

Calendar No. 15

114TH CONGRESS
1ST SESSION

S. 405

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2015

Ms. MURKOWSKI (for herself, Mr. HEINRICH, Mr. RISCH, Ms. HEITKAMP, Mrs. FISCHER, and Mr. MANCHIN) introduced the following bill; which was read the first time

FEBRUARY 9, 2015

Read the second time and placed on the calendar

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Bipartisan Sportsmen’s Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—REGULATORY REFORMS

- Sec. 101. Modification of definition of sport fishing equipment under the Toxic Substances Control Act.
- Sec. 102. Target practice and marksmanship.
- Sec. 103. Permits for importation of polar bear trophies taken in sport hunts in Canada.
- Sec. 104. Baiting of migratory game birds.
- Sec. 105. Recreational fishing, hunting, and recreational shooting on Federal public land.
- Sec. 106. Annual permit and fee for film crews of 5 persons or fewer.
- Sec. 107. Protecting the right of individuals to bear arms at water resources development projects.
- Sec. 108. Federal action transparency.
- Sec. 109. Bows in the Parks.

TITLE II—HABITAT CONSERVATION

- Sec. 201. Availability of Land and Water Conservation Fund for recreational public access projects.
- Sec. 202. Identifying opportunities for recreation, hunting, and fishing on Federal land.
- Sec. 203. Federal Land Transaction Facilitation Act.
- Sec. 204. North American Wetlands Conservation Act.
- Sec. 205. National Fish and Wildlife Foundation Establishment Act.

1 **TITLE I—REGULATORY** 2 **REFORMS**

3 **SEC. 101. MODIFICATION OF DEFINITION OF SPORT FISH-** 4 **ING EQUIPMENT UNDER THE TOXIC SUB-** 5 **STANCES CONTROL ACT.**

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

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

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

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

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

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

15 **SEC. 102. TARGET PRACTICE AND MARKSMANSHIP.**

16 (a) PURPOSE.—The purpose of this section is to fa-
17 cilitate the construction and expansion of public target
18 ranges, including ranges on Federal land managed by the
19 Forest Service and the Bureau of Land Management.

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

23 (1) is identified by a governmental agency for
24 recreational shooting;

25 (2) is open to the public;

1 (3) may be supervised; and

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

4 (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-
5 LIFE RESTORATION ACT.—

6 (1) DEFINITIONS.—Section 2 of the Pittman-
7 Robertson Wildlife Restoration Act (16 U.S.C.
8 669a) is amended—

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

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

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

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

18 “(B) is open to the public;

19 “(C) may be supervised; and

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

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

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

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

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

7 (B) in paragraph (1) (as so designated), by
8 striking “construction, operation,” and insert-
9 ing “operation”;

10 (C) in the second sentence, by striking
11 “The non-Federal share” and inserting the fol-
12 lowing:

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

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

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

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

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

24 (3) FIREARM AND BOW HUNTER EDUCATION
25 AND SAFETY PROGRAM GRANTS.—Section 10 of the

1 Pittman-Robertson Wildlife Restoration Act (16
2 U.S.C. 669h-1) is amended—

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

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

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

14 “(b) COST SHARING.—

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

20 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
21 EXPANSION.—The Federal share of the cost of ac-
22 quiring land for, expanding, or constructing a public
23 target range in a State on Federal or non-Federal
24 land pursuant to this section or section 8(b) shall

1 not exceed 90 percent of the cost of the activity.”;
2 and

3 (C) in subsection (c)(1)—

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

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

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

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

1 **SEC. 103. PERMITS FOR IMPORTATION OF POLAR BEAR**
2 **TROPHIES TAKEN IN SPORT HUNTS IN CAN-**
3 **ADA.**

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

7 “(D) POLAR BEAR PARTS.—

8 “(i) IN GENERAL.—Notwithstanding
9 subparagraphs (A) and (C)(ii), subsection
10 (d)(3), and sections 101 and 102, the Sec-
11 retary of the Interior shall, expeditiously
12 after the date on which the expiration of
13 the applicable 30-day period described in
14 subsection (d)(2) expires, issue a permit
15 for the importation of any polar bear part
16 (other than an internal organ) from a
17 polar bear taken in a sport hunt in Canada
18 to any person—

19 “(I) who submits, with the per-
20 mit application, proof that the polar
21 bear was legally harvested by the per-
22 son before February 18, 1997; or

23 “(II) who submitted, with a per-
24 mit application submitted before May
25 15, 2008, proof that the polar bear
26 was legally harvested from a polar

1 bear population from which a sport-
2 hunted trophy could be imported be-
3 fore May 15, 2008, in accordance
4 with section 18.30(i) of title 50, Code
5 of Federal Regulations (or a successor
6 regulation) by the person before May
7 15, 2008.

