H. R. 3197

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2013

Mr. Latta (for himself, Mr. Thompson of Mississippi, Mr. Wittman, and Mr. Walz) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Energy and Commerce, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sportsmen’s Heritage And Recreational Enhancement Act of 2013” or the “SHARE Act of 2013”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
2. SECTION 1. SHORT TITLE.
3. This Act may be cited as the “Sportsmen’s Heritage And Recreational Enhancement Act of 2013” or the “SHARE Act of 2013”.
4. SEC. 2. TABLE OF CONTENTS.
5. The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HUNTING, FISHING AND RECREATIONAL SHOOTING PROTECTION ACT

Sec. 101. Short title.
Sec. 102. Modification of definition.

TITLE II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

Sec. 201. Short title.
Sec. 202. Findings; purpose.
Sec. 203. Definition of public target range.
Sec. 204. Amendments to Pittman-Robertson Wildlife Restoration Act.
Sec. 205. Limits on liability.
Sec. 206. Sense of Congress regarding cooperation.

TITLE III—PUBLIC LANDS FILMING

Sec. 301. Purpose.
Sec. 302. Annual permit and fee for film crews of 5 persons or fewer.

TITLE IV—POLAR BEAR CONSERVATION AND FAIRNESS ACT

Sec. 401. Short title.
Sec. 402. Permits for importation of polar bear trophies taken in sport hunts in Canada.

TITLE V—PERMANENT ELECTRONIC DUCK STAMP ACT

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Authority to issue electronic duck stamps.
Sec. 504. State application.
Sec. 505. State obligations and authorities.
Sec. 506. Electronic stamp requirements; recognition of electronic stamp.
Sec. 507. Termination of State participation.

TITLE VI—ACCESS TO WATER RESOURCES DEVELOPMENT PROJECTS ACT

Sec. 601. Short title.
Sec. 602. Protecting Americans from violent crime.

TITLE VII—WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE

Sec. 701. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

TITLE VIII—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES ACT

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Definitions.
Sec. 804. Recreational fishing, hunting, and shooting.
TITLE IX—GULF OF MEXICO RED SNAPPER CONSERVATION ACT

Sec. 901. Short title.
Sec. 902. Definitions.
Sec. 903. Data collection strategy for Gulf of Mexico red snapper.
Sec. 904. Adopting a fishery management plan.
Sec. 905. Review and certification by Secretary.
Sec. 906. State implementation of the fishery management plan.
Sec. 907. Commission oversight responsibilities.
Sec. 908. Opportunity to remedy.
Sec. 909. Closure of the Gulf of Mexico red snapper fishery.
Sec. 910. Economic analysis and report.

TITLE I—HUNTING, FISHING AND RECREATIONAL SHOOTING PROTECTION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Hunting, Fishing, and Recreational Shooting Protection Act”.

SEC. 102. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances 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 including, without limitation, shot, bullets and other projectiles, 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 such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) 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.”.

TITLE II—TARGET PRACTICE
AND MARKSMANSHIP TRAIN-
ing SUPPORT ACT

SEC. 201. SHORT TITLE.

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

SEC. 202. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

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

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

(3) the availability of public target ranges on
non-Federal land has been declining for a variety of
reasons, including continued population growth and
development near former ranges;
(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

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

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

(5) 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

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

(b) PURPOSE.—The purpose of this title 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.

SEC. 203. DEFINITION OF PUBLIC TARGET RANGE.

In this title, 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.

SEC. 204. AMENDMENTS TO PITTMAN-ROBERTSON WILD-
LIFE RESTORATION ACT.

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

(1) by redesignating paragraphs (2) through
(8) as paragraphs (3) through (9), respectively; and
(2) by inserting after paragraph (1) the fol-
lowing:

“(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;”.

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

(1) 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”;

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

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

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

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

“(4) REGULATIONS.—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) 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, expanding, or constructing a public target range.”.
(c) 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—

(1) 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 allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

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

“(b) Cost sharing.—

“(1) In general.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) Public target range construction or expansion.—The Federal share of the cost of acquiring 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

(3) in subsection (c)(1)—

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

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

(B) by adding at the end the following:

“(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.”.

