

# Calendar No. 384

113TH CONGRESS  
2D SESSION

# S. 2363

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

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## IN THE SENATE OF THE UNITED STATES

MAY 20, 2014

Mrs. HAGAN (for herself, Ms. MURKOWSKI, Mr. PRYOR, Mr. HELLER, Mr. TESTER, Mr. HOEVEN, Mr. BEGICH, Mr. PORTMAN, Ms. LANDRIEU, Mr. BOOZMAN, Mr. MANCHIN, Mr. VITTER, Mr. UDALL of Colorado, Mr. CHAMBLISS, Mr. HEINRICH, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. RUBIO, Mr. WARNER, Mr. GRAHAM, Mrs. McCASKILL, Ms. AYOTTE, Mr. WALSH, Mr. BURR, Mr. DONNELLY, Mrs. FISCHER, Mr. FRANKEN, Mr. ROBERTS, Mr. BENNET, Mr. MCCAIN, Mr. KING, Mr. THUNE, Mr. KAINE, and Mr. RISCH) introduced the following bill; which was read the first time

MAY 21, 2014

Read the second time and placed on the calendar

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## 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

**TITLE I—REGULATORY REFORMS**

Sec. 101. Electronic duck stamps.

Sec. 102. Modification of definition of sport fishing equipment under the Toxic  
Substances Control Act.

Sec. 103. Target practice and marksmanship.

Sec. 104. Exemption for subsistence users.

Sec. 105. Permits for importation of polar bear trophies taken in sport hunts  
in Canada.

Sec. 106. Baiting of migratory game birds.

Sec. 107. Recreational fishing, hunting, and recreational shooting on Federal  
public land.

Sec. 108. Annual permit and fee for film crews of 5 persons or fewer.

**TITLE II—HABITAT CONSERVATION**

Sec. 201. Availability of Land and Water Conservation Fund for recreational  
public access projects.

Sec. 202. Federal Land Transaction Facilitation Act.

Sec. 203. North American Wetlands Conservation Act.

Sec. 204. National Fish and Wildlife Foundation Establishment Act.

6 **TITLE I—REGULATORY**  
7 **REFORMS**

8 **SEC. 101. ELECTRONIC DUCK STAMPS.**

9 (a) **DEFINITIONS.**—In this section:

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-

1       thority of the Secretary immediately before the date  
2       of enactment of this Act.

3               (2) AUTOMATED LICENSING SYSTEM.—

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

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

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

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

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

22              (C) is issued through a State automated li-  
23       censing system that is authorized, under State  
24       law and by the Secretary under this section, to  
25       issue electronic stamps;

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

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

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

9 (b) AUTHORITY TO ISSUE ELECTRONIC DUCK  
10 STAMPS.—

11 (1) IN GENERAL.—The Secretary may author-  
12 ize any State to issue electronic stamps in accord-  
13 ance with this section.

14 (2) CONSULTATION.—The Secretary shall im-  
15 plement this section in consultation with State man-  
16 agement agencies.

17 (c) STATE APPLICATION.—

18 (1) APPROVAL OF APPLICATION REQUIRED.—  
19 The Secretary may not authorize a State to issue  
20 electronic stamps under this section unless the Sec-  
21 retary has received and approved an application sub-  
22 mitted by the State in accordance with this section.

23 (2) NUMBER OF NEW STATES.—The Secretary  
24 may determine the number of new States per year  
25 to participate in the electronic stamp program.

1           (3) CONTENTS OF APPLICATION.—The Sec-  
2           retary may not approve a State application unless  
3           the application contains—

4                   (A) a description of the format of the elec-  
5                   tronic stamp that the State will issue under this  
6                   section, including identifying features of the li-  
7                   censee that will be specified on the stamp;

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

10                  (C) a description of the process the State  
11                  will use to account for and transfer to the Sec-  
12                  retary the amounts collected by the State that  
13                  are required to be transferred to the Secretary  
14                  under the program;

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

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

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

23                  (G) such other policies, procedures, and in-  
24                  formation as may be reasonably required by the  
25                  Secretary.

1           (4) PUBLICATION OF DEADLINES, ELIGIBILITY  
2           REQUIREMENTS, AND SELECTION CRITERIA.—Not  
3           later than 30 days before the date on which the Sec-  
4           retary begins accepting applications under this sec-  
5           tion, the Secretary shall publish—

6                   (A) deadlines for submission of applica-  
7                   tions;

8                   (B) eligibility requirements for submitting  
9                   applications; and

10                   (C) criteria for approving applications.

