

## Calendar No. 504

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3525**

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

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2012

Mr. TESTER introduced the following bill; which was read the first time

SEPTEMBER 11, 2012

Read the second time and placed on the calendar

---

**A BILL**

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

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

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 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.
- Sec. 122. Prohibition on sale of billfish.
- Sec. 123. Report on artificial reefs in the Gulf of Mexico.

## 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.

1       **TITLE I—HUNTING, FISHING,**  
 2       **AND RECREATIONAL SHOOTING**  
 3               **Subtitle A—Hunting and**  
 4               **Recreational Shooting**

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

6           (a) IN GENERAL.—Section 3 of the Land and Water  
 7 Conservation Fund Act of 1965 (16 U.S.C. 460l–6) is  
 8 amended—

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

11       **“SEC. 3. FUNDING.**

12           “(a) IN GENERAL.—Amounts”; and

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

14           “(b) PRIORITY LIST.—

15           “(1) IN GENERAL.—Subject to the availability  
 16 of appropriations and notwithstanding any other  
 17 provision of this Act, the Secretary of the Interior  
 18 and the Secretary of Agriculture shall ensure that,  
 19 of the amounts made available for the fund for each

1 fiscal year, not less than 1.5 percent of the amounts  
2 shall be made available for projects identified on the  
3 priority list developed under paragraph (2).

4 “(2) PRIORITY LIST.—The Secretary of the In-  
5 terior and the Secretary of Agriculture, in consulta-  
6 tion with the head of each affected Federal agency,  
7 shall annually develop a priority list for the sites  
8 under the jurisdiction of the applicable Secretary.

9 “(3) CRITERIA.—Projects identified on the pri-  
10 ority list developed under paragraph (2) shall secure  
11 recreational public access to Federal public land in  
12 existence as of the date of enactment of this sub-  
13 section that has significantly restricted access for  
14 hunting, fishing, and other recreational purposes  
15 through rights-of-way or acquisition of land (or any  
16 interest in land) from willing sellers.”.

17 (b) CONFORMING AMENDMENTS.—

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

21 (A) in the proviso at the end of section  
22 2(c)(2) (16 U.S.C. 460l–5(c)(2)), by striking  
23 “notwithstanding the provisions of section 3 of  
24 this Act”;

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

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

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

14 **SEC. 102. PERMITS FOR IMPORTATION OF POLAR BEAR**  
15 **TROPHIES TAKEN IN SPORT HUNTS IN CAN-**  
16 **ADA.**

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

20 “(D)(i) The Secretary of the Interior shall, ex-  
21 peditiously after the expiration of the applicable 30-  
22 day period under subsection (d)(2), issue a permit  
23 for the importation of any polar bear part (other  
24 than an internal organ) from a polar bear taken in  
25 a sport hunt in Canada to any person who submits,

1 with the permit application, proof that the polar  
2 bear—

3 “(I) was legally harvested by the person  
4 before February 18, 1997; or

5 “(II) was legally harvested by the person  
6 before May 15, 2008, from a polar bear popu-  
7 lation from which a sport-hunted trophy could  
8 be imported before that date in accordance with  
9 section 18.30(i) of title 50, Code of Federal  
10 Regulations (or a successor regulation).

11 “(ii) The Secretary shall issue permits under  
12 clause (i)(I) without regard to subparagraphs (A)  
13 and (C)(ii) of this paragraph, subsection (d)(3), and  
14 sections 101 and 102.

15 “(iii) The Secretary shall issue permits under  
16 clause (i)(II) without regard to subparagraph (C)(ii)  
17 of this paragraph, subsection (d)(3), and sections  
18 101 and 102.”.

19 **SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL**  
20 **PARKS.**

21 (a) FINDINGS.—Congress finds that—

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

1           (2) bowhunting organizations at the Federal,  
2           State, and local level contribute significant financial  
3           and human resources to wildlife conservation and  
4           youth education programs throughout the United  
5           States; and

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

8           (b) POSSESSION OF BOWS IN UNITS OF NATIONAL  
9           PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYS-  
10          TEM.—

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

15                   (A) for the sole purpose of hunting on ad-  
16                   jacent public or private land; and

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

19           (2) USE.—Nothing in this section authorizes  
20           the use of the bows or crossbows that are being car-  
21           ried while on national park land.

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

3     **SEC. 111. TARGET PRACTICE AND MARKSMANSHIP TRAIN-**  
4                     **ING.**

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

7     **SEC. 112. FINDINGS; PURPOSE.**

8             (a) FINDINGS.—Congress finds that—

9                     (1) the use of firearms and archery equipment  
10                    for target practice and marksmanship training ac-  
11                    tivities on Federal land is allowed, except to the ex-  
12                    tent specific portions of that land have been closed  
13                    to those activities;

14                    (2) in recent years preceding the date of enact-  
15                    ment of this Act, portions of Federal land have been  
16                    closed to target practice and marksmanship training  
17                    for many reasons;

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

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



1 (A) to promote enjoyment of shooting, rec-  
2 reational, and hunting activities; and

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

5 (5) Federal law in effect on the date of enact-  
6 ment of this Act, including the Pittman-Robertson  
7 Wildlife Restoration Act (16 U.S.C. 669 et seq.),  
8 provides Federal support for construction and ex-  
9 pansion of public target ranges by making available  
10 to States amounts that may be used for construc-  
11 tion, operation, and maintenance of public target  
12 ranges; and

13 (6) it is in the public interest to provide in-  
14 creased Federal support to facilitate the construction  
15 or expansion of public target ranges.

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

20 **SEC. 113. DEFINITION OF PUBLIC TARGET RANGE.**

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

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

25 (2) is open to the public;

1 (3) may be supervised; and

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

4 **SEC. 114. AMENDMENTS TO PITTMAN-ROBERTSON WILD-  
5 LIFE RESTORATION ACT.**

6 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-  
7 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-  
8 ed—

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

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

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

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

17 “(B) is open to the public;

18 “(C) may be supervised; and

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

21 (b) EXPENDITURES FOR MANAGEMENT OF WILD-  
22 LIFE AREAS AND RESOURCES.—Section 8(b) of the Pitt-  
23 man-Robertson Wildlife Restoration Act (16 U.S.C.  
24 669g(b)) is amended—

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

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

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

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

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

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

14          (4) in the third sentence, by striking “The Sec-  
15          retary” and inserting the following:

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

17          (5) by inserting after paragraph (1) (as des-  
18          ignated by paragraph (1) of this subsection) the fol-  
19          lowing:

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

24          (c) FIREARM AND BOW HUNTER EDUCATION AND  
25          SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-

1 Robertson Wildlife Restoration Act (16 U.S.C. 669h–1)  
2 is amended—

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

5 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—  
6 Of the amount apportioned to a State for any fiscal  
7 year under section 4(b), the State may elect to allo-  
8 cate not more than 10 percent, to be combined with  
9 the amount apportioned to the State under para-  
10 graph (1) for that fiscal year, for acquiring land for,  
11 expanding, or constructing a public target range.”;

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

14 “(b) COST SHARING.—

15 “(1) IN GENERAL.—Except as provided in para-  
16 graph (2), the Federal share of the cost of any activ-  
17 ity carried out using a grant under this section shall  
18 not exceed 75 percent of the total cost of the activ-  
19 ity.

20 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR  
21 EXPANSION.—The Federal share of the cost of ac-  
22 quiring land for, expanding, or constructing a public  
23 target range in a State on Federal or non-Federal  
24 land pursuant to this section or section 8(b) shall

1 not exceed 90 percent of the cost of the activity.”;  
2 and

3 (3) in subsection (c)(1)—

4 (A) by striking “Amounts made” and in-  
5 serting the following:

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

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

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

16 **SEC. 115. SENSE OF CONGRESS REGARDING COOPERATION.**

17 It is the sense of Congress that, consistent with appli-  
18 cable laws (including regulations), the Chief of the Forest  
19 Service and the Director of the Bureau of Land Manage-  
20 ment should cooperate with State and local authorities and  
21 other entities to implement best practices for waste man-  
22 agement and removal and carry out other related activities  
23 on any Federal land used as a public target range to en-  
24 courage continued use of that land for target practice or  
25 marksmanship training.

## **Subtitle C—Fishing**

1  
2 **SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUB-**  
3 **STANCE TO EXCLUDE SPORT FISHING EQUIP-**  
4 **MENT.**

5 (a) IN GENERAL.—Section 3(2)(B) of the Toxic Sub-  
6 stances Control Act (15 U.S.C. 2602(2)(B)) is amended—

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

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

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

14 “(vii) any sport fishing equipment (as such  
15 term is defined in section 4162(a) of the Internal  
16 Revenue Code of 1986, without regard to para-  
17 graphs (6) through (9) thereof) the sale of which is  
18 subject to the tax imposed by section 4161(a) of  
19 such Code (determined without regard to any ex-  
20 emptions from such tax as provided by section 4162  
21 or 4221 or any other provision of such Code), and  
22 sport fishing equipment components.”.

23 (b) RELATIONSHIP TO OTHER LAW.—Nothing in this  
24 section or any amendment made by this section affects

1 or limits the application of or obligation to comply with  
2 any other Federal, State or local law.

3 **SEC. 122. PROHIBITION ON SALE OF BILLFISH.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the United States carefully regulates its do-  
6 mestic fisheries for billfish and participates in inter-  
7 national fishery management bodies in the Atlantic  
8 and Pacific Oceans;

9 (2) global billfish populations have declined sig-  
10 nificantly because of overfishing primarily through  
11 retention of bycatch by non-United States commer-  
12 cial fishing fleets; and

13 (3) ending the importation of foreign-caught  
14 billfish for sale in the United States aligns with  
15 United States management measures relating to bill-  
16 fish and protects the significant economic benefits to  
17 the United States economy of recreational fishing  
18 and marine commerce and the traditional cultural  
19 fisheries.