SEC. 205. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.
(b) Civil Action or Claims.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities 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.

TITLE III—PUBLIC LANDS

FILMING

SEC. 301. PURPOSE.

The purpose of this title is to provide commercial film crews of 5 persons or fewer access to film in areas des-
11

ignated for public use during public hours on Federal
lands and waterways.

SEC. 302. ANNUAL PERMIT AND FEE FOR FILM CREWS OF
5 PERSONS OR FEWER.

(a) IN GENERAL.—Section (1)(a) of Public Law 106–
206 (16 U.S.C. 460l–6d) is amended by—

(1) redesignating paragraphs (1), (2), and (3)
as subparagraphs (A), (B), and (C), respectively;

(2) striking “The Secretary of the Interior” and
inserting “(1) IN GENERAL.—Except as provided by
paragraph (3), the Secretary of the Interior”;

(3) inserting “(2) OTHER CONSIDERATIONS.—”
before “The Secretary may include other factors”;

and

(4) adding at the end the following new para-
graph:

“(3) SPECIAL RULES FOR FILM CREWS OF 5
PERSONS OR FEWER.—

“(A) For any film crew of 5 persons or
fewer, the Secretary shall require a permit and
assess an annual fee of $200 for commercial
filming activities or similar projects on Federal
lands and waterways administered by the Sec-
retary. The permit shall be valid for commercial
filming activities or similar projects that occur
in areas designated for public use during public hours on all Federal lands waterways administered by the Secretary for a 12-month period beginning on the date of issuance of the permit.

“(B) For persons holding a permit described in this paragraph, the Secretary shall not assess, during the effective period of the permit, any additional fee for commercial filming activities and similar projects that occur in areas designated for public use during public hours on Federal lands and waterways administered by the Secretary.

“(C) In this paragraph, the term ‘film crew’ includes all persons present on Federal land under the Secretary’s jurisdiction who are associated with the production of a certain film.

“(D) The Secretary shall not prohibit, as a motorized vehicle 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 lands and waterways administered by the Secretary.”.

(b) Recovery of Costs.—Section (1)(b) of Public Law 106–206 (16 U.S.C. 460l–6d) is amended by—
(1) striking “collect any costs” and inserting “recover any costs”; and
(2) striking “similar project” and inserting “similar projects”.

TITLE IV—POLAR BEAR CONSERVATION AND FAIRNESS ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Polar Bear Conservation and Fairness Act of 2013”.

SEC. 402. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), 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 har-
vested by the person before February 18, 1997;

or

“(II) who has submitted, in support of a
permit application submitted before May 15,
2008, proof that the polar bear was legally har-
vested by the person before May 15, 2008, from
a polar bear population from which a sport-
hunted trophy could be imported before that
date in accordance with section 18.30(i) of title

“(ii) The Secretary shall issue permits under
clause (i)(I) without regard to subparagraphs (A)
and (C)(ii) of this paragraph, subsection (d)(3), and
sections 101 and 102. 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). This clause shall not apply to polar
bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under
clause (i)(II) without regard to subparagraph (C)(ii)
of this paragraph or subsection (d)(3). 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). This clause shall
not apply to polar bear parts that were imported be-
fore the date of enactment of the Polar Bear Con-
servation and Fairness Act of 2013.”.

**TITLE V—PERMANENT**

**ELECTRONIC DUCK STAMP ACT**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Permanent Electronic
Duck Stamp Act of 2013”.

**SEC. 502. DEFINITIONS.**

In this title:

1. **Actual Stamp.**—The term “actual stamp”
   means a Federal migratory-bird hunting and con-
servation 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-
thority 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 applications 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 title, to
issue electronic stamps;

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

(E) is described in the State application
approved by the Secretary under section
504(b).

(4) SECRETARY.—The term “Secretary” means
the Secretary of the Interior.
SEC. 503. AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.

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

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

SEC. 504. STATE APPLICATION.

