

**Calendar No. 237**115TH CONGRESS  
1ST SESSION**S. 1514****[Report No. 115-168]**

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

Mr. BARRASSO (for himself, Mr. CARDIN, Mr. BOOZMAN, Ms. KLOBUCHAR, Mrs. CAPITO, Ms. BALDWIN, Mr. ENZI, Mr. KING, Mr. JOHNSON, Mr. INHOFE, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 5, 2017

Reported by Mr. BARRASSO, with an amendment

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

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hunting Heritage and  
3 Environmental Legacy Preservation for Wildlife Act” or  
4 the “HELP for Wildlife Act”.

5 **SEC. 2. TARGET PRACTICE AND MARKSMANSHIP.**

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

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

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

15 (2) is open to the public;

16 (3) may be supervised; and

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

19 (c) **AMENDMENTS TO PITTMAN-ROBERTSON WILD-  
20 LIFE RESTORATION ACT.**—

21 (1) **DEFINITIONS.**—Section 2 of the Pittman-  
22 Robertson Wildlife Restoration Act (16 U.S.C.  
23 669a) is amended—

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

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

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

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

7           “(B) is open to the public;

8           “(C) may be supervised; and

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

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

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

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

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

21           (B) in paragraph (1) (as so designated), in  
22 the first sentence, by striking “construction, op-  
23 eration,” and inserting “operation”;

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

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

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

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

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

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

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

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

21          “~~(3)~~ ALLOCATION OF ADDITIONAL AMOUNTS.—  
22          Of the amount apportioned to a State for any fiscal  
23          year under section 4(b), the State may elect to allo-  
24          cate not more than 10 percent, to be combined with  
25          the amount apportioned to the State under para-

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

3 (B) by striking subsection (b) and insert-  
4 ing the following:

5 “(b) COST SHARING.—

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

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

18 (C) in subsection (c)(1)—

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

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

23 (ii) by adding at the end the fol-  
24 lowing:

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

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

17          **SEC. 3. BAITING OF MIGRATORY GAME BIRDS.**

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

21                 “(b) PROHIBITION OF BAITING.—

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

23                                 “(A) BAITED AREA.—

24   “(i) IN GENERAL.—The term ‘baited  
 25   area’ means—

1           “(I) any area on which salt,  
2           grain, or other feed has been placed,  
3           exposed, deposited, distributed, or  
4           scattered; if the salt, grain, or feed  
5           could lure or attract migratory game  
6           birds; and

7           “(II) in the case of waterfowl,  
8           cranes (family Gruidae), and coots  
9           (family Rallidae), a standing,  
10          unharvested crop that has been ma-  
11          nipulated through activities such as  
12          mowing, discing, or rolling, unless the  
13          activities are normal agricultural prac-  
14          tices.

15          “(ii) EXCLUSIONS.—An area shall not  
16          be considered to be a ‘baited area’ if the  
17          area—

18                 “(I) has been treated with a nor-  
19                 mal agricultural practice;

20                 “(II) has standing crops that  
21                 have not been manipulated; or

22                 “(III) has standing crops that  
23                 have been or are flooded.

24          “(B) BAITING.—The term ‘baiting’ means  
25          the direct or indirect placing, exposing, depos-

1           iting, distributing, or scattering of salt, grain,  
 2           or other feed that could lure or attract migra-  
 3           tory game birds to, on, or over any areas on  
 4           which a hunter is attempting to take migratory  
 5           game birds.

6           “(C) **MIGRATORY GAME BIRD.**—The term  
 7           ‘migratory game bird’ means migratory bird  
 8           species—

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

12          “(ii) for which open seasons are pre-  
 13          scribed by the Secretary of the Interior.

14          “(D) **NORMAL AGRICULTURAL PRAC-**  
 15          **TICE.**—

16          “(i) **IN GENERAL.**—The term ‘normal  
 17          agricultural practice’ means any practice in  
 18          1 annual growing season that—

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

23                  “(II) is recommended for the  
 24                  successful harvest of a given crop by  
 25                  the applicable State office of the Co-



1           operative Extension System of the De-  
2           partment of Agriculture, in consulta-  
3           tion with, and if requested, the con-  
4           currence of, the head of the applicable  
5           State department of fish and wildlife.

6           “(ii) INCLUSIONS.—

7                   “(I) IN GENERAL.—Subject to  
8           subclause (II), the term ‘normal agri-  
9           cultural practice’ includes the destruc-  
10          tion of a crop in accordance with  
11          practices required by the Federal  
12          Crop Insurance Corporation for agri-  
13          cultural producers to obtain crop in-  
14          surance under the Federal Crop In-  
15          surance Act (7 U.S.C. 1501 et seq.)  
16          on land on which a crop during the  
17          current or immediately preceding crop  
18          year was not harvestable due to a nat-  
19          ural disaster (including any hurricane,  
20          storm, tornado, flood, high water,  
21          wind-driven water, tidal wave, tsu-  
22          nami, earthquake, volcanic eruption,  
23          landslide, mudslide, drought, fire,  
24          snowstorm, or other catastrophe that  
25          is declared a major disaster by the

1 President in accordance with section  
2 401 of the Robert T. Stafford Dis-  
3 aster Relief and Emergency Assist-  
4 ance Act (42 U.S.C. 5170)).

5 “(H) LIMITATIONS.—The term  
6 ‘normal agricultural practice’ only in-  
7 cludes a crop described in subclause  
8 (I) that has been destroyed or manip-  
9 ulated through activities that include  
10 (but are not limited to) mowing,  
11 discing, or rolling if the Federal Crop  
12 Insurance Corporation certifies that  
13 flooding was not an acceptable method  
14 of destruction to obtain crop insur-  
15 ance under the Federal Crop Insur-  
16 ance Act (7 U.S.C. 1501 et seq.).

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

19 “(2) PROHIBITION.—It shall be unlawful for  
20 any person—

21 “(A) to take any migratory game bird by  
22 baiting or on or over any baited area, if the  
23 person knows or reasonably should know that  
24 the area is a baited area; or

1           “(B) to place or direct the placement of  
2           bait on or adjacent to an area for the purpose  
3           of causing, inducing, or allowing any person to  
4           take or attempt to take any migratory game  
5           bird by baiting or on or over the baited area.

6           “(3) REGULATIONS.—The Secretary of the In-  
7           terior may promulgate regulations to implement this  
8           subsection.

9           “(4) REPORTS.—Annually, the Secretary of Ag-  
10          riculture shall submit to the Secretary of the Inte-  
11          rior a report that describes any changes to normal  
12          agricultural practices across the range of crops  
13          grown by agricultural producers in each region of  
14          the United States in which the recommendations are  
15          provided to agricultural producers.”.

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

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

20                 (1) by striking “(3) in lieu of” and inserting  
21          the following:

22                 “(3) PROVISION OF FUNDS OR CONVEYANCE OF  
23          REAL PROPERTY INTEREST.—

24                         “(A) IN GENERAL.—In lieu of”;

1           (2) in the second sentence, by striking “The  
2 Secretary shall” and inserting the following:

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

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

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

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

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

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

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

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

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

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

8 “(6) \$50,000,000 for each of fiscal years 2018  
 9 through 2022.”.

10 **SEC. 5. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**  
 11 **TABLISHMENT ACT.**

12 (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

16 (A) in subsection (b)—

17 (i) by striking paragraph (2) and in-  
 18 sserting the following:

19 “(2) IN GENERAL.—After consulting with the  
 20 Secretary of Commerce and considering the rec-  
 21 ommendations submitted by the Board, the Sec-  
 22 retary of the Interior shall appoint 28 Directors  
 23 who, to the maximum extent practicable, shall—

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

4           “(B) represent a balance of expertise in  
5 ocean, coastal, freshwater, and terrestrial re-  
6 source conservation.”; and

7           (ii) by striking paragraph (3) and in-  
8 serting the following:

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

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

13           (i) in subparagraph (A), by striking  
14 “(A) Officers and employees may not be  
15 appointed until the Foundation has suffi-  
16 cient funds to pay them for their service.  
17 Officers” and inserting the following:

18           “(A) IN GENERAL.—Officers”; and

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

21           “(B) EXECUTIVE DIRECTOR.—The Foun-  
22 dation shall have an Executive Director who  
23 shall be—

1           “(i) appointed by, and serve at the di-  
2           rection of, the Board as the chief executive  
3           officer of the Foundation; and

4           “(ii) knowledgeable and experienced in  
5           matters relating to fish and wildlife con-  
6           servation.”.

7           (2) CONFORMING AMENDMENT.—Section  
8           4(a)(1)(B) of the North American Wetlands Con-  
9           servation Act (16 U.S.C. 4403(a)(1)(B)) is amended  
10          by striking “Secretary of the Board” and inserting  
11          “Executive Director of the Board”.

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

15                 (1) in subsection (c)—

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

19                         “(c) POWERS.—

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

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

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

8           (~~D~~) in subparagraph (~~E~~) (as redesignated  
9 by subparagraph (~~B~~)), by striking “paragraph  
10 (~~3~~) or (~~4~~)” and inserting “subparagraph (~~C~~) or  
11 (~~D~~)”;

12           (~~E~~) in subparagraph (~~J~~) (as redesignated  
13 by subparagraph (~~B~~)), by striking “and” at the  
14 end;

15           (~~F~~) by striking subparagraph (~~K~~) (as re-  
16 designated by subparagraph (~~B~~)) and inserting  
17 the following:

18           “(~~K~~) to receive and administer restitution  
19 and community service payments; amounts for  
20 mitigation of impacts to natural resources; and  
21 other amounts arising from legal, regulatory, or  
22 administrative proceedings; subject to the con-  
23 dition that the amounts are received or admin-  
24 istered for purposes that further the conserva-



1           tion and management of fish, wildlife, plants,  
2           and other natural resources; and

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

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

7           “~~(2)~~ TREATMENT OF REAL PROPERTY.—

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

15          “~~(B)~~ ENCUMBERED REAL PROPERTY.—A  
16          gift, devise, or bequest may be accepted by the  
17          Foundation even though the gift, devise, or be-  
18          quest is encumbered, restricted, or subject to  
19          beneficial interests of private persons if any  
20          current or future interest in the gift, devise, or  
21          bequest is for the benefit of the Foundation.

22          “~~(3)~~ SAVINGS CLAUSE.—The acceptance and  
23          administration of amounts by the Foundation under  
24          paragraph ~~(1)~~~~(K)~~ does not alter, supersede, or limit

1 any regulatory or statutory requirement associated  
2 with those amounts.”;

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

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

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 10 of the National Fish and Wildlife Foundation Estab-  
8 lishment Act (16 U.S.C. 3709) is amended—

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

11 “(1) IN GENERAL.—There are authorized to be  
12 appropriated to carry out this Act for each of fiscal  
13 years 2018 through 2022—

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

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

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

20 (2) in subsection (b)—

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

23 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

24 “(A) IN GENERAL.—In addition to the  
25 amounts authorized to be appropriated under

1 subsection (a), Federal departments, agencies,  
 2 or instrumentalities are authorized to provide  
 3 funds to the Foundation through Federal finan-  
 4 cial assistance grants and cooperative agree-  
 5 ments, subject to the condition that the  
 6 amounts are used for purposes that further the  
 7 conservation and management of fish, wildlife,  
 8 plants, and other natural resources in accord-  
 9 ance with this Act.

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

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

20 (B) in paragraph (2)—

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

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

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

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

6 ~~“(3) ADMINISTRATION OF AMOUNTS.—~~

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

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

19 ~~“(ii) as determined by the head of the~~  
 20 ~~applicable Federal department, agency, or~~  
 21 ~~instrumentality, to reduce administrative~~  
 22 ~~expenses and expedite the conservation and~~  
 23 ~~management of fish, wildlife, plants, and~~  
 24 ~~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, DEVISES, 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. 6. REAUTHORIZATION OF NEOTROPICAL MIGRATORY**  
2 **BIRD CONSERVATION ACT.**

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

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

7 “(a) IN GENERAL.—There is authorized to be appro-  
8 priated to carry out this Act \$6,500,000 for each of fiscal  
9 years 2018 through 2022.

10 “(b) USE OF FUNDS.—Of the amounts made avail-  
11 able under subsection (a) for each fiscal year, not less than  
12 75 percent shall be expended for projects carried out at  
13 a location outside of the United States.”.

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

16 Before the end of the 60-day period beginning on the  
17 date of enactment of this Act, the Secretary of the Interior  
18 shall reissue the final rule published on December 28,  
19 2011 (76 Fed. Reg. 81666), without regard to any other  
20 provision of statute or regulation that applies to issuance  
21 of such rule. Such reissuance shall not be subject to judi-  
22 cial review.

23 **SEC. 8. REISSUANCE OF FINAL RULE REGARDING GRAY**  
24 **WOLVES IN WYOMING.**

25 The final rule published on September 10, 2012 (77  
26 Fed. Reg. 55530) that was reinstated on March 3, 2017,

1 by the decision of the U.S. Court of Appeals for the Dis-  
2 trict of Columbia (No. 14-5300) and further republished  
3 on May 1, 2017 (82 Fed. Reg. 20284-85) that reinstates  
4 the removal of Federal protections for the gray wolf in  
5 Wyoming under the Endangered Species Act of 1973, as  
6 amended, shall not be subject to judicial review.

