *to be consistent with this section.*

4 (3) *DONATIONS.—*

5 (A) *IN GENERAL.—The Secretary may—*

6 (i) *enter into an agreement with any*
 7 *organization described in section 501(c)(3)*
 8 *of the Internal Revenue Code of 1986 that*
 9 *is exempt from taxation under section*
 10 *501(a) of that Code to solicit private dona-*
 11 *tions to carry out the purposes of this sec-*
 12 *tion; and*

13 (ii) *accept donations of funds, prop-*
 14 *erty, and services to carry out the purposes*
 15 *of this section.*

16 (B) *TREATMENT.—A donation accepted*
 17 *under this section—*

18 (i) *shall be considered to be a gift or*
 19 *bequest to, or otherwise for the use of, the*
 20 *United States; and*

21 (ii) *may be—*

22 (I) *used directly by the Secretary;*

23 *or*

1 *(II) provided to another Federal*
2 *department or agency through an*
3 *interagency agreement.*

Calendar No. 371

114TH CONGRESS
2^D Session

S. 659

[Report No. 114-210]

A BILL

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

FEBRUARY 24, 2016

Reported with an amendment