8 “(ii) APPLICABILITY OF PROHIBITION
9 ON THE IMPORTATION OF A DEPLETED
10 SPECIES.—

11 “(I) PARTS LEGALLY HARVESTED
12 BEFORE FEBRUARY 18, 1997.—

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

19 “(bb) APPLICABILITY.—
20 Item (aa) shall not apply to polar
21 bear parts imported before June
22 12, 1997.

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

1 “(aa) IN GENERAL.—Sec-
 2 tions 101(a)(3)(B) and 102(b)(3)
 3 shall not apply to the importation
 4 of any polar bear part authorized
 5 by a permit issued under clause
 6 (i)(II).

7 “(bb) APPLICABILITY.—
 8 Item (aa) shall not apply to polar
 9 bear parts imported before the
 10 date of enactment of the Bipar-
 11 tisan Sportsmen’s Act of 2015.”.

12 **SEC. 104. BAITING OF MIGRATORY GAME BIRDS.**

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

16 “(b) PROHIBITION OF BAITING.—

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

18 “(A) BAITED AREA.—

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

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

1 could lure or attract migratory game
2 birds; and

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

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

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

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

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

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

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

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

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

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

11 “(D) NORMAL AGRICULTURAL PRAC-
12 TICE.—

13 “(i) IN GENERAL.—The term ‘normal
14 agricultural practice’ means any practice in
15 1 annual growing season that—

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

20 “(II) is recommended for the
21 successful harvest of a given crop by
22 the applicable State office of the Co-
23 operative Extension System of the De-
24 partment of Agriculture, in consulta-
25 tion with, and if requested, the con-

1 currence of, the head of the applicable
2 State department of fish and wildlife.

3 “(ii) INCLUSIONS.—

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

1 aster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5170)).

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

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

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

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

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

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

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

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

13 **SEC. 105. RECREATIONAL FISHING, HUNTING, AND REC-**
14 **REATIONAL SHOOTING ON FEDERAL PUBLIC**
15 **LAND.**

16 (a) DEFINITIONS.—In this section:

17 (1) FEDERAL PUBLIC LAND.—

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

20 (i) owned by the United States; and

21 (ii) managed by a Federal agency (in-
22 cluding the Department of the Interior and
23 the Forest Service) for purposes that in-
24 clude the conservation of natural resources.

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

3 (i) land or water held or managed in
4 trust for the benefit of Indian tribes or in-
5 dividual Indians;

6 (ii) land or water managed by the Di-
7 rector of the National Park Service or the
8 Director of the United States Fish and
9 Wildlife Service;

10 (iii) fish hatcheries; or

11 (iv) conservation easements on private
12 land.

13 (2) HUNTING.—

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

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

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

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

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

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

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

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

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

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

16 (A) the discharge of a rifle, handgun, or
17 shotgun; or

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

19 (b) RECREATIONAL FISHING, HUNTING, AND REC-
20 REATIONAL SHOOTING.—

21 (1) IN GENERAL.—Subject to valid existing
22 rights, and in cooperation with the respective State
23 fish and wildlife agency, a Federal public land man-
24 agement official shall exercise the authority of the
25 official under existing law (including provisions re-

1 garding land use planning) to facilitate use of and
2 access to Federal public land for recreational fish-
3 ing, hunting, and recreational shooting except as
4 limited by—

5 (A) any Federal law (including regula-
6 tions) that authorizes action or withholding ac-
7 tion for reasons of national security, public
8 safety, or resource conservation;

9 (B) any other Federal law (including regu-
10 lations) that precludes recreational fishing,
11 hunting, or recreational shooting on specific
12 Federal public land units of Federal public
13 land, or water; or

14 (C) discretionary limitations on rec-
15 reational fishing, hunting, and recreational
16 shooting determined to be necessary and rea-
17 sonable, as supported by the best scientific evi-
18 dence and advanced through a transparent pub-
19 lic process.

