

113TH CONGRESS
1ST SESSION

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.

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. TABLE OF CONTENTS.**

8 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.

1 **TITLE I—HUNTING, FISHING**
 2 **AND RECREATIONAL SHOOT-**
 3 **ING PROTECTION ACT**

4 **SEC. 101. SHORT TITLE.**

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

7 **SEC. 102. MODIFICATION OF DEFINITION.**

8 Section 3(2)(B) of the Toxic Substances Control Act
 9 (15 U.S.C. 2602(2)(B)) is amended—

10 (1) in clause (v), by striking “, and” and insert-
 11 ing “, or any component of any such article includ-
 12 ing, without limitation, shot, bullets and other pro-
 13 jectiles, propellants, and primers,”;

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

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

17 “(vii) any sport fishing equipment (as such
 18 term is defined in subsection (a) of section 4162 of
 19 the Internal Revenue Code of 1986) the sale of
 20 which is subject to the tax imposed by section

1 4161(a) of such Code (determined without regard to
2 any exemptions from such tax as provided by section
3 4162 or 4221 or any other provision of such Code),
4 and sport fishing equipment components.”.

5 **TITLE II—TARGET PRACTICE**
6 **AND MARKSMANSHIP TRAIN-**
7 **ING SUPPORT ACT**

8 **SEC. 201. SHORT TITLE.**

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

11 **SEC. 202. FINDINGS; PURPOSE.**

12 (a) FINDINGS.—Congress finds that—

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

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

22 (3) the availability of public target ranges on
23 non-Federal land has been declining for a variety of
24 reasons, including continued population growth and
25 development near former ranges;

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

4 (A) to promote enjoyment of shooting, rec-
5 reational, and hunting activities; and

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

8 (5) Federal law in effect on the date of enact-
9 ment of this Act, including the Pittman-Robertson
10 Wildlife Restoration Act (16 U.S.C. 669 et seq.),
11 provides Federal support for construction and ex-
12 pansion of public target ranges by making available
13 to States amounts that may be used for construc-
14 tion, operation, and maintenance of public target
15 ranges; and

16 (6) it is in the public interest to provide in-
17 creased Federal support to facilitate the construction
18 or expansion of public target ranges.

19 (b) PURPOSE.—The purpose of this title is to facili-
20 tate the construction and expansion of public target
21 ranges, including ranges on Federal land managed by the
22 Forest Service and the Bureau of Land Management.

23 **SEC. 203. DEFINITION OF PUBLIC TARGET RANGE.**

24 In this title, the term “public target range” means
25 a specific location that—

- 1 (1) is identified by a governmental agency for
2 recreational shooting;
- 3 (2) is open to the public;
- 4 (3) may be supervised; and
- 5 (4) may accommodate archery or rifle, pistol, or
6 shotgun shooting.

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

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

12 (1) by redesignating paragraphs (2) through
13 (8) as paragraphs (3) through (9), respectively; and

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

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

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

20 “(B) is open to the public;

21 “(C) may be supervised; and

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

24 (b) **EXPENDITURES FOR MANAGEMENT OF WILD-**
25 **LIFE AREAS AND RESOURCES.**—Section 8(b) of the Pitt-

1 man-Robertson Wildlife Restoration Act (16 U.S.C.
2 669g(b)) is amended—

3 (1) by striking “(b) Each State” and inserting
4 the following:

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

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

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

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

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

16 (4) in the third sentence, by striking “The Sec-
17 retary” and inserting the following:

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

19 (5) by inserting after paragraph (1) (as des-
20 ignated by paragraph (1) of this subsection) the fol-
21 lowing:

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

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

5 (1) in subsection (a), by adding at the end the
6 following:

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

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

16 “(b) COST SHARING.—

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

22 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
23 EXPANSION.—The Federal share of the cost of ac-
24 quiring land for, expanding, or constructing a public
25 target range in a State on Federal or non-Federal

1 land pursuant to this section or section 8(b) shall
2 not exceed 90 percent of the cost of the activity.”;
3 and

4 (3) in subsection (c)(1)—

5 (A) by striking “Amounts made” and in-
6 serting the following:

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

9 (B) by adding at the end the following:

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

17 **SEC. 205. LIMITS ON LIABILITY.**

18 (a) DISCRETIONARY FUNCTION.—For purposes of
19 chapter 171 of title 28, United States Code (commonly
20 referred to as the “Federal Tort Claims Act”), any action
21 by an agent or employee of the United States to manage
22 or allow the use of Federal land for purposes of target
23 practice or marksmanship training by a member of the
24 public shall be considered to be the exercise or perform-
25 ance of a discretionary function.

1 (b) CIVIL ACTION OR CLAIMS.—Except to the extent
2 provided in chapter 171 of title 28, United States Code,
3 the United States shall not be subject to any civil action
4 or claim for money damages for any injury to or loss of
5 property, personal injury, or death caused by an activity
6 occurring at a public target range that is—

- 7 (1) funded in whole or in part by the Federal
8 Government pursuant to the Pittman-Robertson
9 Wildlife Restoration Act (16 U.S.C. 669 et seq.); or
10 (2) located on Federal land.

11 **SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION.**

12 It is the sense of Congress that, consistent with appli-
13 cable laws and regulations, the Chief of the Forest Service
14 and the Director of the Bureau of Land Management
15 should cooperate with State and local authorities and
16 other entities to carry out waste removal and other activi-
17 ties on any Federal land used as a public target range
18 to encourage continued use of that land for target practice
19 or marksmanship training.

