

SPORTSMEN'S HERITAGE AND RECREATIONAL  
ENHANCEMENT ACT OF 2015

DECEMBER 10, 2015.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2406]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2406) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Sportsmen’s Heritage and Recreational Enhancement Act of 2015” or the “SHARE Act”.

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

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Report on economic impact.

**TITLE I—HUNTING, FISHING AND RECREATIONAL SHOOTING PROTECTION ACT**

- Sec. 101. Short title.
- Sec. 102. Modification of definition.
- Sec. 103. Limitation on authority to regulate ammunition and fishing tackle.

**TITLE II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT**

- Sec. 201. Short title.
- Sec. 202. Findings; purpose.
- Sec. 203. Definition of public target range.
- Sec. 204. Amendments to Pittman-Robertson Wildlife Restoration Act.

- Sec. 205. Limits on liability.  
 Sec. 206. Sense of Congress regarding cooperation.

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS ACT

- Sec. 301. Short title.  
 Sec. 302. Permits for importation of polar bear trophies taken in sport hunts in Canada.

TITLE IV—RECREATIONAL LANDS SELF-DEFENSE ACT

- Sec. 401. Short title.  
 Sec. 402. Protecting Americans from violent crime.

TITLE V—WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE

- Sec. 501. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

TITLE VI—RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

- Sec. 601. Short title.  
 Sec. 602. Findings.  
 Sec. 603. Fishing, hunting, and recreational shooting.  
 Sec. 604. Volunteer Hunters; Reports; Closures and Restrictions.

TITLE VII—FARMER AND HUNTER PROTECTION ACT

- Sec. 701. Short title.  
 Sec. 702. Baiting of migratory game birds.

TITLE VIII—TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

- Sec. 801. Short title.  
 Sec. 802. Bowhunting opportunity and wildlife stewardship.

TITLE IX—FEDERAL LAND TRANSACTION FACILITATION ACT REAUTHORIZATION (FLTFA)

- Sec. 901. Short title.  
 Sec. 902. Federal Land Transaction Facilitation Act.

TITLE X—AFRICAN ELEPHANT CONSERVATION AND LEGAL IVORY POSSESSION ACT

- Sec. 1001. Short title.  
 Sec. 1002. References.  
 Sec. 1003. Limited exemption for certain African elephant ivory.  
 Sec. 1004. Placement of United States Fish and Wildlife Service law enforcement officer in each African elephant range country.  
 Sec. 1005. Certification for the purposes of the Fishermen's Protective Act of 1967.  
 Sec. 1006. Treatment of elephant ivory.  
 Sec. 1007. Sport-hunted elephant trophies.  
 Sec. 1008. African Elephant Conservation Act financial assistance priority and reauthorization.

TITLE XI—RESPECT FOR TREATIES AND RIGHTS

- Sec. 1101. Respect for Treaties and Rights.

TITLE XII—INTEREST ON OBLIGATIONS HELD IN THE WILDLIFE RESTORATION FUND

- Sec. 1201. Interest on obligations held in the wildlife restoration fund.

TITLE XIII—PERMITS FOR FILM CREWS OF FIVE PEOPLE OR LESS

- Sec. 1301. Annual permit and fee for film crews of 5 persons or fewer.

TITLE XIV—STATE APPROVAL OF FISHING RESTRICTION

- Sec. 1401. State or Territorial Approval of Restriction of Recreational or Commercial Fishing Access to Certain State or Territorial Waters.

TITLE XV—HUNTING AND RECREATIONAL FISHING WITHIN CERTAIN NATIONAL FORESTS

- Sec. 1501. Definitions.  
 Sec. 1502. Hunting and recreational fishing within the national forest system.

TITLE XVI—GRAND CANYON BISON MANAGEMENT ACT

- Sec. 1601. Short title.  
 Sec. 1602. Definitions.  
 Sec. 1603. Bison management plan for Grand Canyon National Park.

**SEC. 3. REPORT ON ECONOMIC IMPACT.**

Not later than 12 months after the date of the enactment of this Act, the Secretary of Interior shall submit a report to Congress that assesses expected economic impacts of the Act. Such report shall include—

- (1) a review of any expected increases in recreational hunting, fishing, shooting, and conservation activities;
- (2) an estimate of any jobs created in each industry expected to support such activities described in paragraph (1), including in the supply, manufacturing, distribution, and retail sectors;
- (3) an estimate of wages related to jobs described in paragraph (2); and
- (4) an estimate of anticipated new local, State, and Federal revenue related to jobs described in paragraph (2).

## **TITLE I—HUNTING, FISHING AND RECREATIONAL SHOOTING PROTECTION ACT**

### **SEC. 101. SHORT TITLE.**

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

### **SEC. 102. MODIFICATION OF DEFINITION.**

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

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

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

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

“(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

### **SEC. 103. LIMITATION ON AUTHORITY TO REGULATE AMMUNITION AND FISHING TACKLE.**

(a) **LIMITATION.**—Except as provided in section 20.21 of title 50, Code of Federal Regulations, as in effect on the date of the enactment of this Act, or any substantially similar successor regulation thereto, the Secretary of the Interior, the Secretary of Agriculture, and, except as provided by subsection (b), any bureau, service, or office of the Department of the Interior or the Department of Agriculture, may not regulate the use of ammunition cartridges, ammunition components, or fishing tackle based on the lead content thereof if such use is in compliance with the law of the State in which the use occurs.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to the U.S. Fish and Wildlife Service or the National Park Service.