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

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

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

6 (C) in accordance with applicable Federal
7 law.

8 (3) PLANNING.—

9 (A) EFFECTS OF PLANS AND ACTIVI-
10 TIES.—

11 (i) EVALUATION OF EFFECTS ON OP-
12 PORTUNITIES TO ENGAGE IN REC-
13 REATIONAL FISHING, HUNTING, OR REC-
14 REATIONAL SHOOTING.—Federal public
15 land planning documents (including land
16 resources management plans, resource
17 management plans, travel management
18 plans, and energy development plans) shall
19 include a specific evaluation of the effects
20 of the plans on opportunities to engage in
21 recreational fishing, hunting, or rec-
22 reational shooting.

23 (ii) OTHER ACTIVITY NOT CONSID-
24 ERED.—

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

10 (aa) planning for or deter-
11 mining which units of Federal
12 public land are open for rec-
13 reational fishing, hunting, or rec-
14 reational shooting; or

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

19 (II) ENHANCED OPPORTUNI-
20 TIES.—Federal public land manage-
21 ment officials may consider the oppor-
22 tunities described in subclause (I) if
23 the combination of those opportunities
24 would enhance the recreational fish-

1 ing, hunting, or shooting opportunities
2 available to the public.

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

17 (4) BUREAU OF LAND MANAGEMENT AND FOR-
18 EST SERVICE LAND.—

19 (A) LAND OPEN.—

20 (i) IN GENERAL.—Land under the ju-
21 risdiction of the Bureau of Land Manage-
22 ment or the Forest Service (including a
23 component of the National Wilderness
24 Preservation System, land designated as a
25 wilderness study area or administratively

1 classified as wilderness eligible or suitable,
2 and primitive or semiprimitive areas, but
3 excluding land on the outer Continental
4 Shelf) shall be open to recreational fishing,
5 hunting, and recreational shooting unless
6 the managing Federal public land agency
7 acts to close the land to the activity.

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

16 (B) **CLOSURE OR RESTRICTION.**—Land de-
17 scribed in subparagraph (A)(i) may be subject
18 to closures or restrictions if determined by the
19 head of the agency to be necessary and reason-
20 able and supported by facts and evidence for
21 purposes including resource conservation, public
22 safety, energy or mineral production, energy
23 generation or transmission infrastructure, water
24 supply facilities, protection of other permittees,
25 protection of private property rights or inter-

1 ests, national security, or compliance with other
2 law, as determined appropriate by the Director
3 of the Bureau of Land Management or the
4 Chief of the Forest Service, as applicable.

5 (C) SHOOTING RANGES.—

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

11 (I) to lease or permit use of land
12 under the jurisdiction of the head for
13 shooting ranges; and

14 (II) to designate specific land
15 under the jurisdiction of the head for
16 recreational shooting activities.

17 (ii) LIMITATION ON LIABILITY.—Any
18 designation under clause (i)(II) shall not
19 subject the United States to any civil ac-
20 tion or claim for monetary damages for in-
21 jury or loss of property or personal injury
22 or death caused by any recreational shoot-
23 ing activity occurring at or on the des-
24 ignated land.

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

11 (5) REPORT.—Not later than October 1 of
12 every other year, beginning with the second October
13 1 after the date of enactment of this Act, the head
14 of each Federal public land agency who has author-
15 ity to manage Federal public land on which rec-
16 reational fishing, hunting, or recreational shooting
17 occurs shall submit to the Committee on Natural
18 Resources of the House of Representatives and the
19 Committee on Energy and Natural Resources of the
20 Senate a report that describes—

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

25 (B) the reason for the closure.

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

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

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

20 (ii) demonstrates that coordination
21 has occurred with a State fish and wildlife
22 agency; and

23 (iii) submits to the Committee on
24 Natural Resources of the House of Rep-
25 resentatives and the Committee on Energy

1 and Natural Resources of the Senate writ-
2 ten notice of the withdrawal or change, re-
3 spectively.