20 **TITLE III—PUBLIC LANDS**
21 **FILMING**

22 **SEC. 301. PURPOSE.**

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

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

3 **SEC. 302. ANNUAL PERMIT AND FEE FOR FILM CREWS OF**
4 **5 PERSONS OR FEWER.**

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

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

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

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

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

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

19 “(A) For any film crew of 5 persons or
20 fewer, the Secretary shall require a permit and
21 assess an annual fee of \$200 for commercial
22 filming activities or similar projects on Federal
23 lands and waterways administered by the Sec-
24 retary. The permit shall be valid for commercial
25 filming activities or similar projects that occur

1 in areas designated for public use during public
2 hours on all Federal lands waterways adminis-
3 tered by the Secretary for a 12-month period
4 beginning on the date of issuance of the permit.

5 “(B) For persons holding a permit de-
6 scribed in this paragraph, the Secretary shall
7 not assess, during the effective period of the
8 permit, any additional fee for commercial film-
9 ing activities and similar projects that occur in
10 areas designated for public use during public
11 hours on Federal lands and waterways adminis-
12 tered by the Secretary.

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

17 “(D) The Secretary shall not prohibit, as
18 a motorized vehicle or under any other pur-
19 poses, use of cameras or related equipment used
20 for the purpose of commercial filming activities
21 or similar projects in accordance with this para-
22 graph on Federal lands and waterways adminis-
23 tered by the Secretary.”.

24 (b) RECOVERY OF COSTS.—Section (1)(b) of Public
25 Law 106–206 (16 U.S.C. 4601–6d) is amended by—

1 (1) striking “collect any costs” and inserting
2 “recover any costs”; and

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

5 **TITLE IV—POLAR BEAR CON-**
6 **SERVATION AND FAIRNESS**
7 **ACT**

8 **SEC. 401. SHORT TITLE.**

9 This title may be cited as the “Polar Bear Conserva-
10 tion and Fairness Act of 2013”.

11 **SEC. 402. PERMITS FOR IMPORTATION OF POLAR BEAR**
12 **TROPHIES TAKEN IN SPORT HUNTS IN CAN-**
13 **ADA.**

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

17 “(D)(i) The Secretary of the Interior shall, ex-
18 peditiously after the expiration of the applicable 30-
19 day period under subsection (d)(2), issue a permit
20 for the importation of any polar bear part (other
21 than an internal organ) from a polar bear taken in
22 a sport hunt in Canada to any person—

23 “(I) who submits, with the permit applica-
24 tion, proof that the polar bear was legally har-

1 vested by the person before February 18, 1997;
2 or

3 “(II) who has submitted, in support of a
4 permit application submitted before May 15,
5 2008, proof that the polar bear was legally har-
6 vested by the person before May 15, 2008, from
7 a polar bear population from which a sport-
8 hunted trophy could be imported before that
9 date in accordance with section 18.30(i) of title
10 50, Code of Federal Regulations.

11 “(ii) The Secretary shall issue permits under
12 clause (i)(I) without regard to subparagraphs (A)
13 and (C)(ii) of this paragraph, subsection (d)(3), and
14 sections 101 and 102. Sections 101(a)(3)(B) and
15 102(b)(3) shall not apply to the importation of any
16 polar bear part authorized by a permit issued under
17 clause (i)(I). This clause shall not apply to polar
18 bear parts that were imported before June 12, 1997.

19 “(iii) The Secretary shall issue permits under
20 clause (i)(II) without regard to subparagraph (C)(ii)
21 of this paragraph or subsection (d)(3). Sections
22 101(a)(3)(B) and 102(b)(3) shall not apply to the
23 importation of any polar bear part authorized by a
24 permit issued under clause (i)(II). This clause shall
25 not apply to polar bear parts that were imported be-

1 fore the date of enactment of the Polar Bear Con-
2 servation and Fairness Act of 2013.”.

3 **TITLE V—PERMANENT**
4 **ELECTRONIC DUCK STAMP ACT**

5 **SEC. 501. SHORT TITLE.**

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

8 **SEC. 502. DEFINITIONS.**

9 In this title:

10 (1) **ACTUAL STAMP.**—The term “actual stamp”
11 means a Federal migratory-bird hunting and con-
12 servation stamp required under the Act of March
13 16, 1934 (16 U.S.C. 718a et seq.) (popularly known
14 as the “Duck Stamp Act”), that is printed on paper
15 and sold through the means established by the au-
16 thority of the Secretary immediately before the date
17 of enactment of this Act.

18 (2) **AUTOMATED LICENSING SYSTEM.**—

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

24 (B) **INCLUSION.**—The term “automated li-
25 censing system” includes a point-of-sale, Inter-

1 net, telephonic system, or other electronic appli-
2 cations used for a purpose described in sub-
3 paragraph (A).

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

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

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

12 (C) is issued through a State automated li-
13 censing system that is authorized, under State
14 law and by the Secretary under this title, to
15 issue electronic stamps;

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

19 (E) is described in the State application
20 approved by the Secretary under section
21 504(b).

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

1 **SEC. 503. AUTHORITY TO ISSUE ELECTRONIC DUCK**
2 **STAMPS.**

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

6 (b) **CONSULTATION.**—The Secretary shall implement
7 this section in consultation with State management agen-
8 cies.

9 **SEC. 504. STATE APPLICATION.**

10 (a) **APPROVAL OF APPLICATION REQUIRED.**—The
11 Secretary may not authorize a State to issue electronic
12 stamps under this title unless the Secretary has received
13 and approved an application submitted by the State in ac-
14 cordance with this section. The Secretary may determine
15 the number of new States per year to participate in the
16 electronic stamp program.

