Calendar No. 384

S. 2363

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

IN THE SENATE OF THE UNITED STATES

MAY 20, 2014

Mrs. Hagan (for herself, Ms. Murkowski, Mr. Pryor, Mr. Heller, Mr. Tester, Mr. Hoeven, Mr. Begich, Mr. Portman, Ms. Landrieu, Mr. Boozman, Mr. Manchin, Mr. Vitter, Mr. Udall of Colorado, Mr. Chambliss, Mr. Heinrich, Mr. Isakson, Ms. Klobuchar, Mr. Rubio, Mr. Warner, Mr. Graham, Mrs. McCaskill, Ms. Ayotte, Mr. Walsh, Mr. Burr, Mr. Donnelly, Mrs. Fischer, Mr. Franken, Mr. Roberts, Mr. Bennet, Mr. McCain, Mr. King, Mr. Thune, Mr. Kaine, and Mr. Risch) introduced the following bill; which was read the first time

MAY 21, 2014

Read the second time and placed on the calendar

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Bipartisan Sportsmen’s Act of 2014”.

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

Sec. 1. Short title; table of contents.

TITLE I—REGULATORY REFORMS

Sec. 101. Electronic duck stamps.
Sec. 102. Modification of definition of sport fishing equipment under the Toxic Substances Control Act.
Sec. 103. Target practice and marksmanship.
Sec. 104. Exemption for subsistence users.
Sec. 105. Permits for importation of polar bear trophies taken in sport hunts in Canada.
Sec. 106. Baiting of migratory game birds.
Sec. 107. Recreational fishing, hunting, and recreational shooting on Federal public land.
Sec. 108. Annual permit and fee for film crews of 5 persons or fewer.

TITLE II—HABITAT CONSERVATION

Sec. 201. Availability of Land and Water Conservation Fund for recreational public access projects.
Sec. 204. National Fish and Wildlife Foundation Establishment Act.

TITLE I—REGULATORY REFORMS

SEC. 101. ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

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

(2) AUTOMATED LICENSING SYSTEM.—

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

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

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

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

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

(C) is issued through a State automated li-
censing system that is authorized, under State
law and by the Secretary under this section, to
issue electronic stamps;
(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c)(3).

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

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

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

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

(c) STATE APPLICATION.—

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

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.
(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

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

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

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

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

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

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

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.
(4) Publication of deadlines, eligibility requirements, and selection criteria.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(A) deadlines for submission of applications;

(B) eligibility requirements for submitting applications; and

(C) criteria for approving applications.

(d) State Obligations and Authorities.—

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

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

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

(2) Collection and transfer of electronic stamp revenue and customer information.—

(A) Requirement to transmit.—The Secretary shall require each State authorized to
issue electronic stamps to collect and submit to
the Secretary in accordance with this sub-
section—

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

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

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

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

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

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

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

(5) Limitation on authority to require
purchase of state license.—A State may not
require that an individual purchase a State hunting
license as a condition of issuing an electronic stamp
under this section.

(e) Electronic stamp requirements; recogni-
tion of electronic stamp.—

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

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

(B) to specify identifying features of the li-
censee that are adequate to enable Federal,
State, and other law enforcement officers to
identify the holder.
(2) **Recognition of electronic stamp.**—

Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

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

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

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

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

(f) **Termination of State Participation.**—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and
(B) provides to the State written notice of
the termination by not later than the date that
is 30 days before the date of termination; or
(2) by the State, by providing written notice to
the Secretary by not later than the date that is 30
days before the termination date.

SEC. 102. MODIFICATION OF DEFINITION OF SPORT FISH-
ING EQUIPMENT UNDER THE TOXIC SUB-
STANCES CONTROL ACT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Sub-
stances Control Act (15 U.S.C. 2602(2)(B)) is amended—
(1) in clause (v), by striking ‘‘, and’’ and inserting ‘‘, or any component of any such article includ-
ing, without limitation, shot, bullets and other pro-
jectiles, propellants, and primers,’’;
(2) in clause (vi) by striking the period at the end and inserting ‘‘, and’’; and
(3) by inserting after clause (vi) the following:
‘‘(vii) any sport fishing equipment (as the term is defined in subsection (a) of section 4162 of the
Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof), the sale of
which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to
any exemptions from such tax as provided by section
4162 or 4221 or any other provision of such Code),
and sport fishing equipment components.”.