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

12 (C) EMERGENCY CLOSURES.—

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

22 (ii) TERMINATION.—An emergency
23 closure under clause (i) shall terminate
24 after a reasonable period of time unless the

1 temporary closure is converted to a perma-
2 nent closure consistent with this section.

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

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

17 (9) AUTHORITY OF STATES.—

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

25 (B) FEDERAL LICENSES.—

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

8 (ii) MIGRATORY BIRD STAMPS.—Noth-
 9 ing in this subparagraph affects any mi-
 10 gratory bird stamp requirement of the Mi-
 11 gratory Bird Hunting and Conservation
 12 Stamp Act (16 U.S.C. 718a et seq.).

13 **SEC. 106. ANNUAL PERMIT AND FEE FOR FILM CREWS OF**
 14 **5 PERSONS OR FEWER.**

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

19 (b) NATIONAL PARK SYSTEM LAND.—Section
 20 100905 of title 54, United States Code, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “The
 23 Secretary” and inserting “Except as provided
 24 in paragraph (3), the Secretary”; and

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

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

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

8 “(B) REQUIRED PERMIT AND FEE.—For
9 any film crew of 5 persons or fewer, the Sec-
10 retary shall require a permit and assess an an-
11 nual fee of \$200 for commercial filming activi-
12 ties or similar projects on Federal land and wa-
13 terways administered by the Secretary.

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

22 “(D) NO ADDITIONAL FEES.—For persons
23 holding a permit issued under this paragraph,
24 during the effective period of the permit, the

1 Secretary shall not assess any fees in addition
2 to the fee assessed under subparagraph (B).

3 “(E) USE OF CAMERAS.—The Secretary
4 shall not prohibit, as a mechanized apparatus
5 or under any other purposes, use of cameras or
6 related equipment used for the purpose of com-
7 mercial filming activities or similar projects in
8 accordance with this paragraph on Federal land
9 and waterways administered by the Secretary.

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

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

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

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

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

3 “(iv) the filming includes the use of
4 models or props that are not part of the
5 natural or cultural resources or adminis-
6 trative facilities of the Federal land.”; and

7 (2) in the first sentence of subsection (b), by
8 striking “collect any costs” and inserting “recover
9 any costs”.

10 (c) OTHER FEDERAL LAND.—Section 1 of Public
11 Law 106–206 (16 U.S.C. 460l–6d) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “The
14 Secretary” and inserting “Except as provided
15 in paragraph (3), the Secretary”; and

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

17 “(3) 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.”; and

22 (2) in the first sentence of subsection (b)—

23 (A) by striking “collect any costs” and in-
24 serting “recover any costs”; and

1 (B) by striking “similar project” and in-
2 serting “similar projects”.

3 **SEC. 107. PROTECTING THE RIGHT OF INDIVIDUALS TO**
4 **BEAR ARMS AT WATER RESOURCES DEVEL-**
5 **OPMENT PROJECTS.**

6 The Secretary of the Army shall not promulgate or
7 enforce any regulation that prohibits an individual from
8 possessing a firearm, including an assembled or functional
9 firearm, in any area open to the public (other than a Fed-
10 eral facility as defined in section 930(g) of title 18, United
11 States Code) at a water resources development project
12 covered under section 327.0 of title 36, Code of Federal
13 Regulations (as in effect on the date of enactment of this
14 Act), if—

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

17 (2) the possession of the firearm is in compli-
18 ance with the law of the State in which the water
19 resources development project is located.

20 **SEC. 108. FEDERAL ACTION TRANSPARENCY.**

21 (a) **MODIFICATION OF EQUAL ACCESS TO JUSTICE**
22 **PROVISIONS.—**

23 (1) **AGENCY PROCEEDINGS.—**Section 504 of
24 title 5, United States Code, is amended—

1 (A) in subsection (c)(1), by striking “,
2 United States Code”;

3 (B) by redesignating subsection (f) as sub-
4 section (i); and

5 (C) by striking subsection (e) and inserting
6 the following:

7 “(e)(1) Not later than March 31 of the first fiscal
8 year beginning after the date of enactment of the Bipar-
9 tisan Sportsmen’s Act of 2015, and every fiscal year there-
10 after, the Chairman of the Administrative Conference of
11 the United States, after consultation with the Chief Coun-
12 sel for Advocacy of the Small Business Administration,
13 shall submit to Congress and make publicly available on-
14 line a report on the amount of fees and other expenses
15 awarded during the preceding fiscal year under this sec-
16 tion.