(a) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this title unless the Secretary has received and approved an application submitted by the State in accordance with this section. The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(b) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

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

(2) a description of any fee the State will charge for issuance of an electronic stamp;
(3) 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;

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

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

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

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) 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—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

SEC. 505. STATE OBLIGATIONS AND AUTHORITIES.

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

(1) by not later than the date on which the
electronic stamp expires under section 506(e); and

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

(b) Collection and Transfer of Electronic
Stamp Revenue and Customer Information.—

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

(A) the first name, last name, and com-
plete mailing address of each individual that
purchases an electronic stamp from the State;

(B) the face value amount of each elec-
tronic stamp sold by the State; and

(C) the amount of the Federal portion of
any fee required by the agreement for each
stamp sold.

(2) Time of transmittal.—The Secretary
shall require the submission under paragraph (1) to
be made with respect to sales of electronic stamps
by a State according to the written agreement be-
tween the Secretary and the State agency.
(3) Additional fees not affected.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(e) 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 title, including costs of delivery of actual stamps.

(d) 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.

(e) 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 title.

SEC. 506. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) Stamp Requirements.—The Secretary shall require an electronic stamp issued by a State under this title—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and
(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) Recognition of Electronic Stamp.—Any electronic stamp issued by a State under this title shall, during the effective period of the electronic stamp—

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

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

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

(e) 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.

SEC. 507. TERMINATION OF STATE PARTICIPATION.

The authority of a State to issue electronic stamps under this title 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 section 504; 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.

**TITLE VI—ACCESS TO WATER RESOURCES DEVELOPMENT PROJECTS ACT**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Recreational Lands Self-Defense Act of 2013”.

**SEC. 602. PROTECTING AMERICANS FROM VIOLENT CRIME.**

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 327.13 of title 36, Code of Federal Regulations, provides that, except in special circumstances, “possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited” at water resources development projects administered by the Secretary of the Army.
(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at such water resources development projects.

(4) The Federal laws should make it clear that the second amendment rights of an individual at a water resources development project should not be infringed.

(b) Protecting the Right of Individuals To Bear Arms at Water Resources Development Projects.—The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.
TITLE VII—WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE

SEC. 701. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) is amended by adding at the end the following:

“SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

“(a) Establishment.—There is hereby established the Wildlife and Hunting Heritage Conservation Council Advisory Committee (in this section referred to as the ‘Advisory Committee’) to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.

“(b) Duties of the Advisory Committee.—The Advisory Committee shall advise the Secretaries with regard to—

“(1) implementation of Executive Order No. 13443: Facilitation of Hunting Heritage and Wildlife Conservation, which directs Federal agencies ‘to facilitate the expansion and enhancement of hunting
opportunities and the management of game species and their habitat’;

“(2) policies or programs to conserve and re-
store wetlands, agricultural lands, grasslands, forest, and rangeland habitats;

“(3) policies or programs to promote opportuni-
ties and access to hunting and shooting sports on Federal lands;

“(4) policies or programs to recruit and retain new hunters and shooters;

“(5) policies or programs that increase public awareness of the importance of wildlife conservation and the social and economic benefits of recreational hunting and shooting; and

“(6) policies or programs that encourage co-
ordination among the public, the hunting and shoot-
ing sports community, wildlife conservation groups, and States, tribes, and the Federal Government.

“(c) Membership.—

“(1) Appointment.—

“(A) In general.—The Advisory Com-
mittee shall consist of no more than 16 discretion-
ary members and 7 ex officio members.

“(B) Ex officio members.—The ex officio members are—
“(i) the Director of the United States Fish and Wildlife Service or a designated representative of the Director;

“(ii) the Director of the Bureau of Land Management or a designated representative of the Director;

“(iii) the Director of the National Park Service or a designated representative of the Director;

“(iv) the Chief of the Forest Service or a designated representative of the Chief;

“(v) the Chief of the Natural Resources Conservation Service or a designated representative of the Chief;

“(vi) the Administrator of the Farm Service Agency or a designated representative of the Administrator; and

“(vii) the Executive Director of the Association of Fish and Wildlife Agencies.