11           (d) STATE OBLIGATIONS AND AUTHORITIES.—

12                   (1) DELIVERY OF ACTUAL STAMP.—The Sec-  
13                   retary shall require that each individual to whom a  
14                   State sells an electronic stamp under this section  
15                   shall receive an actual stamp—

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

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

21                   (2) COLLECTION AND TRANSFER OF ELEC-  
22                   TRONIC STAMP REVENUE AND CUSTOMER INFORMA-  
23                   TION.—

24                           (A) REQUIREMENT TO TRANSMIT.—The  
25                           Secretary shall require each State authorized to

1 issue electronic stamps to collect and submit to  
2 the Secretary in accordance with this sub-  
3 section—

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

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

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

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

19 (C) ADDITIONAL FEES NOT AFFECTED.—  
20 This section shall not apply to the State portion  
21 of any fee collected by a State under paragraph  
22 (3).

23 (3) ELECTRONIC STAMP ISSUANCE FEE.—A  
24 State authorized to issue electronic stamps may  
25 charge a reasonable fee to cover costs incurred by

1 the State and the Department of the Interior in  
2 issuing electronic stamps under this section, includ-  
3 ing costs of delivery of actual stamps.

4 (4) DUPLICATE ELECTRONIC STAMPS.—A State  
5 authorized to issue electronic stamps may issue a  
6 duplicate electronic stamp to replace an electronic  
7 stamp issued by the State that is lost or damaged.

8 (5) LIMITATION ON AUTHORITY TO REQUIRE  
9 PURCHASE OF STATE LICENSE.—A State may not  
10 require that an individual purchase a State hunting  
11 license as a condition of issuing an electronic stamp  
12 under this section.

13 (e) ELECTRONIC STAMP REQUIREMENTS; RECOGNI-  
14 TION OF ELECTRONIC STAMP.—

15 (1) STAMP REQUIREMENTS.—The Secretary  
16 shall require an electronic stamp issued by a State  
17 under this section—

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

22 (B) to specify identifying features of the li-  
23 censee that are adequate to enable Federal,  
24 State, and other law enforcement officers to  
25 identify the holder.



1           (2) RECOGNITION OF ELECTRONIC STAMP.—

2           Any electronic stamp issued by a State under this  
3           section shall, during the effective period of the elec-  
4           tronic stamp—

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

7                   (B) be recognized nationally as a valid  
8                   Federal migratory bird hunting and conserva-  
9                   tion stamp; and

10                   (C) authorize the licensee to hunt migra-  
11                   tory waterfowl in any other State, in accordance  
12                   with the laws of the other State governing that  
13                   hunting.

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

18           (f) TERMINATION OF STATE PARTICIPATION.—The  
19           authority of a State to issue electronic stamps under this  
20           section may be terminated—

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

22                           (A) finds that the State has violated any of  
23                           the terms of the application of the State ap-  
24                           proved by the Secretary under subsection (c);  
25                           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 **SEC. 102. MODIFICATION OF DEFINITION OF SPORT FISH-**  
8 **ING EQUIPMENT UNDER THE TOXIC SUB-**  
9 **STANCES CONTROL ACT.**

10 (a) IN GENERAL.—Section 3(2)(B) of the Toxic Sub-  
11 stances Control Act (15 U.S.C. 2602(2)(B)) is amended—

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

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

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

19 “(vii) any sport fishing equipment (as the term  
20 is defined in subsection (a) of section 4162 of the  
21 Internal Revenue Code of 1986, without regard to  
22 paragraphs (6) through (9) thereof), the sale of  
23 which is subject to the tax imposed by section  
24 4161(a) of such Code (determined without regard to  
25 any exemptions from such tax as provided by section

1 4162 or 4221 or any other provision of such Code),  
2 and sport fishing equipment components.”.

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

7 **SEC. 103. TARGET PRACTICE AND MARKSMANSHIP.**

8 (a) FINDINGS; PURPOSE.—

9 (1) FINDINGS.—Congress finds that—

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

15 (B) in recent years preceding the date of  
16 enactment of this Act, portions of Federal land  
17 have been closed to target practice and marks-  
18 manship training for many reasons;

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

24 (D) providing opportunities for target  
25 practice and marksmanship training at public

1 target ranges on Federal and non-Federal land  
2 can help—

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

5 (ii) to ensure safe and convenient lo-  
6 cations for those activities;

7 (E) Federal law in effect on the date of en-  
8 actment of this Act, including the Pittman-Rob-  
9 ertson Wildlife Restoration Act (16 U.S.C. 669  
10 et seq.), provides Federal support for construc-  
11 tion and expansion of public target ranges by  
12 making available to States amounts that may  
13 be used for construction, operation, and mainte-  
14 nance of public target ranges; and

15 (F) it is in the public interest to provide  
16 increased Federal support to facilitate the con-  
17 struction or expansion of public target ranges.