17 “(2) Each report under paragraph (1) shall describe
18 the number, nature, and amount of the awards, the claims
19 involved in the controversy, and any other relevant infor-
20 mation that may aid Congress in evaluating the scope and
21 impact of such awards.

22 “(3)(A) Each report under paragraph (1) shall ac-
23 count for all payments of fees and other expenses awarded
24 under this section that are made pursuant to a settlement
25 agreement, regardless of whether the settlement agree-

1 ment is sealed or otherwise subject to a nondisclosure pro-
2 vision.

3 “(B) The disclosure of fees and other expenses re-
4 quired under subparagraph (A) shall not affect any other
5 information that is subject to a nondisclosure provision in
6 a settlement agreement.

7 “(f) As soon as practicable, and in any event not later
8 than the date on which the first report under subsection
9 (e)(1) is required to be submitted, the Chairman of the
10 Administrative Conference of the United States shall cre-
11 ate and maintain online a searchable database containing,
12 with respect to each award of fees and other expenses
13 under this section made on or after the date of enactment
14 of the Bipartisan Sportsmen’s Act of 2015, the following
15 information:

16 “(1) The case name and number of the adver-
17 sary adjudication, if available, hyperlinked to the
18 case, if available.

19 “(2) The name of the agency involved in the
20 adversary adjudication.

21 “(3) A description of the claims in the adver-
22 sary adjudication.

23 “(4) The name of each party to whom the
24 award was made.

25 “(5) The amount of the award.

1 “(6) The basis for the finding that the position
2 of the agency concerned was not substantially justi-
3 fied.

4 “(g) The online searchable database described in sub-
5 section (f) may not reveal any information the disclosure
6 of which is prohibited by law or a court order.

7 “(h) The head of each agency shall provide to the
8 Chairman of the Administrative Conference of the United
9 States in a timely manner all information requested by
10 the Chairman to comply with the requirements of sub-
11 sections (e), (f), and (g).”.

12 (2) COURT CASES.—Section 2412(d) of title 28,
13 United States Code, is amended by adding at the
14 end the following:

15 “(5)(A) Not later than March 31 of the first fiscal
16 year beginning after the date of enactment of the Bipar-
17 tisan Sportsmen’s Act of 2015, and every fiscal year there-
18 after, the Chairman of the Administrative Conference of
19 the United States shall submit to Congress and make pub-
20 licly available online a report on the amount of fees and
21 other expenses awarded during the preceding fiscal year
22 pursuant to this subsection.

23 “(B) Each report under subparagraph (A) shall de-
24 scribe the number, nature, and amount of the awards, the
25 claims involved in the controversy, and any other relevant

1 information that may aid Congress in evaluating the scope
2 and impact of such awards.

3 “(C)(i) Each report under subparagraph (A) shall ac-
4 count for all payments of fees and other expenses awarded
5 under this subsection that are made pursuant to a settle-
6 ment agreement, regardless of whether the settlement
7 agreement is sealed or otherwise subject to a nondisclosure
8 provision.

9 “(ii) The disclosure of fees and other expenses re-
10 quired under clause (i) shall not affect any other informa-
11 tion that is subject to a nondisclosure provision in a settle-
12 ment agreement.

13 “(D) The Chairman of the Administrative Conference
14 of the United States shall include and clearly identify in
15 each annual report under subparagraph (A), for each case
16 in which an award of fees and other expenses is included
17 in the report—

18 “(i) any amounts paid under section 1304 of
19 title 31 for a judgment in the case;

20 “(ii) the amount of the award of fees and other
21 expenses; and

22 “(iii) the statute under which the plaintiff filed
23 suit.

24 “(6) As soon as practicable, and in any event not
25 later than the date on which the first report under para-

1 graph (5)(A) is required to be submitted, the Chairman
2 of the Administrative Conference of the United States
3 shall create and maintain online a searchable database
4 containing, with respect to each award of fees and other
5 expenses under this subsection made on or after the date
6 of enactment of the Bipartisan Sportsmen’s Act of 2015,
7 the following information:

8 “(A) The case name and number, hyperlinked
9 to the case, if available.