“(C) DISCRETIONARY MEMBERS.—The discretionary members shall be appointed jointly by the Secretaries from at least one of each of the following:

“(i) State fish and wildlife agencies.
“(ii) Game bird hunting organizations.

“(iii) Wildlife conservation organizations.

“(iv) Big game hunting organizations.

“(v) Waterfowl hunting organizations.

“(vi) The tourism, outfitter, or guiding industry.

“(vii) The firearms or ammunition manufacturing industry.

“(viii) The hunting or shooting equipment retail industry.

“(ix) Hunting and shooting sports outreach and education organizations.

“(x) Tribal resource management organizations.

“(xi) The agriculture industry.

“(xii) The ranching industry.

“(D) ELIGIBILITY.—Prior to the appointment of the discretionary members, the Secretaries shall determine that all individuals nominated for appointment to the Advisory Committee, and the organization each individual represents, actively support and promote sus-
tainable-use hunting, wildlife conservation, and recreational shooting.

“(2) TERMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Advisory Committee shall be appointed for a term of 4 years. Members shall not be appointed for more than 3 consecutive or nonconsecutive terms.

“(B) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed—

“(i) 6 members shall be appointed for a term of 4 years;

“(ii) 5 members shall be appointed for a term of 3 years; and

“(iii) 5 members shall be appointed for a term of 2 years.

“(3) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a discretionary member of the Advisory Committee while serving as an officer or employee of the Federal Government.

“(4) VACANCY AND REMOVAL.—

“(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the man-
ner in which the original appointment was
made.

“(B) REMOVAL.—Advisory Committee
members shall serve at the discretion of the
Secretaries and may be removed at any time for
good cause.

“(5) CONTINUATION OF SERVICE.—Each ap-
pointed member may continue to serve after the ex-
piration of the term of office to which such member
was appointed until a successor has been appointed.

“(6) CHAIRPERSON.—The Chairperson of the
Advisory Committee shall be appointed for a 3-year
term by the Secretaries, jointly, from among the
members of the Advisory Committee. An individual
may not be appointed as Chairperson for more than
2 consecutive or nonconsecutive terms.

“(7) PAY AND EXPENSES.—Members of the Ad-
visory Committee shall serve without pay for such
service, but each member of the Advisory Committee
shall be reimbursed for travel and lodging incurred
through attending meetings of the Advisory Com-
mittee approved subgroup meetings in the same
amounts and under the same conditions as Federal
employees (in accordance with section 5703 of title
5, United States Code).
“(8) MEETINGS.—

“(A) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretaries, the chairperson, or a majority of the members, but not less frequently than twice annually.

“(B) OPEN MEETINGS.—Each meeting of the Advisory Committee shall be open to the public.

“(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Advisory Committee shall be published in the Federal Register and be submitted to trade publications and publications of general circulation.

“(D) SUBGROUPS.—The Advisory Committee may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups may not conduct business without the direction of the Advisory Committee and must report in full to the Advisory Committee.

“(9) QUORUM.—Nine members of the Advisory Committee shall constitute a quorum.
“(d) EXPENSES.—The expenses of the Advisory Committee that the Secretaries determine to be reasonable and appropriate shall be paid by the Secretaries.

“(e) ADMINISTRATIVE SUPPORT, TECHNICAL SERVICES, AND ADVICE.—A designated Federal Officer shall be jointly appointed by the Secretaries to provide to the Advisory Committee the administrative support, technical services, and advice that the Secretaries determine to be reasonable and appropriate.

“(f) ANNUAL REPORT.—

“(1) REQUIRED.—Not later than September 30 of each year, the Advisory Committee shall submit a report to the Secretaries, the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If circumstances arise in which the Advisory Committee cannot meet the September 30 deadline in any year, the Secretaries shall advise the Chairpersons of each such Committee of the reasons for such delay and the date on which the submission of the report is anticipated.