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

20 (1) a description of the format of the electronic
21 stamp that the State will issue under this title, in-
22 cluding identifying features of the licensee that will
23 be specified on the stamp;

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

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

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

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

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

11 (7) such other policies, procedures, and infor-
12 mation as may be reasonably required by the Sec-
13 retary.

14 (c) PUBLICATION OF DEADLINES, ELIGIBILITY RE-
15 QUIREMENTS, AND SELECTION CRITERIA.—Not later than
16 30 days before the date on which the Secretary begins ac-
17 cepting applications under this section, the Secretary shall
18 publish—

19 (1) deadlines for submission of applications;

20 (2) eligibility requirements for submitting appli-
21 cations; and

22 (3) criteria for approving applications.

23 **SEC. 505. STATE OBLIGATIONS AND AUTHORITIES.**

24 (a) DELIVERY OF ACTUAL STAMP.—The Secretary
25 shall require that each individual to whom a State sells

1 an electronic stamp under this title shall receive an actual
2 stamp—

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

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

7 (b) COLLECTION AND TRANSFER OF ELECTRONIC
8 STAMP REVENUE AND CUSTOMER INFORMATION.—

9 (1) REQUIREMENT TO TRANSMIT.—The Sec-
10 retary shall require each State authorized to issue
11 electronic stamps to collect and submit to the Sec-
12 retary in accordance with this section—

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

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

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

21 (2) TIME OF TRANSMITTAL.—The Secretary
22 shall require the submission under paragraph (1) to
23 be made with respect to sales of electronic stamps
24 by a State according to the written agreement be-
25 tween the Secretary and the State agency.

1 (2) to specify identifying features of the licensee
2 that are adequate to enable Federal, State, and
3 other law enforcement officers to identify the holder.

4 (b) RECOGNITION OF ELECTRONIC STAMP.—Any
5 electronic stamp issued by a State under this title shall,
6 during the effective period of the electronic stamp—

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

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

11 (3) authorize the licensee to hunt migratory wa-
12 terfowl in any other State, in accordance with the
13 laws of the other State governing that hunting.

14 (c) DURATION.—An electronic stamp issued by a
15 State shall be valid for a period agreed to by the State
16 and the Secretary, which shall not exceed 45 days.

17 **SEC. 507. TERMINATION OF STATE PARTICIPATION.**

18 The authority of a State to issue electronic stamps
19 under this title may be terminated—

20 (1) by the Secretary, if the Secretary—

21 (A) finds that the State has violated any of
22 the terms of the application of the State ap-
23 proved by the Secretary under section 504; and

1 (B) provides to the State written notice of
2 the termination by not later than the date that
3 is 30 days before the date of termination; or

4 (2) by the State, by providing written notice to
5 the Secretary by not later than the date that is 30
6 days before the termination date.

7 **TITLE VI—ACCESS TO WATER**
8 **RESOURCES DEVELOPMENT**
9 **PROJECTS ACT**

10 **SEC. 601. SHORT TITLE.**

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

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

14 (a) FINDINGS.—Congress finds the following:

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

18 (2) Section 327.13 of title 36, Code of Federal
19 Regulations, provides that, except in special cir-
20 cumstances, “possession of loaded firearms, ammu-
21 nition, loaded projectile firing devices, bows and ar-
22 rows, crossbows, or other weapons is prohibited” at
23 water resources development projects administered
24 by the Secretary of the Army.

1 (3) The regulations described in paragraph (2)
2 prevent individuals complying with Federal and
3 State laws from exercising the second amendment
4 rights of the individuals while at such water re-
5 sources development projects.

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

10 (b) PROTECTING THE RIGHT OF INDIVIDUALS TO
11 BEAR ARMS AT WATER RESOURCES DEVELOPMENT
12 PROJECTS.—The Secretary of the Army shall not promul-
13 gate or enforce any regulation that prohibits an individual
14 from possessing a firearm including an assembled or func-
15 tional firearm at a water resources development project
16 covered under section 327.0 of title 36, Code of Federal
17 Regulations (as in effect on the date of enactment of this
18 Act), if—

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

21 (2) the possession of the firearm is in compli-
22 ance with the law of the State in which the water
23 resources development project is located.

1 **TITLE VII—WILDLIFE AND HUNT-**
2 **ING HERITAGE CONSERVA-**
3 **TION COUNCIL ADVISORY**
4 **COMMITTEE**

5 **SEC. 701. WILDLIFE AND HUNTING HERITAGE CONSERVA-**
6 **TION COUNCIL ADVISORY COMMITTEE.**

7 The Fish and Wildlife Coordination Act (16 U.S.C.
8 661 et seq.) is amended by adding at the end the fol-
9 lowing:

10 **“SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVA-**
11 **TION COUNCIL ADVISORY COMMITTEE.**

12 “(a) **ESTABLISHMENT.**—There is hereby established
13 the Wildlife and Hunting Heritage Conservation Council
14 Advisory Committee (in this section referred to as the ‘Ad-
15 visory Committee’) to advise the Secretaries of the Interior
16 and Agriculture on wildlife and habitat conservation,
17 hunting, and recreational shooting.

18 “(b) **DUTIES OF THE ADVISORY COMMITTEE.**—The
19 Advisory Committee shall advise the Secretaries with re-
20 gard to—

21 “(1) implementation of Executive Order No.
22 13443: Facilitation of Hunting Heritage and Wild-
23 life Conservation, which directs Federal agencies ‘to
24 facilitate the expansion and enhancement of hunting

1 opportunities and the management of game species
2 and their habitat’;

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

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

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

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

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

19 “(c) MEMBERSHIP.—

20 “(1) APPOINTMENT.—

21 “(A) IN GENERAL.—The Advisory Com-
22 mittee shall consist of no more than 16 discre-
23 tionary members and 7 ex officio members.