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

23 (b) DEFINITION OF PUBLIC TARGET RANGE.—In  
24 this section, the term “public target range” means a spe-  
25 cific 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           (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-  
8 LIFE RESTORATION ACT.—

9           (1) DEFINITIONS.—Section 2 of the Pittman-  
10 Robertson Wildlife Restoration Act (16 U.S.C.  
11 669a) is amended—

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

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

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

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

21                           “(B) is open to the public;

22                           “(C) may be supervised; and

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

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

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

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

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

11           (B) in paragraph (1) (as so designated), by  
12 striking “construction, operation,” and insert-  
13 ing “operation”;

14           (C) in the second sentence, by striking  
15 “The non-Federal share” and inserting the fol-  
16 lowing:

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

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

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

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

24           “(2) EXCEPTION.—Notwithstanding the limita-  
25 tion described in paragraph (1), a State may pay up

1 to 90 percent of the cost of acquiring land for, ex-  
2 panding, or constructing a public target range.”.

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

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

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

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

18 “(b) COST SHARING.—

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

24 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR  
25 EXPANSION.—The Federal share of the cost of ac-

1       quiring land for, expanding, or constructing a public  
2       target range in a State on Federal or non-Federal  
3       land pursuant to this section or section 8(b) shall  
4       not exceed 90 percent of the cost of the activity.”;  
5       and

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

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

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

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

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

20       (d) SENSE OF CONGRESS REGARDING COOPERA-  
21       TION.—It is the sense of Congress that, consistent with  
22       applicable laws (including regulations), the Chief of the  
23       Forest Service and the Director of the Bureau of Land  
24       Management should cooperate with State and local au-  
25       thorities and other entities to carry out waste removal and



1 other activities on any Federal land used as a public target  
 2 range to encourage continued use of that land for target  
 3 practice or marksmanship training.

4 **SEC. 104. EXEMPTION FOR SUBSISTENCE USERS.**

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

11 **SEC. 105. PERMITS FOR IMPORTATION OF POLAR BEAR**  
 12 **TROPHIES TAKEN IN SPORT HUNTS IN CAN-**  
 13 **ADA.**

14 Section 104(c)(5) of the Marine Mammal Protection  
 15 Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by strik-  
 16 ing subparagraph (D) and inserting the following:

17 “(D) POLAR BEAR PARTS.—

18 “(i) IN GENERAL.—Notwithstanding  
 19 subparagraphs (A) and (C)(ii), subsection  
 20 (d)(3), and sections 101 and 102, the Sec-  
 21 retary of the Interior shall, expeditiously  
 22 after the date on which the expiration of  
 23 the applicable 30-day period described in  
 24 subsection (d)(2) expires, issue a permit  
 25 for the importation of any polar bear part

1 (other than an internal organ) from a  
2 polar bear taken in a sport hunt in Canada  
3 to any person—

4 “(I) who submits, with the per-  
5 mit application, proof that the polar  
6 bear was legally harvested by the per-  
7 son before February 18, 1997; or

8 “(II) who submitted, with a per-  
9 mit application submitted before May  
10 15, 2008, proof that the polar bear  
11 was legally harvested from a polar  
12 bear population from which a sport-  
13 hunted trophy could be imported be-  
14 fore May 15, 2008, in accordance  
15 with section 18.30(i) of title 50, Code  
16 of Federal Regulations (or a successor  
17 regulation) by the person before May  
18 15, 2008.

19 “(ii) APPLICABILITY OF PROHIBITION  
20 ON THE IMPORTATION OF A DEPLETED  
21 SPECIES.—

22 “(I) PARTS LEGALLY HARVESTED  
23 BEFORE FEBRUARY 18, 1997.—

24 “(aa) IN GENERAL.—Sec-  
25 tions 101(a)(3)(B) and 102(b)(3)

1 shall not apply to the importation  
2 of any polar bear part authorized  
3 by a permit issued under clause  
4 (i)(I).

5 “(bb) APPLICABILITY.—  
6 Item (aa) shall not apply to polar  
7 bear parts imported before June  
8 12, 1997.

9 “(II) PARTS LEGALLY HAR-  
10 VESTED BEFORE MAY 15, 2008.—

11 “(aa) IN GENERAL.—Sec-  
12 tions 101(a)(3)(B) and 102(b)(3)  
13 shall not apply to the importation  
14 of any polar bear part authorized  
15 by a permit issued under clause  
16 (i)(II).