“(2) CONTENTS.—The report required by paragraph (1) shall describe—
“(A) the activities of the Advisory Committee during the preceding year;

“(B) the reports and recommendations made by the Advisory Committee to the Secretaries during the preceding year; and

“(C) an accounting of actions taken by the Secretaries as a result of the recommendations.

“(g) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

“(h) ABOLISHMENT OF THE EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.—Effective on the date of the enactment of this Act, the Wildlife and Hunting Heritage Conservation Council formed in furtherance of section 441 of the Revised Statutes (43 U.S.C. 1457), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts applicable to specific bureaus of the Department of the Interior is hereby abolished.”.
TITLE VIII—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES ACT

SEC. 801. SHORT TITLE.

This title may be cited as the “Recreational Fishing and Hunting Heritage and Opportunities Act”.

SEC. 802. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local gov-
ernments by investing volunteer time and effort to
fish and wildlife conservation;

(5) recreational anglers, hunters, and the asso-
ciated industries have generated billions of dollars of
critical funding for fish and wildlife conservation, re-
search, and management by providing revenues from
purchases of fishing and hunting licenses, permits,
and stamps, as well as excise taxes on fishing, hunt-
ing, and shooting equipment that have generated bil-
lions of dollars of critical funding for fish and wild-
life conservation, research, and management;

(6) recreational shooting is also an important
and traditional activity in which millions of Ameri-
cans participate, safe recreational shooting is a valid
use of Federal public lands, including the establish-
ment of safe and convenient shooting ranges on such
lands, and participation in recreational shooting
helps recruit and retain hunters and contributes to
wildlife conservation;

(7) opportunities to recreationally fish, hunt,
and shoot are declining, which depresses participa-
tion in these traditional activities, and depressed
participation adversely impacts fish and wildlife con-
servation and funding for important conservation ef-
forts; and
(8) the public interest would be served, and our citizens’ fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 803. DEFINITIONS.

In this title:

(1) FEDERAL PUBLIC LAND.—The term “Federal public land” means any land or water that is owned and managed by the Bureau of Land Management or the Forest Service.

(2) FEDERAL PUBLIC LAND MANAGEMENT OFFICIALS.—The term “Federal public land management officials” means—

(A) the Secretary of the Interior and Director of Bureau of Land Management regarding Bureau of Land Management lands and waters; and

(B) the Secretary of Agriculture and Chief of the Forest Service regarding the National Forest System.

(3) HUNTING.—
(A) IN GENERAL.—Except as provided in
subparagraph (B), 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;

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

(iii) the training of hunting dogs, including field trials.

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

(4) RECREATIONAL FISHING.—The term “recreational fishing” means the lawful—

(A) pursuit, capture, collection, or killing
of fish; or

(B) attempt to capture, collect, or kill fish.

(5) RECREATIONAL SHOOTING.—The term
“recreational shooting” means any form of sport,
training, competition, or pastime, whether formal or
informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.
SEC. 804. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) In general.—Subject to valid existing rights and subsection (g), and cooperation with the respective State fish and wildlife agency, Federal public land management officials shall exercise authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands, including National Monuments, Wilderness Areas, Wilderness Study Areas, and lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, sport hunting, and recreational shooting, except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; and

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.
(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(2) NO MAJOR FEDERAL ACTION.—No action taken under this title, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal public lands or lands managed by the United States
Fish and Wildlife Service, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(3) Other activity not considered.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(d) Federal Public Lands.—

(1) Lands open.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas and
National Monuments, but excluding lands on the
Outer Continental Shelf, shall be open to recre-
tional fishing, hunting, and shooting unless the
managing Federal agency acts to close lands to such
activity. Lands may be subject to closures or restric-
tions if determined by the head of the agency to be
necessary and reasonable and supported by facts
and evidence, for purposes including resource con-
servation, public safety, energy or mineral produc-
tion, energy generation or transmission infrastruc-
ture, water supply facilities, protection of other per-
mittees, protection of private property rights or in-
terest, national security, or compliance with other
law.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Fed-
eral agency shall use his or her authorities in
a manner consistent with this title and other
applicable law, to—

(i) lease or permit use of lands under
the jurisdiction of the agency for shooting
ranges; and

(ii) designate specific lands under the
jurisdiction of the agency for recreational
shooting activities.
(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS AND “WITHIN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated Federal wilderness areas shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area, provided that this determination shall not authorize or facilitate commodity development, use, or extraction, motorized recreational access or use that is not otherwise allowed under the Wilderness Act (16 U.S.C. 1131 et seq.), or permanent road construction or maintenance within designated wilderness areas.