24 “(B) EX OFFICIO MEMBERS.—The ex offi-
25 cio members are—

1 “(i) the Director of the United States
2 Fish and Wildlife Service or a designated
3 representative of the Director;

4 “(ii) the Director of the Bureau of
5 Land Management or a designated rep-
6 resentative of the Director;

7 “(iii) the Director of the National
8 Park Service or a designated representa-
9 tive of the Director;

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

12 “(v) the Chief of the Natural Re-
13 sources Conservation Service or a des-
14 ignated representative of the Chief;

15 “(vi) the Administrator of the Farm
16 Service Agency or a designated representa-
17 tive of the Administrator; and

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

20 “(C) DISCRETIONARY MEMBERS.—The dis-
21 cretionary members shall be appointed jointly
22 by the Secretaries from at least one of each of
23 the following:

24 “(i) State fish and wildlife agencies.

1 “(ii) Game bird hunting organiza-
2 tions.

3 “(iii) Wildlife conservation organiza-
4 tions.

5 “(iv) Big game hunting organizations.

6 “(v) Waterfowl hunting organizations.

7 “(vi) The tourism, outfitter, or guid-
8 ing industry.

9 “(vii) The firearms or ammunition
10 manufacturing industry.

11 “(viii) The hunting or shooting equip-
12 ment retail industry.

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

15 “(x) Tribal resource management or-
16 ganizations.

17 “(xi) The agriculture industry.

18 “(xii) The ranching industry.

19 “(D) ELIGIBILITY.—Prior to the appoint-
20 ment of the discretionary members, the Secre-
21 taries shall determine that all individuals nomi-
22 nated for appointment to the Advisory Com-
23 mittee, and the organization each individual
24 represents, actively support and promote sus-

1 tainable-use hunting, wildlife conservation, and
2 recreational shooting.

3 “(2) TERMS.—

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

9 “(B) TERMS OF INITIAL APPOINTEES.—As
10 designated by the Secretary at the time of ap-
11 pointment, of the members first appointed—

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

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

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

18 “(3) PRESERVATION OF PUBLIC ADVISORY STA-
19 TUS.—No individual may be appointed as a discre-
20 tionary member of the Advisory Committee while
21 serving as an officer or employee of the Federal
22 Government.

23 “(4) VACANCY AND REMOVAL.—

24 “(A) IN GENERAL.—Any vacancy on the
25 Advisory Committee shall be filled in the man-

1 ner in which the original appointment was
2 made.

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

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

11 “(6) CHAIRPERSON.—The Chairperson of the
12 Advisory Committee shall be appointed for a 3-year
13 term by the Secretaries, jointly, from among the
14 members of the Advisory Committee. An individual
15 may not be appointed as Chairperson for more than
16 2 consecutive or nonconsecutive terms.

17 “(7) PAY AND EXPENSES.—Members of the Ad-
18 visory Committee shall serve without pay for such
19 service, but each member of the Advisory Committee
20 shall be reimbursed for travel and lodging incurred
21 through attending meetings of the Advisory Com-
22 mittee approved subgroup meetings in the same
23 amounts and under the same conditions as Federal
24 employees (in accordance with section 5703 of title
25 5, United States Code).

1 “(8) MEETINGS.—

2 “(A) IN GENERAL.—The Advisory Com-
3 mittee shall meet at the call of the Secretaries,
4 the chairperson, or a majority of the members,
5 but not less frequently than twice annually.

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

9 “(C) PRIOR NOTICE OF MEETINGS.—Time-
10 ly notice of each meeting of the Advisory Com-
11 mittee shall be published in the Federal Reg-
12 ister and be submitted to trade publications and
13 publications of general circulation.

14 “(D) SUBGROUPS.—The Advisory Com-
15 mittee may establish such workgroups or sub-
16 groups as it deems necessary for the purpose of
17 compiling information or conducting research.
18 However, such workgroups may not conduct
19 business without the direction of the Advisory
20 Committee and must report in full to the Advi-
21 sory Committee.

22 “(9) QUORUM.—Nine members of the Advisory
23 Committee shall constitute a quorum.

1 “(d) EXPENSES.—The expenses of the Advisory
2 Committee that the Secretaries determine to be reasonable
3 and appropriate shall be paid by the Secretaries.

4 “(e) ADMINISTRATIVE SUPPORT, TECHNICAL SERV-
5 ICES, AND ADVICE.—A designated Federal Officer shall
6 be jointly appointed by the Secretaries to provide to the
7 Advisory Committee the administrative support, technical
8 services, and advice that the Secretaries determine to be
9 reasonable and appropriate.

10 “(f) ANNUAL REPORT.—

11 “(1) REQUIRED.—Not later than September 30
12 of each year, the Advisory Committee shall submit
13 a report to the Secretaries, the Committee on Nat-
14 ural Resources and the Committee on Agriculture of
15 the House of Representatives, and the Committee on
16 Energy and Natural Resources and the Committee
17 on Agriculture, Nutrition, and Forestry of the Sen-
18 ate. If circumstances arise in which the Advisory
19 Committee cannot meet the September 30 deadline
20 in any year, the Secretaries shall advise the Chair-
21 persons of each such Committee of the reasons for
22 such delay and the date on which the submission of
23 the report is anticipated.