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

SEC. 103. TARGET PRACTICE AND MARKSMANSHIP.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the use of firearms and archery equip-
ment for target practice and marksmanship
training activities on Federal land is allowed,
except to the extent specific portions of that
land have been closed to those activities;

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

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

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

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

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

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

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

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

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term “public target range” means a specific location that—
(1) is identified by a governmental agency for
recreational shooting;

(2) is open to the public;

(3) may be supervised; and

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

(e) Amendments to Pittman-Robertson Wildlife Restoration Act.—

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

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

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

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

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

“(B) is open to the public;

“(C) may be supervised; and

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

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

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

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

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

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

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

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

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

“(4) REGULATIONS.—The Secretary”; and

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

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up
to 90 percent of the cost of acquiring land for, expand-
ing, or constructing a public target range.”.

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

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

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

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

“(b) COST SHARING.—

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

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

(C) in subsection (c)(1)—

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

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

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

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

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

SEC. 104. EXEMPTION FOR SUBSISTENCE USERS.
Section 3(h)(2) of the Fish and Wildlife Improvement
Act of 1978 (16 U.S.C. 712(1)) is amended by adding
at the end the following: “A taking authorized under this
section shall be exempt from the prohibition on taking
under section 1 of the Migratory Bird Hunting and Con-
servation Stamp Act (16 U.S.C. 718a).”.

SEC. 105. PERMITS FOR IMPORTATION OF POLAR BEAR
TROPHIES TAKEN IN SPORT HUNTS IN CAN-
ADA.
Section 104(c)(5) of the Marine Mammal Protection
Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by strik-
ing subparagraph (D) and inserting the following:
“(D) POLAR BEAR PARTS.—
“(i) IN GENERAL.—Notwithstanding
subparagraphs (A) and (C)(ii), subsection
(d)(3), and sections 101 and 102, the Sec-
retary of the Interior shall, expeditiously
after the date on which the expiration of
the applicable 30-day period described in
subsection (d)(2) expires, issue a permit
for the importation of any polar bear part
(other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

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

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

“(ii) Applicability of prohibition on the importation of a depleted species.—

“(I) Parts legally harvested before February 18, 1997.—

“(aa) In general.—Sections 101(a)(3)(B) and 102(b)(3)
shall not apply to the importation
of any polar bear part authorized
by a permit issued under clause
(i)(I).

“(bb) **Applicability.**—
Item (aa) shall not apply to polar
bear parts imported before June
12, 1997.

“(II) **Parts legally harvested before May 15, 2008.**—

“(aa) **In general.**—Sections 101(a)(3)(B) and 102(b)(3)
shall not apply to the importation
of any polar bear part authorized
by a permit issued under clause
(i)(II).

“(bb) **Applicability.**—
Item (aa) shall not apply to polar
bear parts imported before the
date of enactment of the Bipar-
tisan Sportsmen’s Act of 2014.”.

**SEC. 106. BAITING OF MIGRATORY GAME BIRDS.**

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

“(1) Definitions.—In this subsection:

“(A) Baited Area.—

“(i) In general.—The term ‘baited area’ means—

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

“(II) in the case of waterfowl, cranes (family Gruidae), and coots (family Rallidae), a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.

“(ii) Exclusions.—An area shall not be considered to be a ‘baited area’ if the area—

“(I) has been treated with a normal agricultural practice;
“(II) has standing crops that have not been manipulated; or

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

“(B) BAITING.—The term ‘baiting’ means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas on which a hunter is attempting to take migratory game birds.

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

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

“(ii) for which open seasons are prescribed by the Secretary of the Interior.