10 “(B) The name of the agency involved in the
11 case.

12 “(C) The name of each party to whom the
13 award was made.

14 “(D) A description of the claims in the case.

15 “(E) The amount of the award.

16 “(F) The basis for the finding that the position
17 of the agency concerned was not substantially justi-
18 fied.

19 “(7) The online searchable database described in
20 paragraph (6) may not reveal any information the dis-
21 closure of which is prohibited by law or a court order.

22 “(8) The head of each agency (including the Attorney
23 General of the United States) shall provide to the Chair-
24 man of the Administrative Conference of the United
25 States in a timely manner all information requested by

1 the Chairman to comply with the requirements of para-
2 graphs (5), (6), and (7).”.

3 (3) TECHNICAL AND CONFORMING AMEND-
4 MENTS.—Section 2412 of title 28, United States
5 Code, is amended—

6 (A) in subsection (d)(3), by striking
7 “United States Code,”; and

8 (B) in subsection (e)—

9 (i) by striking “of section 2412 of
10 title 28, United States Code,” and insert-
11 ing “of this section”; and

12 (ii) by striking “of such title” and in-
13 serting “of this title”.

14 (b) JUDGMENT FUND TRANSPARENCY.—Section
15 1304 of title 31, United States Code, is amended by add-
16 ing at the end the following:

17 “(d) Beginning not later than the date that is 60
18 days after the date of enactment of the Bipartisan Sports-
19 men’s Act of 2015, and unless the disclosure of such infor-
20 mation is otherwise prohibited by law or a court order,
21 the Secretary of the Treasury shall make available to the
22 public on a website, as soon as practicable, but not later
23 than 30 days after the date on which a payment under
24 this section is tendered, the following information with re-
25 gard to that payment:

1 “(1) The name of the specific agency or entity
2 whose actions gave rise to the claim or judgment.

3 “(2) The name of the plaintiff or claimant.

4 “(3) The name of counsel for the plaintiff or
5 claimant.

6 “(4) The amount paid representing principal li-
7 ability, and any amounts paid representing any an-
8 cillary liability, including attorney fees, costs, and
9 interest.

10 “(5) A brief description of the facts that gave
11 rise to the claim.

12 “(6) The name of the agency that submitted
13 the claim.”.

14 **SEC. 109. BOWS IN THE PARKS.**

15 (a) DEFINITIONS.—In this section:

16 (1) DIRECTOR.—The term “Director” means
17 the Director of the National Park Service.

18 (2) NOT READY FOR IMMEDIATE USE.—The
19 term “not ready for immediate use” means—

20 (A) a bow or crossbow, the arrows of which
21 are secured or stowed in a quiver or other
22 arrow transport case; and

23 (B) with respect to a crossbow, uncocked.

24 (b) VEHICULAR TRANSPORTATION AUTHORIZED.—

25 The Director shall not promulgate or enforce any regula-

1 tion that prohibits an individual from transporting bows
 2 and crossbows that are not ready for immediate use across
 3 any unit of the National Park System in the vehicle of
 4 the individual if—

5 (1) the individual is not otherwise prohibited by
 6 law from possessing the bows and crossbows;

7 (2) the bows or crossbows that are not ready
 8 for immediate use remain inside the vehicle of the
 9 individual throughout the period during which the
 10 bows or crossbows are transported across National
 11 Park System land; and

12 (3) the possession of the bows and crossbows is
 13 in compliance with the law of the State in which the
 14 unit of the National Park System is located.

15 **TITLE II—HABITAT** 16 **CONSERVATION**

17 **SEC. 201. AVAILABILITY OF LAND AND WATER CONSERVA-**
 18 **TION FUND FOR RECREATIONAL PUBLIC AC-**
 19 **CESS PROJECTS.**

20 (a) AVAILABILITY OF FUNDS.—Section 200303 of
 21 title 54, United States Code, is amended to read as fol-
 22 lows:

23 **“§ 200303. Availability of funds for certain projects**

24 “Notwithstanding any other provision of this Act, the
 25 Secretary and the Secretary of Agriculture shall ensure

1 that, of the amounts appropriated for the fund for each
2 fiscal year, not less than the greater of 1.5 percent of the
3 amounts or \$10,000,000 shall be made available for
4 projects that secure public access to Federal land for hunt-
5 ing, fishing, and other recreational purposes through ease-
6 ments, rights-of-way, or fee title acquisitions from willing
7 sellers.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) AVAILABILITY OF DEPOSITS.—Section
10 200302(c)(3) of title 54, United States Code, is
11 amended by striking “Notwithstanding section
12 200303 of this title, money” and inserting “Money”.