24 “(2) CONTENTS.—The report required by para-
25 graph (1) shall describe—

1 “(A) the activities of the Advisory Com-
2 mittee during the preceding year;

3 “(B) the reports and recommendations
4 made by the Advisory Committee to the Secre-
5 taries during the preceding year; and

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

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

11 “(h) ABOLISHMENT OF THE EXISTING WILDLIFE
12 AND HUNTING HERITAGE CONSERVATION COUNCIL ADVI-
13 SORY COMMITTEE.—Effective on the date of the enact-
14 ment of this Act, the Wildlife and Hunting Heritage Con-
15 servation Council formed in furtherance of section 441 of
16 the Revised Statutes (43 U.S.C. 1457), the Fish and
17 Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts
18 applicable to specific bureaus of the Department of the
19 Interior is hereby abolished.”.

1 **TITLE** **VIII—RECREATIONAL**
2 **FISHING AND HUNTING HER-**
3 **ITAGE AND OPPORTUNITIES**
4 **ACT**

5 **SEC. 801. SHORT TITLE.**

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

8 **SEC. 802. FINDINGS.**

9 Congress finds that—

10 (1) recreational fishing and hunting are impor-
11 tant and traditional activities in which millions of
12 Americans participate;

13 (2) recreational anglers and hunters have been
14 and continue to be among the foremost supporters
15 of sound fish and wildlife management and conserva-
16 tion in the United States;

17 (3) recreational fishing and hunting are envi-
18 ronmentally acceptable and beneficial activities that
19 occur and can be provided on Federal public lands
20 and waters without adverse effects on other uses or
21 users;

22 (4) recreational anglers, hunters, and sporting
23 organizations provide direct assistance to fish and
24 wildlife managers and enforcement officers of the
25 Federal Government as well as State and local gov-

1 ernments by investing volunteer time and effort to
2 fish and wildlife conservation;

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

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

20 (7) opportunities to recreationally fish, hunt,
21 and shoot are declining, which depresses participa-
22 tion in these traditional activities, and depressed
23 participation adversely impacts fish and wildlife con-
24 servation and funding for important conservation ef-
25 forts; and

1 (8) the public interest would be served, and our
2 citizens' fish and wildlife resources benefitted, by ac-
3 tion to ensure that opportunities are facilitated to
4 engage in fishing and hunting on Federal public
5 land as recognized by Executive Order No. 12962,
6 relating to recreational fisheries, and Executive
7 Order No. 13443, relating to facilitation of hunting
8 heritage and wildlife conservation.

9 **SEC. 803. DEFINITIONS.**

10 In this title:

11 (1) **FEDERAL PUBLIC LAND.**—The term “Fed-
12 eral public land” means any land or water that is
13 owned and managed by the Bureau of Land Man-
14 agement or the Forest Service.

15 (2) **FEDERAL PUBLIC LAND MANAGEMENT OF-**
16 **FICIALS.**—The term “Federal public land manage-
17 ment officials” means—

18 (A) the Secretary of the Interior and Di-
19 rector of Bureau of Land Management regard-
20 ing Bureau of Land Management lands and
21 waters; and

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

25 (3) **HUNTING.**—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term “hunting” means
3 use of a firearm, bow, or other authorized
4 means in the lawful—

5 (i) pursuit, shooting, capture, collec-
6 tion, trapping, or killing of wildlife;

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

9 (iii) the training of hunting dogs, in-
10 cluding field trials.

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

15 (4) RECREATIONAL FISHING.—The term “rec-
16 reational fishing” means the lawful—

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

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

20 (5) RECREATIONAL SHOOTING.—The term
21 “recreational shooting” means any form of sport,
22 training, competition, or pastime, whether formal or
23 informal, that involves the discharge of a rifle, hand-
24 gun, or shotgun, or the use of a bow and arrow.

1 **SEC. 804. RECREATIONAL FISHING, HUNTING, AND SHOOT-**
2 **ING.**

3 (a) IN GENERAL.—Subject to valid existing rights
4 and subsection (g), and cooperation with the respective
5 State fish and wildlife agency, Federal public land man-
6 agement officials shall exercise authority under existing
7 law, including provisions regarding land use planning, to
8 facilitate use of and access to Federal public lands, includ-
9 ing National Monuments, Wilderness Areas, Wilderness
10 Study Areas, and lands administratively classified as wil-
11 derness eligible or suitable and primitive or semi-primitive
12 areas, for fishing, sport hunting, and recreational shoot-
13 ing, except as limited by—

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

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

21 (3) discretionary limitations on recreational
22 fishing, hunting, and shooting determined to be nec-
23 essary and reasonable as supported by the best sci-
24 entific evidence and advanced through a transparent
25 public process.

1 (b) MANAGEMENT.—Consistent with subsection (a),
2 the head of each Federal public land management agency
3 shall exercise its land management discretion—

4 (1) in a manner that supports and facilitates
5 recreational fishing, hunting, and shooting opportu-
6 nities;

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

9 (3) in accordance with applicable Federal law.

10 (c) PLANNING.—

11 (1) EVALUATION OF EFFECTS ON OPPORTUNI-
12 TIES TO ENGAGE IN RECREATIONAL FISHING, HUNT-
13 ING, OR SHOOTING.—Federal public land planning
14 documents, including land resources management
15 plans, resource management plans, and comprehen-
16 sive conservation plans, shall include a specific eval-
17 uation of the effects of such plans on opportunities
18 to engage in recreational fishing, hunting, or shoot-
19 ing.

