

to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2871.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after the first sentence the following: “Fees and other expenses may be awarded under this subsection only to a prevailing party who has a direct and personal interest in the adversary adjudication because of medical costs, property damage, denial of benefits, unpaid disbursement, fees and other expenses incurred in defense of the adjudication, interest in a policy concerning such medical costs, property damage, denial of benefits, unpaid disbursement, or fees and other expenses, or otherwise.”; and

(ii) by adding at the end the following: “The agency conducting the adversary adjudication shall make any party against whom the adjudication is brought, at the time the adjudication is commenced, aware of the provisions of this section.”; and

(B) in paragraph (3), in the first sentence—

(i) by striking “may reduce” and inserting “shall reduce”; and

(ii) by striking “unduly and unreasonably” and inserting “unduly or unreasonably”;

(2) in subsection (b)(1)—

(A) in subparagraph (A)(ii), by striking “\$125 per hour” and all that follows through the end and inserting “\$200 per hour.”; and

(B) in subparagraph (B)(ii), by striking “; except that” and all that follows through “section 601;” and inserting “except that—

“(I) the net worth of a party (other than an individual or a unit of local government) shall include the net worth of any parent entity or subsidiary of that party; and

“(II) for purposes of subclause (I)—

“(aa) a ‘parent entity’ of a party is an entity that owns or controls the equity or other evidences of ownership in that party; and

“(bb) a ‘subsidiary’ of a party is an entity the equity or other evidences of ownership in which are owned or controlled by that party.”;

(3) in subsection (c)(1), by striking “, United States Code”; and

(4) by striking subsections (e) and (f) and inserting the following:

“(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman in a timely manner all information necessary for the Chairman to comply with the requirements

of this subsection. The report shall be made available to the public online.

“(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

“(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

“(f) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

“(1) The name of each party to whom the award was made.

“(2) The name of each counsel of record representing each party to whom the award was made.

“(3) The agency to which the application for the award was made.

“(4) The name of each counsel of record representing the agency to which the application for the award was made.

“(5) The name of each administrative law judge, and the name of any other agency employee serving in an adjudicative role, in the adversary adjudication that is the subject of the application for the award.

“(6) The amount of the award.

“(7) The names and hourly rates of each expert witness for whose services the award was made under the application.

“(8) The basis for the finding that the position of the agency concerned was not substantially justified.

“(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

“(h) The Director of the Office of Management and Budget shall adjust the maximum hourly fee set forth in subsection (b)(1)(A)(ii) for the fiscal year beginning October 1, 2013, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.”.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended—

(1) by amending subsection (d)(1)(A) to read as follows:

“(d)(1)(A) Except as otherwise specifically provided by statute, a court, in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, shall award to a prevailing party (other than the United States) fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in the civil action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Fees and other expenses may be awarded under this paragraph only to a prevailing party who has a direct and personal interest in the civil action because of medical costs, property damage, denial of benefits, unpaid disbursement, fees and other expenses incurred in defense of the civil action, interest in a policy concerning such medical costs, property damage, denial of benefits, unpaid disbursement, or fees and other expenses, or otherwise.”;

(2) in paragraph (1)(C)—

(A) by striking “court, in its discretion, may” and inserting “court shall”; and

(B) by striking “unduly and unreasonably” and inserting “unduly or unreasonably”;

(3) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking “\$125” and all that follows through the end and inserting “\$200 per hour.”; and

(B) in subparagraph (B)(ii), by striking “; except that” and all that follows through “section 601 of title 5;” and inserting “except that—

“(I) the net worth of a party (other than an individual or a unit of local government) shall include the net worth of any parent entity or subsidiary of that party; and

“(II) for purposes of subclause (I)—

“(aa) a ‘parent entity’ of a party is an entity that owns or controls the equity or other evidences of ownership in that party; and

“(bb) a ‘subsidiary’ of a party is an entity the equity or other evidences of ownership in which are owned or controlled by that party.”;

(4) by adding at the end the following:

“(5) The Director of the Office of Management and Budget shall adjust the maximum hourly fee set forth in paragraph (2)(A)(ii) for the fiscal year beginning October 1, 2013, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.

“(6)(A) The Chairman of the Administrative Conference of the United States shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this paragraph. The report shall be made available to the public online.

“(B) (i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

“(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

“(C) The Chairman of the Administrative Conference shall include and clearly identify in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(7) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

“(A) The name of each party to whom the award was made.

“(B) The name of each counsel of record representing each party to whom the award was made.