7 **SEC. 9. MODIFICATION OF DEFINITION OF SPORT FISHING**  
8 **EQUIPMENT UNDER TOXIC SUBSTANCES**  
9 **CONTROL ACT.**

10 Section 3(2)(B) of the Toxic Substances Control Act  
11 (15 U.S.C. 2602(2)(B)) is amended—

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

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

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

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

1 **SEC. 10. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
 2 **GRAM.**

3 Section 117 of the Federal Water Pollution Control  
 4 Act (~~33~~ U.S.C. 1267) is amended by striking subsection  
 5 (j) and inserting the following:

6 “(j) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 7 is authorized to be appropriated to carry out this section  
 8 \$90,000,000 for each of fiscal years 2018 through 2022.”.

9 **SEC. 11. REAUTHORIZATION OF CHESAPEAKE BAY INITIA-**  
 10 **TIVE ACT OF 1998.**

11 Section 502(c) of the Chesapeake Bay Initiative Act  
 12 of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat.  
 13 2579) is amended by striking “2017” and inserting  
 14 “2023”.

15 **SEC. 12. NATIONAL FISH HABITAT CONSERVATION**  
 16 **THROUGH PARTNERSHIPS.**

17 (a) **PURPOSE.**—The purpose of this section is to en-  
 18 courage partnerships among public agencies and other in-  
 19 terested parties to promote fish conservation—

20 (1) to achieve measurable habitat conservation  
 21 results through strategic actions of Fish Habitat  
 22 Partnerships that lead to better fish habitat condi-  
 23 tions and increased fishing opportunities by—

24 (A) improving ecological conditions;

25 (B) restoring natural processes; or



1           (C) preventing the decline of intact and  
2           healthy systems;

3           (2) to establish a consensus set of national con-  
4           servation strategies as a framework to guide future  
5           actions and investment by Fish Habitat Partner-  
6           ships;

7           (3) to broaden the community of support for  
8           fish habitat conservation by—

9           (A) increasing fishing opportunities;

10          (B) fostering the participation of local  
11          communities, especially young people in local  
12          communities, in conservation activities; and

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

16          (4) to fill gaps in the National Fish Habitat As-  
17          sessment and the associated database of the Na-  
18          tional Fish Habitat Assessment—

19          (A) to empower strategic conservation ac-  
20          tions supported by broadly available scientific  
21          information; and

22          (B) to integrate socioeconomic data in the  
23          analysis to improve the lives of humans in a  
24          manner consistent with fish habitat conserva-  
25          tion goals; and

1           (5) to communicate to the public and conserva-  
2           tion partners—

3                   (A) the conservation outcomes produced  
4                   collectively by Fish Habitat Partnerships; and

5                   (B) new opportunities and voluntary ap-  
6                   proaches for conserving fish habitat.

7           (b) DEFINITIONS.—In this section:

8                   (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9                   TEES.—The term “appropriate congressional com-  
10                  mittees” means—

11                   (A) the Committee on Commerce, Science,  
12                   and Transportation and the Committee on En-  
13                   vironment and Public Works of the Senate; and

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

16                   (2) BOARD.—The term “Board” means the Na-  
17                   tional Fish Habitat Board established by subsection  
18                   (c)(1)(A).

19                   (3) DIRECTOR.—The term “Director” means  
20                   the Director of the United States Fish and Wildlife  
21                   Service.

22                   (4) EPA ASSISTANT ADMINISTRATOR.—The  
23                   term “EPA Assistant Administrator” means the As-  
24                   sistant Administrator for Water of the Environ-  
25                   mental Protection Agency.

1           (5) INDIAN TRIBE.—The term “Indian tribe”  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).

5           (6) NOAA ASSISTANT ADMINISTRATOR.—The  
6           term “NOAA Assistant Administrator” means the  
7           Assistant Administrator for Fisheries of the Na-  
8           tional Oceanic and Atmospheric Administration.

9           (7) PARTNERSHIP.—The term “Partnership”  
10          means a self-governed entity designated by Congress  
11          as a Fish Habitat Partnership under subsection  
12          (d)(6) after a recommendation by the Board under  
13          subsection (d)(1).

14          (8) REAL PROPERTY INTEREST.—The term  
15          “real property interest” means an ownership interest  
16          in—

17                       (A) land; or

18                       (B) water (including water rights).

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

21          (10) STATE.—The term “State” means each of  
22          the several States.

23          (11) STATE AGENCY.—The term “State agen-  
24          cy” means—

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

3           (B) any department or division of a de-  
4           partment or agency of a State that manages in  
5           the public trust the inland or marine fishery re-  
6           sources or sustains the habitat for those fishery  
7           resources of the State pursuant to State law or  
8           the constitution of the State.

9           (c) NATIONAL FISH HABITAT BOARD.—

10           (1) ESTABLISHMENT.—

11           (A) FISH HABITAT BOARD.—There is es-  
12           tablished a board, to be known as the “National  
13           Fish Habitat Board”, whose duties are—

14                   (i) to promote, oversee, and coordinate  
15                   the implementation of this section;

16                   (ii) to establish national goals and pri-  
17                   orities for fish habitat conservation;

18                   (iii) to recommend to Congress enti-  
19                   ties for designation as Partnerships; and

20                   (iv) to review and make recommenda-  
21                   tions regarding fish habitat conservation  
22                   projects.

23           (B) MEMBERSHIP.—The Board shall be  
24           composed of 25 members, of whom—

1 (i) 1 shall be a representative of the  
2 Department of the Interior;

3 (ii) 1 shall be a representative of the  
4 United States Geological Survey;

5 (iii) 1 shall be a representative of the  
6 Department of Commerce;

7 (iv) 1 shall be a representative of the  
8 Department of Agriculture;

9 (v) 1 shall be a representative of the  
10 Association of Fish and Wildlife Agencies;

11 (vi) 4 shall be representatives of State  
12 agencies, 1 of whom shall be nominated by  
13 a regional association of fish and wildlife  
14 agencies from each of the Northeast,  
15 Southeast, Midwest, and Western regions  
16 of the United States;

17 (vii) 1 shall be a representative of ei-  
18 ther—

19 (I) Indian tribes in the State of  
20 Alaska; or

21 (II) Indian tribes in States other  
22 than the State of Alaska;

23 (viii) 1 shall be a representative of ei-  
24 ther—

1           (I) the Regional Fishery Manage-  
2           ment Councils established under sec-  
3           tion 302 of the Magnuson-Stevens  
4           Fishery Conservation and Manage-  
5           ment Act (16 U.S.C. 1852); or

6           (II) a representative of the Ma-  
7           rine Fisheries Commissions, which is  
8           composed of—

9                   (aa) the Atlantic States Ma-  
10                  rine Fisheries Commission;

11                   (bb) the Gulf States Marine  
12                  Fisheries Commission; and

13                   (cc) the Pacific States Ma-  
14                  rine Fisheries Commission;

15           (ix) 1 shall be a representative of the  
16           Sportfishing and Boating Partnership  
17           Council;

18           (x) 7 shall be representatives selected  
19           from each of—

20                   (I) the recreational sportfishing  
21                  industry;

22                   (II) the commercial fishing in-  
23                  dustry;

24                   (III) marine recreational anglers;

1                   (IV) freshwater recreational an-  
2                   glers;

3                   (V) habitat conservation organi-  
4                   zations; and

5                   (VI) science-based fishery organi-  
6                   zations;

7                   (xi) 1 shall be a representative of a  
8                   national private landowner organization;

9                   (xii) 1 shall be a representative of an  
10                  agricultural production organization;

11                  (xiii) 1 shall be a representative of  
12                  local government interests involved in fish  
13                  habitat restoration;

14                  (xiv) 2 shall be representatives from  
15                  different sectors of corporate industries,  
16                  which may include—

17                   (I) natural resource commodity  
18                   interests, such as petroleum or min-  
19                   eral extraction;

20                   (II) natural resource user indus-  
21                   tries; and

22                   (III) industries with an interest  
23                   in fish and fish habitat conservation;  
24                   and

1           ~~(xv)~~ 1 shall be a leadership private  
2           sector or landowner representative of an  
3           active partnership.

4           ~~(C)~~ COMPENSATION.—A member of the  
5           Board shall serve without compensation.

6           ~~(D)~~ TRAVEL EXPENSES.—A member of the  
7           Board may be allowed travel expenses, includ-  
8           ing per diem in lieu of subsistence, at rates au-  
9           thorized for an employee of an agency under  
10          subchapter I of chapter 57 of title 5, United  
11          States Code, while away from the home or reg-  
12          ular place of business of the member in the per-  
13          formance of the duties of the Board.

14          ~~(2)~~ APPOINTMENT AND TERMS.—

15          ~~(A)~~ IN GENERAL.—Except as otherwise  
16          provided in this subsection, a member of the  
17          Board described in any of clauses ~~(vi)~~ through  
18          ~~(xiv)~~ of paragraph ~~(1)(B)~~ shall serve for a term  
19          of  $\frac{3}{4}$  years.

20          ~~(B)~~ INITIAL BOARD MEMBERSHIP.—

21          ~~(i)~~ IN GENERAL.—The initial Board  
22          will consist of representatives as described  
23          in clauses ~~(i)~~ through ~~(vi)~~ of paragraph  
24          ~~(1)(B)~~.



1           (ii) REMAINING MEMBERS.—Not later  
 2 than 60 days after the date of enactment  
 3 of this Act, the representatives of the ini-  
 4 tial Board pursuant to clause (i) shall ap-  
 5 point the remaining members of the Board  
 6 described in clauses (viii) through (xiv) of  
 7 paragraph (1)(B).

8           (iii) TRIBAL REPRESENTATIVES.—Not  
 9 later than 60 days after the enactment of  
 10 this Act, the Secretary shall provide to the  
 11 Board a recommendation of not fewer than  
 12  $\frac{3}{4}$  tribal representatives, from which the  
 13 Board shall appoint  $\frac{1}{4}$  representative pur-  
 14 suant to clause (vii) of paragraph (1)(B).

15       (C) TRANSITIONAL TERMS.—Of the mem-  
 16 bers described in paragraph (1)(B)(x) initially  
 17 appointed to the Board—

18           (i)  $\frac{2}{3}$  shall be appointed for a term of  
 19  $\frac{1}{2}$  year;

20           (ii)  $\frac{2}{3}$  shall be appointed for a term of  
 21  $\frac{2}{3}$  years; and

22           (iii)  $\frac{1}{3}$  shall be appointed for a term of  
 23  $\frac{3}{4}$  years.

24       (D) VACANCIES.—

1           (i) IN GENERAL.—A vacancy of a  
2           member of the Board described in any of  
3           clauses (viii) through (xiv) of paragraph  
4           (1)(B) shall be filled by an appointment  
5           made by the remaining members of the  
6           Board.

7           (ii) TRIBAL REPRESENTATIVES.—Fol-  
8           lowing a vacancy of a member of the  
9           Board described in clause (vii) of para-  
10          graph (1)(B), the Secretary shall rec-  
11          ommend to the Board a list of not fewer  
12          than 3 tribal representatives, from which  
13          the remaining members of the Board shall  
14          appoint a representative to fill the vacancy.

15          (E) CONTINUATION OF SERVICE.—An indi-  
16          vidual whose term of service as a member of the  
17          Board expires may continue to serve on the  
18          Board until a successor is appointed.

19          (F) REMOVAL.—If a member of the Board  
20          described in any of clauses (viii) through (xiv)  
21          of paragraph (1)(B) misses 3 consecutive regu-  
22          larly scheduled Board meetings, the members of  
23          the Board may—

24                 (i) vote to remove that member; and

1                   (ii) appoint another individual in ac-  
2                   cordance with subparagraph (D).

3           ~~(3) CHAIRPERSON.—~~

4                   (A) ~~IN GENERAL.—~~The representative of  
5                   the Association of Fish and Wildlife Agencies  
6                   appointed pursuant to paragraph ~~(1)(B)(v)~~  
7                   shall serve as Chairperson of the Board.

8                   (B) ~~TERM.—~~The Chairperson of the Board  
9                   shall serve for a term of ~~3~~ years.

10          ~~(4) MEETINGS.—~~

11                   (A) ~~IN GENERAL.—~~The Board shall  
12                   meet—

13                               (i) at the call of the Chairperson; but

14                               (ii) not less frequently than twice each  
15                   calendar year.

16                   (B) ~~PUBLIC ACCESS.—~~All meetings of the  
17                   Board shall be open to the public.

18          ~~(5) PROCEDURES.—~~

19                   (A) ~~IN GENERAL.—~~The Board shall estab-  
20                   lish procedures to carry out the business of the  
21                   Board, including—

22                               (i) a requirement that a quorum of  
23                   the members of the Board be present to  
24                   transact business;

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

5           (iii) procedures for establishing na-  
6           tional goals and priorities for fish habitat  
7           conservation for the purposes of this sec-  
8           tion;

9           (iv) procedures for designating Part-  
10          nerships under subsection (d); and

11          (v) procedures for reviewing, evalu-  
12          ating, and making recommendations re-  
13          garding fish habitat conservation projects.

14          (B) QUORUM.—A majority of the members  
15          of the Board shall constitute a quorum.