17 “(bb) APPLICABILITY.—  
18 Item (aa) shall not apply to polar  
19 bear parts imported before the  
20 date of enactment of the Bipar-  
21 tisan Sportsmen’s Act of 2014.”.

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

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

1 “(b) PROHIBITION OF BAITING.—

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

3 “(A) BAITED AREA.—

4 “(i) IN GENERAL.—The term ‘baited  
5 area’ means—

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

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

20 “(ii) EXCLUSIONS.—An area shall not  
21 be considered to be a ‘baited area’ if the  
22 area—

23 “(I) has been treated with a nor-  
24 mal agricultural practice;

1                   “(II) has standing crops that  
2                   have not been manipulated; or

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

5                   “(B) BAITING.—The term ‘baiting’ means  
6                   the direct or indirect placing, exposing, depos-  
7                   iting, distributing, or scattering of salt, grain,  
8                   or other feed that could lure or attract migra-  
9                   tory game birds to, on, or over any areas on  
10                  which a hunter is attempting to take migratory  
11                  game birds.

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

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

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

20                  “(D) NORMAL AGRICULTURAL PRAC-  
21                  TICE.—

22                  “(i) IN GENERAL.—The term ‘normal  
23                  agricultural practice’ means any practice in  
24                  1 annual growing season that—

1           “(I) is carried out in order to  
2           produce a marketable crop, including  
3           planting, harvest, post-harvest, or soil  
4           conservation practices; and

5           “(II) is recommended for the  
6           successful harvest of a given crop by  
7           the applicable State office of the Co-  
8           operative Extension System of the De-  
9           partment of Agriculture, in consulta-  
10          tion with, and if requested, the con-  
11          currence of, the head of the applicable  
12          State department of fish and wildlife.

13          “(ii) INCLUSIONS.—

14                 “(I) IN GENERAL.—Subject to  
15                 subclause (II), the term ‘normal agri-  
16                 cultural practice’ includes the destruc-  
17                 tion of a crop in accordance with  
18                 practices required by the Federal  
19                 Crop Insurance Corporation for agri-  
20                 cultural producers to obtain crop in-  
21                 surance under the Federal Crop In-  
22                 surance Act (7 U.S.C. 1501 et seq.)  
23                 on land on which a crop during the  
24                 current or immediately preceding crop  
25                 year was not harvestable due to a nat-

1            ural disaster (including any hurricane,  
2            storm, tornado, flood, high water,  
3            wind-driven water, tidal wave, tsu-  
4            nami, earthquake, volcanic eruption,  
5            landslide, mudslide, drought, fire,  
6            snowstorm, or other catastrophe that  
7            is declared a major disaster by the  
8            President in accordance with section  
9            401 of the Robert T. Stafford Dis-  
10           aster Relief and Emergency Assist-  
11           ance Act (42 U.S.C. 5170)).

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

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

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

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

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

12           “(3) REGULATIONS.—The Secretary of the In-  
13 terior may promulgate regulations to implement this  
14 subsection.

15           “(4) REPORTS.—Annually, the Secretary of Ag-  
16 riculture shall submit to the Secretary of the Inte-  
17 rior a report that describes any changes to normal  
18 agricultural practices across the range of crops  
19 grown by agricultural producers in each region of  
20 the United States in which the recommendations are  
21 provided to agricultural producers.”.

22 **SEC. 107. RECREATIONAL FISHING, HUNTING, AND REC-**  
23 **REATIONAL SHOOTING ON FEDERAL PUBLIC**  
24 **LAND.**

25           (a) DEFINITIONS.—In this section:



## 1 (1) FEDERAL PUBLIC LAND.—

2 (A) IN GENERAL.—The term “Federal  
3 public land” means any land or water that is—

4 (i) owned by the United States; and

5 (ii) managed by a Federal agency (in-  
6 cluding the Department of the Interior and  
7 the Forest Service) for purposes that in-  
8 clude the conservation of natural resources.

9 (B) EXCLUSIONS.—The term “Federal  
10 public land” does not include—

11 (i) land or water held or managed in  
12 trust for the benefit of Indian tribes or in-  
13 dividual Indians;

14 (ii) land or water managed by the Di-  
15 rector of the National Park Service or the  
16 Director of the United States Fish and  
17 Wildlife Service;

18 (iii) fish hatcheries; or

19 (iv) conservation easements on private  
20 land.