20 (b) DEFINITION OF BILLFISH.—In this section:

21 (1) IN GENERAL.—The term “billfish” means  
22 any fish of the species—

23 (A) *Makaira nigricans* (blue marlin);

24 (B) *Kajikia audax* (striped marlin);

25 (C) *Istiompax indica* (black marlin);

1 (D) *Istiophorus platypterus* (sailfish);

2 (E) *Tetrapturus angustirostris* (shortbill  
3 spearfish);

4 (F) *Kajikia albida* (white marlin);

5 (G) *Tetrapturus georgii* (roundscale spear-  
6 fish);

7 (H) *Tetrapturus belone* (Mediterranean  
8 spearfish); or

9 (I) *Tetrapturus pfluegeri* (longbill spear-  
10 fish).

11 (2) EXCLUSION.—The term “billfish” does not  
12 include the species *Xiphias gladius* (swordfish).

13 (c) PROHIBITION.—Except as provided in subsection  
14 (e), no person shall offer for sale, sell, or have custody,  
15 control, or possession of for purposes of offering for sale  
16 or selling billfish or products containing billfish.

17 (d) PENALTY.—For purposes of section 308(a) of the  
18 Magnuson-Stevens Fishery Conservation and Manage-  
19 ment Act (16 U.S.C. 1858(a)), a violation of this section  
20 shall be treated as an act prohibited by section 307 of  
21 that Act (16 U.S.C. 1857).

22 (e) EXEMPTIONS FOR TRADITIONAL FISHERIES AND  
23 MARKETS.—

24 (1) UNITED STATES FISHING VESSELS.—Sub-  
25 section (c) does not apply to billfish caught by



1 United States fishing vessels and landed in the State  
2 of Hawaii or a Pacific Insular Area (as defined in  
3 section 3 of the Magnuson-Stevens Fishery Con-  
4 servation and Management Act (16 U.S.C. 1802)).

5 (2) FOREIGN FISHING VESSELS.—Subsection  
6 (c) does not apply to billfish landed by foreign fish-  
7 ing vessels in a Pacific Insular Area (as so defined)  
8 if the foreign-caught billfish is exported to non-  
9 United States markets or retained within the State  
10 of Hawaii and the Pacific Insular Areas for local  
11 consumption.

12 (f) STATEMENT OF CONSTITUTIONAL AUTHORITY.—  
13 Congress enacts this section pursuant to clause 3 of sec-  
14 tion 8 of article I of the Constitution.

15 **SEC. 123. REPORT ON ARTIFICIAL REEFS IN THE GULF OF**  
16 **MEXICO.**

17 (a) INITIAL REPORT.—Not later than 90 days after  
18 the date of enactment of this Act, the Secretary of the  
19 Interior, in coordination with the Secretary of Commerce  
20 and the heads of other Federal and State agencies, shall  
21 submit to the Committee on Energy and Natural Re-  
22 sources of the Senate and the Committee on Natural Re-  
23 sources of the House of Representatives a plan to assess  
24 how best to integrate the goals of the National Fishing  
25 Enhancement Act of 1984 (33 U.S.C. 2101 et seq.) and

1 the Outer Continental Shelf Lands Act (43 U.S.C. 1331  
2 et seq.).

3 (b) CONTENTS OF PLAN.—The plan required under  
4 subsection (a) shall include—

5 (1) an assessment of the capability of the De-  
6 partment of the Interior to identify and issue a pub-  
7 lic notice of platforms and related structures sched-  
8 uled to be removed in 2012 and 2013 pursuant to  
9 sections 250.1700 through 250.1754 of title 30,  
10 Code of Federal Regulations (as in effect on the  
11 date of enactment of this Act), and the timeframe  
12 set out in the notice to lessees on the decommis-  
13 sioning for platforms and related structures in the  
14 Gulf of Mexico OCS Region (NTL No. 2010–G05)  
15 of the Department of the Interior;

16 (2) strategies for coordination with relevant  
17 Federal and State agencies and accredited marine  
18 research institutes and university marine biology de-  
19 partments to assess the biodiversity and critical  
20 habitat present at platforms and related structures  
21 subject to removal pursuant to sections 250.1700  
22 through 250.1754 of title 30, Code of Federal Regu-  
23 lations (as in effect on the date of enactment of this  
24 Act), and the timeframe set out in NTL No. 2010–  
25 G05;

1           (3) an assessment of the potential impacts of  
2 the removal of the platforms and related structures  
3 pursuant to sections 250.1700 through 250.1754 of  
4 title 30, Code of Federal Regulations (as in effect on  
5 the date of enactment of this Act), and the time-  
6 frame set out in NTL No. 2010–G05 on the Gulf  
7 of Mexico ecosystem and marine habitat;

8           (4) an assessment of the potential impacts of  
9 not removing the platforms and related structures  
10 pursuant to sections 250.1700 through 250.1754 of  
11 title 30, Code of Federal Regulations (as in effect on  
12 the date of enactment of this Act), and the time-  
13 frame set out in NTL NO. 2010–G05, including po-  
14 tential damage as a result of hurricanes and other  
15 incidents; and

16           (5) an assessment of the potential impacts of  
17 the removal of platforms and related structures on  
18 the rebuilding plans for Gulf reef fish and habitat,  
19 as developed by the National Marine Fisheries Serv-  
20 ice of the Department of Commerce.

21           (c) FINAL REPORT.—Not later than 18 months after  
22 the date of submission of the plan developed under sub-  
23 section (a), the Secretary shall submit to the Committee  
24 on Energy and Natural Resources of the Senate and the

1 Committee on Natural Resources of the House of Rep-  
2 resentatives a final report that includes—

3           (1) a description of public comments from re-  
4 gional stakeholders, including recreational anglers,  
5 divers, offshore oil and gas companies, marine biolo-  
6 gists, and commercial fisherman; and

7           (2) findings relative to comments developed  
8 under this subsection, including options to mitigate  
9 potential adverse impacts on marine habitat associ-  
10 ated with the removal of platforms and related  
11 structures pursuant to sections 250.1700 through  
12 250.1754 of title 30, Code of Federal Regulations  
13 (as in effect on the date of enactment of this Act),  
14 and the timeframe set out in NTL No. 2010–G05.

15       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to the Secretary of the  
17 Interior to carry out this section such sums as are nec-  
18 essary.

19           **TITLE II—NATIONAL FISH**  
20                           **HABITAT**

21       **Subtitle A—National Fish Habitat**

22       **SEC. 201. DEFINITIONS.**

23       In this subtitle:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

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

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

9           (2) AQUATIC HABITAT.—

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

17                   (B) INCLUSIONS.—The term “aquatic  
18                   habitat” includes an area adjacent to an aquat-  
19                   ic environment, if the adjacent area—

20                           (i) contributes an element, such as the  
21                           input of detrital material or the promotion  
22                           of a planktonic or insect population pro-  
23                           viding food, that makes fish life possible;

24                           (ii) protects the quality and quantity  
25                           of water sources;

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

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

5 (3) ASSISTANT ADMINISTRATOR.—The term  
6 “Assistant Administrator” means the Assistant Ad-  
7 ministrator for Fisheries of the National Oceanic  
8 and Atmospheric Administration.

9 (4) BOARD.—The term “Board” means the Na-  
10 tional Fish Habitat Board established by section  
11 202(a)(1).

12 (5) CONSERVATION; CONSERVE; MANAGE; MAN-  
13 AGEMENT.—The terms “conservation”, “conserve”,  
14 “manage”, and “management” mean to protect, sus-  
15 tain, and, where appropriate, restore and enhance,  
16 using methods and procedures associated with mod-  
17 ern scientific resource programs (including protec-  
18 tion, research, census, law enforcement, habitat  
19 management, propagation, live trapping and trans-  
20 plantation, and regulated taking)—

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

23 (B) a habitat required to sustain fish, wild-  
24 life, or plant life; or

1 (C) a habitat required to sustain fish, wild-  
2 life, or plant life productivity.

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

6 (7) FISH.—

7 (A) IN GENERAL.—The term “fish” means  
8 any freshwater, diadromous, estuarine, or ma-  
9 rine finfish or shellfish.

10 (B) INCLUSIONS.—The term “fish” in-  
11 cludes the egg, spawn, spat, larval, and other  
12 juvenile stages of an organism described in sub-  
13 paragraph (A).

14 (8) FISH HABITAT CONSERVATION PROJECT.—

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

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

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

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

24 (i) the provision of technical assist-  
25 ance to a State, Indian tribe, or local com-

1 community by the National Fish Habitat Con-  
2 servation Partnership Office or any other  
3 agency to facilitate the development of  
4 strategies and priorities for the conserva-  
5 tion of aquatic habitats; or

6 (ii) the obtaining of a real property  
7 interest in land or water, including water  
8 rights, in accordance with terms and condi-  
9 tions that ensure that the real property  
10 will be administered for the long-term con-  
11 servation of—

12 (I) the land or water; and

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

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

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

24 (11) PARTNERSHIP.—The term “Partnership”  
25 means an entity designated by the Board as a Fish



1 Habitat Conservation Partnership pursuant to sec-  
2 tion 203(a).

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

6 (A) land;

7 (B) water (including water rights); or

8 (C) a building or object that is perma-  
9 nently affixed to land.