16          (d) FISH HABITAT PARTNERSHIPS.—

17           (1) AUTHORITY TO RECOMMEND.—The Board  
18           may recommend to Congress the designation of Fish  
19           Habitat Partnerships in accordance with this sub-  
20           section.

21           (2) PURPOSES.—The purposes of a Partnership  
22           shall be—

23           (A) to work with other regional habitat  
24           conservation programs to promote cooperation

1 and coordination to enhance fish and fish habi-  
2 tats;

3 (B) to engage local and regional commu-  
4 nities to build support for fish habitat conserva-  
5 tion;

6 (C) to involve diverse groups of public and  
7 private partners;

8 (D) to develop collaboratively a strategic  
9 vision and achievable implementation plan that  
10 is scientifically sound;

11 (E) to leverage funding from sources that  
12 support local and regional partnerships;

13 (F) to use adaptive management prin-  
14 ciples, including evaluation of project success  
15 and functionality;

16 (G) to develop appropriate local or regional  
17 habitat evaluation and assessment measures  
18 and criteria that are compatible with national  
19 habitat condition measures; and

20 (H) to implement local and regional pri-  
21 ority projects that improve conditions for fish  
22 and fish habitat.

23 (3) CRITERIA FOR DESIGNATION.—An entity  
24 seeking to be designated by Congress as a Partner-  
25 ship shall—

1           (A) submit to the Board an application at  
2 such time, in such manner, and containing such  
3 information as the Board may reasonably re-  
4 quire; and

5           (B) demonstrate to the Board that the en-  
6 tity has—

7                   (i) a focus on promoting the health of  
8 important fish and fish habitats;

9                   (ii) an ability to coordinate the imple-  
10 mentation of priority projects that support  
11 the goals and national priorities set by the  
12 Board that are within the Partnership  
13 boundary;

14                   (iii) a self-governance structure that  
15 supports the implementation of strategic  
16 priorities for fish habitat;

17                   (iv) the ability to develop local and re-  
18 gional relationships with a broad range of  
19 entities to further strategic priorities for  
20 fish and fish habitat;

21                   (v) a strategic plan that details re-  
22 quired investments for fish habitat con-  
23 servation that addresses the strategic fish  
24 habitat priorities of the Partnership and

1 supports and meets the strategic priorities  
2 of the Board;

3 (vi) the ability to develop and imple-  
4 ment fish habitat conservation projects  
5 that address strategic priorities of the  
6 Partnership and the Board; and

7 (vii) the ability to develop fish habitat  
8 conservation priorities based on sound  
9 science and data; the ability to measure  
10 the effectiveness of fish habitat projects of  
11 the Partnership; and a clear plan as to  
12 how Partnership science and data compo-  
13 nents will be integrated with the overall  
14 Board science and data effort.

15 (4) ~~REQUIREMENTS FOR RECOMMENDATION TO~~  
16 ~~CONGRESS.~~—The Board may recommend to Con-  
17 gress for designation an application for a Partner-  
18 ship submitted under paragraph (3)(A) if the Board  
19 determines that the applicant—

20 (A) meets the criteria described in para-  
21 graph (3)(B);

22 (B) identifies representatives to provide  
23 support and technical assistance to the Partner-  
24 ship from a diverse group of public and private  
25 partners, which may include State or local gov-

1           ernments, nonprofit entities, Indian tribes, and  
2           private individuals, that are focused on con-  
3           servation of fish habitats to achieve results  
4           across jurisdictional boundaries on public and  
5           private land;

6           (C) is organized to promote the health of  
7           important fish species and important fish habi-  
8           tats, including reservoirs, natural lakes, coastal  
9           and marine environments, and estuaries;

10          (D) identifies strategic fish and fish habi-  
11          tat priorities for the Partnership area in the  
12          form of geographical focus areas or key  
13          stressors or impairments to facilitate strategic  
14          planning and decisionmaking;

15          (E) is able to address issues and priorities  
16          on a nationally significant scale;

17          (F) includes a governance structure that—

18               (i) reflects the range of all partners;

19               and

20               (ii) promotes joint strategic planning

21               and decisionmaking by the applicant;

22          (G) demonstrates completion of, or signifi-  
23          cant progress toward the development of, a  
24          strategic plan to address the decline in fish pop-  
25          ulations, rather than simply treating symptoms;



1 in accordance with the goals and national prior-  
2 ities established by the Board; and

3 (H) promotes collaboration in developing a  
4 strategic vision and implementation program  
5 that is scientifically sound and achievable.

6 (5) REPORT TO CONGRESS.—

7 (A) IN GENERAL.—Not later than Feb-  
8 ruary 1 of the first fiscal year beginning after  
9 the date of enactment of this Act and each Feb-  
10 ruary 1 thereafter, the Board shall develop and  
11 submit to the appropriate congressional com-  
12 mittees an annual report, to be entitled “Report  
13 to Congress on Future Fish Habitat Partner-  
14 ships and Modifications”, that—

15 (i) identifies any entity that—

16 (I) meets the requirements de-  
17 scribed in paragraph (4); and

18 (II) the Board recommends for  
19 designation as a Partnership;

20 (ii) describes any proposed modifica-  
21 tions to a Partnership previously des-  
22 ignated by Congress under paragraph (6);

23 (iii) with respect to each entity rec-  
24 ommended for designation as a Partner-

1 ship; describes, to the maximum extent  
2 practicable—

3 (I) the purpose of the rec-  
4 ommended Partnership; and

5 (II) how the recommended Part-  
6 nership fulfills the requirements de-  
7 scribed in paragraph (4).

8 (B) PUBLIC AVAILABILITY; NOTIFICA-  
9 TION.—The Board shall—

10 (i) make the report publicly available,  
11 including on the Internet; and

12 (ii) provide to the appropriate con-  
13 gressional committees and the State agen-  
14 cy of any State included in a recommended  
15 Partnership area written notification of the  
16 public availability of the report.

17 (6) DESIGNATION OR MODIFICATION OF PART-  
18 NERSHIP.—Congress shall have the sole authority to  
19 designate or modify a Partnership.

20 (7) EXISTING PARTNERSHIPS.—

21 (A) DESIGNATION REVIEW.—Not later  
22 than 5 years after the date of enactment of this  
23 Act, any fish habitat partnership receiving Fed-  
24 eral funds as of the date of enactment of this  
25 Act shall be subject to a designation review by

1 Congress in which Congress shall have the op-  
2 portunity to designate the partnership under  
3 paragraph (6).

4 (B) INELIGIBILITY FOR FEDERAL  
5 FUNDS.—A partnership referred to in subpara-  
6 graph (A) that Congress does not designate as  
7 described in that subparagraph shall be ineli-  
8 gible to receive Federal funds under this sec-  
9 tion.

10 (c) FISH HABITAT CONSERVATION PROJECTS.—

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

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

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

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

3 (A) A recommendation of the Partnership  
4 that is, or will be, participating actively in im-  
5 plementing the fish habitat conservation  
6 project.

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

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

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

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

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

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

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

3           (vi) leverages other funds to imple-  
4 ment the project;

5           (vii) addresses the causes and proe-  
6 cesses behind the decline of fish or fish  
7 habitats; and

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

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

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

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

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

1 (iii) increases public access to land or  
2 water for fish and wildlife-dependent rec-  
3 reational opportunities;

4 (iv) advances the conservation of fish  
5 and wildlife species that have been identi-  
6 fied by the States as species of greatest  
7 conservation need;

8 (v) where appropriate, advances the  
9 conservation of fish and fish habitats  
10 under the Magnuson-Stevens Fishery Con-  
11 servation and Management Act (16 U.S.C.  
12 1801 et seq.) and other relevant Federal  
13 law and State wildlife action plans; and

14 (vi) promotes strong and healthy fish  
15 habitats so that desired biological commu-  
16 nities are able to persist and adapt.

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

19 (4) LIMITATIONS.—

20 (A) REQUIREMENTS FOR EVALUATION.—

21 No fish habitat conservation project may be  
22 recommended by the Board under paragraph  
23 (2) or provided financial assistance under this  
24 section unless the fish habitat conservation

1 project includes an evaluation plan designed  
2 using applicable Board guidance—

3 (i) to appropriately assess the biologi-  
4 cal, ecological, or other results of the habi-  
5 tat protection, restoration, or enhancement  
6 activities carried out using the assistance;

7 (ii) to reflect appropriate changes to  
8 the fish habitat conservation project if the  
9 assessment substantiates that the fish  
10 habitat conservation project objectives are  
11 not being met;

12 (iii) to identify improvements to exist-  
13 ing fish populations, recreational fishing  
14 opportunities and the overall economic ben-  
15 efits for the local community of the fish  
16 habitat conservation project; and

17 (iv) to require the submission to the  
18 Board of a report describing the findings  
19 of the assessment.

20 (B) ACQUISITION AUTHORITIES.—

21 (i) IN GENERAL.—A State, local gov-  
22 ernment, or other non-Federal entity is eli-  
23 gible to receive funds for the acquisition of  
24 real property from willing sellers under

1 this section if the acquisition ensures 1  
2 of—

3 (I) public access for compatible  
4 fish and wildlife-dependent recreation;  
5 or

6 (II) a scientifically based, direct  
7 enhancement to the health of fish and  
8 fish populations, as determined by the  
9 Board.

10 (ii) STATE AGENCY APPROVAL.—

11 (I) IN GENERAL.—All real prop-  
12 erty interest acquisition projects fund-  
13 ed under this section are required to  
14 be approved by the State agency in  
15 the State in which the project is oc-  
16 ccurring.

17 (II) PROHIBITION.—The Board  
18 may not recommend, and the Sec-  
19 retary may not provide any funding  
20 for, any real property interest acqui-  
21 sition that has not been approved by  
22 the State agency.

23 (iii) ASSESSMENT OF OTHER AU-  
24 THORITIES.—The Fish Habitat Partner-  
25 ship shall conduct a project assessment,



1 submitted with the funding request and  
2 approved by the Board, to demonstrate all  
3 other Federal, State, and local authorities  
4 for the acquisition of real property have  
5 been exhausted.

6 (iv) RESTRICTIONS.—A real property  
7 interest may not be acquired pursuant to a  
8 fish habitat conservation project by a  
9 State, local government, or other non-Fed-  
10 eral entity, unless—

11 (I) the owner of the real property  
12 authorizes the State, local govern-  
13 ment, or other non-Federal entity to  
14 acquire the real property; and

15 (II) the Secretary and the Board  
16 determine that the State, local govern-  
17 ment, or other non-Federal entity  
18 would benefit from undertaking the  
19 management of the real property  
20 being acquired because that is in ae-  
21 cordance with the goals of a partner-  
22 ship.

23 (5) NON-FEDERAL CONTRIBUTIONS.—

24 (A) IN GENERAL.—Except as provided in  
25 subparagraph (B), no fish habitat conservation

1 project may be recommended by the Board  
2 under paragraph (2) or provided financial as-  
3 sistance under this section unless at least 50  
4 percent of the cost of the fish habitat conserva-  
5 tion project will be funded with non-Federal  
6 funds.

7 (B) NON-FEDERAL SHARE.—The non-Fed-  
8 eral share of the cost of a fish habitat conserva-  
9 tion project—

10 (i) may not be derived from another  
11 Federal grant program; but

12 (ii) may include in-kind contributions  
13 and cash.

14 (C) SPECIAL RULE FOR INDIAN TRIBES.—  
15 Notwithstanding subparagraph (A) or any other  
16 provision of law, any funds made available to  
17 an Indian tribe pursuant to this section may be  
18 considered to be non-Federal funds for the pur-  
19 pose of subparagraph (A).

20 (6) APPROVAL.—

21 (A) IN GENERAL.—Not later than 90 days  
22 after the date of receipt of the recommended  
23 priority list of fish habitat conservation projects  
24 under paragraph (2), subject to the limitations  
25 of paragraph (4), and based, to the maximum

1 extent practicable, on the criteria described in  
2 paragraph (3), the Secretary, after consulting  
3 with the Secretary of Commerce on marine or  
4 estuarine projects, shall approve or reject any  
5 fish habitat conservation project recommended  
6 by the Board.

7 (B) FUNDING.—If the Secretary approves  
8 a fish habitat conservation project under sub-  
9 paragraph (A), the Secretary shall use amounts  
10 made available to carry out this section to pro-  
11 vide funds to carry out the fish habitat con-  
12 servation project.

13 (C) NOTIFICATION.—If the Secretary re-  
14 jects any fish habitat conservation project rec-  
15 ommended by the Board under paragraph (2),  
16 not later than 180 days after the date of receipt  
17 of the recommendation, the Secretary shall pro-  
18 vide to the Board, the appropriate Partnership,  
19 and the appropriate congressional committees a  
20 written statement of the reasons that the Sec-  
21 retary rejected the fish habitat conservation  
22 project.

23 (f) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

24 (1) IN GENERAL.—The Director, the NOAA  
25 Assistant Administrator, the EPA Assistant Admin-

1       istrator, and the Director of the United States Geo-  
2       logical Survey, in coordination with the Forest Serv-  
3       ice and other appropriate Federal departments and  
4       agencies, may provide scientific and technical assist-  
5       ance to the Partnerships, participants in fish habitat  
6       conservation projects, and the Board.