## 21 (2) HUNTING.—

22 (A) IN GENERAL.—The term “hunting”  
23 means use of a firearm, bow, or other author-  
24 ized means in the lawful—

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

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

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

9 (3) RECREATIONAL FISHING.—The term “rec-  
10 reational fishing” means—

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

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

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

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

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

24 (A) the discharge of a rifle, handgun, or  
25 shotgun; or

1 (B) the use of a bow and arrow.

2 (b) RECREATIONAL FISHING, HUNTING, AND REC-  
3 REATIONAL SHOOTING.—

4 (1) IN GENERAL.—Subject to valid existing  
5 rights, and in cooperation with the respective State  
6 fish and wildlife agency, a Federal public land man-  
7 agement official shall exercise the authority of the  
8 official under existing law (including provisions re-  
9 garding land use planning) to facilitate use of and  
10 access to Federal public land for recreational fish-  
11 ing, hunting, and recreational shooting except as  
12 limited by—

13 (A) any Federal law (including regula-  
14 tions) that authorizes action or withholding ac-  
15 tion for reasons of national security, public  
16 safety, or resource conservation;

17 (B) any other Federal law (including regu-  
18 lations) that precludes recreational fishing,  
19 hunting, or recreational shooting on specific  
20 Federal public land units of Federal public  
21 land, or water; or

22 (C) discretionary limitations on rec-  
23 reational fishing, hunting, and recreational  
24 shooting determined to be necessary and rea-  
25 sonable, as supported by the best scientific evi-

1           dence and advanced through a transparent pub-  
2           lic process.

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

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

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

12                   (C) in accordance with applicable Federal  
13                   law.

14           (3) PLANNING.—

15                   (A) EFFECTS OF PLANS AND ACTIVI-  
16                   TIES.—

17                           (i) EVALUATION OF EFFECTS ON OP-  
18                           PORTUNITIES TO ENGAGE IN REC-  
19                           REATIONAL FISHING, HUNTING, OR REC-  
20                           REATIONAL SHOOTING.—Federal public  
21                           land planning documents (including land  
22                           resources management plans, resource  
23                           management plans, travel management  
24                           plans, and energy development plans) shall  
25                           include a specific evaluation of the effects

1 of the plans on opportunities to engage in  
2 recreational fishing, hunting, or rec-  
3 reational shooting.

4 (ii) OTHER ACTIVITY NOT CONSID-  
5 ERED.—

6 (I) IN GENERAL.—Federal public  
7 land management officials shall not be  
8 required to consider the existence or  
9 availability of recreational fishing,  
10 hunting, or recreational shooting op-  
11 portunities on private or public land  
12 that is located adjacent to, or in the  
13 vicinity of, Federal public land for  
14 purposes of—

15 (aa) planning for or deter-  
16 mining which units of Federal  
17 public land are open for rec-  
18 reational fishing, hunting, or rec-  
19 reational shooting; or

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

24 (II) ENHANCED OPPORTUNI-  
25 TIES.—Federal public land manage-

1                   ment officials may consider the oppor-  
2                   tunities described in subclause (I) if  
3                   the combination of those opportunities  
4                   would enhance the recreational fish-  
5                   ing, hunting, or shooting opportunities  
6                   available to the public.

7                   (B) USE OF VOLUNTEERS.—If hunting is  
8                   prohibited by law, all Federal public land plan-  
9                   ning documents described in subparagraph  
10                  (A)(i) of an agency shall, after appropriate co-  
11                  ordination with State fish and wildlife agencies,  
12                  allow the participation of skilled volunteers in  
13                  the culling and other management of wildlife  
14                  populations on Federal public land unless the  
15                  head of the agency demonstrates, based on the  
16                  best scientific data available or applicable Fed-  
17                  eral law, why skilled volunteers should not be  
18                  used to control overpopulation of wildlife on the  
19                  land that is the subject of the planning docu-  
20                  ment.

21                  (4) BUREAU OF LAND MANAGEMENT AND FOR-  
22                  EST SERVICE LAND.—

23                         (A) LAND OPEN.—

24                                 (i) IN GENERAL.—Land under the ju-  
25                                 risdiction of the Bureau of Land Manage-

1           ment or the Forest Service (including a  
2           component of the National Wilderness  
3           Preservation System, land designated as a  
4           wilderness study area or administratively  
5           classified as wilderness eligible or suitable,  
6           and primitive or semiprimitive areas, but  
7           excluding land on the outer Continental  
8           Shelf) shall be open to recreational fishing,  
9           hunting, and recreational shooting unless  
10          the managing Federal public land agency  
11          acts to close the land to the activity.