13 (2) CONTRACTS FOR ACQUISITION OF LAND
14 AND WATER.—Section 200308 of title 54, United
15 States Code, is amended in the first sentence, by
16 striking “by section 200303 of this title”.

17 (3) CONTRACTS FOR OPTIONS TO ACQUIRE
18 LAND AND WATER IN SYSTEM.—Section 200309 of
19 title 54, United States Code, is amended in the third
20 sentence by striking “by section 200303 of this
21 title”.

22 **SEC. 202. IDENTIFYING OPPORTUNITIES FOR RECREATION,**
23 **HUNTING, AND FISHING ON FEDERAL LAND.**

24 (a) DEFINITIONS.—In this section:

1 (1) FEDERAL PUBLIC LAND MANAGEMENT
2 AGENCY.—The term “Federal public land manage-
3 ment agency” means any of the National Park Serv-
4 ice, the United States Fish and Wildlife Service, the
5 Forest Service, and the Bureau of Land Manage-
6 ment.

7 (2) STATE OR REGIONAL OFFICE.—The term
8 “State or regional office” means—

9 (A) a State office of the Bureau of Land
10 Management; or

11 (B) a regional office of the National Park
12 Service, the United States Fish and Wildlife
13 Service, or the Forest Service.

14 (3) TRAVEL MANAGEMENT PLAN.—The term
15 “travel management plan” means a plan for the
16 management of travel—

17 (A) with respect to land under the jurisdic-
18 tion of the National Park Service, on park
19 roads and designated routes under section 4.10
20 of title 36, Code of Federal Regulations (or suc-
21 cessor regulations);

22 (B) with respect to land under the jurisdic-
23 tion of the United States Fish and Wildlife
24 Service, on the land under a comprehensive con-
25 servation plan prepared under section 4(e) of

1 the National Wildlife Refuge System Adminis-
2 tration Act of 1966 (16 U.S.C. 668dd(e));

3 (C) with respect to land under the jurisdic-
4 tion of the Forest Service, on National Forest
5 System land under part 212 of title 36, Code
6 of Federal Regulations (or successor regula-
7 tions); and

8 (D) with respect to land under the jurisdic-
9 tion of the Bureau of Land Management, under
10 a resource management plan developed under
11 the Federal Land Policy and Management Act
12 of 1976 (43 U.S.C. 1701 et seq.).

13 (b) PRIORITY LISTS REQUIRED.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, annually
16 during the 10-year period beginning on the date on
17 which the first priority list is completed, and every
18 5 years after the end of the 10-year period, each
19 head of each State or regional office shall prepare a
20 priority list, to be made publicly available on the
21 website of the applicable Federal public land man-
22 agement agency, which shall identify the location
23 and acreage of land under the jurisdiction of the
24 State or regional office on which the public is al-

1 lowed, under Federal or State law, to hunt, fish, or
2 use the land for other recreational purposes but—

3 (A) to which there is no public access or
4 egress; or

5 (B) to which public access or egress to the
6 legal boundaries of the land is significantly re-
7 stricted (as determined by the head of the State
8 or regional office).

9 (2) MINIMUM SIZE.—Any land identified under
10 paragraph (1) shall consist of contiguous acreage of
11 at least 640 acres.

12 (3) CONSIDERATIONS.—In preparing the pri-
13 ority list required under paragraph (1), the head of
14 the State or regional office shall consider with re-
15 spect to the land—

16 (A) whether access is absent or merely re-
17 stricted, including the extent of the restriction;

18 (B) the likelihood of resolving the absence
19 of or restriction to public access;

20 (C) the potential for recreational use;

21 (D) any information received from the
22 public or other stakeholders during the nomina-
23 tion process described in paragraph (5); and

24 (E) any other factor as determined by the
25 head of the State or regional office.