“(D) NORMAL AGRICULTURAL PRACTICE.—

“(i) IN GENERAL.—The term ‘normal agricultural practice’ means any practice in 1 annual growing season that—
“(I) is carried out in order to produce a marketable crop, including planting, harvest, post-harvest, or soil conservation practices; and

“(II) is recommended for the successful harvest of a given crop by the applicable State office of the Cooperative Extension System of the Department of Agriculture, in consultation with, and if requested, the concurrence of, the head of the applicable State department of fish and wildlife.

“(ii) INCLUSIONS.—

“(I) IN GENERAL.—Subject to subclause (II), the term ‘normal agricultural practice’ includes the destruction of a crop in accordance with practices required by the Federal Crop Insurance Corporation for agricultural producers to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) on land on which a crop during the current or immediately preceding crop year was not harvestable due to a nat-
ural disaster (including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)).

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

“(E) WATERFOWL.—The term ‘waterfowl’ means native species of the family Anatidae.
“(2) PROHIBITION.—It shall be unlawful for any person—

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

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

“(3) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

“(4) REPORTS.—Annually, the Secretary of Agriculture shall submit to the Secretary of the Interior a report that describes any changes to normal agricultural practices across the range of crops grown by agricultural producers in each region of the United States in which the recommendations are provided to agricultural producers.”.

SEC. 107. RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL PUBLIC LAND.

(a) DEFINITIONS.—In this section:
(1) Federal public land.—

(A) In general.—The term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) Exclusions.—The term “Federal public land” does not include—

(i) land or water held or managed in trust for the benefit of Indian tribes or individual Indians;

(ii) land or water managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) Hunting.—

(A) In general.—The term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

...
(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by Federal law (including regulations)).

(3) RECREATIONAL FISHING.—The term “recreational fishing” means—

(A) an activity for sport or pleasure that involves the lawful—

(i) catching, taking, or harvesting of fish; or

(ii) attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves—

(A) the discharge of a rifle, handgun, or shotgun; or
(B) the use of a bow and arrow.

(b) Recreational Fishing, Hunting, and Recreational Shooting.—

(1) In general.—Subject to valid existing rights, and in cooperation with the respective State fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any Federal law (including regulations) that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law (including regulations) that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land units of Federal public land, or water; or

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable, as supported by the best scientific evi-
dence and advanced through a transparent pub-
lic process.

(2) MANAGEMENT.—Consistent with paragraph
(1), the head of each Federal public land manage-
ment agency shall exercise the land management dis-
cretion of the head—

(A) in a manner that supports and facili-
tates recreational fishing, hunting, and rec-
reational shooting opportunities;

(B) to the extent authorized under applica-
ble State law; and

(C) in accordance with applicable Federal
law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVI-
ties.—

(i) EVALUATION OF EFFECTS ON OP-
portunities to engage in rec-
reational fishing, hunting, or rec-
reational shooting.—Federal public
land planning documents (including land
resources management plans, resource
management plans, travel management
plans, and energy development plans) shall
include a specific evaluation of the effects
of the plans on opportunities to engage in
recreational fishing, hunting, or recre-
tional shooting.

(ii) Other activity not considered.—

(I) In general.—Federal public
land management officials shall not be
required to consider the existence or
availability of recreational fishing,
hunting, or recreational shooting op-
opportunities on private or public land
that is located adjacent to, or in the
vicinity of, Federal public land for
purposes of—

(aa) planning for or deter-
mining which units of Federal
public land are open for recre-
tional fishing, hunting, or recre-
tional shooting; or

(bb) setting the levels of use
for recreational fishing, hunting,
or recreational shooting on Fed-
eral public land.

(II) Enhanced opportunities.—Federal public land manage-
ment officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) Use of Volunteers.—If hunting is prohibited by law, all Federal public land planning documents described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) Bureau of Land Management and Forest Service Land.—

(A) Land Open.—

(i) In General.—Land under the jurisdiction of the Bureau of Land Manage-
ment or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to the activity.