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

20           **(B) CLOSURE OR RESTRICTION.**—Land de-  
21          scribed in subparagraph (A)(i) may be subject  
22          to closures or restrictions if determined by the  
23          head of the agency to be necessary and reason-  
24          able and supported by facts and evidence for  
25          purposes including resource conservation, public

1 safety, energy or mineral production, energy  
2 generation or transmission infrastructure, water  
3 supply facilities, protection of other permittees,  
4 protection of private property rights or inter-  
5 ests, national security, or compliance with other  
6 law, as determined appropriate by the Director  
7 of the Bureau of Land Management or the  
8 Chief of the Forest Service, as applicable.

9 (C) SHOOTING RANGES.—

10 (i) IN GENERAL.—Except as provided  
11 in clause (iii), the head of each Federal  
12 public land agency may use the authorities  
13 of the head, in a manner consistent with  
14 this section and other applicable law—

15 (I) to lease or permit use of land  
16 under the jurisdiction of the head for  
17 shooting ranges; and

18 (II) to designate specific land  
19 under the jurisdiction of the head for  
20 recreational shooting activities.

21 (ii) LIMITATION ON LIABILITY.—Any  
22 designation under clause (i)(II) shall not  
23 subject the United States to any civil ac-  
24 tion or claim for monetary damages for in-  
25 jury or loss of property or personal injury



1 or death caused by any recreational shoot-  
2 ing activity occurring at or on the des-  
3 ignated land.

4 (iii) EXCEPTION.—The head of each  
5 Federal public land agency shall not lease  
6 or permit use of Federal public land for  
7 shooting ranges or designate land for rec-  
8 reational shooting activities within a com-  
9 ponent of the National Wilderness Preser-  
10 vation System, land designated as a wilder-  
11 ness study area or administratively classi-  
12 fied as wilderness eligible or suitable, and  
13 primitive or semiprimitive areas.

14 (5) REPORT.—Not later than October 1 of  
15 every other year, beginning with the second October  
16 1 after the date of enactment of this Act, the head  
17 of each Federal public land agency who has author-  
18 ity to manage Federal public land on which rec-  
19 reational fishing, hunting, or recreational shooting  
20 occurs shall submit to the Committee on Natural  
21 Resources of the House of Representatives and the  
22 Committee on Energy and Natural Resources of the  
23 Senate a report that describes—

24 (A) any Federal public land administered  
25 by the agency head that was closed to rec-

1 recreational fishing, hunting, or recreational shoot-  
2 ing at any time during the preceding year; and

3 (B) the reason for the closure.

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

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

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

23 (ii) demonstrates that coordination  
24 has occurred with a State fish and wildlife  
25 agency; and

1 (iii) submits to the Committee on  
2 Natural Resources of the House of Rep-  
3 resentatives and the Committee on Energy  
4 and Natural Resources of the Senate writ-  
5 ten notice of the withdrawal or change, re-  
6 spectively.

7 (B) AGGREGATE OR CUMULATIVE EF-  
8 FECTS.—If the aggregate or cumulative effect  
9 of separate withdrawals or changes effectively  
10 closes or significantly restricts or affects 1,280  
11 or more acres of land or water, the withdrawals  
12 and changes shall be treated as a single with-  
13 drawal or change for purposes of subparagraph  
14 (A).

15 (C) EMERGENCY CLOSURES.—

16 (i) IN GENERAL.—Nothing in this sec-  
17 tion prohibits a Federal public land man-  
18 agement agency from establishing or im-  
19 plementing emergency closures or restric-  
20 tions of the smallest practicable area of  
21 Federal public land to provide for public  
22 safety, resource conservation, national se-  
23 curity, or other purposes authorized by  
24 law.

1                   (ii) TERMINATION.—An emergency  
2                   closure under clause (i) shall terminate  
3                   after a reasonable period of time unless the  
4                   temporary closure is converted to a perma-  
5                   nent closure consistent with this section.

6                   (7) NO PRIORITY.—Nothing in this section re-  
7                   quires a Federal agency to give preference to rec-  
8                   reational fishing, hunting, or recreational shooting  
9                   over other uses of Federal public land or over land  
10                  or water management priorities established by other  
11                  Federal law.

12                  (8) CONSULTATION WITH COUNCILS.—In car-  
13                  rying out this section, the heads of Federal public  
14                  land agencies shall consult with the appropriate ad-  
15                  visory councils established under Executive Order  
16                  12962 (16 U.S.C. 1801 note; relating to recreational  
17                  fisheries) and Executive Order 13443 (16 U.S.C.  
18                  661 note; relating to facilitation of hunting heritage  
19                  and wildlife conservation).