“(C) The agency involved in the case.  
 “(D) The name of each counsel of record representing the agency involved in the case.  
 “(E) The name of each judge in the case, and the court in which the case was heard.  
 “(F) The amount of the award.  
 “(G) The names and hourly rates of each expert witness for whose services the award was made.  
 “(H) The basis for the finding that the position of the agency concerned was not substantially justified.  
 “(8) The online searchable database described in paragraph (7) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.  
 “(9) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information necessary for the Chairman to carry out the Chairman’s responsibilities under this subsection.”.

(C) CLERICAL AMENDMENT.—Section 2412(e) of title 28, United States Code, is amended by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”.

**SA 2872.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:  
 At the end, add the following:  
**SEC. \_\_\_\_ . NATCHEZ TRACE PARKWAY LAND CONVEYANCE.**  
 (a) SHORT TITLE.—This section may be cited as the “Natchez Trace Parkway Land Conveyance Act of 2012”.  
 (b) DEFINITIONS.—In this section:  
 (1) MAP.—The term “map” means the map entitled “Natchez Trace Parkway, Proposed Boundary Change”, numbered 604/105392, and dated November 2010.  
 (2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.  
 (3) STATE.—The term “State” means the State of Mississippi.  
 (c) LAND CONVEYANCE.—  
 (1) CONVEYANCE AUTHORITY.—  
 (A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in paragraph (2).  
 (B) COMPATIBLE USE.—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 (commonly known as the “bean field property”) shall reserve an easement to the United States restricting the use of the parcel to only those uses that are compatible with the Natchez Trace Parkway.  
 (2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are the 2 parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.  
 (3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.  
 (d) BOUNDARY ADJUSTMENTS.—  
 (1) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in subsection (c)(2), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(2) INCLUSION OF ADDITIONAL LAND.—  
 (A) IN GENERAL.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.  
 (B) ADMINISTRATION.—The land added under subparagraph (A) shall be administered by the Secretary as part of the Natchez Trace Parkway.

**SA 2873.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:  
 At the end, add the following:

**SEC. \_\_\_\_ . TRANSFER OF YELLOW CREEK PORT PROPERTIES.**

In accordance with section 4(k) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)), Congress approves the conveyance by the Tennessee Valley Authority, on behalf of the United States, to the State of Mississippi of the Yellow Creek Port properties owned by the United States and in the custody of the Tennessee Valley Authority at Iuka, Mississippi, as of the date of enactment of this Act.

**SA 2872.** Mr. KERRY (for himself, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:  
 Strike section 102.

**SA 2875.** Mr. REID (for Mr. TESTER) proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Sportsmen’s Act of 2012”.

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

Sec. 1. Short title; table of contents.

**TITLE I—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**Subtitle A—Hunting and Recreational Shooting**

Sec. 101. Making public land public.  
 Sec. 102. Permits for importation of polar bear trophies taken in sport hunts in Canada.  
 Sec. 103. Transporting bows through National Parks.

**Subtitle B—Target Practice and Marksmanship Training Support**

Sec. 111. Target practice and marksmanship training.  
 Sec. 112. Findings; purpose.  
 Sec. 113. Definition of public target range.  
 Sec. 114. Amendments to Pittman-Robertson Wildlife Restoration Act.

Sec. 115. Sense of Congress regarding cooperation.

**Subtitle C—Fishing**

Sec. 121. Modification of definition of toxic substance to exclude sport fishing equipment.

**TITLE II—NATIONAL FISH HABITAT**

**Subtitle A—National Fish Habitat**

Sec. 201. Definitions.  
 Sec. 202. National Fish Habitat Board.  
 Sec. 203. Fish habitat partnerships.  
 Sec. 204. Fish habitat conservation projects.  
 Sec. 205. National Fish Habitat Conservation Partnership Office.  
 Sec. 206. Technical and scientific assistance.  
 Sec. 207. Conservation of aquatic habitat for fish and other aquatic organisms on Federal land.  
 Sec. 208. Coordination with States and Indian tribes.  
 Sec. 209. Accountability and reporting.  
 Sec. 210. Regulations.  
 Sec. 211. Effect of subtitle.  
 Sec. 212. Nonapplicability of Federal Advisory Committee Act.  
 Sec. 213. Funding.  
**Subtitle B—Duck Stamps**  
 Sec. 221. Findings.  
 Sec. 222. Cost of stamps.  
 Sec. 223. Waivers.  
 Sec. 224. Permanent electronic duck stamps.