1 (4) ADJACENT LAND STATUS.—For each parcel
2 of land on the priority list, the head of the State or
3 regional office shall state whether resolving the issue
4 of public access or egress to the land would require
5 acquisition of an easement, right-of-way, or fee title
6 from—

7 (A) another Federal agency;

8 (B) a State, local, or tribal government; or

9 (C) a private landowner.

10 (5) NOMINATION PROCESS.—In preparing a pri-
11 ority list under this section, the head of the State
12 or regional office shall provide an opportunity for
13 members of the public to nominate parcels for inclu-
14 sion on the priority list.

15 (c) ACCESS OPTIONS.—With respect to land included
16 on a priority list described in subsection (b), the head of
17 the State or regional office shall develop and submit to
18 the Committees on Appropriations and Energy and Nat-
19 ural Resources of the Senate and the Committees on Ap-
20 propriations and Natural Resources of the House of Rep-
21 resentatives a report on options for providing access
22 that—

23 (1) identifies how public access and egress
24 could reasonably be provided to the legal boundaries

1 of the land in a manner that minimizes the impact
2 on wildlife habitat and water quality;

3 (2) specifies the steps recommended to secure
4 the access and egress, including acquiring an ease-
5 ment, right-of-way, or fee title from a willing owner
6 of any land that abuts the land or the need to co-
7 ordinate with State land management agencies or
8 other Federal, State, or tribal governments to allow
9 for such access and egress; and

10 (3) is consistent with the travel management
11 plan in effect on the land.

12 (d) PROTECTION OF PERSONALLY IDENTIFYING IN-
13 FORMATION.—In making the priority list and report pre-
14 pared under subsections (b) and (c) available, the head
15 of the State or regional office shall ensure that no person-
16 ally identifying information is included, such as names or
17 addresses of individuals or entities.

18 (e) WILLING OWNERS.—For purposes of providing
19 any permits to, or entering into agreements with, a State,
20 local, or tribal government or private landowner with re-
21 spect to the use of land under the jurisdiction of the gov-
22 ernment or landowner, a Federal land management agen-
23 cy shall not take into account whether the State, local,
24 or tribal government or private landowner has granted or
25 denied public access or egress to the land.

1 (f) MEANS OF PUBLIC ACCESS AND EGRESS IN-
2 CLUDED.—In considering public access and egress under
3 subsections (b) and (c), the head of the applicable Federal
4 public land management agency shall consider public ac-
5 cess and egress to the legal boundaries of the land de-
6 scribed in those subsections, including access and egress—

7 (1) by motorized or non-motorized vehicles; and

8 (2) on foot or horseback.

9 (g) EFFECT.—

10 (1) IN GENERAL.—This section shall have no
11 effect on whether a particular recreational use shall
12 be allowed on the land included in a priority list
13 under this section.

14 (2) EFFECT OF ALLOWABLE USES ON AGENCY
15 CONSIDERATION.—In preparing the priority list
16 under subsection (b), the head of the applicable
17 State or regional office shall only consider rec-
18 reational uses that are allowed on the land at the
19 time that the priority list is prepared.

20 **SEC. 203. 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 “(4) the Lincoln County Conservation, Recre-
2 ation, and Development Act of 2004 (Public Law
3 108–424; 118 Stat. 2403);

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

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

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

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

16 (b) FUNDS TO THE TREASURY.—Of the amounts de-
17 posited in the Federal Land Disposal Account, there shall
18 be transferred to the Treasury \$1,000,000 for each of fis-
19 cal years 2016 through 2025.

20 **SEC. 204. NORTH AMERICAN WETLANDS CONSERVATION**
21 **ACT.**

22 Section 7(c) of the North American Wetlands Con-
23 servation Act (16 U.S.C. 4406(c)) is amended—

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

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

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

4 “(6) \$50,000,000 for each of fiscal years 2015
5 through 2020.”.

6 **SEC. 205. 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 2015 through 2020—

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. 15

114TH CONGRESS
1ST Session

S. 405

A BILL

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

FEBRUARY 9, 2015

Read the second time and placed on the calendar