20                  (9) AUTHORITY OF STATES.—

21                   (A) IN GENERAL.—Nothing in this section  
22                   interferes with, diminishes, or conflicts with the  
23                   authority, jurisdiction, or responsibility of any  
24                   State to manage, control, or regulate fish and  
25                   wildlife under State law (including regulations)

1 on land or water within the State, including on  
2 Federal public land.

3 (B) FEDERAL LICENSES.—

4 (i) IN GENERAL.—Except as provided  
5 in clause (ii), nothing in this subsection  
6 authorizes the head of a Federal public  
7 land agency head to require a license, fee,  
8 or permit to fish, hunt, or trap on land or  
9 water in a State, including on Federal pub-  
10 lic land in the State.

11 (ii) MIGRATORY BIRD STAMPS.—Noth-  
12 ing in this subparagraph affects any mi-  
13 gratory bird stamp requirement of the Act  
14 of March 16, 1934 (16 U.S.C. 718a et  
15 seq.)(popularly known as the “Duck Stamp  
16 Act”).

17 **SEC. 108. ANNUAL PERMIT AND FEE FOR FILM CREWS OF**  
18 **5 PERSONS OR FEWER.**

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

23 (b) SPECIAL RULES.—Section 1(a) of Public Law  
24 106–206 (16 U.S.C. 460l–6d(a)) is amended—

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

4           (2) in the first sentence, by striking “The Sec-  
5           retary of the Interior” and inserting the following:

6           “(1) IN GENERAL.—Except as provided in para-  
7           graph (4), the Secretary of the Interior”;

8           (3) in the second sentence, by striking “Such  
9           fee” and inserting the following:

10          “(2) CRITERIA.—The fee established under  
11          paragraph (1)”;

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

14          “(3) OTHER CONSIDERATIONS.—The Secretary  
15          may”; and

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

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

19                 “(A) DEFINITION OF FILM CREW.—In this  
20                 paragraph, the term ‘film crew’ means any per-  
21                 sons present on Federal land or waterways  
22                 under the jurisdiction of the Secretary who are  
23                 associated with the production of a film.

24                 “(B) REQUIRED PERMIT AND FEE.—For  
25                 any film crew of 5 persons or fewer, the Sec-

1           retary shall require a permit and assess an an-  
2           nual fee of \$200 for commercial filming activi-  
3           ties or similar projects on Federal land and wa-  
4           terways administered by the Secretary.

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

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

18          “(E) USE OF CAMERAS.—The Secretary  
19          shall not prohibit, as a mechanized apparatus  
20          or under any other purposes, use of cameras or  
21          related equipment used for the purpose of com-  
22          mercial filming activities or similar projects in  
23          accordance with this paragraph on Federal land  
24          and waterways administered by the Secretary.

1           “(F) NOTIFICATION REQUIRED.—A film  
2 crew of 5 persons or fewer subject to a permit  
3 issued under this paragraph shall notify the ap-  
4 plicable land management agency with jurisdic-  
5 tion over the Federal land at least 48 hours be-  
6 fore entering the Federal land.

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

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

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

16                   “(iii) the activity poses health or safe-  
17 ty risks to the public; or

18                   “(iv) the filming includes the use of  
19 models or props that are not part of the  
20 natural or cultural resources or adminis-  
21 trative facilities of the Federal land.”.

22           (c) RECOVERY OF COSTS.—Section 1(b) of Public  
23 Law 106–206 (16 U.S.C. 460l–6d(b)) is amended in the  
24 first sentence—



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

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

5 **TITLE II—HABITAT**  
6 **CONSERVATION**

7 **SEC. 201. AVAILABILITY OF LAND AND WATER CONSERVA-**  
8 **TION FUND FOR RECREATIONAL PUBLIC AC-**  
9 **CESS PROJECTS.**

10 (a) AVAILABILITY OF FUNDS.—Section 3 of the Land  
11 and Water Conservation Fund Act of 1965 (16 U.S.C.  
12 460l–6) is amended to read as follows:

13 **“SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.**

14 “(a) IN GENERAL.—Notwithstanding any other pro-  
15 vision of this Act, the Secretary of the Interior and the  
16 Secretary of Agriculture shall ensure that, of the amounts  
17 appropriated for the fund for each fiscal year, not less  
18 than the greater of 1.5 percent of the amounts or  
19 \$10,000,000 shall be made available for projects identified  
20 on the priority list developed under subsection (b).

21 “(b) PRIORITY LIST.—The Secretary of the Interior  
22 and the Secretary of Agriculture, in consultation with the  
23 head of each affected Federal agency, shall annually de-  
24 velop a priority list for the sites under the jurisdiction of  
25 the applicable Secretary.