**Subtitle C—Joint Ventures to Protect Migratory Bird Populations**

Sec. 231. Purposes.  
 Sec. 232. Definitions.  
 Sec. 233. Joint Ventures Program.  
 Sec. 234. Administration.  
 Sec. 235. Grants and other assistance.  
 Sec. 236. Reporting.  
 Sec. 237. Relationship to other authorities.  
 Sec. 238. Federal Advisory Committee Act.

**Subtitle D—Reauthorizations**

Sec. 241. North American Wetlands Conservation Act.  
 Sec. 242. Partners for Fish and Wildlife Act.  
 Sec. 243. National Fish and Wildlife Foundation reauthorization.  
 Sec. 244. Multinational Species Conservation Funds Semipostal Stamp.  
 Sec. 245. Multinational species conservation funds reauthorizations.  
 Sec. 246. Neotropical Migratory Bird Conservation Act.  
 Sec. 247. Federal Land Transaction Facilitation Act.  
 Sec. 248. Nutria eradication and control.

**TITLE I—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**Subtitle A—Hunting and Recreational Shooting**

**SEC. 101. MAKING PUBLIC LAND PUBLIC.**

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended—

(1) by striking “SEC. 3. APPROPRIATIONS.—Moneys” and inserting the following:

**“SEC. 3. FUNDING.**

“(a) IN GENERAL.—Amounts”; and  
 (2) by adding at the end the following:

**“(b) PRIORITY LIST.—**

“(1) IN GENERAL.—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

“(2) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(3) CRITERIA.—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460l-5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”;

(B) in the first sentence of section 9 (16 U.S.C. 460l-10a), by striking “by section 3 of this Act”;

(C) in the third sentence of section 10 (16 U.S.C. 460l-10b), by striking “by section 3 of this Act”.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.)”.

#### SEC. 102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

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

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

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

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

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen’s Act of 2012.”.

#### SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute signifi-

cant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

#### Subtitle B—Target Practice and Marksmanship Training Support

##### SEC. 111. TARGET PRACTICE AND MARKSMANSHIP TRAINING.

This subtitle may be cited as the “Target Practice and Marksmanship Training Support Act”.

##### SEC. 112. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this subtitle is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

##### SEC. 113. DEFINITION OF PUBLIC TARGET RANGE.

In this subtitle, the term “public target range” means a specific location that—

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

(2) is open to the public;

(3) may be supervised; and

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

##### SEC. 114. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

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

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

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

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

“(B) is open to the public;

“(C) may be supervised; and

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

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

(1) by striking “(b) Each State” and inserting the following:

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

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

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

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

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

“(4) REGULATIONS.—The Secretary”;

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

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

(1) in subsection (a), by adding at the end the following:

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

(2) 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

(3) in subsection (c)(1)—

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

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

(B) by adding at the end the following:

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

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) TECHNICAL AMENDMENTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by striking “(c) APPORTIONMENT” and inserting “(d) APPORTIONMENT”.

(2) CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking “section 4(d)” and inserting “section 4(e)”.

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e)” and inserting “section 4(e)”.

#### SEC. 115. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

#### Subtitle C—Fishing

#### SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

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

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

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

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

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

### TITLE II—NATIONAL FISH HABITAT

#### Subtitle A—National Fish Habitat

#### SEC. 201. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

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

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water resources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term “Board” means the National Fish Habitat Board established by section 202(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 204; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

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

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 203(a).

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

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE AGENCY.—The term “State agency” means—

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

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 202. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this subtitle and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation; and

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this subtitle;

(D) procedures for designating Partnerships under section 203; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

#### SEC. 203. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### SEC. 204. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of

fish habitat conservation projects recommended by the Partnership for annual funding under this subtitle.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this subtitle, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this subtitle or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

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

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this

subtitle unless the project meets the requirements of subparagraph (B).

**(B) REQUIREMENTS.—**

(i) **IN GENERAL.**—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this subtitle.

(ii) **ADDITIONAL CONDITIONS.**—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

**(e) NON-FEDERAL CONTRIBUTIONS.—**

(1) **IN GENERAL.**—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) **PROJECTS ON FEDERAL LAND OR WATER.**—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) **SPECIAL RULE FOR INDIAN TRIBES.**—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this subtitle may be considered to be non-Federal funds for the purpose of paragraph (1).

**(f) APPROVAL.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) **FUNDING.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this subtitle to provide funds to carry out the fish habitat conservation project.

(3) **NOTIFICATION.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) **LIMITATION.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

**SEC. 205. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this subtitle;

(4) assist the Secretary in carrying out the requirements of sections 206 and 208;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 209;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this subtitle in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

**(d) STAFF AND SUPPORT.—**

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 213.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) **DETAILÉES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) **WAIVER OF REQUIREMENT.**—The Secretary may waive all or part of the non-Federal contribution requirement under section 204(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

**SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

**SEC. 207. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

**SEC. 208. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this subtitle by not later than 30 days before the date on which the activity is implemented.