20 (2) NO MAJOR FEDERAL ACTION.—No action
21 taken under this title, or under section 4 of the Na-
22 tional Wildlife Refuge System Administration Act of
23 1966 (16 U.S.C. 668dd), either individually or cu-
24 mulatively with other actions involving Federal pub-
25 lic lands or lands managed by the United States

1 Fish and Wildlife Service, shall be considered to be
2 a major Federal action significantly affecting the
3 quality of the human environment, and no additional
4 identification, analysis, or consideration of environ-
5 mental effects, including cumulative effects, is nec-
6 essary or required.

7 (3) OTHER ACTIVITY NOT CONSIDERED.—Fed-
8 eral public land management officials are not re-
9 quired to consider the existence or availability of rec-
10 reational fishing, hunting, or shooting opportunities
11 on adjacent or nearby public or private lands in the
12 planning for or determination of which Federal pub-
13 lic lands are open for these activities or in the set-
14 ting of levels of use for these activities on Federal
15 public lands, unless the combination or coordination
16 of such opportunities would enhance the recreational
17 fishing, hunting, or shooting opportunities available
18 to the public.

19 (d) FEDERAL PUBLIC LANDS.—

20 (1) LANDS OPEN.—Lands under the jurisdic-
21 tion of the Bureau of Land Management and the
22 Forest Service, including Wilderness Areas, Wilder-
23 ness Study Areas, lands designated as wilderness or
24 administratively classified as wilderness eligible or
25 suitable and primitive or semi-primitive areas and

1 National Monuments, but excluding lands on the
2 Outer Continental Shelf, shall be open to rec-
3 reational fishing, hunting, and shooting unless the
4 managing Federal agency acts to close lands to such
5 activity. Lands may be subject to closures or restric-
6 tions if determined by the head of the agency to be
7 necessary and reasonable and supported by facts
8 and evidence, for purposes including resource con-
9 servation, public safety, energy or mineral produc-
10 tion, energy generation or transmission infrastruc-
11 ture, water supply facilities, protection of other per-
12 mittees, protection of private property rights or in-
13 terest, national security, or compliance with other
14 law.

15 (2) SHOOTING RANGES.—

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

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

23 (ii) designate specific lands under the
24 jurisdiction of the agency for recreational
25 shooting activities.

1 (B) LIMITATION ON LIABILITY.—Any des-
2 gnation under subparagraph (A)(ii) shall not
3 subject the United States to any civil action or
4 claim for monetary damages for injury or loss
5 of property or personal injury or death caused
6 by any activity occurring at or on such des-
7 ignated lands.

8 (e) NECESSITY IN WILDERNESS AREAS AND “WITH-
9 IN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.—

10 (1) MINIMUM REQUIREMENTS FOR ADMINIS-
11 TRATION.—The provision of opportunities for hunt-
12 ing, fishing and recreational shooting, and the con-
13 servation of fish and wildlife to provide sustainable
14 use recreational opportunities on designated Federal
15 wilderness areas shall constitute measures necessary
16 to meet the minimum requirements for the adminis-
17 tration of the wilderness area, provided that this de-
18 termination shall not authorize or facilitate com-
19 modity development, use, or extraction, motorized
20 recreational access or use that is not otherwise al-
21 lowed under the Wilderness Act (16 U.S.C. 1131 et
22 seq.), or permanent road construction or mainte-
23 nance within designated wilderness areas.

24 (2) APPLICATION OF WILDERNESS ACT.—Provi-
25 sions of the Wilderness Act (16 U.S.C. 1131 et

1 seq.), stipulating that wilderness purposes are “with-
2 in and supplemental to” the purposes of the under-
3 lying Federal land unit are reaffirmed. When seek-
4 ing to carry out fish and wildlife conservation pro-
5 grams and projects or provide fish and wildlife de-
6 pendent recreation opportunities on designated wil-
7 derness areas, the head of each Federal agency shall
8 implement these supplemental purposes so as to fa-
9 cilitate, enhance, or both, but not to impede the un-
10 derlying Federal land purposes when seeking to
11 carry out fish and wildlife conservation programs
12 and projects or provide fish and wildlife dependent
13 recreation opportunities in designated wilderness
14 areas, provided that such implementation shall not
15 authorize or facilitate commodity development, use
16 or extraction, or permanent road construction or use
17 within designated wilderness areas.

18 (f) REPORT.—Beginning on the second October 1
19 after the date of the enactment of this Act and biennially
20 on October 1 thereafter, the head of each Federal agency
21 who has authority to manage Federal public land on which
22 fishing, hunting, or recreational shooting occurs shall sub-
23 mit to the Committee on Natural Resources of the House
24 of Representatives and the Committee on Energy and
25 Natural Resources of the Senate a report that describes—

1 (1) any Federal public land administered by the
2 agency head that was closed to recreational fishing,
3 sport hunting, or shooting at any time during the
4 preceding year; and

5 (2) the reason for the closure.

6 (g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF
7 640 OR MORE ACRES.—

8 (1) IN GENERAL.—Other than closures estab-
9 lished or prescribed by land planning actions re-
10 ferred to in subsection (d) or emergency closures de-
11 scribed in paragraph (3) of this subsection, a perma-
12 nent or temporary withdrawal, change of classifica-
13 tion, or change of management status of Federal
14 public land that effectively closes or significantly re-
15 stricts 640 or more contiguous acres of Federal pub-
16 lic land to access or use for fishing or hunting or ac-
17 tivities related to fishing, hunting, or both, shall
18 take effect only if, before the date of withdrawal or
19 change, the head of the Federal agency that has ju-
20 risdiction over the Federal public land—

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

23 (B) demonstrates that coordination has oc-
24 curred with a State fish and wildlife agency;
25 and

1 (C) submits to the Committee on Natural
2 Resources of the House of Representatives and
3 the Committee on Energy and Natural Re-
4 sources of the Senate written notice of the with-
5 drawal or change, respectively.

