

114TH CONGRESS  
1ST SESSION

# H. R. 3173

To promote conservation for the purpose of enhancing hunting, fishing and other outdoor recreational opportunities.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2015

Mr. WALZ (for himself, Mr. WITTMAN, Mr. GENE GREEN of Texas, Mr. DUNCAN of South Carolina, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, and Mr. KIND) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To promote conservation for the purpose of enhancing hunting, fishing and other outdoor recreational opportunities.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sportsmen’s Conserva-  
5 tion and Outdoor Recreation Enhancement Act”.

6 **SEC. 2. SENSE OF CONGRESS REGARDING NATIONAL FISH**  
7 **HABITAT INITIATIVE.**

8 It is the sense of Congress that—

1           (1) the mission of the National Fish Habitat  
2 Initiative is to protect, restore, and enhance the Na-  
3 tion’s fish populations through partnerships that fos-  
4 ter fish habitat conservation and improve the quality  
5 of life for the American people;

6           (2) the national network of Fish Habitat Part-  
7 nerships established under the National Fish Habi-  
8 tat Initiative—

9                   (A) promotes intact and healthy fish habi-  
10 tats;

11                   (B) encourages community-based projects  
12 with a goal of ensuring a broad diversity of fish  
13 and fish populations; and

14                   (C) supports the economic significance of  
15 fish habitat resources and the recreational, sub-  
16 sistence, and commercial fishing linked to these  
17 resources in the United States; and

18           (3) the enactment by Congress of implementing  
19 legislation for the National Fish Habitat Initiative  
20 would ensure continued Federal support for the on-  
21 going activities of the National Fish Habitat Part-  
22 nerships.

1 **SEC. 3. FEDERAL LAND TRANSACTION FACILITATION ACT**  
2 **REAUTHORIZATION.**

3 The Federal Land Transaction Facilitation Act is  
4 amended—

5 (1) in section 203(1) (43 U.S.C. 2302(1)), by  
6 striking “cultural, or” and inserting “cultural, rec-  
7 reational access and use, or other”;

8 (2) in section 203(2) in the matter preceding  
9 subparagraph (A), by striking “on the date of enact-  
10 ment of this Act was” and inserting “is”;

11 (3) in section 205 (43 U.S.C. 2304)—

12 (A) in subsection (a), by striking “section  
13 206” and all that follows through the period  
14 and inserting the following: “section 206—

15 “(1) to complete appraisals and satisfy other  
16 legal requirements for the sale or exchange of public  
17 land identified for disposal under approved land use  
18 plans under section 202 of the Federal Land Policy  
19 and Management Act of 1976 (43 U.S.C. 1712);

20 “(2) not later than 180 days after the date of  
21 the enactment of the Federal Land Transaction Fa-  
22 cilitation Act Reauthorization of 2015, to establish  
23 and make available to the public, on the website of  
24 the Department of the Interior, a database con-  
25 taining a comprehensive list of all the land referred  
26 to in paragraph (1); and

1           “(3) to maintain the database referred to in  
2 paragraph (2).”; and

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

5           (4) in section 206(c)(2) (43 U.S.C. 2305(c)(2)),  
6 by adding at the end the following:

7           “(E) Any funds made available under sub-  
8 paragraph (D) that are not obligated or ex-  
9 pended by the end of the fourth full fiscal year  
10 after the date of the sale or exchange of land  
11 that generated the funds may be expended in  
12 any State.”;

13           (5) in section 206(c)(3) (43 U.S.C.  
14 2305(c)(3))—

15           (A) by inserting after subparagraph (A)  
16 the following:

17           “(B) the extent to which the acquisition of  
18 the land or interest therein will increase the  
19 public availability of resources for, and facilitate  
20 public access to, hunting, fishing, and other rec-  
21 reational activities;”; and

22           (B) by redesignating subparagraphs (B),  
23 (C), and (D) as subparagraphs (C), (D), and  
24 (E);

1           (6) in section 206(f) (43 U.S.C. 2305(f)), by  
2 amending paragraph (2) to read as follows:

3           “(2) any remaining balance in the account shall  
4 be deposited in the Treasury and used for deficit re-  
5 duction, except that in the case of a fiscal year for  
6 which there is no Federal budget deficit, such  
7 amounts shall be used to reduce the Federal debt (in  
8 such manner as the Secretary of the Treasury con-  
9 siders appropriate).”; and

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

11           (A) in paragraph (1)—

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

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

16           (B) in paragraph (2)—

17                   (i) by inserting “Public Law 105–  
18 263;” before “112 Stat.”; and

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

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

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

1           “(4) the Lincoln County Conservation, Recre-  
2           ation, and Development Act of 2004 (Public Law  
3           108–424; 118 Stat. 2403);

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

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

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

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

16 **SEC. 4. NORTH AMERICAN WETLANDS CONSERVATION ACT**  
17 **REAUTHORIZATION.**

18           Section 7(c) of the North American Wetlands Con-  
19           servation Act (16 U.S.C. 4406(c)) is amended by striking  
20           “not to exceed—” and all that follows through paragraph  
21           (5) and inserting “not to exceed \$50,000,000 for each of  
22           fiscal years 2016 through 2020.”.