(2) APPLICATION OF WILDERNESS ACT.—Provisions of the Wilderness Act (16 U.S.C. 1131 et
seq.), stipulating that wilderness purposes are “within and supplemental to” the purposes of the underlying Federal land unit are reaffirmed. When seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities on designated wilderness areas, the head of each Federal agency shall implement these supplemental purposes so as to facilitate, enhance, or both, but not to impede the underlying Federal land purposes when seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities in designated wilderness areas, provided that such implementation shall not authorize or facilitate commodity development, use or extraction, or permanent road construction or use within designated wilderness areas.

(f) REPORT.—Beginning on the second October 1 after the date of the enactment of this Act and biennially on October 1 thereafter, the head of each Federal agency who has authority to manage Federal public land on which 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—
(1) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(2) the reason for the closure.

(g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing, hunting, or both, shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

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

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and
(C) 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.

(2) Aggregate or cumulative effects.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts 1,280 or more acres of land or water, such withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) Emergency closures.—Nothing in this title prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this title.

(h) National Park Service units not affected.—Nothing in this title shall affect or modify management or use of units of the National Park System.

(i) No priority.—Nothing in this title requires a Federal land management agency to give preference to
recreational fishing, hunting, or shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(j) Consultation With Councils.—In fulfilling the duties set forth in this title, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(k) Authority of the States.—

(1) In General.—Nothing in this title shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) Federal Licenses.—Nothing in this title shall be construed to authorize the head of a Federal 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 States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).
TITLE IX—GULF OF MEXICO RED SNAPPER CONSERVATION ACT

SEC. 901. SHORT TITLE.

This title may be cited as the “Gulf of Mexico Red Snapper Conservation Act of 2013”.

SEC. 902. DEFINITIONS.

In this title:

(1) COASTAL WATERS.—The term “coastal waters” means all waters of the Gulf of Mexico—

(A) shoreward of the baseline from which the territorial sea of the United States is measured; and

(B) seaward from the baseline described in subparagraph (A) to the outer boundary of the exclusive economic zone.

(2) COMMISSION.—The term “Commission” means the Gulf States Marine Fisheries Commission.

(3) EXCLUSIVE ECONOMIC ZONE.—The term “exclusive economic zone” has the meaning given to such term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(4) FEDERAL FISHERY MANAGEMENT PLAN.—The term “Federal fishery management plan”
means the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council pursuant to section 622.1 of title 50, Code of Federal Regulations.

(5) Fishery Management Measure.—The term “fishery management measure” means any policy, process, or tool used by a Gulf coastal State to implement the fishery management plan.

(6) Fishery Management Plan.—The term “fishery management plan” means a plan created by the Commission for the sustainability of Gulf of Mexico red snapper and the economic and community benefits of each of the Gulf coastal States.

(7) Gulf Coastal State.—The term “Gulf coastal State” means any of—

(A) Alabama;
(B) Florida;
(C) Louisiana;
(D) Mississippi; or
(E) Texas.

(8) Gulf of Mexico Red Snapper.—The term “Gulf of Mexico red snapper” means members of stocks or populations of the species Lutjanis
campechanus, which ordinarily are found shoreward
of coastal waters.

(9) OVERFISHING.—The term “overfishing” has
the meaning given to such term in section 3 of the
Magnuson-Stevens Fishery Conservation and Man-

(10) SECRETARY.—The term “Secretary”
means the Secretary of Commerce.

SEC. 903. DATA COLLECTION STRATEGY FOR GULF OF MEX-
ICO RED SNAPPER.