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

12 (14) STATE AGENCY.—The term “State agen-  
13 cy” means—

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

15 (B) any department or division of a de-  
16 partment or agency of a State that manages in  
17 the public trust the inland or marine fishery re-  
18 sources or the habitat for those fishery re-  
19 sources of the State pursuant to State law or  
20 the constitution of the State; or

21 (C) the fish and wildlife agency of the  
22 Commonwealth of Puerto Rico, Guam, the Vir-  
23 gin Islands, or any other territory or possession  
24 of the United States.

1 **SEC. 202. NATIONAL FISH HABITAT BOARD.**

2 (a) ESTABLISHMENT.—

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

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

9 (B) to establish national goals and prior-  
10 ities for aquatic habitat conservation;

11 (C) to designate Partnerships; and

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

14 (2) MEMBERSHIP.—The Board shall be com-  
15 posed of 27 members, of whom—

16 (A) 1 shall be the Director;

17 (B) 1 shall be the Assistant Administrator;

18 (C) 1 shall be the Chief of the Natural Re-  
19 sources Conservation Service;

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

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

25 (F) 1 shall be the President of the Associa-  
26 tion of Fish and Wildlife Agencies;

1 (G) 1 shall be the Secretary of the Board  
2 of Directors of the National Fish and Wildlife  
3 Foundation appointed pursuant to section  
4 3(g)(2)(B) of the National Fish and Wildlife  
5 Foundation Establishment Act (16 U.S.C.  
6 3702(g)(2)(B));

7 (H) 4 shall be representatives of State  
8 agencies, 1 of whom shall be nominated by a re-  
9 gional association of fish and wildlife agencies  
10 from each of the Northeast, Southeast, Mid-  
11 west, and Western regions of the United States;

12 (I) 1 shall be a representative of the Amer-  
13 ican Fisheries Society;

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

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

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

20 (K) 1 shall be a representative of the Re-  
21 gional Fishery Management Councils estab-  
22 lished under section 302 of the Magnuson-Ste-  
23 vens Fishery Conservation and Management  
24 Act (16 U.S.C. 1852);

1           (L) 1 shall be a representative of the Ma-  
2           rine Fisheries Commissions, which is composed  
3           of—

4                   (i) the Atlantic States Marine Fish-  
5                   eries Commission;

6                   (ii) the Gulf States Marine Fisheries  
7                   Commission; and

8                   (iii) the Pacific States Marine Fish-  
9                   eries Commission;

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

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

15                   (i) The recreational sportfishing in-  
16                   dustry.

17                   (ii) The commercial fishing industry.

18                   (iii) Marine recreational anglers.

19                   (iv) Freshwater recreational anglers.

20                   (v) Terrestrial resource conservation  
21                   organizations.

22                   (vi) Aquatic resource conservation or-  
23                   ganizations.

24                   (vii) The livestock and poultry produc-  
25                   tion industry.

1 (viii) The land development industry.

2 (ix) The row crop industry.

3 (x) Natural resource commodity inter-  
4 ests, such as petroleum or mineral extrac-  
5 tion.

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

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

16 (b) APPOINTMENT AND TERMS.—

17 (1) IN GENERAL.—Except as otherwise pro-  
18 vided in this subsection, a member of the Board de-  
19 scribed in any of subparagraphs (H) through (N) of  
20 subsection (a)(2) shall serve for a term of 3 years.

21 (2) INITIAL BOARD MEMBERSHIP.—

22 (A) IN GENERAL.—Not later than 180  
23 days after the date of enactment of this Act,  
24 the representatives of the board established by  
25 the National Fish Habitat Action Plan shall ap-

1 point the initial members of the Board de-  
2 scribed in subparagraphs (H) through (I) and  
3 (K) through (N) of subsection (a)(2).

4 (B) TRIBAL REPRESENTATIVES.—Not  
5 later than 180 days after the enactment of this  
6 Act, the Secretary shall provide to the board es-  
7 tablished by the National Fish Habitat Action  
8 Plan a recommendation of not less than 4 tribal  
9 representatives, from which that board shall ap-  
10 point 2 representatives pursuant to subpara-  
11 graph (J) of subsection (a)(2).

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

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

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

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

21 (4) VACANCIES.—

22 (A) IN GENERAL.—A vacancy of a member  
23 of the Board described in any of subparagraphs  
24 (H) through (I) or (K) through (N) of sub-

1 section (a)(2) shall be filled by an appointment  
2 made by the remaining members of the Board.

3 (B) TRIBAL REPRESENTATIVES.—Fol-  
4 lowing a vacancy of a member of the Board de-  
5 scribed in subparagraph (J) of subsection  
6 (a)(2), the Secretary shall recommend to the  
7 Board not less than 4 tribal representatives,  
8 from which the remaining members of the  
9 Board shall appoint a representative to fill the  
10 vacancy.

11 (5) CONTINUATION OF SERVICE.—An individual  
12 whose term of service as a member of the Board ex-  
13 pires may continue to serve on the Board until a  
14 successor is appointed.

15 (6) REMOVAL.—If a member of the Board de-  
16 scribed in any of subparagraphs (H) through (N) of  
17 subsection (a)(2) misses 3 consecutive regularly  
18 scheduled Board meetings, the members of the  
19 Board may—

20 (A) vote to remove that member; and

21 (B) appoint another individual in accord-  
22 ance with paragraph (4).

23 (c) CHAIRPERSON.—

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

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

6           (d) MEETINGS.—

7           (1) IN GENERAL.—The Board shall meet—

8                   (A) at the call of the Chairperson; but

9                   (B) not less frequently than twice each cal-  
10 endar year.

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

13           (e) PROCEDURES.—

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

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

20                   (B) a requirement that no recommenda-  
21 tions may be adopted by the Board, except by  
22 the vote of  $\frac{2}{3}$  of all members present and vot-  
23 ing;



1 (C) procedures for establishing national  
2 goals and priorities for aquatic habitat con-  
3 servation for the purposes of this subtitle;

4 (D) procedures for designating Partner-  
5 ships under section 203; and

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

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

11 **SEC. 203. FISH HABITAT PARTNERSHIPS.**

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

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

17 (1) to coordinate the implementation of the Na-  
18 tional Fish Habitat Action Plan at a regional level;

19 (2) to identify strategic priorities for fish habi-  
20 tat conservation;

21 (3) to recommend to the Board fish habitat  
22 conservation projects that address a strategic pri-  
23 ority of the Board; and

24 (4) to develop and carry out fish habitat con-  
25 servation projects.

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

5           (d) APPROVAL.—The Board may approve an applica-  
6 tion for a Partnership submitted under subsection (c) if  
7 the Board determines that the applicant—

8           (1) includes representatives of a diverse group  
9 of public and private partners, including Federal,  
10 State, or local governments, nonprofit entities, In-  
11 dian tribes, and private individuals, that are focused  
12 on conservation of aquatic habitats to achieve results  
13 across jurisdictional boundaries on public and pri-  
14 vate land;

15           (2) is organized to promote the health of impor-  
16 tant aquatic habitats and distinct geographical  
17 areas, keystone fish species, or system types, includ-  
18 ing reservoirs, natural lakes, coastal and marine en-  
19 vironments, and estuaries;

20           (3) identifies strategic fish and aquatic habitat  
21 priorities for the Partnership area in the form of  
22 geographical focus areas or key stressors or impair-  
23 ments to facilitate strategic planning and decision-  
24 making;

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

3           (5) includes a governance structure that—

4                 (A) reflects the range of all partners; and

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

7           (6) demonstrates completion of, or significant  
8 progress toward the development of, a strategic plan  
9 to address the causes of system decline in fish popu-  
10 lations, rather than simply treating symptoms in ac-  
11 cordance with the National Fish Habitat Action  
12 Plan; and

13           (7) ensures collaboration in developing a stra-  
14 tegic vision and implementation program that is sci-  
15 entifically sound and achievable.

16 **SEC. 204. FISH HABITAT CONSERVATION PROJECTS.**

17           (a) SUBMISSION TO BOARD.—Not later than March  
18 31 of each calendar year, each Partnership shall submit  
19 to the Board a list of fish habitat conservation projects  
20 recommended by the Partnership for annual funding  
21 under this subtitle.

22           (b) RECOMMENDATIONS BY BOARD.—Not later than  
23 July 1 of each calendar year, the Board shall submit to  
24 the Secretary a description, including estimated costs, of  
25 each fish habitat conservation project that the Board rec-

1 omends that the Secretary approve and fund under this  
2 subtitle, in order of priority, for the following fiscal year.

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

6 (1) based on a recommendation of the Partner-  
7 ship that is, or will be, participating actively in car-  
8 rying out the fish habitat conservation project; and

9 (2) after taking into consideration—

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

14 (B) the extent to which the fish habitat  
15 conservation project addresses the national pri-  
16 orities established by the Board;

17 (C) the availability of sufficient non-Fed-  
18 eral funds to match Federal contributions for  
19 the fish habitat conservation project, as re-  
20 quired by subsection (e);

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

23 (i) increases fishing opportunities for  
24 the public;

1 (ii) will be carried out through a coop-  
2 erative agreement among Federal, State,  
3 and local governments, Indian tribes, and  
4 private entities;

5 (iii) increases public access to land or  
6 water;

7 (iv) advances the conservation of fish  
8 and wildlife species that are listed, or are  
9 candidates to be listed, as threatened spe-  
10 cies or endangered species under the En-  
11 dangered Species Act of 1973 (16 U.S.C.  
12 1531 et seq.);

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

19 (vi) promotes resilience such that de-  
20 sired biological communities are able to  
21 persist and adapt to environmental  
22 stressors such as climate change; and

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

25 (d) LIMITATIONS.—

1           (1) REQUIREMENTS FOR EVALUATION.—No  
2 fish habitat conservation project may be rec-  
3 ommended by the Board under subsection (b) or  
4 provided financial assistance under this subtitle un-  
5 less the fish habitat conservation project includes an  
6 evaluation plan designed—

7           (A) to appropriately assess the biological,  
8 ecological, or other results of the habitat protec-  
9 tion, restoration, or enhancement activities car-  
10 ried out using the assistance;

11           (B) to reflect appropriate changes to the  
12 fish habitat conservation project if the assess-  
13 ment substantiates that the fish habitat con-  
14 servation project objectives are not being met;  
15 and

16           (C) to require the submission to the Board  
17 of a report describing the findings of the assess-  
18 ment.