23 **SEC. 5. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**  
24 **TABLISHMENT ACT REAUTHORIZATION.**

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

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

4           (A) in subsection (b)—

5           (i) by striking paragraph (2) and in-  
6 sserting the following:

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

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

15           “(B) represent a balance of expertise in  
16 ocean, coastal, freshwater, and terrestrial re-  
17 source conservation.”; and

18           (ii) by striking paragraph (3) and in-  
19 sserting the following:

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

23           (B) in subsection (g)(2)—

24           (i) in subparagraph (A), by striking

25           “(A) Officers and employees may not be

1 appointed until the Foundation has suffi-  
2 cient funds to pay them for their service.  
3 Officers” and inserting the following:

4 “(A) IN GENERAL.—Officers”; and

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

7 “(B) EXECUTIVE DIRECTOR.—The Foun-  
8 dation shall have an Executive Director who  
9 shall be—

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

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

16 (2) CONFORMING AMENDMENT.—Section  
17 4(a)(1)(B) of the North American Wetlands Con-  
18 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended  
19 by striking “Secretary of the Board” and inserting  
20 “Executive Director of the Board”.

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

24 (1) in subsection (c)—



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

4           “(c) POWERS.—

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

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

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

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

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

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

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

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

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

17 “(2) TREATMENT OF REAL PROPERTY.—

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

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

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

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

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

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

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

21                 “(1) IN GENERAL.—There are authorized to be  
22                 appropriated to carry out this Act for each of fiscal  
23                 years 2016 through 2020—

24                         “(A) \$15,000,000 to the Secretary of the  
25                         Interior;

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

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

5           (2) in subsection (b)—

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

8           “(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

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

24           “(C) MANAGEMENT FEES.—The Founda-  
25 tion may assess and collect fees for the manage-

1           ment of amounts received under this para-  
2           graph.”;

3           (B) in paragraph (2)—

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

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

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

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

13           “(3) ADMINISTRATION OF AMOUNTS.—

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

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

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

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

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

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

1 agement of fish, wildlife, plants, and other natural re-  
2 sources.”.

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

7 **SEC. 6. NEOTROPICAL MIGRATORY BIRD CONSERVATION**  
8 **ACT REAUTHORIZATION.**

9 The Neotropical Migratory Bird Conservation Act is  
10 amended—

11 (1) in section 9(c)(2) (16 U.S.C. 6108(c)(2)),  
12 by striking “3” and inserting “4”; and

13 (2) by amending section 10 (16 U.S.C. 6109)  
14 to read as follows:

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

16 “(a) **IN GENERAL.**—There is authorized to be appro-  
17 priated to carry out this Act \$6,500,000 for each of fiscal  
18 years 2016 through 2020.

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

1 **SEC. 7. PARTNERS FOR FISH AND WILDLIFE PROGRAM ACT**  
2 **REAUTHORIZATION.**

3 Section 5 of the Partners for Fish and Wildlife Act  
4 (16 U.S.C. 3774) is amended by striking “2011” and in-  
5 serting “2020”.

6 **SEC. 8. MAKING PUBLIC LANDS PUBLIC.**

7 (a) AVAILABILITY OF FUNDS.—Section 200303 of  
8 title 54, United States Code, is amended to read as fol-  
9 lows:

10 **“§ 200303. Availability of funds for certain projects**

11 “Notwithstanding any other provision of this Act, the  
12 Secretary and the Secretary of Agriculture shall ensure  
13 that, of the amounts appropriated for the fund for each  
14 fiscal year, not less than the greater of 1.5 percent of the  
15 amounts or \$10,000,000 shall be made available for  
16 projects that secure public access to Federal land for hunt-  
17 ing, fishing, and other recreational purposes through ease-  
18 ments, rights-of-way, or fee title acquisitions from willing  
19 sellers.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) AVAILABILITY OF DEPOSITS.—Section  
22 200302(c)(3) of title 54, United States Code, is  
23 amended by striking “Notwithstanding section  
24 200303 of this title, money” and inserting “Money”.

25 (2) CONTRACTS FOR ACQUISITION OF LAND  
26 AND WATER.—Section 200308 of title 54, United



1 States Code, is amended in the first sentence, by  
2 striking “by section 200303 of this title”.

3 (3) CONTRACTS FOR OPTIONS TO ACQUIRE  
4 LAND AND WATER IN SYSTEM.—Section 200309 of  
5 title 54, United States Code, is amended in the third  
6 sentence by striking “by section 200303 of this  
7 title”.

○