(ii) MOTORIZED ACCESS.—Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) CLOSURE OR RESTRICTION.—Land described in subparagraph (A)(i) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public
safety, energy or mineral production, energy

generation or transmission infrastructure, water

supply facilities, protection of other permittees,

protection of private property rights or inter-

ests, national security, or compliance with other

law, as determined appropriate by the Director

of the Bureau of Land Management or the

Chief of the Forest Service, as applicable.

(C) SHOOTING RANGES.—

(i) IN GENERAL.—Except as provided

in clause (iii), the head of each Federal

public land agency may use the authorities

of the head, in a manner consistent with

this section and other applicable law—

(I) to lease or permit use of land

under the jurisdiction of the head for

shooting ranges; and

(II) to designate specific land

under the jurisdiction of the head for

recreational shooting activities.

(ii) LIMITATION ON LIABILITY.—Any

designation under clause (i)(II) shall not

subject the United States to any civil ac-

tion or claim for monetary damages for in-

jury or loss of property or personal injury
or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) EXCEPTION.—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to rec-
reational fishing, hunting, or recreational shoot-
ing at any time during the preceding year; and

(B) the reason for the closure.

(6) CLOSURES OR SIGNIFICANT RESTRICTIONS
OF 1,280 OR MORE ACRES.—

(A) IN GENERAL.—Other than closures es-
established or prescribed by land planning actions
referred to in paragraph (4)(B) or emergency
closures described in subparagraph (C), a per-
manent or temporary withdrawal, change of
classification, or change of management status
of Federal public land or water that effectively
closes or significantly restricts 1,280 or more
contiguous acres of Federal public land or
water to access or use for recreational fishing
or hunting or activities relating to fishing or
hunting shall take effect only if, before the date
of withdrawal or change, the head of the Fed-
eral public land agency that has jurisdiction
over the Federal public land or water—

(i) publishes appropriate notice of the
withdrawal or change, respectively;

(ii) demonstrates that coordination
has occurred with a State fish and wildlife
agency; and
(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts or affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES.—

(i) IN GENERAL.—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.
(ii) **TERMINATION.**—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this section.

(7) **NO PRIORITY.**—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) **CONSULTATION WITH COUNCILS.**—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) **AUTHORITY OF STATES.**—

   (A) **IN GENERAL.**—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations)
on land or water within the State, including on Federal public land.

(B) FEDERAL LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), nothing in this subsection authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.


SEC. 108. ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5 PERSONS OR FEWER.

(a) PURPOSE.—The purpose of this section is to provide commercial film crews of 5 persons or fewer access to film in areas designated for public use during public hours on Federal land and waterways.

(b) SPECIAL RULES.—Section 1(a) of Public Law 106–206 (16 U.S.C. 460l–6d(a)) is amended—
(1) by redesignating paragraphs (1), (2), and
(3) as subparagraphs (A), (B), and (C), respectively,
and indenting appropriately;

(2) in the first sentence, by striking “The Sec-
retary of the Interior” and inserting the following:
“(1) IN GENERAL.—Except as provided in para-
graph (4), the Secretary of the Interior”;

(3) in the second sentence, by striking “Such
fee” and inserting the following:
“(2) CRITERIA.—The fee established under
paragraph (1)”;

(4) in the third sentence, by striking “The Sec-
retary may” and inserting the following:
“(3) OTHER CONSIDERATIONS.—The Secretary
may”; and

(5) by adding at the end the following:
“(4) SPECIAL RULES FOR FILM CREWS OF 5
PERSONS OR FEWER.—
“(A) DEFINITION OF FILM CREW.—In this
paragraph, the term ‘film crew’ means any per-
sons present on Federal land or waterways
under the jurisdiction of the Secretary who are
associated with the production of a film.
“(B) REQUIRED PERMIT AND FEE.—For
any film crew of 5 persons or fewer, the Sec-
Secretary shall require a permit and assess an annual fee of $200 for commercial filming activities or similar projects on Federal land and waterways administered by the Secretary.