19           (2) ACQUISITION OF REAL PROPERTY INTER-  
20 ESTS.—

21           (A) IN GENERAL.—No fish habitat con-  
22 servation project that will result in the acquisi-  
23 tion by the State, local government, or other  
24 non-Federal entity, in whole or in part, of any  
25 real property interest may be recommended by

1 the Board under subsection (b) or provided fi-  
2 nancial assistance under this subtitle unless the  
3 project meets the requirements of subparagraph  
4 (B).

5 (B) REQUIREMENTS.—

6 (i) IN GENERAL.—A real property in-  
7 terest may not be acquired pursuant to a  
8 fish habitat conservation project by a  
9 State, public agency, or other non-Federal  
10 entity unless the State, agency, or other  
11 non-Federal entity is obligated to under-  
12 take the management of the property being  
13 acquired in accordance with the purposes  
14 of this subtitle.

15 (ii) ADDITIONAL CONDITIONS.—Any  
16 real property interest acquired by a State,  
17 local government, or other non-Federal en-  
18 tity pursuant to a fish habitat conservation  
19 project shall be subject to terms and condi-  
20 tions that ensure that the interest will be  
21 administered for the long-term conserva-  
22 tion and management of the aquatic eco-  
23 system and the fish and wildlife dependent  
24 on that ecosystem.

25 (e) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

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

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

20          (4) SPECIAL RULE FOR INDIAN TRIBES.—Not-  
21          withstanding paragraph (1) or any other provision of  
22          law, any funds made available to an Indian tribe  
23          pursuant to this subtitle may be considered to be  
24          non-Federal funds for the purpose of paragraph (1).

25          (f) APPROVAL.—



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

7           (A) the Secretary shall approve, reject, or  
8 reorder the priority of any fish habitat con-  
9 servation project recommended by the Board  
10 that is not within a marine or estuarine habitat;  
11 and

12           (B) the Secretary and the Secretary of  
13 Commerce shall jointly approve, reject, or reor-  
14 der the priority of any fish habitat conservation  
15 project recommended by the Board that is with-  
16 in a marine or estuarine habitat.

17           (2) FUNDING.—If the Secretary, or the Sec-  
18 retary and the Secretary of Commerce jointly, ap-  
19 proves a fish habitat conservation project under  
20 paragraph (1), the Secretary, or the Secretary and  
21 the Secretary of Commerce jointly, shall use  
22 amounts made available to carry out this subtitle to  
23 provide funds to carry out the fish habitat conserva-  
24 tion project.

1           (3) NOTIFICATION.—If the Secretary, or the  
2           Secretary and the Secretary of Commerce jointly, re-  
3           jects or reorders the priority of any fish habitat con-  
4           servation project recommended by the Board under  
5           subsection (b), the Secretary, or the Secretary and  
6           the Secretary of Commerce jointly, shall provide to  
7           the Board and the appropriate Partnership a written  
8           statement of the reasons that the Secretary, or the  
9           Secretary and the Secretary of Commerce jointly, re-  
10          jected or modified the priority of the fish habitat  
11          conservation project.

12          (4) LIMITATION.—If the Secretary, or the Sec-  
13          retary and the Secretary of Commerce jointly, has  
14          not approved, rejected, or reordered the priority of  
15          the recommendations of the Board for fish habitat  
16          conservation projects by the date that is 180 days  
17          after the date of receipt of the recommendations, the  
18          recommendations shall be considered to be approved.

19 **SEC. 205. NATIONAL FISH HABITAT CONSERVATION PART-**  
20 **nership Office.**

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

1 (b) FUNCTIONS.—The National Fish Habitat Con-  
2 servation Partnership Office shall—

3 (1) provide funding for the operational needs of  
4 the Partnerships, including funding for activities  
5 such as planning, project development and imple-  
6 mentation, coordination, monitoring, evaluation,  
7 communication, and outreach;

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

10 (3) facilitate the cooperative development and  
11 approval of Partnerships;

12 (4) assist the Secretary and the Board in car-  
13 rying out this subtitle;

14 (5) assist the Secretary in carrying out the re-  
15 quirements of sections 206 and 208;

16 (6) facilitate communication, cohesiveness, and  
17 efficient operations for the benefit of Partnerships  
18 and the Board;

19 (7) facilitate, with assistance from the Director,  
20 the Assistant Administrator, and the President of  
21 the Association of Fish and Wildlife Agencies, the  
22 consideration of fish habitat conservation projects by  
23 the Board;

1           (8) provide support to the Director regarding  
2 the development and implementation of the inter-  
3 agency operational plan under subsection (c);

4           (9) coordinate technical and scientific reporting  
5 as required by section 209;

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

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

12       (c) INTERAGENCY OPERATIONAL PLAN.—Not later  
13 than 1 year after the date of enactment of this Act, and  
14 every 5 years thereafter, the Director, in cooperation with  
15 the Assistant Administrator and the heads of other appro-  
16 priate Federal departments and agencies, shall develop an  
17 interagency operational plan for the National Fish Habi-  
18 tat Conservation Partnership Office that describes—

19           (1) the functional, operational, technical, sci-  
20 entific, and general staff, administrative, and mate-  
21 rial needs of the Office; and

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

25       (d) STAFF AND SUPPORT.—

1           (1) DEPARTMENTS OF INTERIOR AND COM-  
2           MERCE.—The Director and the Assistant Adminis-  
3           trator shall each provide appropriate staff to support  
4           the National Fish Habitat Conservation Partnership  
5           Office, subject to the availability of funds under sec-  
6           tion 213.

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

11          (3) DETAILEES AND CONTRACTORS.—The Na-  
12          tional Fish Habitat Conservation Partnership Office  
13          may accept staff or other administrative support  
14          from other entities—

15                 (A) through interagency details; or

16                 (B) as contractors.

17          (4) QUALIFICATIONS.—The staff of the Na-  
18          tional Fish Habitat Conservation Partnership Office  
19          shall include members with education and experience  
20          relating to the principles of fish, wildlife, and aquat-  
21          ic habitat conservation.

22          (5) WAIVER OF REQUIREMENT.—The Secretary  
23          may waive all or part of the non-Federal contribu-  
24          tion requirement under section 204(e)(1) if the Sec-  
25          retary determines that—

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

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

7           (e) REPORTS.—Not less frequently than once each  
8           year, the Director shall provide to the Board a report de-  
9           scribing the activities of the National Fish Habitat Con-  
10          servation Partnership Office.

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

12          (a) IN GENERAL.—The Director, the Assistant Ad-  
13          ministrators, and the Director of the United States Geo-  
14          logical Survey, in coordination with the Forest Service and  
15          other appropriate Federal departments and agencies, shall  
16          provide scientific and technical assistance to the Partner-  
17          ships, participants in fish habitat conservation projects,  
18          and the Board.

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

21               (1) providing technical and scientific assistance  
22               to States, Indian tribes, regions, local communities,  
23               and nongovernmental organizations in the develop-  
24               ment and implementation of Partnerships;

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

4           (3) supporting the development and implemen-  
5 tation of fish habitat conservation projects that are  
6 identified as high priorities by Partnerships and the  
7 Board;

8           (4) supporting and providing recommendations  
9 regarding the development of science-based moni-  
10 toring and assessment approaches for implementa-  
11 tion through Partnerships;

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

14           (6) ensuring the availability of experts to con-  
15 duct scientifically based evaluation and reporting of  
16 the results of fish habitat conservation projects.

17 **SEC. 207. CONSERVATION OF AQUATIC HABITAT FOR FISH**  
18 **AND OTHER AQUATIC ORGANISMS ON FED-**  
19 **ERAL LAND.**

20 To the extent consistent with the mission and author-  
21 ity of the applicable department or agency, the head of  
22 each Federal department and agency responsible for ac-  
23 quiring, managing, or disposing of Federal land or water  
24 shall cooperate with the Assistant Administrator and the  
25 Director to conserve the aquatic habitats for fish and

1 other aquatic organisms within the land and water of the  
2 department or agency.

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

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

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

12 (a) IMPLEMENTATION REPORTS.—

13 (1) IN GENERAL.—Not later than 2 years after  
14 the date of enactment of this Act, and every 2 years  
15 thereafter, the Board shall submit to the appropriate  
16 congressional committees a report describing the im-  
17 plementation of—

18 (A) this subtitle; and

19 (B) the National Fish Habitat Action  
20 Plan.