**SEC. 209. ACCOUNTABILITY AND REPORTING.**

(a) **IMPLEMENTATION REPORTS.—**

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this subtitle; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

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

(i) a description of the fish habitat conservation projects recommended by the Board under section 204(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 204(f), in order of priority for funding;

(iii) a justification for—

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

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

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 204(b) that was based on a factor other than the criteria described in section 204(c); and

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

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

#### SEC. 210. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

#### SEC. 211. EFFECT OF SUBTITLE.

(a) WATER RIGHTS.—Nothing in this subtitle—

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

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

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

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this subtitle—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this subtitle abrogates, abridges, affects, modifies, supersedes, or alters any right of

an Indian tribe recognized by treaty or any other means, including—

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

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this subtitle diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this subtitle alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this subtitle permits the use of funds made available to carry out this subtitle to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this subtitle permits the use of funds made available to carry out this subtitle for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

#### SEC. 212. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### SEC. 213. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 204(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 209, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 205(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 206—

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

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

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

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this subtitle; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this subtitle.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this subtitle; and

(B) accept donations of funds, property, and services to carry out the purposes of this subtitle.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

#### Subtitle B—Duck Stamps

#### SEC. 221. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre.

#### SEC. 222. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) COST OF STAMPS.—

“(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”.

#### SEC. 223. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”.

#### SEC. 224. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

### Subtitle C—Joint Ventures to Protect Migratory Bird Populations

#### SEC. 231. PURPOSES.

The purpose of this subtitle is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

#### SEC. 232. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION ACTION.**—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 232.

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

(5) **JOINT VENTURE.**—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 231 and in accordance with section 233.

(6) **MANAGEMENT BOARD.**—The term “Management Board” means a Joint Venture Management Board established in accordance with section 233.

(7) **MIGRATORY BIRDS.**—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) **PROGRAM.**—The term “Program” means the Joint Ventures Program conducted in accordance with this subtitle.

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

(10) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

(11) **STATE.**—The term “State” means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

#### SEC. 233. JOINT VENTURES PROGRAM.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this subtitle.

#### SEC. 234. ADMINISTRATION.

(a) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 231.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs

that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this subtitle.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this subtitle described in section 231;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

#### **SEC. 235. GRANTS AND OTHER ASSISTANCE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 234.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

#### **SEC. 236. REPORTING.**

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this subtitle specified in section 231;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this subtitle; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this subtitle address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

#### **SEC. 237. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this subtitle affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this subtitle preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

#### **SEC. 238. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this subtitle.

#### **Subtitle D—Reauthorizations**

#### **SEC. 241. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

#### **SEC. 242. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

#### **SEC. 243. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

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

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

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) **IN GENERAL.**—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

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

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) **IN GENERAL.**—Officers”; and

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

“(B) **EXECUTIVE DIRECTOR.**—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) **CONFORMING AMENDMENT.**—Section 4(a)(1)(B) of the North American Wetlands

Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) **RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) **POWERS.**—To carry out its purposes under” and inserting the following:

“(c) **POWERS.**—

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

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

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

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

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

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

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

“(2) **TREATMENT OF REAL PROPERTY.**—

“(A) **IN GENERAL.**—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) **ENCUMBERED REAL PROPERTY.**—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

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

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

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

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

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

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

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

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

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

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

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”;

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”;

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

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

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation

Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

#### SEC. 244. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”;

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

#### SEC. 245. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

#### SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

##### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

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

#### SEC. 247. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”;

(B) in subsection (d), by striking “11” and inserting “22”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-566”;

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”.

#### SEC. 248. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and in Louisiana” and inserting “, the State of Louisiana, and other coastal States”;

(B) in paragraph (2), by striking “in Maryland and Louisiana on Federal, State, and private land” and inserting “on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States”;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

“(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

“(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States”;

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

“(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

“(1) to eradicate or control nutria; and

“(2) to restore nutria damaged wetlands.”.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

##### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) COASTAL STATE.—The term ‘coastal State’ means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

“(2) PROGRAM.—The term ‘program’ means the nutria eradication program established by section 4(a).