7           (2) INCLUSIONS.—Scientific and technical as-  
8       sistance provided pursuant to paragraph (1) may in-  
9       clude—

10           (A) providing technical and scientific as-  
11       sistance to States, Indian tribes, regions, local  
12       communities, and nongovernmental organiza-  
13       tions in the development and implementation of  
14       Partnerships;

15           (B) providing technical and scientific as-  
16       sistance to Partnerships for habitat assessment,  
17       strategic planning, and prioritization;

18           (C) supporting the development and imple-  
19       mentation of fish habitat conservation projects  
20       that are identified as high priorities by Partner-  
21       ships and the Board;

22           (D) supporting and providing recommenda-  
23       tions regarding the development of science-  
24       based monitoring and assessment approaches  
25       for implementation through Partnerships;

1           ~~(E)~~ supporting and providing recommenda-  
2           tions for a national fish habitat assessment;

3           ~~(F)~~ ensuring the availability of experts to  
4           assist in conducting scientifically based evalua-  
5           tion and reporting of the results of fish habitat  
6           conservation projects; and

7           ~~(G)~~ providing resources to secure state  
8           agency scientific and technical assistance to  
9           support Partnerships, participants in fish habi-  
10          tat conservation projects, and the Board.

11          ~~(g)~~ COORDINATION WITH STATES AND INDIAN  
12          TRIBES.—The Secretary shall provide a notice to, and co-  
13          operate with, the appropriate State agency or tribal agen-  
14          cy, as applicable, of each State and Indian tribe within  
15          the boundaries of which an activity is planned to be ear-  
16          ried out pursuant to this section, including notification,  
17          by not later than 30 days before the date on which the  
18          activity is implemented.

19          ~~(h)~~ INTERAGENCY OPERATIONAL PLAN.—Not later  
20          than 1 year after the date of enactment of this Act, and  
21          every 5 years thereafter, the Director, in cooperation with  
22          the NOAA Assistant Administrator, the EPA Assistant  
23          Administrator, the Director of the United States Geologi-  
24          cal Survey, and the heads of other appropriate Federal  
25          departments and agencies (including at a minimum, those

1 agencies represented on the Board) shall develop an inter-  
2 agency operational plan that describes—

3       (1) the functional, operational, technical, sci-  
4 entific, and general staff, administrative, and mate-  
5 rial needs for the implementation of this section; and

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

9       (i) ACCOUNTABILITY AND REPORTING.—

10       (1) REPORTING.—

11           (A) IN GENERAL.—Not later than 5 years  
12 after the date of enactment of this Act, and  
13 every 5 years thereafter, the Board shall submit  
14 to the appropriate congressional committees a  
15 report describing the progress of this section.

16           (B) CONTENTS.—Each report submitted  
17 under subparagraph (A) shall include—

18           (i) an estimate of the number of  
19 acres, stream miles, or acre-feet, or other  
20 suitable measures of fish habitat, that was  
21 maintained or improved by partnerships of  
22 Federal, State, or local governments, In-  
23 dian tribes, or other entities in the United  
24 States during the 5-year period ending on  
25 the date of submission of the report;

1           (ii) a description of the public access  
2 to fish habitats established or improved  
3 during that 5-year period;

4           (iii) a description of the improved op-  
5 portunities for public recreational fishing;  
6 and

7           (iv) an assessment of the status of  
8 fish habitat conservation projects carried  
9 out with funds provided under this section  
10 during that period, disaggregated by year,  
11 including—

12           (I) a description of the fish habi-  
13 tat conservation projects rec-  
14 ommended by the Board under sub-  
15 section (e)(2);

16           (II) a description of each fish  
17 habitat conservation project approved  
18 by the Secretary under subsection  
19 (e)(6), in order of priority for funding;

20           (III) a justification for—

21           (aa) the approval of each  
22 fish habitat conservation project;  
23 and

1                   (bb) the order of priority for  
2                   funding of each fish habitat con-  
3                   servation project;

4                   (IV) a justification for any rejec-  
5                   tion of a fish habitat conservation  
6                   project recommended by the Board  
7                   under subsection (c)(2) that was  
8                   based on a factor other than the cri-  
9                   teria described in subsection (c)(3);  
10                  and

11                  (V) an accounting of expendi-  
12                  tures by Federal, State, or local gov-  
13                  ernments, Indian tribes, or other enti-  
14                  ties to carry out fish habitat conserva-  
15                  tion projects.

16                  (2) STATUS AND TRENDS REPORT.—Not later  
17                  than December 31, 2018, and every 5 years there-  
18                  after, the Board shall submit to the appropriate con-  
19                  gressional committees a report that includes—

20                         (A) a status of all Partnerships designated  
21                         under this section;

22                         (B) a description of the status of fish habi-  
23                         tats in the United States as identified by estab-  
24                         lished Partnerships; and



1           (C) enhancements or reductions in public  
2 access as a result of—

3           (i) the activities of the Partnerships;

4           or

5           (ii) any other activities carried out  
6 pursuant to this section.

7       (j) EFFECT OF SECTION.—

8           (1) WATER RIGHTS.—Nothing in this section—

9           (A) establishes any express or implied re-  
10 served water right in the United States for any  
11 purpose;

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

14           (C) preempts or affects any State water  
15 law or interstate compact governing water; or

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

19           (2) AUTHORITY TO ACQUIRE WATER RIGHTS OR  
20 RIGHTS TO PROPERTY.—Under this section, only a  
21 State, local government, or other non-Federal entity  
22 may acquire, under State law, water rights or rights  
23 to property.

24           (3) STATE AUTHORITY.—Nothing in this sec-  
25 tion—

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

5           (B) authorizes the Secretary to control or  
6           regulate within a State the fishing or hunting  
7           of fish and wildlife.

8           (4) EFFECT ON INDIAN TRIBES.—Nothing in  
9           this section abrogates, abridges, affects, modifies,  
10          supersedes, or alters any right of an Indian tribe  
11          recognized by treaty or any other means, includ-  
12          ing—

13           (A) an agreement between the Indian tribe  
14           and the United States;

15           (B) Federal law (including regulations);

16           (C) an Executive order; or

17           (D) a judicial decree.

18          (5) ADJUDICATION OF WATER RIGHTS.—Noth-  
19          ing in this section diminishes or affects the ability  
20          of the Secretary to join an adjudication of rights to  
21          the use of water pursuant to subsection (a), (b), or  
22          (c) of section 208 of the Department of Justice Ap-  
23          propriation Act, 1953 (43 U.S.C. 666).

24          (6) DEPARTMENT OF COMMERCE AUTHOR-  
25          ITY.—Nothing in this section affects the authority,

1 jurisdiction, or responsibility of the Department of  
2 Commerce to manage, control, or regulate fish or  
3 fish habitats under the Magnuson-Stevens Fishery  
4 Conservation and Management Act (16 U.S.C. 1801  
5 et seq.):

6 (7) EFFECT ON OTHER AUTHORITIES.—

7 (A) PRIVATE PROPERTY PROTECTION.—

8 Nothing in this section permits the use of funds  
9 made available to carry out this section to ac-  
10 quire real property or a real property interest  
11 without the written consent of each owner of  
12 the real property or real property interest.

13 (B) MITIGATION.—Nothing in this section  
14 permits the use of funds made available to  
15 carry out this section for fish and wildlife miti-  
16 gation purposes under—

17 (i) the Federal Water Pollution Con-  
18 trol Act (33 U.S.C. 1251 et seq.);

19 (ii) the Fish and Wildlife Coordina-  
20 tion Act (16 U.S.C. 661 et seq.);

21 (iii) the Water Resources Develop-  
22 ment Act of 1986 (Public Law 99-662;  
23 100 Stat. 4082); or

24 (iv) any other Federal law or court  
25 settlement.

1           (C) CLEAN WATER ACT.—Nothing in this  
 2           section affects any provision of the Federal  
 3           Water Pollution Control Act (33 U.S.C. 1251 et  
 4           seq.); including any definition in that Act.

5           (k) NONAPPLICABILITY OF FEDERAL ADVISORY  
 6           COMMITTEE ACT.—The Federal Advisory Committee Act  
 7           (5 U.S.C. App.) shall not apply to—

8           (1) the Board; or

9           (2) any Partnership.

10          (h) FUNDING.—

11           (1) AUTHORIZATION OF APPROPRIATIONS.—

12           (A) FISH HABITAT CONSERVATION  
 13           PROJECTS.—There is authorized to be appro-  
 14           priated to the Secretary \$7,200,000 for each of  
 15           fiscal years 2018 through 2022 to provide  
 16           funds for fish habitat conservation projects ap-  
 17           proved under subsection (e)(6), of which 5 per-  
 18           cent shall be made available for each fiscal year  
 19           for projects carried out by Indian tribes.

20           (B) ADMINISTRATIVE AND PLANNING EX-  
 21           PENSES.—There is authorized to be appro-  
 22           priated to the Secretary for each of fiscal years  
 23           2018 through 2022 an amount equal to 5 per-  
 24           cent of the amount appropriated for the appli-

1 eable fiscal year pursuant to subparagraph

2 (A)—

3 (i) for administrative and planning ex-  
4 penses; and

5 (ii) to carry out subsection (i).

6 (C) ~~TECHNICAL AND SCIENTIFIC ASSIST-~~  
7 ~~ANCE.~~—There is authorized to be appropriated  
8 for each of fiscal years 2018 through 2022 to  
9 carry out, and provide technical and scientific  
10 assistance under, subsection (f)—

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

14 (ii) \$500,000 to the NOAA Assistant  
15 Administrator for use by the National Oee-  
16 anic and Atmospheric Administration;

17 (iii) \$500,000 to the EPA Assistant  
18 Administrator for use by the Environ-  
19 mental Protection Agency; and

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

22 (2) ~~AGREEMENTS AND GRANTS.~~—The Secretary  
23 may—

24 (A) on the recommendation of the Board,  
25 and notwithstanding sections 6304 and 6305 of

1 title 31, United States Code, and the Federal  
2 Financial Assistance Management Improvement  
3 Act of 1999 (31 U.S.C. 6101 note; Public Law  
4 106–107), enter into a grant agreement, coop-  
5 erative agreement, or contract with a Partner-  
6 ship or other entity for a fish habitat conserva-  
7 tion project or restoration or enhancement  
8 project;

9 (B) apply for, accept, and use a grant  
10 from any individual or entity to carry out the  
11 purposes of this section; and

12 (C) make funds available to any Federal  
13 department or agency for use by that depart-  
14 ment or agency to provide grants for any fish  
15 habitat protection project, restoration project,  
16 or enhancement project that the Secretary de-  
17 termines to be consistent with this section.

18 ~~(3) DONATIONS.—~~

19 ~~(A) IN GENERAL.—The Secretary may—~~

20 ~~(i) enter into an agreement with any~~  
21 ~~organization described in section 501(c)(3)~~  
22 ~~of the Internal Revenue Code of 1986 that~~  
23 ~~is exempt from taxation under section~~  
24 ~~501(a) of that Code to solicit private dona-~~

1                   tions to carry out the purposes of this sec-  
2                   tion; and

3                   (ii) accept donations of funds, prop-  
4                   erty, and services to carry out the purposes  
5                   of this section.

6                   (B) TREATMENT.—A donation accepted  
7                   under this section—

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

11                  (ii) may be—

12                   (I) used directly by the Sec-  
13                   retary; or

14                   (II) provided to another Federal  
15                   department or agency through an  
16                   interagency agreement.

17                  (m) PROHIBITION AGAINST IMPLEMENTATION OF  
18                  REGULATORY AUTHORITY BY FEDERAL AGENCIES .—

19                  Any Partnership designated under this section—

20                   (1) shall be for the sole purpose of promoting  
21                   fish conservation; and

22                   (2) shall not be used to implement any regu-  
23                   latory authority of any Federal agency.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Hunting Heritage and*  
 3 *Environmental Legacy Preservation for Wildlife Act” or the*  
 4 *“HELP for Wildlife Act”.*

5 **SEC. 2. TARGET PRACTICE AND MARKSMANSHIP.**

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

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

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

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

16 (3) *may be supervised; and*

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

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

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

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



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

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

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

7                   “(B) is open to the public;

8                   “(C) may be supervised; and

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

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

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

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

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

21                  (B) in paragraph (1) (as so designated), in  
 22                  the first sentence, by striking “construction, op-  
 23                  eration,” and inserting “operation”;

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

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

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

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

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

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

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

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

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

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

3                   “(b) *COST SHARING.*—

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

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

14                  (C) in subsection (c)(1)—

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

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

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

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

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

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

12 **SEC. 3. BAITING OF MIGRATORY GAME BIRDS.**

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

16           “(b) *PROHIBITION OF BAITING.—*

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

18                           “(A) *BAITED AREA.—*

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

21   “(I) *any area on which salt,*  
22 *grain, or other feed has been placed,*  
23 *exposed, deposited, distributed, or scat-*  
24 *tered, if the salt, grain, or feed could*

1                    *lure or attract migratory game birds;*  
2                    *and*

3                    “(II) *in the case of waterfowl,*  
4                    *cranes (family Gruidae), and coots*  
5                    *(family Rallidae), a standing,*  
6                    *unharvested crop that has been manip-*  
7                    *ulated through activities such as mow-*  
8                    *ing, discing, or rolling, unless the ac-*  
9                    *tivities are normal agricultural prac-*  
10                    *tices.*

11                    “(ii) *EXCLUSIONS.—An area shall not*  
12                    *be considered to be a ‘baited area’ if the*  
13                    *area—*

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

16                    “(II) *has standing crops that have*  
17                    *not been manipulated; or*

18                    “(III) *has standing crops that*  
19                    *have been or are flooded.*

20                    “(B) *BAITING.—The term ‘baiting’ means*  
21                    *the direct or indirect placing, exposing, depos-*  
22                    *iting, distributing, or scattering of salt, grain, or*  
23                    *other feed that could lure or attract migratory*  
24                    *game birds to, on, or over any areas on which*

1           *a hunter is attempting to take migratory game*  
2           *birds.*

3           “(C) *MIGRATORY GAME BIRD.*—*The term*  
4           *‘migratory game bird’ means migratory bird*  
5           *species—*

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

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

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

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

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

19                             “(II) *is recommended for the suc-*  
20                             *cessful harvest of a given crop by the*  
21                             *applicable State office of the Coopera-*  
22                             *tive Extension System of the Depart-*  
23                             *ment of Agriculture, in consultation*  
24                             *with, and if requested, the concurrence*

1 of, the head of the applicable State de-  
2 partment of fish and wildlife.