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

23 (A) an estimate of the number of acres,  
24 stream miles, or acre-feet (or other suitable  
25 measure) of aquatic habitat that was protected,



1 restored, or enhanced under the National Fish  
2 Habitat Action Plan by Federal, State, or local  
3 governments, Indian tribes, or other entities in  
4 the United States during the 2-year period end-  
5 ing on the date of submission of the report;

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

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

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

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

21 (ii) a description of each fish habitat  
22 conservation project approved by the Sec-  
23 retary under section 204(f), in order of  
24 priority for funding;

25 (iii) a justification for—

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

3 (II) the order of priority for  
4 funding of each fish habitat conserva-  
5 tion project;

6 (iv) a justification for any rejection or  
7 reordering of the priority of each fish habi-  
8 tat conservation project recommended by  
9 the Board under section 204(b) that was  
10 based on a factor other than the criteria  
11 described in section 204(c); and

12 (v) an accounting of expenditures by  
13 Federal, State, or local governments, In-  
14 dian tribes, or other entities to carry out  
15 fish habitat conservation projects.

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

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

1 **SEC. 210. REGULATIONS.**

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

5 **SEC. 211. EFFECT OF SUBTITLE.**

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

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

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

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

13 (4) affects any Federal or State law in exist-  
14 ence on the date of enactment of the Act regarding  
15 water quality or water quantity.

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

17 (1) affects the authority, jurisdiction, or respon-  
18 sibility of a State to manage, control, or regulate  
19 fish and wildlife under the laws and regulations of  
20 the State; or

21 (2) authorizes the Secretary to control or regu-  
22 late within a State the fishing or hunting of fish and  
23 wildlife.

24 (c) EFFECT ON INDIAN TRIBES.—Nothing in this  
25 subtitle abrogates, abridges, affects, modifies, supersedes,

1 or alters any right of an Indian tribe recognized by treaty  
2 or any other means, including—

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

5 (2) Federal law (including regulations);

6 (3) an Executive order; or

7 (4) a judicial decree.

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

14 (e) EFFECT ON OTHER AUTHORITIES.—

15 (1) ACQUISITION OF LAND AND WATER.—Noth-  
16 ing in this subtitle alters or otherwise affects the au-  
17 thorities, responsibilities, obligations, or powers of  
18 the Secretary to acquire land, water, or an interest  
19 in land or water under any other provision of law.

20 (2) PRIVATE PROPERTY PROTECTION.—Nothing  
21 in this subtitle permits the use of funds made avail-  
22 able to carry out this subtitle to acquire real prop-  
23 erty or a real property interest without the written  
24 consent of each owner of the real property or real  
25 property interest.

1           (3) MITIGATION.—Nothing in this subtitle per-  
2           mits the use of funds made available to carry out  
3           this subtitle for fish and wildlife mitigation purposes  
4           under—

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

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

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

11          or

12                   (D) any other Federal law or court settle-  
13          ment.

14 **SEC. 212. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
15 **MITTEE ACT.**

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

18                   (1) the Board; or

19                   (2) any Partnership.

20 **SEC. 213. FUNDING.**

21          (a) AUTHORIZATION OF APPROPRIATIONS.—

22                   (1) FISH HABITAT CONSERVATION PROJECTS.—

23          There is authorized to be appropriated to the Sec-  
24          retary \$7,200,000 for each of fiscal years 2012  
25          through 2016 to provide funds for fish habitat con-

1        servation projects approved under section 204(f), of  
2        which 5 percent shall be made available for each fis-  
3        cal year for projects carried out by Indian tribes.

4                (2) NATIONAL FISH HABITAT CONSERVATION  
5        PARTNERSHIP OFFICE.—

6                (A) IN GENERAL.—There is authorized to  
7        be appropriated to the Secretary for each of fis-  
8        cal years 2012 through 2016 for the National  
9        Fish Habitat Conservation Partnership Office,  
10       and to carry out section 209, an amount equal  
11       to 5 percent of the amount appropriated for the  
12       applicable fiscal year pursuant to paragraph  
13       (1).

14               (B) REQUIRED TRANSFERS.—The Sec-  
15       retary shall annually transfer to other Federal  
16       departments and agencies such percentage of  
17       the amounts made available pursuant to sub-  
18       paragraph (A) as is required to support partici-  
19       pation by those departments and agencies in  
20       the National Fish Habitat Conservation Part-  
21       nership Office pursuant to the interagency  
22       operational plan under section 205(c).

23               (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

24        There are authorized to be appropriated for each of  
25        fiscal years 2012 through 2016 to carry out, and

1 provide technical and scientific assistance under, sec-  
2 tion 206—

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

5 (B) \$500,000 to the Assistant Adminis-  
6 trator for use by the National Oceanic and At-  
7 mospheric Administration; and

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

10 (4) PLANNING AND ADMINISTRATIVE EX-  
11 PENSES.—There is authorized to be appropriated to  
12 the Secretary for each of fiscal years 2012 through  
13 2016 for use by the Board, the Director, and the  
14 Assistant Administrator for planning and adminis-  
15 trative expenses an amount equal to 3 percent of the  
16 amount appropriated for the applicable fiscal year  
17 pursuant to paragraph (1).

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

20 (1) on the recommendation of the Board, and  
21 notwithstanding sections 6304 and 6305 of title 31,  
22 United States Code, and the Federal Financial As-  
23 sistance Management Improvement Act of 1999 (31  
24 U.S.C. 6101 note; Public Law 106–107), enter into  
25 a grant agreement, cooperative agreement, or con-

1 tract with a Partnership or other entity for a fish  
2 habitat conservation project or restoration or en-  
3 hancement project;

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

7 (3) make funds available to any Federal depart-  
8 ment or agency for use by that department or agen-  
9 cy to provide grants for any fish habitat protection  
10 project, restoration project, or enhancement project  
11 that the Secretary determines to be consistent with  
12 this subtitle.

13 (c) DONATIONS.—

14 (1) IN GENERAL.—The Secretary may—

15 (A) enter into an agreement with any orga-  
16 nization described in section 501(c)(3) of the  
17 Internal Revenue Code of 1986 that is exempt  
18 from taxation under section 501(a) of that  
19 Code to solicit private donations to carry out  
20 the purposes of this subtitle; and

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

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



1 (A) shall be considered to be a gift or be-  
2 quest to, or otherwise for the use of, the United  
3 States; and

4 (B) may be—

5 (i) used directly by the Secretary; or

6 (ii) provided to another Federal de-  
7 partment or agency through an inter-  
8 agency agreement.

## 9 **Subtitle B—Duck Stamps**

### 10 **SEC. 221. FINDINGS.**

11 Congress finds that—

12 (1) Federal Migratory Bird Hunting and Con-  
13 servation Stamps (commonly known as “duck  
14 stamps”) were created in 1934 as Federal licenses  
15 required for hunting migratory waterfowl;

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

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

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

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

3           (A) has generated more than  
4 \$750,000,000;

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

7           (C) is considered among the most success-  
8 ful conservation programs ever initiated;

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

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

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

1 **SEC. 222. COST OF STAMPS.**

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

5 “(b) COST OF STAMPS.—

6 “(1) IN GENERAL.—For the 3-calendar-year pe-  
7 riod beginning with calendar year 2013, and for  
8 each 3-calendar-year period thereafter, the Sec-  
9 retary, in consultation with the Migratory Bird Con-  
10 servation Commission, shall establish the amount to  
11 be collected under paragraph (2) for each stamp sold  
12 under this section.

13 “(2) COLLECTION OF AMOUNTS.—The United  
14 States Postal Service, the Department of the Inte-  
15 rior, or any other agent approved by the Department  
16 of the Interior shall collect the amount established  
17 under paragraph (1) for each stamp sold under this  
18 section for a hunting year if the Secretary deter-  
19 mines, at any time before February 1 of the cal-  
20 endar year during which the hunting year begins,  
21 that all amounts described in paragraph (3) have  
22 been obligated for expenditure.

23 “(3) AMOUNTS.—The amounts described in this  
24 paragraph are amounts in the Migratory Bird Con-  
25 servation Fund that are available for obligation and  
26 attributable to—

1           “(A) amounts appropriated pursuant to  
2           this Act for the fiscal year ending in the imme-  
3           diately preceding calendar year; and

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

6 **SEC. 223. WAIVERS.**

7           Section 1(a) of the Migratory Bird Hunting and Con-  
8           servation Stamp Act (16 U.S.C. 718a(a)) is amended—

9           (1) in paragraph (1), by inserting “and sub-  
10          section (d)” after “paragraph (2)”; and

11          (2) by adding at the end the following:

12          “(d) **WAIVERS.**—

13                 “(1) **IN GENERAL.**—The Secretary, in consulta-  
14                 tion with the Migratory Bird Conservation Commis-  
15                 sion, may waive requirements under this section for  
16                 such individuals as the Secretary, in consultation  
17                 with the Migratory Bird Conservation Commission,  
18                 determines to be appropriate.

19                 “(2) **LIMITATION.**—In making the determina-  
20                 tion described in paragraph (1), the Secretary shall  
21                 grant only those waivers the Secretary determines  
22                 will have a minimal adverse effect on funds to be de-  
23                 posited in the Migratory Bird Conservation Fund es-  
24                 tablished under section 4(a)(3).”.

1 **SEC. 224. PERMANENT ELECTRONIC DUCK STAMPS.**

2 (a) DEFINITIONS.—In this section:

3 (1) ACTUAL STAMP.—The term “actual stamp”  
4 means a Federal migratory-bird hunting and con-  
5 servation stamp required under the Act of March  
6 16, 1934 (16 U.S.C. 718a et seq.) (popularly known  
7 as the “Duck Stamp Act”), that is printed on paper  
8 and sold through the means established by the au-  
9 thority of the Secretary immediately before the date  
10 of enactment of this Act.