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

“(1) to eradicate or control nutria; and

“(2) to restore wetlands damaged by nutria.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “the State of” before “Maryland”;

(B) in paragraph (2), by striking “other States” and inserting “the coastal States”; and

(C) in paragraph (3), by striking “marshland” and inserting “wetlands”;

(3) in subsection (c)—

(A) by striking “(c) ACTIVITIES” and inserting “(c) ACTIVITIES IN THE STATE OF MARYLAND”; and

(B) by inserting “, and updated in March 2009” before the period at the end;

(4) in subsection (e), by striking “financial assistance provided by the Secretary under this section” and inserting “the amounts made available under subsection (f) to carry out the program”; and

(5) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

“(1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;

“(2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

“(3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.”.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking “2002 document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’; and” and inserting “March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ and originally dated March 2002.”;

(2) in paragraph (2)—

(A) by striking “develop” and inserting “continue”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (2) the following:

“(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

“(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

“(B) promoting voluntary, public-private partnerships to eradicate or control nutria

and restoring nutria-damaged wetlands in the coastal States.”.

**SA 2876.** Mr. REID proposed an amendment to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:  
Section \_\_\_\_\_.

This Act shall become effective 7 days after enactment.

**SA 2877.** Mr. REID proposed an amendment to amendment SA 2876 proposed by Mr. REID to the amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “7 days” and insert “6 days”.

**SA 2878.** Mr. REID proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:  
Section \_\_\_\_\_.

This title shall become effective 5 days after enactment.

**SA 2879.** Mr. REID proposed an amendment to amendment SA 2878 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

**SA 2880.** Mr. REID proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:  
Section \_\_\_\_\_.

This Act shall become effective 3 days after enactment.

**SA 2881.** Mr. REID proposed an amendment to amendment SA 2880 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 2882.** Mr. REID proposed an amendment to amendment SA 2881 proposed by Mr. REID to the amendment SA 2880 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 2883.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and

enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike line 14 and all that follows through page 92, line 10.

**SA 2884.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 11 through 23.

**SA 2885.** Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE III—FEDERAL LAND DESIGNATIONS** **SEC. 301. STATE APPROVAL REQUIRED FOR FEDERAL LAND DESIGNATIONS.**

(a) DEFINITION OF COVERED UNIT.—In this section, the term “covered unit” means—

(1) a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Federal law;

(2) a national monument; or

(3) any national conservation or national recreation area.

(b) PROHIBITION.—A covered unit shall not be established unless the legislature of the State in which the proposed covered unit is located has approved the establishment of the covered unit.

**SA 2886.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE III—FEDERAL LAND DESIGNATIONS** **SEC. 301. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL.**

(a) DEFINITIONS.—In this section:

(1) IDENTIFIED FEDERAL LANDS.—The term “identified Federal lands” means the parcels of Federal land under the administrative jurisdiction of the Secretary that were identified as suitable for disposal in the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), except the following:

(A) Lands not identified for disposal in the applicable land use plan.

(B) Lands subject to a Recreation and Public Purpose conveyance application.

(C) Lands identified for State selection.

(D) Lands identified for Indian tribe allotments.

(E) Lands identified for local government use.

(F) Lands that the Secretary chooses to dispose under the Federal Land Transaction Facilitation Act (43 U.S.C. 2301 et seq.).

(G) Lands that are segregated for exchange or under agreements for exchange.

(H) Lands subject to exchange as authorized or directed by Congress.

(I) Lands that the Secretary determines contain significant impediments for disposal including—

- (i) high disposal costs;
- (ii) the presence of significant natural or cultural resources;
- (iii) land survey problems or title conflicts;
- (iv) habitat for threatened or endangered species; and
- (v) mineral leases and mining claims.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) COMPETITIVE SALE OF LANDS.—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) EXISTING RIGHTS.—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

- (1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and
- (2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

**SA 2887.** Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, insert the following:

**SEC. 585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

**SA 2888.** Mr. KOHL (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him

to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, insert the following:

**SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

**SA 2889.** Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.**

(a) SHORT TITLE.—This section may be cited as the “Farmer's Protection Act of 2012”.

(b) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) EXEMPTIONS ON CERTAIN LAND.—

“(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) is not a baited area; and

“(B) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) according to a report submitted under paragraph (2) by the applicable State office of the Cooperative Extension System of the Department of Agriculture, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

“(2) REPORTS.—

“(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall submit to the Secretary of the Interior a report on the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

“(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.”.

**NOTICE OF HEARING**

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, November 15, 2012, at 9:45 a.m. in room SD-106 of the Dirksen Senate Office Building to conduct a hearing entitled “Pharmacy Compounding: Implications of the 2012 Meningitis Outbreak.”

For further information regarding this meeting, please contact Elizabeth Jungman of the committee staff on (202) 224-6859.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the