3 “(ii) INCLUSIONS.—

4 “(I) IN GENERAL.—Subject to  
5 subclause (II), the term ‘normal agri-  
6 cultural practice’ includes the destruc-  
7 tion of a crop in accordance with prac-  
8 tices required by the Federal Crop In-  
9 surance Corporation for agricultural  
10 producers to obtain crop insurance  
11 under the Federal Crop Insurance Act  
12 (7 U.S.C. 1501 et seq.) on land on  
13 which a crop during the current or im-  
14 mediately preceding crop year was not  
15 harvestable due to a natural disaster  
16 (including any hurricane, storm, tor-  
17 nado, flood, high water, wind-driven  
18 water, tidal wave, tsunami, earth-  
19 quake, volcanic eruption, landslide,  
20 mudslide, drought, fire, snowstorm, or  
21 other catastrophe that is declared a  
22 major disaster by the President in ac-  
23 cordance with section 401 of the Robert  
24 T. Stafford Disaster Relief and Emer-

1                    *gency Assistance Act (42 U.S.C.*  
2                    *5170)).*

3                    “(II) *LIMITATIONS.—The term*  
4                    *‘normal agricultural practice’ only in-*  
5                    *cludes a crop described in subclause (I)*  
6                    *that has been destroyed or manipulated*  
7                    *through activities that include (but are*  
8                    *not limited to) mowing, discing, or*  
9                    *rolling if the Federal Crop Insurance*  
10                   *Corporation certifies that flooding was*  
11                   *not an acceptable method of destruction*  
12                   *to obtain crop insurance under the*  
13                   *Federal Crop Insurance Act (7 U.S.C.*  
14                   *1501 et seq.).*

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

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

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

23                           *“(B) to place or direct the placement of bait*  
24                           *on or adjacent to an area for the purpose of*  
25                           *causing, inducing, or allowing any person to*



1           *take or attempt to take any migratory game bird*  
 2           *by baiting or on or over the baited area.*

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

6           “(4) *REPORTS.*—*Annually, the Secretary of Ag-*  
 7           *riculture shall submit to the Secretary of the Interior*  
 8           *a report that describes any changes to normal agri-*  
 9           *cultural practices across the range of crops grown by*  
 10           *agricultural producers in each region of the United*  
 11           *States in which the recommendations are provided to*  
 12           *agricultural producers.”.*

13 **SEC. 4. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

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

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

19           “(3) *PROVISION OF FUNDS OR CONVEYANCE OF*  
 20           *REAL PROPERTY INTEREST.*—

21           “(A) *IN GENERAL.*—*In lieu of”;*

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

24           “(B) *DETERMINATION.*—*The Secretary*  
 25           *shall”;* *and*

1           (3) *by striking the third sentence and inserting*  
2 *the following:*

3           “(C) *REAL PROPERTY.*—*Any real property*  
4 *interest conveyed under this paragraph shall be*  
5 *subject to terms and conditions that ensure*  
6 *that—*

7           “(i) *the real property interest will be*  
8 *administered for the long-term conservation*  
9 *and management of the wetland ecosystem*  
10 *and the fish and wildlife dependent on that*  
11 *ecosystem;*

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

18           “(iii) *the provision of the information*  
19 *described in clause (ii) has been docu-*  
20 *mented.”.*

21           (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
22 *7(c) of the North American Wetlands Conservation Act (16*  
23 *U.S.C. 4406(c)) is amended—*

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

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

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

4           “*(6) \$50,000,000 for each of fiscal years 2018*  
 5 *through 2022.*”.

6 **SEC. 5. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**  
 7 **TABLISHMENT ACT.**

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

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

12           (A) *in subsection (b)—*

13           (i) *by striking paragraph (2) and in-*  
 14 *serting the following:*

15           “(2) *IN GENERAL.—After consulting with the*  
 16 *Secretary of Commerce and considering the rec-*  
 17 *ommendations submitted by the Board, the Secretary*  
 18 *of the Interior shall appoint 28 Directors who, to the*  
 19 *maximum extent practicable, shall—*

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

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

1                   (ii) by striking paragraph (3) and in-  
2                   serting the following:

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

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

7                   (i) in subparagraph (A), by striking  
8                   “(A) Officers and employees may not be ap-  
9                   pointed until the Foundation has sufficient  
10                  funds to pay them for their service. Offi-  
11                  cers” and inserting the following:

12                  “(A) *IN GENERAL.*—Officers”; and

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

15                  “(B) *EXECUTIVE DIRECTOR.*—The Founda-  
16                  tion shall have an Executive Director who shall  
17                  be—

18                         “(i) appointed by, and serve at the di-  
19                         rection of, the Board as the chief executive  
20                         officer of the Foundation; and

21                         “(ii) knowledgeable and experienced in  
22                         matters relating to fish and wildlife con-  
23                         servation.”.

24                  (2)        *CONFORMING        AMENDMENT.*—Section  
25                  4(a)(1)(B) of the North American Wetlands Conserva-

1        *tion Act (16 U.S.C. 4403(a)(1)(B)) is amended by*  
2        *striking “Secretary of the Board” and inserting “Ex-*  
3        *ecutive Director of the Board”.*

4        *(b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—Sec-*  
5        *tion 4 of the National Fish and Wildlife Foundation Estab-*  
6        *lishment Act (16 U.S.C. 3703) is amended—*

7                *(1) in subsection (c)—*

8                        *(A) by striking “(c) POWERS.—To carry*  
9                        *out its purposes under” and inserting the fol-*  
10                      *lowing:*

11        *“(c) POWERS.—*

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

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

17                      *(C) in subparagraph (D) (as redesignated*  
18        *by subparagraph (B)), by striking “that are in-*  
19        *sured by an agency or instrumentality of the*  
20        *United States” and inserting “at 1 or more fi-*  
21        *nancial institutions that are members of the Fed-*  
22        *eral Deposit Insurance Corporation or the Secu-*  
23        *rities Investment Protection Corporation”;*

24                      *(D) in subparagraph (E) (as redesignated*  
25        *by subparagraph (B)), by striking “paragraph*

1           (3) or (4)” and inserting “subparagraph (C) or  
2           (D)”;

3           (E) in subparagraph (J) (as redesignated  
4           by subparagraph (B)), by striking “and” at the  
5           end;

6           (F) by striking subparagraph (K) (as redesi-  
7           gnated by subparagraph (B)) and inserting the  
8           following:

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

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

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

22          “(2) TREATMENT OF REAL PROPERTY.—

23          “(A) IN GENERAL.—For purposes of this  
24          Act, an interest in real property shall be treated  
25          as including easements or other rights for preser-

1           *vation, conservation, protection, or enhancement*  
 2           *by and for the public of natural, scenic, historic,*  
 3           *scientific, educational, inspirational, or rec-*  
 4           *reational resources.*

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

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

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

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

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

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

1           “(1) *IN GENERAL.*—*There are authorized to be*  
2           *appropriated to carry out this Act for each of fiscal*  
3           *years 2018 through 2022—*

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

6                     “(B) *\$5,000,000 to the Secretary of Agri-*  
7                     *culture; and*

8                     “(C) *\$5,000,000 to the Secretary of Com-*  
9                     *merce.*”;

10           (2) *in subsection (b)—*

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

13                     “(1) *AMOUNTS FROM FEDERAL AGENCIES.—*

14                     “(A) *IN GENERAL.*—*In addition to the*  
15                     *amounts authorized to be appropriated under*  
16                     *subsection (a), Federal departments, agencies, or*  
17                     *instrumentalities are authorized to provide funds*  
18                     *to the Foundation through Federal financial as-*  
19                     *sistance grants and cooperative agreements, sub-*  
20                     *ject to the condition that the amounts are used*  
21                     *for purposes that further the conservation and*  
22                     *management of fish, wildlife, plants, and other*  
23                     *natural resources in accordance with this Act.*

24                     “(B) *ADVANCES.*—*Federal departments,*  
25                     *agencies, or instrumentalities may advance*



1           *amounts described in subparagraph (A) to the*  
2           *Foundation in a lump sum without regard to*  
3           *when the expenses for which the amounts are*  
4           *used are incurred.*

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

8           *(B) in paragraph (2)—*

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

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

13          *(iii) by striking “and State and local*  
14          *government agencies” and inserting “, State*  
15          *and local government agencies, and other*  
16          *entities”;* and

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

18          “(3) *ADMINISTRATION OF AMOUNTS.*—

19          “(A) *IN GENERAL.*—*In entering into con-*  
20          *tracts, agreements, or other partnerships pursu-*  
21          *ant to this Act, a Federal department, agency, or*  
22          *instrumentality shall have discretion to waive*  
23          *any competitive process applicable to the depart-*  
24          *ment, agency, or instrumentality for entering*

1           *into contracts, agreements, or partnerships with*  
2           *the Foundation if the purpose of the waiver is—*

3                     “(i) *to address an environmental emer-*  
4                     *gency resulting from a natural or other dis-*  
5                     *aster; or*

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

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

18                   (3) *by adding at the end the following:*

19                   “(d) *USE OF GIFTS, DEVICES, OR BEQUESTS OF*  
20                    *MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-*  
21                    *quests of amounts or other property, or any other amounts*  
22                    *or other property, transferred to, deposited with, or other-*  
23                    *wise in the possession of the Foundation pursuant to this*  
24                    *Act, may be made available by the Foundation to Federal*  
25                    *departments, agencies, or instrumentalities and may be ac-*

1 *cepted and expended (or the disposition of the amounts or*  
2 *property directed), without further appropriation, by those*  
3 *Federal departments, agencies, or instrumentalities, subject*  
4 *to the condition that the amounts or property be used for*  
5 *purposes that further the conservation and management of*  
6 *fish, wildlife, plants, and other natural resources.”.*

7 *(d) LIMITATION ON AUTHORITY.—Section 11 of the*  
8 *National Fish and Wildlife Foundation Establishment Act*  
9 *(16 U.S.C. 3710) is amended by inserting “exclusive” before*  
10 *“authority”.*

11 **SEC. 6. REAUTHORIZATION OF NEOTROPICAL MIGRATORY**  
12 **BIRD CONSERVATION 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 2018 through 2022.*

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

1 **SEC. 7. REISSUANCE OF FINAL RULE REGARDING GRAY**  
2 **WOLVES IN WESTERN GREAT LAKES.**

3 *Before the end of the 60-day period beginning on the*  
4 *date of enactment of this Act, the Secretary of the Interior*  
5 *shall reissue the final rule published on December 28, 2011*  
6 *(76 Fed. Reg. 81666), without regard to any other provision*  
7 *of statute or regulation that applies to issuance of such rule.*  
8 *Such reissuance shall not be subject to judicial review.*

9 **SEC. 8. REISSUANCE OF FINAL RULE REGARDING GRAY**  
10 **WOLVES IN WYOMING.**

11 *The final rule published on September 10, 2012 (77*  
12 *Fed. Reg. 55530) that was reinstated on March 3, 2017,*  
13 *by the decision of the U.S. Court of Appeals for the District*  
14 *of Columbia (No. 14–5300) and further republished on May*  
15 *1, 2017 (82 Fed. Reg. 20284–85) that reinstates the removal*  
16 *of Federal protections for the gray wolf in Wyoming under*  
17 *the Endangered Species Act of 1973, as amended, shall not*  
18 *be subject to judicial review.*

19 **SEC. 9. MODIFICATION OF DEFINITION OF SPORT FISHING**  
20 **EQUIPMENT UNDER TOXIC SUBSTANCES CON-**  
21 **TROL ACT.**

22 *Section 3(2)(B) of the Toxic Substances Control Act*  
23 *(15 U.S.C. 2602(2)(B)) is amended—*

- 24 *(1) in clause (v), by striking “and” at the end;*  
25 *(2) in clause (vi) by striking the period at the*  
26 *end and inserting “, and”; and*

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

2           “(vii) any sport fishing equipment (as such term  
3           is defined in section 4162(a) of the Internal Revenue  
4           Code of 1986) the sale of which is subject to the tax  
5           imposed by section 4161(a) of such Code (determined  
6           without regard to any exemptions from such tax pro-  
7           vided by section 4162 or 4221 or any other provision  
8           of such Code), and sport fishing equipment compo-  
9           nents.”.