6 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If
7 the aggregate or cumulative effect of separate with-
8 drawals or changes effectively closes or significantly
9 restricts 1,280 or more acres of land or water, such
10 withdrawals and changes shall be treated as a single
11 withdrawal or change for purposes of paragraph (1).

12 (3) EMERGENCY CLOSURES.—Nothing in this
13 title prohibits a Federal land management agency
14 from establishing or implementing emergency clo-
15 sures or restrictions of the smallest practicable area
16 to provide for public safety, resource conservation,
17 national security, or other purposes authorized by
18 law. Such an emergency closure shall terminate after
19 a reasonable period of time unless converted to a
20 permanent closure consistent with this title.

21 (h) NATIONAL PARK SERVICE UNITS NOT AF-
22 FECTED.—Nothing in this title shall affect or modify man-
23 agement or use of units of the National Park System.

24 (i) NO PRIORITY.—Nothing in this title requires a
25 Federal land management agency to give preference to

1 recreational fishing, hunting, or shooting over other uses
2 of Federal public land or over land or water management
3 priorities established by Federal law.

4 (j) CONSULTATION WITH COUNCILS.—In fulfilling
5 the duties set forth in this title, the heads of Federal agen-
6 cies shall consult with respective advisory councils as es-
7 tablished in Executive Order Nos. 12962 and 13443.

8 (k) AUTHORITY OF THE STATES.—

9 (1) IN GENERAL.—Nothing in this title shall be
10 construed as interfering with, diminishing, or con-
11 flicting with the authority, jurisdiction, or responsi-
12 bility of any State to exercise primary management,
13 control, or regulation of fish and wildlife under State
14 law (including regulations) on land or water within
15 the State, including on Federal public land.

16 (2) FEDERAL LICENSES.—Nothing in this title
17 shall be construed to authorize the head of a Federal
18 agency head to require a license, fee, or permit to
19 fish, hunt, or trap on land or water in a State, in-
20 cluding on Federal public land in the States, except
21 that this paragraph shall not affect the Migratory
22 Bird Stamp requirement set forth in the Migratory
23 Bird Hunting and Conservation Stamp Act (16
24 U.S.C. 718 et seq.).

1 **TITLE IX—GULF OF MEXICO RED**
2 **SNAPPER CONSERVATION ACT**

3 **SEC. 901. SHORT TITLE.**

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

6 **SEC. 902. DEFINITIONS.**

7 In this title:

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

10 (A) shoreward of the baseline from which
11 the territorial sea of the United States is meas-
12 ured; and

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

16 (2) **COMMISSION.**—The term “Commission”
17 means the Gulf States Marine Fisheries Commis-
18 sion.

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

24 (4) **FEDERAL FISHERY MANAGEMENT PLAN.**—
25 The term “Federal fishery management plan”

1 means the Fishery Management Plan for the Reef
2 Fish Resources of the Gulf of Mexico prepared by
3 the Gulf of Mexico Fishery Management Council
4 pursuant to section 622.1 of title 50, Code of Fed-
5 eral Regulations.

6 (5) FISHERY MANAGEMENT MEASURE.—The
7 term “fishery management measure” means any pol-
8 icy, process, or tool used by a Gulf coastal State to
9 implement the fishery management plan.

10 (6) FISHERY MANAGEMENT PLAN.—The term
11 “fishery management plan” means a plan created by
12 the Commission for the sustainability of Gulf of
13 Mexico red snapper and the economic and commu-
14 nity benefits of each of the Gulf coastal States.

15 (7) GULF COASTAL STATE.—The term “Gulf
16 coastal State” means any of—

17 (A) Alabama;

18 (B) Florida;

19 (C) Louisiana;

20 (D) Mississippi; or

21 (E) Texas.

22 (8) GULF OF MEXICO RED SNAPPER.—The
23 term “Gulf of Mexico red snapper” means members
24 of stocks or populations of the species *Lutjanis*

1 campechanus, which ordinarily are found shoreward
2 of coastal waters.

3 (9) OVERFISHING.—The term “overfishing” has
4 the meaning given to such term in section 3 of the
5 Magnuson-Stevens Fishery Conservation and Man-
6 agement Act (16 U.S.C. 1802).

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

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

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

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

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

21 **SEC. 904. ADOPTING A FISHERY MANAGEMENT PLAN.**

22 (a) IN GENERAL.—Not later than one year after the
23 date of the enactment of this title, the Commission shall
24 prepare and adopt by vote a fishery management plan and
25 submit the plan to the Secretary.

1 (b) REQUIREMENTS.—In adopting a fishery manage-
2 ment plan under subsection (a), the Commission shall en-
3 sure—

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

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

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

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

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

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

24 (2) Except as provided in paragraph (3), the
25 fishery management plan shall not reduce such

1 quota until the end of the 3-year period beginning
2 on the date of the enactment of this title.

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

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

13 **SEC. 905. REVIEW AND CERTIFICATION BY SECRETARY.**

14 (a) PLAN REVIEW.—The Secretary shall review the
15 fishery management plan submitted pursuant to section
16 904 to determine if the plan—

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

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

23 (b) PLAN CERTIFICATION.—The Secretary shall de-
24 termine whether to certify the fishery management plan
25 based on the review conducted under subsection (a).