“(C) COMMERCIAL FILMING ACTIVITIES.—A permit issued under subparagraph (B) shall be valid for commercial filming activities or similar projects that occur in areas designated for public use during public hours on all Federal land and waterways administered by the Secretary for a 1-year period beginning on the date of issuance of the permit.

“(D) NO ADDITIONAL FEES.—For persons holding a permit issued under this paragraph, during the effective period of the permit, the Secretary shall not assess any fees in addition to the fee assessed under subparagraph (B).

“(E) USE OF CAMERAS.—The Secretary shall not prohibit, as a mechanized apparatus or under any other purposes, use of cameras or related equipment used for the purpose of commercial filming activities or similar projects in accordance with this paragraph on Federal land and waterways administered by the Secretary.
“(F) NOTIFICATION REQUIRED.—A film crew of 5 persons or fewer subject to a permit issued under this paragraph shall notify the applicable land management agency with jurisdiction over the Federal land at least 48 hours before entering the Federal land.

“(G) DENIAL OF ACCESS.—The head of the applicable land management agency may deny access to a film crew under this paragraph if—

“(i) there is a likelihood of resource damage that cannot be mitigated;

“(ii) there would be an unreasonable disruption of the use and enjoyment of the site by the public;

“(iii) the activity poses health or safety risks to the public; or

“(iv) the filming includes the use of models or props that are not part of the natural or cultural resources or administrative facilities of the Federal land.”.

(c) RECOVERY OF COSTS.—Section 1(b) of Public Law 106–206 (16 U.S.C. 460l–6d(b)) is amended in the first sentence—
(1) by striking “collect any costs” and inserting “recover any costs”; and

(2) by striking “similar project” and inserting “similar projects”.

**TITLE II—HABITAT CONSERVATION**

**SEC. 201. AVAILABILITY OF LAND AND WATER CONSERVATION FUND FOR RECREATIONAL PUBLIC ACCESS PROJECTS.**

(a) **AVAILABILITY OF FUNDS.**—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6) is amended to read as follows:

“SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS. “(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts appropriated for the fund for each fiscal year, not less than the greater of 1.5 percent of the amounts or $10,000,000 shall be made available for projects identified on the priority list developed under subsection (b).

“(b) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.
“(c) CRITERIA.—Projects identified on the priority list developed under subsection (b) shall secure recreational public access to Federal public land in existence as of the date of enactment of this section that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) CONFORMING AMENDMENTS.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) is amended—

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

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

and

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

SEC. 202. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—
(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “(as in effect on the date of enactment of this Act)”;

and

(B) by striking subsection (d);

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

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

(A) in paragraph (1)—

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

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

(B) in paragraph (2)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

(b) DEFICIT REDUCTION.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the Treasury and used for Federal budget deficit reduction, $1,000,000 for each of fiscal years 2015 through 2024.

SEC. 203. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking “and”;
(2) in paragraph (5), by striking the period at
the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) $50,000,000 for each of fiscal years 2014
through 2019.”.

SEC. 204. NATIONAL FISH AND WILDLIFE FOUNDATION ES-
TABLISHMENT ACT.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

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

(A) in subsection (b)—

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

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

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

“(B) represent a balance of expertise in
ocean, coastal, freshwater, and terrestrial re-
source conservation.”; and
(ii) by striking paragraph (3) and inserting the following:

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

(B) in subsection (g)(2)—

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

“(A) IN GENERAL.—Officers”; and

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

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

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

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

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

(b) Rights and Obligations of the Foundation.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (e)—

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

“(c) Powers.—

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

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

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

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

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

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

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

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

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

“(2) TREATMENT OF REAL PROPERTY.—

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

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

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

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

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

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

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

...
“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2014 through 2019—

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

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

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

(2) in subsection (b)—

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

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

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

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

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

(B) in paragraph (2)—

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

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

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

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

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

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

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

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

(3) by adding at the end the following:

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

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

S 2363 PCS
A BILL

S. 2363

113TH CONGRESS

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

Read the second time and placed on the calendar

May 21, 2014