10 **SEC. 10. REAUTHORIZATION OF CHESAPEAKE BAY PRO-**  
11 **GRAM.**

12           Section 117 of the Federal Water Pollution Control Act  
13 (33 U.S.C. 1267) is amended by striking subsection (j) and  
14 inserting the following:

15           “(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
16 authorized to be appropriated to carry out this section  
17 \$90,000,000 for each of fiscal years 2018 through 2022.”.

18 **SEC. 11. REAUTHORIZATION OF CHESAPEAKE BAY INITIA-**  
19 **TIVE ACT OF 1998.**

20           Section 502(c) of the Chesapeake Bay Initiative Act  
21 of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat.  
22 2579) is amended by striking “2017” and inserting “2023”.

1 **SEC. 12. NATIONAL FISH HABITAT CONSERVATION**  
2 **THROUGH PARTNERSHIPS.**

3 (a) *PURPOSE.*—*The purpose of this section is to en-*  
4 *courage partnerships among public agencies and other in-*  
5 *terested parties to promote fish conservation—*

6 (1) *to achieve measurable habitat conservation*  
7 *results through strategic actions of Fish Habitat Part-*  
8 *nerships that lead to better fish habitat conditions*  
9 *and increased fishing opportunities by—*

10 (A) *improving ecological conditions;*

11 (B) *restoring natural processes; or*

12 (C) *preventing the decline of intact and*  
13 *healthy systems;*

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

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

19 (A) *increasing fishing opportunities;*

20 (B) *fostering the participation of local com-*  
21 *munities, especially young people in local com-*  
22 *munities, in conservation activities; and*

23 (C) *raising public awareness of the role*  
24 *healthy fish habitat play in the quality of life*  
25 *and economic well-being of local communities;*

1           (4) *to fill gaps in the National Fish Habitat As-*  
2           *essment and the associated database of the National*  
3           *Fish Habitat Assessment—*

4                   (A) *to empower strategic conservation ac-*  
5                   *tions supported by broadly available scientific*  
6                   *information; and*

7                   (B) *to integrate socioeconomic data in the*  
8                   *analysis to improve the lives of humans in a*  
9                   *manner consistent with fish habitat conservation*  
10                  *goals; and*

11           (5) *to communicate to the public and conserva-*  
12           *tion partners—*

13                   (A) *the conservation outcomes produced col-*  
14                   *lectively by Fish Habitat Partnerships; and*

15                   (B) *new opportunities and voluntary ap-*  
16                   *proaches for conserving fish habitat.*

17           (b) *DEFINITIONS.—In this section:*

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

21                           (A) *the Committee on Commerce, Science,*  
22                           *and Transportation and the Committee on Envi-*  
23                           *ronment and Public Works of the Senate; and*

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

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

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

7           (4) *EPA ASSISTANT ADMINISTRATOR.*—*The term*  
8           *“EPA Assistant Administrator” means the Assistant*  
9           *Administrator for Water of the Environmental Pro-*  
10          *tection Agency.*

11          (5) *INDIAN TRIBE.*—*The term “Indian tribe” has*  
12          *the meaning given the term in section 4 of the Indian*  
13          *Self-Determination and Education Assistance Act (25*  
14          *U.S.C. 5304).*

15          (6) *NOAA ASSISTANT ADMINISTRATOR.*—*The*  
16          *term “NOAA Assistant Administrator” means the As-*  
17          *stant Administrator for Fisheries of the National*  
18          *Oceanic and Atmospheric Administration.*

19          (7) *PARTNERSHIP.*—*The term “Partnership”*  
20          *means a self-governed entity designated by Congress*  
21          *as a Fish Habitat Partnership under subsection*  
22          *(d)(6) after a recommendation by the Board under*  
23          *subsection (d)(1).*

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



1                   (A) *land; or*

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

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

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

7                   (11) *STATE AGENCY.*—*The term “State agency”*  
8 *means—*

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

11                   (B) *any department or division of a depart-*  
12 *ment or agency of a State that manages in the*  
13 *public trust the inland or marine fishery re-*  
14 *sources or sustains the habitat for those fishery*  
15 *resources of the State pursuant to State law or*  
16 *the constitution of the State.*

17 (c) *NATIONAL FISH HABITAT BOARD.*—

18                   (1) *ESTABLISHMENT.*—

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

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

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

1                   (iii) to recommend to Congress entities  
2 for designation as Partnerships; and

3                   (iv) to review and make recommenda-  
4 tions regarding fish habitat conservation  
5 projects.

6                   (B) MEMBERSHIP.—The Board shall be  
7 composed of 25 members, of whom—

8                   (i) 1 shall be a representative of the  
9 Department of the Interior;

10                  (ii) 1 shall be a representative of the  
11 United States Geological Survey;

12                  (iii) 1 shall be a representative of the  
13 Department of Commerce;

14                  (iv) 1 shall be a representative of the  
15 Department of Agriculture;

16                  (v) 1 shall be a representative of the  
17 Association of Fish and Wildlife Agencies;

18                  (vi) 4 shall be representatives of State  
19 agencies, 1 of whom shall be nominated by  
20 a regional association of fish and wildlife  
21 agencies from each of the Northeast, South-  
22 east, Midwest, and Western regions of the  
23 United States;

24                  (vii) 1 shall be a representative of ei-  
25 ther—

1                   (I) *Indian tribes in the State of*  
2                   *Alaska; or*

3                   (II) *Indian tribes in States other*  
4                   *than the State of Alaska;*

5                   (viii) *1 shall be a representative of ei-*  
6                   *ther—*

7                   (I) *the Regional Fishery Manage-*  
8                   *ment Councils established under sec-*  
9                   *tion 302 of the Magnuson-Stevens*  
10                   *Fishery Conservation and Management*  
11                   *Act (16 U.S.C. 1852); or*

12                   (II) *a representative of the Marine*  
13                   *Fisheries Commissions, which is com-*  
14                   *posed of—*

15                   (aa) *the Atlantic States Ma-*  
16                   *rine Fisheries Commission;*

17                   (bb) *the Gulf States Marine*  
18                   *Fisheries Commission; and*

19                   (cc) *the Pacific States Ma-*  
20                   *rine Fisheries Commission;*

21                   (ix) *1 shall be a representative of the*  
22                   *Sportfishing and Boating Partnership*  
23                   *Council;*

24                   (x) *7 shall be representatives selected*  
25                   *from each of—*

1                   (I) *the recreational sportfishing*  
2                   *industry;*

3                   (II) *the commercial fishing indus-*  
4                   *try;*

5                   (III) *marine recreational anglers;*

6                   (IV) *freshwater recreational an-*  
7                   *glers;*

8                   (V) *habitat conservation organiza-*  
9                   *tions; and*

10                  (VI) *science-based fishery organi-*  
11                  *zations;*

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

14                  (xii) *1 shall be a representative of an*  
15                  *agricultural production organization;*

16                  (xiii) *1 shall be a representative of*  
17                  *local government interests involved in fish*  
18                  *habitat restoration;*

19                  (xiv) *2 shall be representatives from*  
20                  *different sectors of corporate industries,*  
21                  *which may include—*

22                         (I) *natural resource commodity*  
23                         *interests, such as petroleum or mineral*  
24                         *extraction;*

1                   (II) *natural resource user indus-*  
2                   tries; and

3                   (III) *industries with an interest*  
4                   *in fish and fish habitat conservation;*  
5                   and

6                   (xv) *1 shall be a leadership private sec-*  
7                   *tor or landowner representative of an active*  
8                   *partnership.*

9                   (C) *COMPENSATION.—A member of the*  
10                  *Board shall serve without compensation.*

11                  (D) *TRAVEL EXPENSES.—A member of the*  
12                  *Board may be allowed travel expenses, including*  
13                  *per diem in lieu of subsistence, at rates author-*  
14                  *ized for an employee of an agency under sub-*  
15                  *chapter I of chapter 57 of title 5, United States*  
16                  *Code, while away from the home or regular place*  
17                  *of business of the member in the performance of*  
18                  *the duties of the Board.*

19                  (2) *APPOINTMENT AND TERMS.—*

20                  (A) *IN GENERAL.—Except as otherwise pro-*  
21                  *vided in this subsection, a member of the Board*  
22                  *described in any of clauses (vi) through (xiv) of*  
23                  *paragraph (1)(B) shall serve for a term of 3*  
24                  *years.*

25                  (B) *INITIAL BOARD MEMBERSHIP.—*

1           (i) *IN GENERAL.*—*The initial Board*  
2           *will consist of representatives as described*  
3           *in clauses (i) through (vi) of paragraph*  
4           *(1)(B).*

5           (ii) *REMAINING MEMBERS.*—*Not later*  
6           *than 60 days after the date of enactment of*  
7           *this Act, the representatives of the initial*  
8           *Board pursuant to clause (i) shall appoint*  
9           *the remaining members of the Board de-*  
10           *scribed in clauses (viii) through (xiv) of*  
11           *paragraph (1)(B).*

12           (iii) *TRIBAL REPRESENTATIVES.*—*Not*  
13           *later than 60 days after the enactment of*  
14           *this Act, the Secretary shall provide to the*  
15           *Board a recommendation of not fewer than*  
16           *3 tribal representatives, from which the*  
17           *Board shall appoint 1 representative pursu-*  
18           *ant to clause (vii) of paragraph (1)(B).*

19           (C) *TRANSITIONAL TERMS.*—*Of the members*  
20           *described in paragraph (1)(B)(x) initially ap-*  
21           *pointed to the Board—*

22                   (i) *2 shall be appointed for a term of*  
23                   *1 year;*

24                   (ii) *2 shall be appointed for a term of*  
25                   *2 years; and*

1                   (iii) 3 shall be appointed for a term of  
2                   3 years.

3                   (D) VACANCIES.—

4                   (i) IN GENERAL.—A vacancy of a  
5                   member of the Board described in any of  
6                   clauses (viii) through (xiv) of paragraph  
7                   (1)(B) shall be filled by an appointment  
8                   made by the remaining members of the  
9                   Board.

10                  (ii) TRIBAL REPRESENTATIVES.—Fol-  
11                  lowing a vacancy of a member of the Board  
12                  described in clause (vii) of paragraph  
13                  (1)(B), the Secretary shall recommend to  
14                  the Board a list of not fewer than 3 tribal  
15                  representatives, from which the remaining  
16                  members of the Board shall appoint a rep-  
17                  resentative to fill the vacancy.

18                  (E) CONTINUATION OF SERVICE.—An indi-  
19                  vidual whose term of service as a member of the  
20                  Board expires may continue to serve on the  
21                  Board until a successor is appointed.

22                  (F) REMOVAL.—If a member of the Board  
23                  described in any of clauses (viii) through (xiv) of  
24                  paragraph (1)(B) misses 3 consecutive regularly

1           *scheduled Board meetings, the members of the*  
2           *Board may—*

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

4                     *(ii) appoint another individual in ac-*  
5                     *cordance with subparagraph (D).*

6           (3) *CHAIRPERSON.—*

7                     (A) *IN GENERAL.—The representative of the*  
8                     *Association of Fish and Wildlife Agencies ap-*  
9                     *pointed pursuant to paragraph (1)(B)(v) shall*  
10                    *serve as Chairperson of the Board.*

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

13           (4) *MEETINGS.—*

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

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

16                             *(ii) not less frequently than twice each*  
17                    *calendar year.*

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

20           (5) *PROCEDURES.—*

21                    (A) *IN GENERAL.—The Board shall estab-*  
22                    *lish procedures to carry out the business of the*  
23                    *Board, including—*



1                   (i) a requirement that a quorum of the  
2                   members of the Board be present to transact  
3                   business;

4                   (ii) a requirement that no rec-  
5                   ommendations may be adopted by the  
6                   Board, except by the vote of  $\frac{2}{3}$  of all mem-  
7                   bers;

8                   (iii) procedures for establishing na-  
9                   tional goals and priorities for fish habitat  
10                  conservation for the purposes of this section;

11                  (iv) procedures for designating Part-  
12                  nerships under subsection (d); and

13                  (v) procedures for reviewing, evalu-  
14                  ating, and making recommendations re-  
15                  garding fish habitat conservation projects.

16                  (B) QUORUM.—A majority of the members  
17                  of the Board shall constitute a quorum.

18                  (d) FISH HABITAT PARTNERSHIPS.—

19                   (1) AUTHORITY TO RECOMMEND.—The Board  
20                   may recommend to Congress the designation of Fish  
21                   Habitat Partnerships in accordance with this sub-  
22                   section.

23                   (2) PURPOSES.—The purposes of a Partnership  
24                   shall be—

1           (A) to work with other regional habitat con-  
2           servation programs to promote cooperation and  
3           coordination to enhance fish and fish habitats;

4           (B) to engage local and regional commu-  
5           nities to build support for fish habitat conserva-  
6           tion;

7           (C) to involve diverse groups of public and  
8           private partners;

9           (D) to develop collaboratively a strategic vi-  
10          sion and achievable implementation plan that is  
11          scientifically sound;

12          (E) to leverage funding from sources that  
13          support local and regional partnerships;

14          (F) to use adaptive management principles,  
15          including evaluation of project success and  
16          functionality;

17          (G) to develop appropriate local or regional  
18          habitat evaluation and assessment measures and  
19          criteria that are compatible with national habi-  
20          tat condition measures; and

21          (H) to implement local and regional pri-  
22          ority projects that improve conditions for fish  
23          and fish habitat.