11 (2) AUTOMATED LICENSING SYSTEM.—

12 (A) IN GENERAL.—The term “automated  
13 licensing system” means an electronic, comput-  
14 erized licensing system used by a State fish and  
15 wildlife agency to issue hunting, fishing, and  
16 other associated licenses and products.

17 (B) INCLUSION.—The term “automated li-  
18 censing system” includes a point-of-sale, Inter-  
19 net, telephonic system, or other electronic appli-  
20 cations used for a purpose described in sub-  
21 paragraph (A).

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

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

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

4 (C) is issued through a State automated li-  
5 censing system that is authorized, under State  
6 law and by the Secretary under this section, to  
7 issue electronic stamps;

8 (D) is compatible with the hunting licens-  
9 ing system of the State that issues the elec-  
10 tronic stamp; and

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

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

15 (b) AUTHORITY TO ISSUE ELECTRONIC DUCK  
16 STAMPS.—

17 (1) IN GENERAL.—The Secretary may author-  
18 ize any State to issue electronic stamps in accord-  
19 ance with this section.

20 (2) CONSULTATION.—The Secretary shall im-  
21 plement this subsection in consultation with State  
22 management agencies.

23 (c) STATE APPLICATION.—

24 (1) APPROVAL OF APPLICATION REQUIRED.—  
25 The Secretary may not authorize a State to issue

1 electronic stamps under this section unless the Sec-  
2 retary has received and approved an application sub-  
3 mitted by the State in accordance with this sub-  
4 section.

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

8 (3) CONTENTS OF APPLICATION.—The Sec-  
9 retary may not approve a State application unless  
10 the application contains—

11 (A) a description of the format of the elec-  
12 tronic stamp that the State will issue under this  
13 section, including identifying features of the li-  
14 censee that will be specified on the stamp;

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

17 (C) a description of the process the State  
18 will use to account for and transfer to the Sec-  
19 retary the amounts collected by the State that  
20 are required to be transferred to the Secretary  
21 under the program;

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

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

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

6           (G) such other policies, procedures, and in-  
7 formation as may be reasonably required by the  
8 Secretary.

9           (d) PUBLICATION OF DEADLINES, ELIGIBILITY RE-  
10 QUIREMENTS, AND SELECTION CRITERIA.—Not later than  
11 30 days before the date on which the Secretary begins ac-  
12 cepting applications under this section, the Secretary shall  
13 publish—

14           (1) deadlines for submission of applications;

15           (2) eligibility requirements for submitting appli-  
16 cations; and

17           (3) criteria for approving applications.

18           (e) STATE OBLIGATIONS AND AUTHORITIES.—

19           (1) DELIVERY OF ACTUAL STAMP.—The Sec-  
20 retary shall require that each individual to whom a  
21 State sells an electronic stamp under this section  
22 shall receive an actual stamp—

23           (A) by not later than the date on which  
24 the electronic stamp expires under subsection

25           (f)(3); and



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

3 (2) COLLECTION AND TRANSFER OF ELEC-  
4 TRONIC STAMP REVENUE AND CUSTOMER INFORMA-  
5 TION.—

6 (A) REQUIREMENT TO TRANSMIT.—The  
7 Secretary shall require each State authorized to  
8 issue electronic stamps to collect and submit to  
9 the Secretary in accordance with this sub-  
10 section—

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

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

17 (iii) the amount of the Federal por-  
18 tion of any fee required by the agreement  
19 for each stamp sold.

20 (B) TIME OF TRANSMITTAL.—The Sec-  
21 retary shall require the submission under sub-  
22 paragraph (A) to be made with respect to sales  
23 of electronic stamps by a State according to the  
24 written agreement between the Secretary and  
25 the State agency.

1 (C) ADDITIONAL FEES NOT AFFECTED.—

2 This subsection shall not apply to the State  
3 portion of any fee collected by a State under  
4 paragraph (3).

5 (3) ELECTRONIC STAMP ISSUANCE FEE.—A  
6 State authorized to issue electronic stamps may  
7 charge a reasonable fee to cover costs incurred by  
8 the State and the Department of the Interior in  
9 issuing electronic stamps under this section, includ-  
10 ing costs of delivery of actual stamps.

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

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

20 (f) ELECTRONIC STAMP REQUIREMENTS; RECOGNI-  
21 TION OF ELECTRONIC STAMP.—

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

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

5 (B) to specify identifying features of the li-  
6 censee that are adequate to enable Federal,  
7 State, and other law enforcement officers to  
8 identify the holder.

9 (2) RECOGNITION OF ELECTRONIC STAMP.—  
10 Any electronic stamp issued by a State under this  
11 section shall, during the effective period of the elec-  
12 tronic stamp—

13 (A) bestow on the licensee the same privi-  
14 leges as are bestowed by an actual stamp;

15 (B) be recognized nationally as a valid  
16 Federal migratory bird hunting and conserva-  
17 tion stamp; and

18 (C) authorize the licensee to hunt migra-  
19 tory waterfowl in any other State, in accordance  
20 with the laws of the other State governing that  
21 hunting.

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

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

4 (1) by the Secretary, if the Secretary—

5 (A) finds that the State has violated any of  
6 the terms of the application of the State ap-  
7 proved by the Secretary under subsection (c);  
8 and

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

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

## 15 **Subtitle C—Joint Ventures to Pro-** 16 **tect Migratory Bird Populations**

### 17 **SEC. 231. PURPOSES.**

18 The purpose of this subtitle is to authorize the Sec-  
19 retary of the Interior, acting through the Director, to  
20 carry out a partnership program called the “Joint Ven-  
21 tures Program”, in coordination with other Federal agen-  
22 cies with management authority over fish and wildlife re-  
23 sources and the States, to develop, implement, and sup-  
24 port innovative, voluntary, cooperative, and effective con-  
25 servation strategies and conservation actions—

1           (1) to promote, primarily, sustainable popu-  
2           lations of migratory birds, and, secondarily, the fish  
3           and wildlife species associated with their habitats;

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

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

11          (4) to support the goals and objectives of the  
12          North American Waterfowl Management Plan and  
13          other relevant national and regional, multipartner  
14          conservation initiatives, treaties, conventions, agree-  
15          ments, or strategies entered into by the United  
16          States, and implemented by the Secretary, that pro-  
17          mote the conservation of migratory birds and the  
18          habitats of migratory birds.

19 **SEC. 232. DEFINITIONS.**

20          In this subtitle:

21           (1) CONSERVATION ACTION.—The term “con-  
22           servation action” means activities that—

23           (A) support the protection, restoration,  
24           adaptive management, conservation, or en-  
25           hancement of migratory bird populations, their

1 terrestrial, wetland, marine, or other habitats,  
2 and other wildlife species supported by those  
3 habitats, including—

4 (i) biological and geospatial planning;

5 (ii) landscape and conservation de-  
6 sign;

7 (iii) habitat protection, enhancement,  
8 and restoration;

9 (iv) monitoring and tracking;

10 (v) applied research; and

11 (vi) public outreach and education;

12 and

13 (B) incorporate adaptive management and  
14 science-based monitoring, where applicable, to  
15 improve outcomes and ensure efficient and ef-  
16 fective use of Federal funds.

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

20 (3) IMPLEMENTATION PLAN.—The term “Im-  
21 plementation Plan” means an Implementation Plan  
22 approved by the Director under section 232.

23 (4) INDIAN TRIBE.—The term “Indian tribe”  
24 has the meaning given that term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

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

7 (6) MANAGEMENT BOARD.—The term “Man-  
8 agement Board” means a Joint Venture Manage-  
9 ment Board established in accordance with section  
10 233.

11 (7) MIGRATORY BIRDS.—The term “migratory  
12 birds” means those species included in the list of mi-  
13 gratory birds that appears in section 10.13 of title  
14 50, Code of Federal Regulations, under the author-  
15 ity of the Migratory Bird Treaty Act.

16 (8) PROGRAM.—The term “Program” means  
17 the Joint Ventures Program conducted in accord-  
18 ance with this subtitle.

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

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

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

24 (A) any State of the United States, the  
25 District of Columbia, the Commonwealth of

1 Puerto Rico, Guam, the Virgin Islands, Amer-  
2 ican Samoa, and the Commonwealth of the  
3 Northern Mariana Islands; and

4 (B) one or more agencies of a State gov-  
5 ernment responsible under State law for man-  
6 aging fish or wildlife resources.

7 **SEC. 233. JOINT VENTURES PROGRAM.**

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

10 (1) provides financial and technical assistance  
11 to support regional migratory bird conservation part-  
12 nerships;

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

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

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

22 (B) the Migratory Bird Conservation Act  
23 (16 U.S.C. 715 et seq.);

24 (C) the Neotropical Migratory Bird Con-  
25 servation Act (16 U.S.C. 6101 et seq.);



1 (D) the North American Wetlands Con-  
2 servation Act (16 U.S.C. 4401 et seq.);

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

5 (F) the Partners for Fish and Wildlife Act  
6 (16 U.S.C. 3771 et seq.).

7 (b) COORDINATION WITH STATES.—In the adminis-  
8 tration of the program authorized under this section, the  
9 Director shall coordinate and cooperate with the States  
10 to fulfill the purposes of this subtitle.

11 **SEC. 234. ADMINISTRATION.**

12 (a) PARTNERSHIP AGREEMENTS.—

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

16 (2) ELIGIBLE PARTNERS.—The eligible part-  
17 ners referred to in paragraph (1) are the following:

18 (A) Federal and State agencies and Indian  
19 tribes.

20 (B) Affected regional and local govern-  
21 ments, private landowners, land managers, and  
22 other private stakeholders.