1       “(c) CRITERIA.—Projects identified on the priority  
2 list developed under subsection (b) shall secure rec-  
3 reational public access to Federal public land in existence  
4 as of the date of enactment of this section that has signifi-  
5 cantly restricted access for hunting, fishing, and other rec-  
6 reational purposes through rights-of-way or acquisition of  
7 land (or any interest in land) from willing sellers.”.

8       (b) CONFORMING AMENDMENTS.—The Land and  
9 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–  
10 4 et seq.) is amended—

11           (1) in the proviso at the end of section 2(c)(2)  
12           (16 U.S.C. 460l–5(c)(2)), by striking “notwith-  
13           standing the provisions of section 3 of this Act”;

14           (2) in the first sentence of section 9 (16 U.S.C.  
15           460l–10a), by striking “by section 3 of this Act”;  
16           and

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

20 **SEC. 202. FEDERAL LAND TRANSACTION FACILITATION**  
21 **ACT.**

22       (a) IN GENERAL.—The Federal Land Transaction  
23 Facilitation Act is amended—

1 (1) in section 203(2) (43 U.S.C. 2302(2)), by  
2 striking “on the date of enactment of this Act was”  
3 and inserting “is”;

4 (2) in section 205 (43 U.S.C. 2304)—

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

7 and

8 (B) by striking subsection (d);

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

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

12 (A) in paragraph (1)—

13 (i) by striking “96–568” and insert-  
14 ing “96–586”; and

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

17 (B) in paragraph (2)—

18 (i) by inserting “Public Law 105–  
19 263;” before “112 Stat.”; and

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

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

23 “(3) the White Pine County Conservation,  
24 Recreation, and Development Act of 2006 (Public  
25 Law 109–432; 120 Stat. 3028);



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

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

4           “(6) \$50,000,000 for each of fiscal years 2014  
5           through 2019.”.

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

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

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

12                   (A) in subsection (b)—

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

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

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

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

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

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

6 (B) in subsection (g)(2)—

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

12 “(A) IN GENERAL.—Officers”; and

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

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

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

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

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

1        servation Act (16 U.S.C. 4403(a)(1)(B)) is amended  
2        by striking “Secretary of the Board” and inserting  
3        “Executive Director of the Board”.

4        (b) RIGHTS AND OBLIGATIONS OF THE FOUNDA-  
5        TION.—Section 4 of the National Fish and Wildlife Foun-  
6        dation Establishment Act (16 U.S.C. 3703) is amended—

7            (1) in subsection (c)—

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

11            “(c) POWERS.—

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

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

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

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

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

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

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

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

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

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

22 “(2) TREATMENT OF REAL PROPERTY.—

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



1           ervation, conservation, protection, or enhance-  
2           ment by and for the public of natural, scenic,  
3           historic, scientific, educational, inspirational, or  
4           recreational resources.

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

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

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

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

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

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

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

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

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

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

10          (2) in subsection (b)—

11           (A) by striking paragraph (1) and insert-  
12 ing the following:

13          “(1) AMOUNTS FROM FEDERAL AGENCIES.—

14           “(A) IN GENERAL.—In addition to the  
15 amounts authorized to be appropriated under  
16 subsection (a), Federal departments, agencies,  
17 or instrumentalities may provide Federal funds  
18 to the Foundation, subject to the condition that  
19 the amounts are used for purposes that further  
20 the conservation and management of fish, wild-  
21 life, plants, and other natural resources in ac-  
22 cordance with this Act.

23           “(B) ADVANCES.—Federal departments,  
24 agencies, or instrumentalities may advance  
25 amounts described in subparagraph (A) to the

1 Foundation in a lump sum without regard to  
2 when the expenses for which the amounts are  
3 used are incurred.

4 “(C) MANAGEMENT FEES.—The Founda-  
5 tion may assess and collect fees for the manage-  
6 ment of amounts received under this para-  
7 graph.”;

8 (B) in paragraph (2)—

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

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

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

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

18 “(3) ADMINISTRATION OF AMOUNTS.—

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

1 with the Foundation if the purpose of the waiv-  
2 er is—

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

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

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

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

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

1 accepted and expended (or the disposition of the amounts  
2 or property directed), without further appropriation, by  
3 those Federal departments, agencies, or instrumentalities,  
4 subject to the condition that the amounts or property be  
5 used for purposes that further the conservation and man-  
6 agement of fish, wildlife, plants, and other natural re-  
7 sources.”.

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

Calendar No. 384

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2363**

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**A BILL**

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

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MAY 21, 2014

Read the second time and placed on the calendar