H. R. 3173

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

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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Sportsmen’s Conservation and Outdoor Recreation Enhancement Act”.

4 SEC. 2. SENSE OF CONGRESS REGARDING NATIONAL FISH HABITAT INITIATIVE.

5 It is the sense of Congress that—
(1) the mission of the National Fish Habitat Initiative is to protect, restore, and enhance the Nation’s fish populations through partnerships that foster fish habitat conservation and improve the quality of life for the American people;

(2) the national network of Fish Habitat Partnerships established under the National Fish Habitat Initiative—

(A) promotes intact and healthy fish habitats;

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

(C) supports the economic significance of fish habitat resources and the recreational, subsistence, and commercial fishing linked to these resources in the United States; and

(3) the enactment by Congress of implementing legislation for the National Fish Habitat Initiative would ensure continued Federal support for the ongoing activities of the National Fish Habitat Partnerships.
SEC. 3. FEDERAL LAND TRANSACTION FACILITATION ACT

REAUTHORIZATION.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(1) (43 U.S.C. 2302(1)), by striking “cultural, or” and inserting “cultural, recreational access and use, or other”;

(2) in section 203(2) in the matter preceding subparagraph (A), by striking “on the date of enactment of this Act was” and inserting “is”;

(3) in section 205 (43 U.S.C. 2304)—

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

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

“(2) not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization of 2015, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and
“(3) to maintain the database referred to in paragraph (2).”; and

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

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

“(E) Any funds made available under subparagraph (D) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.”;

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

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

“(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;”; and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E);
(6) in section 206(f) (43 U.S.C. 2305(f)), by amending paragraph (2) to read as follows:

“(2) any remaining balance in the account shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).”; and

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

(A) in paragraph (1)—

(i) by striking “96–568” and inserting “96–586”; and

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

(B) in paragraph (2)—

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

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

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);
“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

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

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

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

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

SEC. 4. NORTH AMERICAN WETLANDS CONSERVATION ACT REAUTHORIZATION.

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

SEC. 5. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT REAUTHORIZATION.

(a) Board of Directors of the Foundation.—
(1) In General.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

   (A) in subsection (b)—

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

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

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

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

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

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

   (B) in subsection (g)(2)—

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

Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

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

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

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

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

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

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

(1) in subsection (c)—
(A) by striking “(c) Powers.—To carry out its purposes under” and inserting the following:

“(c) Powers.—

“(1) In general.—To carry out the purposes described in”;

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

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

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

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;
(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

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

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

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

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.
“(B) Encumbered real property.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

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

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

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

(e) Authorization of Appropriations.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

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

“(1) In general.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2016 through 2020—

“(A) $15,000,000 to the Secretary of the Interior;
“(B) $5,000,000 to the Secretary of Agriculture; and

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

(2) in subsection (b)—

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

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

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

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the manage-
ment of amounts received under this para-

(B) in paragraph (2)—

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

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

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

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

“(i) to address an environmental
emergency resulting from a natural or
other disaster; or
“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

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

(3) by adding at the end the following:

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

sources.”.

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

fore “authority”.

SEC. 6. NEOTROPICAL MIGRATORY BIRD CONSERVATION
ACT REAUTHORIZATION.

The Neotropical Migratory Bird Conservation Act is
amended—

(1) in section 9(c)(2) (16 U.S.C. 6108(c)(2)),

by striking “3” and inserting “4”; and

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

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appro-

priated to carry out this Act $6,500,000 for each of fiscal
years 2016 through 2020.

“(b) USE OF FUNDS.—Of the amounts made avail-
able under subsection (a) for each fiscal year, not less than
75 percent shall be expended for projects carried out at
a location outside of the United States.”.
SEC. 7. PARTNERS FOR FISH AND WILDLIFE PROGRAM ACT

REAUTHORIZATION.

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

SEC. 8. MAKING PUBLIC LANDS PUBLIC.

(a) AVAILABILITY OF FUNDS.—Section 200303 of title 54, United States Code, is amended to read as follows:

“§ 200303. Availability of funds for certain projects

“Notwithstanding any other provision of this Act, the Secretary and the Secretary of Agriculture shall ensure that, of the amounts appropriated for the fund for each fiscal year, not less than the greater of 1.5 percent of the amounts or $10,000,000 shall be made available for projects that secure public access to Federal land for hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions from willing sellers.”.

(b) CONFORMING AMENDMENTS.—

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

(2) CONTRACTS FOR ACQUISITION OF LAND AND WATER.—Section 200308 of title 54, United States Code, is amended by striking “Nothing in this chapter shall”—
States Code, is amended in the first sentence, by
striking “by section 200303 of this title”.

(3) **Contracts for options to acquire**
**land and water in system.**—Section 200309 of
title 54, United States Code, is amended in the third
sentence by striking “by section 200303 of this
title”.

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