23 (C) Nongovernmental organizations with  
24 expertise in bird conservation or fish and wild-

1 life conservation or natural resource and land-  
2 scape management generally.

3 (D) Other relevant stakeholders, as deter-  
4 mined by the Director.

5 (b) MANAGEMENT BOARD.—

6 (1) IN GENERAL.—A partnership agreement for  
7 a Joint Venture under this section shall establish a  
8 Management Board in accordance with this sub-  
9 section.

10 (2) MEMBERSHIP.—The Management Board  
11 shall include a diversity of members representing  
12 stakeholder interests from the appropriate geo-  
13 graphic region, including, as appropriate, representa-  
14 tives from the Service and other Federal agencies  
15 that have management authority over fish and wild-  
16 life resources on public lands or in the marine envi-  
17 ronment, or that implement programs that affect  
18 migratory bird habitats, and representatives from  
19 the States, Indian tribes, and other relevant stake-  
20 holders, and may include—

21 (A) regional governments and Indian  
22 tribes;

23 (B) academia or the scientific community;

24 (C) nongovernmental landowners or land  
25 managers;

1           (D) nonprofit conservation or other rel-  
2           evant organizations with expertise in migratory  
3           bird conservation, or in fish and wildlife con-  
4           servation generally; and

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

8           (3) FUNCTIONS AND RESPONSIBILITIES.—Sub-  
9           ject to applicable Federal and State law, the Man-  
10          agement Board shall—

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

13           (B) identify other full- or part-time admin-  
14          istrative and technical non-Federal employees  
15          necessary to perform the functions of the Joint  
16          Venture and meet objectives specified in the  
17          Implementation Plan; and

18           (C) establish committees or other organiza-  
19          tional entities necessary to implement the Im-  
20          plementation Plan in accordance with sub-  
21          section (c).

22           (4) USE OF SERVICE AND FEDERAL AGENCY  
23          EMPLOYEES.—Subject to the availability of appro-  
24          priations and upon the request from a Management  
25          Board, and after consultation with and approval of

1 the Director, the head of any Federal agency may  
2 detail to the Management Board, on a reimbursable  
3 or nonreimbursable basis, any agency personnel to  
4 assist the Joint Venture in performing its functions  
5 under this subtitle.

6 (c) IMPLEMENTATION PLAN.—

7 (1) IN GENERAL.—Each Joint Venture Man-  
8 agement Board shall develop and maintain an Imple-  
9 mentation Plan that shall contain, at a minimum,  
10 the following elements:

11 (A) A strategic framework for migratory  
12 bird conservation.

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

16 (C) A long-term strategy to conduct public  
17 outreach and education regarding the purposes  
18 and activities of the Joint Venture and activi-  
19 ties to regularly communicate to the general  
20 public information generated by the Joint Ven-  
21 ture.

22 (D) Coordination with laws and conserva-  
23 tion plans that are relevant to migratory birds,  
24 and other relevant regional, national, or inter-  
25 national initiatives identified by the Director to

1 conserve migratory birds, their habitats, eco-  
2 logical functions, and associated populations of  
3 fish and wildlife.

4 (E) An organizational plan that—

5 (i) identifies the representative mem-  
6 bership of the Management Board and in-  
7 cludes procedures for updating the mem-  
8 bership of the Management Board as ap-  
9 propriate;

10 (ii) describes the organizational struc-  
11 ture of the Joint Venture, including pro-  
12 posed committees and subcommittees, and  
13 procedures for revising and updating the  
14 structure, as necessary; and

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

18 (F) Procedures to coordinate the develop-  
19 ment, implementation, oversight, monitoring,  
20 tracking, and reporting of conservation actions  
21 approved by the Management Board and an  
22 evaluation process to determine overall effec-  
23 tiveness of activities undertaken by the Joint  
24 Venture.

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

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

7                   (A) implementation of the plan would pro-  
8 mote the purposes of this subtitle described in  
9 section 231;

10                   (B) the members of the Joint Venture  
11 have demonstrated the capacity to implement  
12 conservation actions identified in the Implemen-  
13 tation Plan; and

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

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

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

23                   (1) support of the activities of the Management  
24 Board of the Joint Venture and to pay for necessary

1 administrative costs and services, personnel, and  
2 meetings, travel, and other business activities; and

3 (2) support for specific conservation actions and  
4 other activities necessary to carry out the Implemen-  
5 tation Plan.

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

10 (c) TECHNICAL ASSISTANCE.—The Secretary,  
11 through the Director, may provide technical and adminis-  
12 trative assistance for implementation of Joint Ventures  
13 and the expenditure of financial assistance under this sub-  
14 section.

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

19 **SEC. 236. REPORTING.**

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

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

1           (2) establish guidance for Joint Venture annual  
2 reports, including contents and any necessary pro-  
3 cesses or procedures.

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

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

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

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

15           (B) an evaluation of all approved Imple-  
16 mentation Plans, especially the effectiveness of  
17 existing conservation strategies, priorities, and  
18 methods to meet the objectives of such plans  
19 and fulfill the purpose of this subtitle; and

20           (C) recommendations to revise the Pro-  
21 gram or to amend or otherwise revise Imple-  
22 mentation Plans to ensure that activities under-  
23 taken pursuant to this subtitle address the ef-  
24 fects of climate change on migratory bird popu-



1           lations and their habitats, and fish and wildlife  
2           habitats, in general.

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

6                   (A) shall consult with other appropriate  
7           Federal agencies with responsibility for the con-  
8           servation or management of fish and wildlife  
9           habitat and appropriate State agencies; and

10                   (B) may consult with appropriate, Indian  
11           tribes, Flyway Councils, or regional conserva-  
12           tion organizations, public and private land-  
13           owners, members of academia and the scientific  
14           community, and other nonprofit conservation or  
15           private stakeholders.

16           (4) PUBLIC COMMENT.—The Secretary,  
17           through the Director, shall provide for adequate op-  
18           portunities for general public review and comment of  
19           the Program as part of the 5-year evaluations con-  
20           ducted pursuant to this subsection.

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

22           (a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in  
23           this subtitle affects authorities, responsibilities, obliga-  
24           tions, or powers of the Secretary under any other Act.

1 (b) STATE AUTHORITY.—Nothing in this subtitle  
2 preempts any provision or enforcement of a State statute  
3 or regulation relating to the management of fish and wild-  
4 life resources within such State.

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

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

9 **Subtitle D—Reauthorizations**

10 **SEC. 241. NORTH AMERICAN WETLANDS CONSERVATION**  
11 **ACT.**

12 Section 7(c)(5) of the North American Wetlands Con-  
13 servation Act (16 U.S.C. 4406(c)(5)) is amended by strik-  
14 ing “2012” and inserting “2017”.

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

16 Section 5 of the Partners for Fish and Wildlife Act  
17 (16 U.S.C. 3774) is amended by striking “2011” and in-  
18 serting “2017”.

19 **SEC. 243. NATIONAL FISH AND WILDLIFE FOUNDATION RE-**  
20 **AUTHORIZATION.**

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

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

25 (A) in subsection (b)—

1 (i) by striking paragraph (2) and in-  
2 serting the following:

3 “(2) IN GENERAL.—After consulting with the  
4 Secretary of Commerce and considering the rec-  
5 ommendations submitted by the Board, the Sec-  
6 retary of the Interior shall appoint 28 Directors  
7 who, to the maximum extent practicable, shall—

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

11 “(B) represent a balance of expertise in  
12 ocean, coastal, freshwater, and terrestrial re-  
13 source conservation.”; and

14 (ii) by striking paragraph (3) and in-  
15 serting the following:

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

19 (B) in subsection (g)(2)—

20 (i) in subparagraph (A), by striking  
21 “(A) Officers and employees may not be  
22 appointed until the Foundation has suffi-  
23 cient funds to pay them for their service.  
24 Officers” and inserting the following:

25 “(A) IN GENERAL.—Officers”; and

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

3 “(B) EXECUTIVE DIRECTOR.—The Foun-  
4 dation shall have an Executive Director who  
5 shall be—

6 “(i) appointed by, and serve at the di-  
7 rection of, the Board as the chief executive  
8 officer of the Foundation; and

9 “(ii) knowledgeable and experienced in  
10 matters relating to fish and wildlife con-  
11 servation.”.

12 (2) CONFORMING AMENDMENT.—Section  
13 4(a)(1)(B) of the North American Wetlands Con-  
14 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended  
15 by striking “Secretary of the Board” and inserting  
16 “Executive Director of the Board”.

17 (b) RIGHTS AND OBLIGATIONS OF THE FOUNDA-  
18 TION.—Section 4 of the National Fish and Wildlife Foun-  
19 dation Establishment Act (16 U.S.C. 3703) is amended—

20 (1) in subsection (c)—

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

24 “(c) POWERS.—

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

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

6           (C) in subparagraph (D) (as redesignated  
7 by subparagraph (B)), by striking “that are in-  
8 sured by an agency or instrumentality of the  
9 United States” and inserting “at 1 or more fi-  
10 nancial institutions that are members of the  
11 Federal Deposit Insurance Corporation or the  
12 Securities Investment Protection Corporation”;

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

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

20           (F) by striking subparagraph (K) (as re-  
21 designating by subparagraph (B)) and inserting  
22 the following:

23           “(K) to receive and administer restitution  
24 and community service payments, amounts for  
25 mitigation of impacts to natural resources, and

1 other amounts arising from legal, regulatory, or  
2 administrative proceedings, subject to the con-  
3 dition that the amounts are received or admin-  
4 istered for purposes that further the conserva-  
5 tion and management of fish, wildlife, plants,  
6 and other natural resources; and

7 “(L) to do any and all acts necessary and  
8 proper to carry out the purposes of the Founda-  
9 tion.”; and

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

12 “(2) TREATMENT OF REAL PROPERTY.—

13 “(A) IN GENERAL.—For purposes of this  
14 Act, an interest in real property shall be treated  
15 as including easements or other rights for pres-  
16 ervation, conservation, protection, or enhance-  
17 ment by and for the public of natural, scenic,  
18 historic, scientific, educational, inspirational, or  
19 recreational resources.