1           (3) *CRITERIA FOR DESIGNATION.*—*An entity*  
2           *seeking to be designated by Congress as a Partnership*  
3           *shall—*

4                   (A) *submit to the Board an application at*  
5                   *such time, in such manner, and containing such*  
6                   *information as the Board may reasonably re-*  
7                   *quire; and*

8                   (B) *demonstrate to the Board that the enti-*  
9                   *ty has—*

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

12                           (ii) *an ability to coordinate the imple-*  
13                           *mentation of priority projects that support*  
14                           *the goals and national priorities set by the*  
15                           *Board that are within the Partnership*  
16                           *boundary;*

17                           (iii) *a self-governance structure that*  
18                           *supports the implementation of strategic*  
19                           *priorities for fish habitat;*

20                           (iv) *the ability to develop local and re-*  
21                           *gional relationships with a broad range of*  
22                           *entities to further strategic priorities for*  
23                           *fish and fish habitat;*

24                           (v) *a strategic plan that details re-*  
25                           *quired investments for fish habitat conserva-*

1            *tion that addresses the strategic fish habitat*  
2            *priorities of the Partnership and supports*  
3            *and meets the strategic priorities of the*  
4            *Board;*

5            *(vi) the ability to develop and imple-*  
6            *ment fish habitat conservation projects that*  
7            *address strategic priorities of the Partner-*  
8            *ship and the Board; and*

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

17           *(4) REQUIREMENTS FOR RECOMMENDATION TO*  
18           *CONGRESS.—The Board may recommend to Congress*  
19           *for designation an application for a Partnership sub-*  
20           *mitted under paragraph (3)(A) if the Board deter-*  
21           *mines that the applicant—*

22           *(A) meets the criteria described in para-*  
23           *graph (3)(B);*

24           *(B) identifies representatives to provide*  
25           *support and technical assistance to the Partner-*

1           *ship from a diverse group of public and private*  
2           *partners, which may include State or local gov-*  
3           *ernments, nonprofit entities, Indian tribes, and*  
4           *private individuals, that are focused on con-*  
5           *servation of fish habitats to achieve results across*  
6           *jurisdictional boundaries on public and private*  
7           *land;*

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

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

17          *(E) is able to address issues and priorities*  
18          *on a nationally significant scale;*

19          *(F) includes a governance structure that—*

20                *(i) reflects the range of all partners;*

21                *and*

22                *(ii) promotes joint strategic planning*  
23                *and decisionmaking by the applicant;*

24          *(G) demonstrates completion of, or signifi-*  
25          *cant progress toward the development of, a stra-*

1           *tegic plan to address the decline in fish popu-*  
2           *lations, rather than simply treating symptoms,*  
3           *in accordance with the goals and national prior-*  
4           *ities established by the Board; and*

5           *(H) promotes collaboration in developing a*  
6           *strategic vision and implementation program*  
7           *that is scientifically sound and achievable.*

8           (5) *REPORT TO CONGRESS.—*

9           *(A) IN GENERAL.—Not later than February*  
10          *1 of the first fiscal year beginning after the date*  
11          *of enactment of this Act and each February 1*  
12          *thereafter, the Board shall develop and submit to*  
13          *the appropriate congressional committees an an-*  
14          *ual report, to be entitled “Report to Congress*  
15          *on Future Fish Habitat Partnerships and Modi-*  
16          *fications”, that—*

17                 *(i) identifies any entity that—*

18                         *(I) meets the requirements de-*  
19                         *scribed in paragraph (4); and*

20                         *(II) the Board recommends for*  
21                         *designation as a Partnership;*

22                 *(ii) describes any proposed modifica-*  
23                 *tions to a Partnership previously designated*  
24                 *by Congress under paragraph (6);*

1           (iii) with respect to each entity rec-  
 2           ommended for designation as a Partnership,  
 3           describes, to the maximum extent prac-  
 4           ticable—

5                   (I) the purpose of the rec-  
 6                   ommended Partnership; and

7                   (II) how the recommended Part-  
 8                   nership fulfills the requirements de-  
 9                   scribed in paragraph (4).

10           (B) *PUBLIC AVAILABILITY; NOTIFICATION.*—

11           *The Board shall—*

12                   (i) make the report publicly available,  
 13                   including on the Internet; and

14                   (ii) provide to the appropriate congres-  
 15                   sional committees and the State agency of  
 16                   any State included in a recommended Part-  
 17                   nership area written notification of the pub-  
 18                   lic availability of the report.

19           (6) *DESIGNATION OR MODIFICATION OF PART-*  
 20           *NERSHIP.*—Congress shall have the sole authority to  
 21           designate or modify a Partnership.

22           (7) *EXISTING PARTNERSHIPS.*—

23                   (A) *DESIGNATION REVIEW.*—Not later than  
 24                   5 years after the date of enactment of this Act,  
 25                   any fish habitat partnership receiving Federal

1       *funds as of the date of enactment of this Act*  
2       *shall be subject to a designation review by Con-*  
3       *gress in which Congress shall have the oppor-*  
4       *tunity to designate the partnership under para-*  
5       *graph (6).*

6                *(B) INELIGIBILITY FOR FEDERAL FUNDS.—*  
7       *A partnership referred to in subparagraph (A)*  
8       *that Congress does not designate as described in*  
9       *that subparagraph shall be ineligible to receive*  
10       *Federal funds under this section.*

11       *(e) FISH HABITAT CONSERVATION PROJECTS.—*

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

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

24                *(3) CRITERIA FOR PROJECT SELECTION.—The*  
25       *Board shall select each fish habitat conservation*



1        *project to be recommended to the Secretary under*  
2        *paragraph (2) after taking into consideration, at a*  
3        *minimum, the following information:*

4                *(A) A recommendation of the Partnership*  
5                *that is, or will be, participating actively in im-*  
6                *plementing the fish habitat conservation project.*

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

10               *(C) The extent to which the fish habitat con-*  
11               *servation project —*

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

16                    *(ii) addresses the national priorities*  
17                    *established by the Board;*

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

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

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

3                   (vi) leverages other funds to implement  
4 the project;

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

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

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

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

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

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

1                   (iii) increases public access to land or  
2                   water for fish and wildlife-dependent rec-  
3                   reational opportunities;

4                   (iv) advances the conservation of fish  
5                   and wildlife species that have been identi-  
6                   fied by the States as species of greatest con-  
7                   servation need;

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

14                  (vi) promotes strong and healthy fish  
15                  habitats so that desired biological commu-  
16                  nities are able to persist and adapt.

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

19                  (4) LIMITATIONS.—

20                  (A) REQUIREMENTS FOR EVALUATION.—No  
21                  fish habitat conservation project may be rec-  
22                  ommended by the Board under paragraph (2) or  
23                  provided financial assistance under this section  
24                  unless the fish habitat conservation project in-

1 *cludes an evaluation plan designed using appli-*  
2 *cable Board guidance—*

3 *(i) to appropriately assess the biologi-*  
4 *cal, ecological, or other results of the habitat*  
5 *protection, restoration, or enhancement ac-*  
6 *tivities carried out using the assistance;*

7 *(ii) to reflect appropriate changes to*  
8 *the fish habitat conservation project if the*  
9 *assessment substantiates that the fish habi-*  
10 *tat conservation project objectives are not*  
11 *being met;*

12 *(iii) to identify improvements to exist-*  
13 *ing fish populations, recreational fishing*  
14 *opportunities and the overall economic ben-*  
15 *efits for the local community of the fish*  
16 *habitat conservation project; and*

17 *(iv) to require the submission to the*  
18 *Board of a report describing the findings of*  
19 *the assessment.*

20 *(B) ACQUISITION AUTHORITIES.—*

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

1           (I) *public access for compatible*  
2 *fish and wildlife-dependent recreation;*  
3 *or*

4           (II) *a scientifically based, direct*  
5 *enhancement to the health of fish and*  
6 *fish populations, as determined by the*  
7 *Board.*

8           (ii) *STATE AGENCY APPROVAL.—*

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

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

20           (iii) *ASSESSMENT OF OTHER AUTHORI-*  
21 *TIES.—The Fish Habitat Partnership shall*  
22 *conduct a project assessment, submitted*  
23 *with the funding request and approved by*  
24 *the Board, to demonstrate all other Federal,*

1           *State, and local authorities for the acquisi-*  
2           *tion of real property have been exhausted.*

3           *(iv) RESTRICTIONS.—A real property*  
4           *interest may not be acquired pursuant to a*  
5           *fish habitat conservation project by a State,*  
6           *local government, or other non-Federal enti-*  
7           *ty, unless—*

8                     *(I) the owner of the real property*  
9                     *authorizes the State, local government,*  
10                    *or other non-Federal entity to acquire*  
11                    *the real property; and*

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

19           *(5) NON-FEDERAL CONTRIBUTIONS.—*

20                    *(A) IN GENERAL.—Except as provided in*  
21                    *subparagraph (B), no fish habitat conservation*  
22                    *project may be recommended by the Board under*  
23                    *paragraph (2) or provided financial assistance*  
24                    *under this section unless at least 50 percent of*

1           *the cost of the fish habitat conservation project*  
2           *will be funded with non-Federal funds.*

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

6                     *(i) may not be derived from another*  
7                     *Federal grant program; but*

8                     *(ii) may include in-kind contributions*  
9                     *and cash.*

10           *(C) SPECIAL RULE FOR INDIAN TRIBES.—*  
11           *Notwithstanding subparagraph (A) or any other*  
12           *provision of law, any funds made available to an*  
13           *Indian tribe pursuant to this section may be*  
14           *considered to be non-Federal funds for the pur-*  
15           *pose of subparagraph (A).*

16           *(6) APPROVAL.—*

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

1           *habitat conservation project recommended by the*  
2           *Board.*

3                   (B) *FUNDING.*—*If the Secretary approves a*  
4           *fish habitat conservation project under subpara-*  
5           *graph (A), the Secretary shall use amounts made*  
6           *available to carry out this section to provide*  
7           *funds to carry out the fish habitat conservation*  
8           *project.*

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

19          (f) *TECHNICAL AND SCIENTIFIC ASSISTANCE.*—

20                   (1) *IN GENERAL.*—*The Director, the NOAA As-*  
21          *stant Administrator, the EPA Assistant Adminis-*  
22          *trator, and the Director of the United States Geologi-*  
23          *cal Survey, in coordination with the Forest Service*  
24          *and other appropriate Federal departments and agen-*  
25          *cies, may provide scientific and technical assistance*



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

3                (2) *INCLUSIONS.—Scientific and technical assist-*  
4        *ance provided pursuant to paragraph (1) may in-*  
5        *clude—*

6                (A) *providing technical and scientific as-*  
7        *sistance to States, Indian tribes, regions, local*  
8        *communities, and nongovernmental organiza-*  
9        *tions in the development and implementation of*  
10       *Partnerships;*

11               (B) *providing technical and scientific as-*  
12       *sistance to Partnerships for habitat assessment,*  
13       *strategic planning, and prioritization;*

14               (C) *supporting the development and imple-*  
15       *mentation of fish habitat conservaion projects*  
16       *that are identified as high priorities by Partner-*  
17       *ships and the Board;*

18               (D) *supporting and providing recommenda-*  
19       *tions regarding the development of science-based*  
20       *monitoring and assessment approaches for im-*  
21       *plementation through Partnerships;*

22               (E) *supporting and providing recommenda-*  
23       *tions for a national fish habitat assessment;*

24               (F) *ensuring the availability of experts to*  
25       *assist in conducting scientifically based evalua-*

1            *tion and reporting of the results of fish habitat*  
2            *conservation projects; and*

3                    *(G) providing resources to secure state agen-*  
4            *cy scientific and technical assistance to support*  
5            *Partnerships, participants in fish habitat con-*  
6            *servation projects, and the Board.*

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

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

1           (1) *the functional, operational, technical, sci-*  
2 *entific, and general staff, administrative, and mate-*  
3 *rial needs for the implementation of this section; and*

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

7           (i) *ACCOUNTABILITY AND REPORTING.—*

8                 (1) *REPORTING.—*

9                     (A) *IN GENERAL.—Not later than 5 years*  
10 *after the date of enactment of this Act, and every*  
11 *5 years thereafter, the Board shall submit to the*  
12 *appropriate congressional committees a report*  
13 *describing the progress of this section.*

14                     (B) *CONTENTS.—Each report submitted*  
15 *under subparagraph (A) shall include—*

16                         (i) *an estimate of the number of acres,*  
17 *stream miles, or acre-feet, or other suitable*  
18 *measures of fish habitat, that was main-*  
19 *tained or improved by partnerships of Fed-*  
20 *eral, State, or local governments, Indian*  
21 *tribes, or other entities in the United States*  
22 *during the 5-year period ending on the date*  
23 *of submission of the report;*

1                   (ii) a description of the public access to  
2 fish habitats established or improved during  
3 that 5-year period;

4                   (iii) a description of the improved op-  
5 portunities for public recreational fishing;  
6 and

7                   (iv) an assessment of the status of fish  
8 habitat conservation projects carried out  
9 with funds provided under this section dur-  
10 ing that period, disaggregated by year, in-  
11 cluding—

12                   (I) a description of the fish habi-  
13 tat conservation projects recommended  
14 by the Board under subsection (e)(2);

15                   (II) a description of each fish  
16 habitat conservation project approved  
17 by the Secretary under subsection  
18 (e)(6), in order of priority for funding;

19                   (III) a justification for—

20                   (aa) the approval of each fish  
21 habitat conservation project; and

22                   (bb) the order of priority for  
23 funding of each fish habitat con-  
24 servation project;

1                   (IV) a justification for any rejection  
 2                   of a fish habitat conservation  
 3                   project recommended by the Board  
 4                   under subsection (e)(2) that was based  
 5                   on a factor other than the criteria described  
 6                   in subsection (e)(3); and

7                   (V) an accounting of expenditures  
 8                   by Federal, State, or local governments,  
 9                   Indian tribes, or other entities  
 10                  to carry out fish habitat conservation  
 11                  projects.