Not later than one year after the date of the enact-
ment of this title, the Commission, with the support of
the Secretary, shall prepare and adopt by vote a strategy
for the collection of data on the Gulf of Mexico red snap-
per fishery that shall include—

(1) measures to enhance interstate collaboration
on the collection of data regarding the Gulf of Mex-
ico red snapper fishery; and

(2) a plan to undertake annual stock assess-
ments of Gulf of Mexico red snapper.

SEC. 904. ADOPTING A FISHERY MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than one year after the
date of the enactment of this title, the Commission shall
prepare and adopt by vote a fishery management plan and
submit the plan to the Secretary.
(b) REQUIREMENTS.—In adopting a fishery manage-
ment plan under subsection (a), the Commission shall en-
sure—

(1) adequate opportunity for public participa-
tion prior to a vote under subsection (a), including—

(A) at least 1 public hearing held in each
Gulf coastal State; and

(B) procedures for submitting written com-
ments on the fishery management plan to the
Commission and for making such comments
and responses of the Commission available to
the public; and

(2) that such plan contains standards and pro-
cedures for the long-term sustainability of Gulf of
Mexico red snapper based on the available science.

(e) LIMITATIONS ON QUOTAS.—The fishery manage-
ment plan shall address the quotas of Gulf of Mexico red
snapper on the date of the enactment of this title as fol-
lows:

(1) Based on stock assessments, the fishery
management plan may increase the quota appor-
tioned to commercial fishing in a fair and equitable
manner.

(2) Except as provided in paragraph (3), the
fishery management plan shall not reduce such
quota until the end of the 3-year period beginning
on the date of the enactment of this title.

(3) If there is a reduction in the stock of Gulf
of Mexico red snapper before the end of the period
described in paragraph (2), the fishery management
plan shall reduce quotas apportioned to all fishing
sectors in a fair and equitable manner that ensures
a sustainable harvest of Gulf of Mexico red snapper.

(d) GULF COASTAL STATE REQUIREMENTS.—The
fishery management plan shall describe standards of com-
pliance for Gulf coastal States to use in developing fishery
management measures.

SEC. 905. REVIEW AND CERTIFICATION BY SECRETARY.

(a) PLAN REVIEW.—The Secretary shall review the
fishery management plan submitted pursuant to section
904 to determine if the plan—

(1) is compatible, to the extent practicable, with
section 301 of the Magnuson-Stevens Fishery Con-
servation and Management Act (16 U.S.C. 1851);
and

(2) will ensure the long-term sustainability of
Gulf of Mexico red snapper populations.

(b) PLAN CERTIFICATION.—The Secretary shall de-
termine whether to certify the fishery management plan
based on the review conducted under subsection (a).
(c) Failure To Certify.—If the Secretary does not certify the fishery management plan under subsection (b), the Secretary shall submit a written explanation to the Commission explaining why the plan was not certified. The Commission may submit a new fishery management plan to the Secretary pursuant to section 904.

(d) Time for Secretary Response.—If the Secretary fails to act pursuant to subsection (b) within 120 days after receipt of the fishery management plan, the plan shall be treated as certified by the Secretary.

SEC. 906. STATE IMPLEMENTATION OF THE FISHERY MANAGEMENT PLAN.

(a) Management Measures Deadline.—The Commission shall establish a deadline for each Gulf coastal State to submit fishery management measures to the Commission.

(b) Review and Approval.—Within 60 days after receipt of the fishery management measures, the Commission shall review and approve such measures that ensure each Gulf coastal State is in compliance with the objectives of the fishery management plan.

(c) Revocation of Federal Management.—The Commission shall certify to the Secretary that the Commission has approved the fishery management measures
submitted under subsection (a) for all Gulf coastal States.

Upon receipt of the certification, the Secretary shall—

(1) publish a notice in the Federal Register revoking those regulations and portions of the Federal fishery management plan that are in conflict with the fishery management plan submitted under section 904, including the deletion of the Gulf of Mexico red snapper from the Federal fishery management plan; and

(2) transfer management of Gulf of Mexico red snapper to the Gulf coastal States.