20 “(B) ENCUMBERED REAL PROPERTY.—A  
21 gift, devise, or bequest may be accepted by the  
22 Foundation even though the gift, devise, or be-  
23 quest is encumbered, restricted, or subject to  
24 beneficial interests of private persons if any

1 current or future interest in the gift, devise, or  
2 bequest is for the benefit of the Foundation.

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

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

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

11 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 10 of the National Fish and Wildlife Foundation Estab-  
13 lishment Act (16 U.S.C. 3709) is amended—

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

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

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

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

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

25 (2) in subsection (b)—

1 (A) by striking paragraph (1) and insert-  
2 ing the following:

3 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

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

19 “(C) MANAGEMENT FEES.—The Founda-  
20 tion may assess and collect fees for the manage-  
21 ment of amounts received under this para-  
22 graph.”;

23 (B) in paragraph (2)—

24 (i) in the paragraph heading, by strik-  
25 ing “FUNDS” and inserting “AMOUNTS”;



1 (ii) by striking “shall be used” and in-  
2 serting “may be used”; and

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

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

8 “(3) ADMINISTRATION OF AMOUNTS.—

9 “(A) IN GENERAL.—In entering into con-  
10 tracts, agreements, or other partnerships pursu-  
11 ant to this Act, a Federal department, agency,  
12 or instrumentality shall have discretion to waive  
13 any competitive process of that department,  
14 agency, or instrumentality for entering into  
15 contracts, agreements, or partnerships with the  
16 Foundation if the purpose of the waiver is—

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

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

1           “(B) REPORTS.—The Foundation shall in-  
2           clude in the annual report submitted under sec-  
3           tion 7(b) a description of any use of the author-  
4           ity under subparagraph (A) by a Federal de-  
5           partment, agency, or instrumentality in that fis-  
6           cal year.”; and

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

8           “(d) USE OF GIFTS, DEVICES, OR BEQUESTS OF  
9           MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-  
10          quests of amounts or other property, or any other amounts  
11          or other property, transferred to, deposited with, or other-  
12          wise in the possession of the Foundation pursuant to this  
13          Act, may be made available by the Foundation to Federal  
14          departments, agencies, or instrumentalities and may be  
15          accepted and expended (or the disposition of the amounts  
16          or property directed), without further appropriation, by  
17          those Federal departments, agencies, or instrumentalities,  
18          subject to the condition that the amounts or property be  
19          used for purposes that further the conservation and man-  
20          agement of fish, wildlife, plants, and other natural re-  
21          sources.”.

22          (d) LIMITATION ON AUTHORITY.—Section 11 of the  
23          National Fish and Wildlife Foundation Establishment Act  
24          (16 U.S.C. 3710) is amended by inserting “exclusive” be-  
25          fore “authority”.

1 **SEC. 244. MULTINATIONAL SPECIES CONSERVATION FUNDS**  
2 **SEMIPOSTAL STAMP.**

3 Section 2(c) of the Multinational Species Conserva-  
4 tion Funds Semipostal Stamp Act of 2010 (Public Law  
5 111–241; 39 U.S.C. 416 note) is amended—

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

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

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

14 **SEC. 245. MULTINATIONAL SPECIES CONSERVATION FUNDS**  
15 **REAUTHORIZATIONS.**

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

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

24 (c) RHINOCEROS AND TIGERS.—Section 10(a) of the  
25 Rhinoceros and Tiger Conservation Act of 1994 (16

1 U.S.C. 5306(a)) is amended by striking “2007 through  
2 2012” and inserting “2012 through 2017”.

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

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

11 **SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION**

12 **ACT.**

13 Section 10 of the Neotropical Migratory Bird Con-  
14 servation Act (16 U.S.C. 6109) is amended to read as fol-  
15 lows:

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

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

20 “(b) USE OF FUNDS.—Of the amounts made avail-  
21 able under subsection (a) for each fiscal year, not less than  
22 75 percent shall be expended for projects carried out at  
23 a location outside of the United States.”.

1 **SEC. 247. FEDERAL LAND TRANSACTION FACILITATION**  
2 **ACT.**

3 The Federal Land Transaction Facilitation Act is  
4 amended—

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

8 (2) in section 205 (43 U.S.C. 2304)—

9 (A) in subsection (a), by striking “this  
10 Act” and inserting “the Sportsmen’s Act of  
11 2012”; and

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

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

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

17 (A) in paragraph (1)—

18 (i) by striking “96–568” and insert-  
19 ing “96–586”; and

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

22 (B) in paragraph (2)—

23 (i) by inserting “Public Law 105–  
24 263;” before “112 Stat.”; and

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

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

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

5 “(4) the Lincoln County Conservation, Recre-  
6 ation, and Development Act of 2004 (Public Law  
7 108–424; 118 Stat. 2403);

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

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

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

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

20 **SEC. 248. NUTRIA ERADICATION AND CONTROL.**

21 (a) FINDINGS; PURPOSE.—Section 2 of the Nutria  
22 Eradication and Control Act of 2003 (Public Law 108–  
23 16; 117 Stat. 621) is amended—

24 (1) in subsection (a)—

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

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

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

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

18 “(4) This Act and the Coastal Wetlands Plan-  
19 ning, Protection, and Restoration Act (16 U.S.C.  
20 3951 et seq.) authorize the Coastwide Nutria Con-  
21 trol Program, which has reduced nutria-impacted  
22 wetland acres in the State of Louisiana from 80,000  
23 acres to 23,141 acres.

24 “(5) The proven techniques developed under  
25 this Act that are eradicating nutria in the State of

1 Maryland and reducing the acres of nutria-impacted  
 2 wetlands in the State of Louisiana should be applied  
 3 to nutria eradication or control programs in other  
 4 nutria-infested coastal States”; and

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

7 “(b) PURPOSE.—The purpose of this Act is to au-  
 8 thorize the Secretary of the Interior to provide financial  
 9 assistance to the States of Delaware, Louisiana, Mary-  
 10 land, North Carolina, Oregon, Virginia, and Washington  
 11 to carry out activities—

12 “(1) to eradicate or control nutria; and

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

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

17 (1) by redesignating sections 3 and 4 as sec-  
 18 tions 4 and 5, respectively; and

19 (2) by inserting after section 2 the following:

20 **“SEC. 3. DEFINITIONS.**

21 “In this Act:

22 “(1) COASTAL STATE.—The term ‘coastal  
 23 State’ means each of the States of Delaware, Or-  
 24 egon, North Carolina, Virginia, and Washington.



1           “(2) PROGRAM.—The term ‘program’ means  
2           the nutria eradication program established by sec-  
3           tion 4(a).

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

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

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

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

18           “(a) IN GENERAL.—The Secretary may, subject to  
19           the availability of appropriations, provide financial assist-  
20           ance to the States of Maryland and Louisiana and the  
21           coastal States to implement measures—

22           “(1) to eradicate or control nutria; and

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

24           (2) in subsection (b)—

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

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

5 (C) in paragraph (3), by striking “marsh-  
6 land” and inserting “wetlands”;

7 (3) in subsection (c)—

8 (A) by striking “(c) ACTIVITIES” and in-  
9 serting “(c) ACTIVITIES IN THE STATE OF  
10 MARYLAND”; and

11 (B) by inserting “, and updated in March  
12 2009” before the period at the end;

13 (4) in subsection (e), by striking “financial as-  
14 sistance provided by the Secretary under this sec-  
15 tion” and inserting “the amounts made available  
16 under subsection (f) to carry out the program”; and

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

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

23 “(1) \$2,000,000 shall be used to provide finan-  
24 cial assistance to the State of Maryland;

1           “(2) \$2,000,000 shall be used to provide finan-  
2           cial assistance to the State of Louisiana; and

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

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

9           (1) in paragraph (1), by striking “2002 docu-  
10           ment entitled ‘Eradication Strategies for Nutria in  
11           the Chesapeake and Delaware Bay Watersheds’;  
12           and” and inserting “March 2009 update of the docu-  
13           ment entitled ‘Eradication Strategies for Nutria in  
14           the Chesapeake and Delaware Bay Watersheds’ and  
15           originally dated March 2002;”;

16           (2) in paragraph (2)—

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

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

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

22           “(3) develop, in cooperation with the State of  
23           Delaware Department of Natural Resources and En-  
24           vironmental Control, the State of Virginia Depart-  
25           ment of Game and Inland Fisheries, the State of Or-

1       egon Department of Fish and Wildlife, the State of  
2       North Carolina Department of Environment and  
3       Natural Resources, and the State of Washington De-  
4       partment of Fish and Wildlife, long-term nutria con-  
5       trol or eradication programs, as appropriate, with  
6       the objective of—

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

10              “(B) promoting voluntary, public-private  
11              partnerships to eradicate or control nutria and  
12              restoring nutria-damaged wetlands in the coast-  
13              al States.”.



**Calendar No. 504**

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3525**

---

---

**A BILL**

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

---

---

SEPTEMBER 11, 2012

Read the second time and placed on the calendar