12                  (2) STATUS AND TRENDS REPORT.—Not later  
 13                  than December 31, 2018, and every 5 years thereafter,  
 14                  the Board shall submit to the appropriate congressional  
 15                  committees a report that includes—

16                         (A) a status of all Partnerships designated  
 17                         under this section;

18                         (B) a description of the status of fish habitats  
 19                         in the United States as identified by established  
 20                         Partnerships; and

21                         (C) enhancements or reductions in public  
 22                         access as a result of—

23                                 (i) the activities of the Partnerships; or

24                                 (ii) any other activities carried out  
 25                                 pursuant to this section.

1       (j) *EFFECT OF SECTION.*—

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

3               (A) *establishes any express or implied re-*  
4               *served water right in the United States for any*  
5               *purpose;*

6               (B) *affects any water right in existence on*  
7               *the date of enactment of this Act;*

8               (C) *preempts or affects any State water law*  
9               *or interstate compact governing water; or*

10              (D) *affects any Federal or State law in ex-*  
11              *istence on the date of enactment of the Act re-*  
12              *garding water quality or water quantity.*

13           (2) *AUTHORITY TO ACQUIRE WATER RIGHTS OR*  
14           *RIGHTS TO PROPERTY.*—*Under this section, only a*  
15           *State, local government, or other non-Federal entity*  
16           *may acquire, under State law, water rights or rights*  
17           *to property.*

18           (3) *STATE AUTHORITY.*—*Nothing in this sec-*  
19           *tion—*

20               (A) *affects the authority, jurisdiction, or re-*  
21               *sponsibility of a State to manage, control, or*  
22               *regulate fish and wildlife under the laws and*  
23               *regulations of the State; or*

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

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

8                   (A) an agreement between the Indian tribe  
9                   and the United States;

10                   (B) Federal law (including regulations);

11                   (C) an Executive order; or

12                   (D) a judicial decree.

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

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

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

1           (A) *PRIVATE PROPERTY PROTECTION.*—  
2           *Nothing in this section permits the use of funds*  
3           *made available to carry out this section to ac-*  
4           *quire real property or a real property interest*  
5           *without the written consent of each owner of the*  
6           *real property or real property interest.*

7           (B) *MITIGATION.*—*Nothing in this section*  
8           *permits the use of funds made available to carry*  
9           *out this section for fish and wildlife mitigation*  
10           *purposes under—*

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

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

15                   (iii) *the Water Resources Development*  
16                   *Act of 1986 (Public Law 99–662; 100 Stat.*  
17                   *4082); or*

18                   (iv) *any other Federal law or court set-*  
19                   *tlement.*

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



1           (k) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*  
2 *MITTEE ACT.—The Federal Advisory Committee Act (5*  
3 *U.S.C. App.) shall not apply to—*

- 4                   (1) *the Board; or*  
5                   (2) *any Partnership.*

6           (l) *FUNDING.—*

7                   (1) *AUTHORIZATION OF APPROPRIATIONS.—*

8                           (A) *FISH HABITAT CONSERVATION*  
9 *PROJECTS.—There is authorized to be appro-*  
10 *priated to the Secretary \$7,200,000 for each of*  
11 *fiscal years 2018 through 2022 to provide funds*  
12 *for fish habitat conservation projects approved*  
13 *under subsection (e)(6), of which 5 percent shall*  
14 *be made available for each fiscal year for projects*  
15 *carried out by Indian tribes.*

16                           (B) *ADMINISTRATIVE AND PLANNING EX-*  
17 *PENSES.—There is authorized to be appropriated*  
18 *to the Secretary for each of fiscal years 2018*  
19 *through 2022 an amount equal to 5 percent of*  
20 *the amount appropriated for the applicable fiscal*  
21 *year pursuant to subparagraph (A)—*

- 22                                   (i) *for administrative and planning*  
23 *expenses; and*  
24                                   (ii) *to carry out subsection (i).*

1           (C) *TECHNICAL AND SCIENTIFIC ASSIST-*  
2           *ANCE.—There is authorized to be appropriated*  
3           *for each of fiscal years 2018 through 2022 to*  
4           *carry out, and provide technical and scientific*  
5           *assistance under, subsection (f)—*

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

8                     (ii) *\$500,000 to the NOAA Assistant*  
9                     *Administrator for use by the National Oce-*  
10                    *anic and Atmospheric Administration;*

11                    (iii) *\$500,000 to the EPA Assistant*  
12                    *Administrator for use by the Environmental*  
13                    *Protection Agency; and*

14                    (iv) *\$500,000 to the Secretary for use*  
15                    *by the United States Geological Survey.*

16           (2) *AGREEMENTS AND GRANTS.—The Secretary*  
17           *may—*

18                    (A) *on the recommendation of the Board,*  
19                    *and notwithstanding sections 6304 and 6305 of*  
20                    *title 31, United States Code, and the Federal Fi-*  
21                    *nancial Assistance Management Improvement*  
22                    *Act of 1999 (31 U.S.C. 6101 note; Public Law*  
23                    *106–107), enter into a grant agreement, coopera-*  
24                    *tive agreement, or contract with a Partnership*

1           or other entity for a fish habitat conservation  
2           project or restoration or enhancement project;

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

6           (C) make funds available to any Federal de-  
7           partment or agency for use by that department  
8           or agency to provide grants for any fish habitat  
9           protection project, restoration project, or en-  
10          hancement project that the Secretary determines  
11          to be consistent with this section.

12          (3) *DONATIONS.*—

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

14           (i) enter into an agreement with any  
15           organization described in section 501(c)(3)  
16           of the Internal Revenue Code of 1986 that  
17           is exempt from taxation under section  
18           501(a) of that Code to solicit private dona-  
19           tions to carry out the purposes of this sec-  
20           tion; and

21           (ii) accept donations of funds, prop-  
22           erty, and services to carry out the purposes  
23           of this section.

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

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

4                   (ii) may be—

5                               (I) used directly by the Secretary;

6                               or

7                               (II) provided to another Federal  
8                               department or agency through an  
9                               interagency agreement.

10           (m) **PROHIBITION AGAINST IMPLEMENTATION OF REG-**  
11 **ULATORY AUTHORITY BY FEDERAL AGENCIES .—Any Part-**  
12 **nership designated under this section—**

13                   (1) shall be for the sole purpose of promoting fish  
14                   conservation; and

15                   (2) shall not be used to implement any regu-  
16                   latory authority of any Federal agency.

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

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

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

1        *ternal organ) from a polar bear taken in a sport hunt*  
2        *in Canada to any person—*

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

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

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

22               *“(iii) The Secretary shall issue permits under*  
23               *clause (i)(II) without regard to subparagraph (C)(ii)*  
24               *of this paragraph or subsection (d)(3). Sections*  
25               *101(a)(3)(B) and 102(b)(3) shall not apply to the im-*

1        *portation of any polar bear part authorized by a per-*  
 2        *mit issued under clause (i)(II). This clause shall not*  
 3        *apply to polar bear parts that were imported before*  
 4        *the date of enactment of the Hunting Heritage and*  
 5        *Environmental Legacy Preservation for Wildlife*  
 6        *Act.”.*

7    **SEC. 14. GREAT LAKES MONITORING, ASSESSMENT,**  
 8    **SCIENCE, AND RESEARCH.**

9        *(a) DEFINITIONS.—In this section:*

10                    *(1) DIRECTOR.—The term “Director” means the*  
 11                    *Director of the United States Geological Survey.*

12                    *(2) GREAT LAKES BASIN.—The term “Great*  
 13                    *Lakes Basin” means the air, land, water, and living*  
 14                    *organisms in the United States within the drainage*  
 15                    *basin of the Saint Lawrence River at and upstream*  
 16                    *from the point at which such river and the Great*  
 17                    *Lakes become the international boundary between*  
 18                    *Canada and the United States.*

19        *(b) FINDINGS.—Congress finds the following:*

20                    *(1) The Great Lakes support a diverse ecosystem,*  
 21                    *on which the vibrant and economically valuable Great*  
 22                    *Lakes fisheries depend.*

23                    *(2) To continue successful fisheries management*  
 24                    *and coordination, as has occurred since signing of the*  
 25                    *Convention on Great Lakes Fisheries between the*

1 *United States and Canada on September 10, 1954,*  
2 *management of the ecosystem and its fisheries require*  
3 *sound, reliable science, and the use of modern sci-*  
4 *entific technologies.*

5 *(3) Fisheries research is necessary to support*  
6 *multi-jurisdictional fishery management decisions*  
7 *and actions regarding recreational and sport fishing,*  
8 *commercial fisheries, tribal harvest, allocation deci-*  
9 *sions, and fish stocking activities.*

10 *(4) President Richard Nixon submitted, and the*  
11 *Congress approved, Reorganization Plan No. 4 (84*  
12 *Stat. 2090), conferring science activities and manage-*  
13 *ment of marine fisheries to the National Oceanic and*  
14 *Atmospheric Administration.*

15 *(5) Reorganization Plan No. 4 expressly excluded*  
16 *fishery research activities within the Great Lakes*  
17 *from the transfer, retaining management and sci-*  
18 *entific research duties within the already-established*  
19 *jurisdictions under the 1954 Convention on Great*  
20 *Lakes Fisheries, including those of the Great Lakes*  
21 *Fishery Commission and the Department of the Inte-*  
22 *rior.*

23 *(c) MONITORING, ASSESSMENT, SCIENCE, AND RE-*  
24 *SEARCH.—*

1           (1) *IN GENERAL.*—*The Director may conduct*  
2           *monitoring, assessment, science, and research, in sup-*  
3           *port of the binational fisheries within the Great Lakes*  
4           *Basin.*

5           (2) *SPECIFIC AUTHORITIES.*—*The Director shall,*  
6           *under paragraph (1)—*

7                   (A) *execute a comprehensive, multi-lake,*  
8                   *freshwater fisheries science program;*

9                   (B) *coordinate with and work cooperatively*  
10                  *with regional, State, tribal, and local govern-*  
11                  *ments; and*

12                  (C) *consult with other interested entities*  
13                  *groups, including academia and relevant Cana-*  
14                  *dian agencies.*

15           (3) *INCLUDED RESEARCH.*—*To properly serve*  
16           *the needs of fisheries managers, monitoring, assess-*  
17           *ment, science, and research under this section may*  
18           *include—*

19                   (A) *deepwater ecosystem sciences;*

20                   (B) *biological and food-web components;*

21                   (C) *fish movement and behavior investiga-*  
22                  *tions;*

23                   (D) *fish population structures;*

24                   (E) *fish habitat investigations;*

25                   (F) *invasive species science;*



1           (G) use of existing, new, and experimental  
2           biological assessment tools, equipment, vessels,  
3           other scientific instrumentation and laboratory  
4           capabilities necessary to support fishery manage-  
5           ment decisions; and

6           (H) studies to assess impacts on Great  
7           Lakes Fishery resources.

8           (4) SAVINGS CLAUSE.—Nothing in this section is  
9           intended or shall be construed to impede, supersede,  
10          or alter the authority of the Great Lakes Fishery  
11          Commission, States, and Indian tribes under the Con-  
12          vention on Great Lakes Fisheries between the United  
13          States of America and Canada on September 10,  
14          1954, and the Great Lakes Fishery Act of 1956 (16  
15          U.S.C. 931 et seq.).

16          (d) AUTHORIZATION OF APPROPRIATIONS.—For each  
17          of fiscal years 2018 through 2022, there is authorized to  
18          be appropriated \$15,000,000 to carry out this section.

19          **SEC. 15. USE OF VALUE OF LAND FOR COST SHARING.**

20          The Pittman-Robertson Wildlife Restoration Act (16  
21          U.S.C. 669 et seq.) is amended—

22                  (1) by redesignating section 13 as section 14;

23          and

24                  (2) by inserting after section 12 the following:

1 **“SEC. 13. VALUE OF LAND.**

2       *“Notwithstanding any other provision of law, any in-*  
3 *stitution eligible to receive Federal funds under the Agricul-*  
4 *tural Research, Extension, and Education Reform Act of*  
5 *1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the*  
6 *value of any land owned by the institution as an in-kind*  
7 *match to satisfy any cost sharing requirement under this*  
8 *Act.”.*



Calendar No. 237

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1514**

[Report No. 115-168]

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**A BILL**

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

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OCTOBER 5, 2017

Reported with an amendment