(d) IMPLEMENTATION.—Upon the transfer of management described in subsection (c)(2), each Gulf coastal State shall implement the measures approved under subsection (b).

SEC. 907. COMMISSION OVERSIGHT RESPONSIBILITIES.

(a) IMPLEMENTATION AND ENFORCEMENT OF FISHERY MANAGEMENT MEASURES.—In December of the year following the transfer of management described in section 906(c)(2), and at any other time the Commission considers appropriate after that December, the Commission shall determine if—

(1) each Gulf coastal State has fully adopted and implemented fishery management measures;
(2) such measures continue to be in compliance with the fishery management plan; and

(3) the enforcement of such measures by each Gulf coastal State is satisfactory to maintain the long-term sustainability and abundance of Gulf of Mexico red snapper.

(b) Certification of Overfishing and Rebuilding Plans.—If the Gulf of Mexico red snapper in a Gulf coastal State is experiencing overfishing or is subject to a rebuilding plan, that Gulf coastal State shall submit a certification to the Commission showing that such State—

(1) has implemented the necessary measures to end overfishing or rebuild the fishery; and

(2) in consultation with the National Oceanic and Atmospheric Administration, has implemented a program to provide for data collection adequate to monitor the harvest of Gulf of Mexico red snapper by such Gulf coastal State.

SEC. 908. OPPORTUNITY TO REMEDY.

(a) In General.—If the Commission finds that a Gulf coastal State is noncompliant under section 907, the Commission shall offer assistance to that Gulf coastal State to remedy the finding of noncompliance.

(b) Notification to Secretary for Continued Noncompliance.—If, after such time as determined by
the Commission, the Gulf coastal State receiving assistance described in subsection (a) remains noncompliant, the Commission shall vote on whether to notify the Secretary.

SEC. 909. CLOSURE OF THE GULF OF MEXICO RED SNAPPER FISHERY.

(a) CONDITIONS FOR CLOSURE.—Not later than 60 days after the receipt of a notice under section 908(b), the Secretary may declare a closure of the Gulf of Mexico red snapper fishery within the Federal waters adjacent to the waters of the Gulf coastal State that is the subject of such notice.

(b) CONSIDERATIONS.—Prior to making a declaration under subsection (a) the Secretary shall consider the comments of such Gulf coastal State and the Commission.

(e) ACTIONS PROHIBITED DURING CLOSURE.—During a closure of the Gulf of Mexico red snapper fishery under subsection (a), it is unlawful for any person—

(1) to engage in fishing for Gulf of Mexico red snapper within the Federal waters adjacent to the waters of the Gulf coastal State covered by the closure;

(2) to land, or attempt to land, the Gulf of Mexico red snapper to which the closure applies; or
(3) to fail to return to the water any Gulf of Mexico red snapper to which the closure applies that are caught incidental to commercial harvest or in other recreational fisheries.

SEC. 910. ECONOMIC ANALYSIS AND REPORT.

(a) Economic Analysis of Gulf of Mexico Red Snapper Fishery.—The Secretary, in consultation with the Gulf coastal States and the Commission, shall conduct a study and analysis of the economic impacts for the local, regional, and national economy of the Gulf of Mexico red snapper fishery. The study shall include an analysis of—

(1) the beneficial economic impacts on industries directly related to the Gulf of Mexico red snapper fishery, including boat sales, marina activity, boat construction and repair, fishing gear and tackle sales, and other closely related industries; and

(2) the downstream economic impacts of the Gulf of Mexico red snapper fishery on the economies of the Gulf coastal States, including hotels, restaurants, grocery stores, related tourism, and other peripheral businesses and industries.

(b) Biennial Reports.—Beginning 2 years after the date of the enactment of this title, and every 2 years thereafter, the Secretary shall submit a report on the findings of the study conducted under subsection (a) to Con-
gress, the Governor of each of the Gulf coastal States, and
the Commission. Each report shall be made available to
the public and shall include recommendations for addi-
tional actions to be taken to encourage the sustainability
of the Gulf of Mexico red snapper fishery.