1 (c) FAILURE TO CERTIFY.—If the Secretary does not
2 certify the fishery management plan under subsection (b),
3 the Secretary shall submit a written explanation to the
4 Commission explaining why the plan was not certified.
5 The Commission may submit a new fishery management
6 plan to the Secretary pursuant to section 904.

7 (d) TIME FOR SECRETARY RESPONSE.—If the Sec-
8 retary fails to act pursuant to subsection (b) within 120
9 days after receipt of the fishery management plan, the
10 plan shall be treated as certified by the Secretary.

11 **SEC. 906. STATE IMPLEMENTATION OF THE FISHERY MAN-**
12 **AGEMENT PLAN.**

13 (a) MANAGEMENT MEASURES DEADLINE.—The
14 Commission shall establish a deadline for each Gulf coast-
15 al State to submit fishery management measures to the
16 Commission.

17 (b) REVIEW AND APPROVAL.—Within 60 days after
18 receipt of the fishery management measures, the Commis-
19 sion shall review and approve such measures that ensure
20 each Gulf coastal State is in compliance with the objectives
21 of the fishery management plan.

22 (c) REVOCATION OF FEDERAL MANAGEMENT.—The
23 Commission shall certify to the Secretary that the Com-
24 mission has approved the fishery management measures

1 submitted under subsection (a) for all Gulf coastal States.

2 Upon receipt of the certification, the Secretary shall—

3 (1) publish a notice in the Federal Register re-
4 voking those regulations and portions of the Federal
5 fishery management plan that are in conflict with
6 the fishery management plan submitted under sec-
7 tion 904, including the deletion of the Gulf of Mex-
8 ico red snapper from the Federal fishery manage-
9 ment plan; and

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

12 (d) IMPLEMENTATION.—Upon the transfer of man-
13 agement described in subsection (c)(2), each Gulf coastal
14 State shall implement the measures approved under sub-
15 section (b).

16 **SEC. 907. COMMISSION OVERSIGHT RESPONSIBILITIES.**

17 (a) IMPLEMENTATION AND ENFORCEMENT OF FISH-
18 ERY MANAGEMENT MEASURES.—In December of the year
19 following the transfer of management described in section
20 906(c)(2), and at any other time the Commission con-
21 siders appropriate after that December, the Commission
22 shall determine if—

23 (1) each Gulf coastal State has fully adopted
24 and implemented fishery management measures;

1 (2) such measures continue to be in compliance
2 with the fishery management plan; and

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

7 (b) CERTIFICATION OF OVERFISHING AND REBUILD-
8 ING PLANS.—If the Gulf of Mexico red snapper in a Gulf
9 coastal State is experiencing overfishing or is subject to
10 a rebuilding plan, that Gulf coastal State shall submit a
11 certification to the Commission showing that such State—

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

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

19 **SEC. 908. OPPORTUNITY TO REMEDY.**

20 (a) IN GENERAL.—If the Commission finds that a
21 Gulf coastal State is noncompliant under section 907, the
22 Commission shall offer assistance to that Gulf coastal
23 State to remedy the finding of noncompliance.

24 (b) NOTIFICATION TO SECRETARY FOR CONTINUED
25 NONCOMPLIANCE.—If, after such time as determined by

1 the Commission, the Gulf coastal State receiving assist-
2 ance described in subsection (a) remains noncompliant,
3 the Commission shall vote on whether to notify the Sec-
4 retary.

5 **SEC. 909. CLOSURE OF THE GULF OF MEXICO RED SNAP-**
6 **PER FISHERY.**

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

13 (b) **CONSIDERATIONS.**—Prior to making a declara-
14 tion under subsection (a) the Secretary shall consider the
15 comments of such Gulf coastal State and the Commission.

16 (c) **ACTIONS PROHIBITED DURING CLOSURE.**—Dur-
17 ing a closure of the Gulf of Mexico red snapper fishery
18 under subsection (a), it is unlawful for any person—

19 (1) to engage in fishing for Gulf of Mexico red
20 snapper within the Federal waters adjacent to the
21 waters of the Gulf coastal State covered by the clo-
22 sure;

23 (2) to land, or attempt to land, the Gulf of
24 Mexico red snapper to which the closure applies; or

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

5 **SEC. 910. ECONOMIC ANALYSIS AND REPORT.**

6 (a) **ECONOMIC ANALYSIS OF GULF OF MEXICO RED**
7 **SNAPPER FISHERY.**—The Secretary, in consultation with
8 the Gulf coastal States and the Commission, shall conduct
9 a study and analysis of the economic impacts for the local,
10 regional, and national economy of the Gulf of Mexico red
11 snapper fishery. The study shall include an analysis of—

12 (1) the beneficial economic impacts on indus-
13 tries directly related to the Gulf of Mexico red snap-
14 per fishery, including boat sales, marina activity,
15 boat construction and repair, fishing gear and tackle
16 sales, and other closely related industries; and

17 (2) the downstream economic impacts of the
18 Gulf of Mexico red snapper fishery on the economies
19 of the Gulf coastal States, including hotels, res-
20 taurants, grocery stores, related tourism, and other
21 peripheral businesses and industries.

22 (b) **BIENNIAL REPORTS.**—Beginning 2 years after
23 the date of the enactment of this title, and every 2 years
24 thereafter, the Secretary shall submit a report on the find-
25 ings of the study conducted under subsection (a) to Con-

1 gress, the Governor of each of the Gulf coastal States, and
2 the Commission. Each report shall be made available to
3 the public and shall include recommendations for addi-
4 tional actions to be taken to encourage the sustainability
5 of the Gulf of Mexico red snapper fishery.

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