## **TITLE II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT**

### **SEC. 201. SHORT TITLE.**

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

### **SEC. 202. FINDINGS; PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

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

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

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

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

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

and

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

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

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

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

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

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

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

**SEC. 204. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

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

- (1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and
- (2) by inserting after paragraph (1) the following:  
“(2) the term ‘public target range’ means a specific location that—  
“(A) is identified by a governmental agency for recreational shooting;  
“(B) is open to the public;  
“(C) may be supervised; and  
“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

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

- (1) by striking “(b) Each State” and inserting the following:  
“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—  
“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;
- (2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;
- (3) in the second sentence, by striking “The non-Federal share” and inserting the following:  
“(3) NON-FEDERAL SHARE.—The non-Federal share”;
- (4) in the third sentence, by striking “The Secretary” and inserting the following:  
“(4) REGULATIONS.—The Secretary”; and
- (5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:  
“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

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

- (1) in subsection (a), by adding at the end the following:  
“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;
- (2) by striking subsection (b) and inserting the following:  
“(b) COST SHARING.—  
“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.  
“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and
- (3) in subsection (c)(1)—
  - (A) by striking “Amounts made” and inserting the following:  
“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and
  - (B) by adding at the end the following:  
“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

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

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the

public shall be considered to be the exercise or performance of a discretionary function.

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

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

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

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

## **TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS ACT**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Polar Bear Conservation and Fairness Act of 2015”.

**SEC. 302. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

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

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

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

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

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

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2015.”.

## **TITLE IV—RECREATIONAL LANDS SELF-DEFENSE ACT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Recreational Lands Self-Defense Act of 2015”.

**SEC. 402. PROTECTING AMERICANS FROM VIOLENT CRIME.**

(a) FINDINGS.—Congress finds the following:

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

(2) Section 327.13 of title 36, Code of Federal Regulations, provides that, except in special circumstances, “possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is

prohibited” at water resources development projects administered by the Secretary of the Army.

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

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

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

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

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

## **TITLE V—WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COM- MITTEE**

### **SEC. 501. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.**

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

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

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

“(b) CONTINUANCE AND ABOLISHMENT OF EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL.—The Wildlife and Hunting Heritage Conservation Council established pursuant to section 441 of the Revised Statutes (43 U.S.C. 1457), section 2 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts applicable to specific bureaus of the Department of the Interior—

“(1) shall continue until the date of the first meeting of the Wildlife and Hunting Heritage Conservation Council established by the amendment made by subsection (a); and

“(2) is hereby abolished effective on that date.

“(c) DUTIES OF THE ADVISORY COMMITTEE.—The Advisory Committee shall advise the Secretaries with regard to—

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

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

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

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

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

“(6) policies or programs that encourage coordination among the public, the hunting and shooting sports community, wildlife conservation groups, and States, tribes, and the Federal Government.

“(d) MEMBERSHIP.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—The Advisory Committee shall consist of no more than 16 discretionary members and 7 ex officio members.

“(B) EX OFFICIO MEMBERS.—The ex officio members are—

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

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

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

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

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

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

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

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

“(i) State fish and wildlife agencies.

“(ii) Game bird hunting organizations.

“(iii) Wildlife conservation organizations.

“(iv) Big game hunting organizations.

“(v) Waterfowl hunting organizations.

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

“(vii) The firearms or ammunition manufacturing industry.

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

“(ix) Tribal resource management organizations.

“(x) The agriculture industry.

“(xi) The ranching industry.

“(xii) Women’s hunting and fishing advocacy, outreach, or education organization.

“(xiii) Minority hunting and fishing advocacy, outreach, or education organization.

“(xiv) Veterans service organization.

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

“(2) TERMS.—

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

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

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

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

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

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

“(4) VACANCY AND REMOVAL.—

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

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

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

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

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

“(8) MEETINGS.—

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

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

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

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

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

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

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

“(g) ANNUAL REPORT.—

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

“(2) CONTENTS.—The report required by paragraph (1) shall describe—

“(A) the activities of the Advisory Committee during the preceding year;

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

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

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

## **TITLE VI—RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT**

### **SEC. 601. SHORT TITLE.**

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

### **SEC. 602. FINDINGS.**

Congress finds that—

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

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

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

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

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and recreational shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate;

(7) safe recreational shooting is a valid use of Federal lands, including the establishment of safe and convenient recreational shooting ranges on such lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(8) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(9) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

**SEC. 603. FISHING, HUNTING, AND RECREATIONAL SHOOTING.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means any land or water that is owned by the United States and under the administrative jurisdiction of the Bureau of Land Management or the Forest Service.

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

(A) the Secretary of the Interior and Director of the Bureau of Land Management regarding Bureau of Land Management lands and interests in lands under the administrative jurisdiction of the Bureau of Land Management; and

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

(3) **HUNTING.**—

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

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

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

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

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

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

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

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

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

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

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

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

(3) discretionary limitations on fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(c) **MANAGEMENT.**—Consistent with subsection (a), Federal land management officials shall exercise their land management discretion—

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

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

(3) in accordance with applicable Federal law.

(d) **PLANNING.**—

(1) **EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN FISHING, HUNTING, OR RECREATIONAL SHOOTING.**—Planning documents that apply to Federal lands, including land resources management plans, resource management

plans, travel management plans, and general management plans shall include a specific evaluation of the effects of such plans on opportunities to engage in fishing, hunting, or recreational shooting.

(2) STRATEGIC GROWTH POLICY FOR THE NATIONAL WILDLIFE REFUGE SYSTEM.—Section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)) is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B), the following:

“(C) the Secretary shall integrate wildlife-dependent recreational uses in accordance with their status as priority general public uses into proposed or existing regulations, policies, criteria, plans, or other activities to alter or amend the manner in which individual refuges or the National Wildlife Refuge System (System) are managed, including, but not limited to, any activities which target or prioritize criteria for long and short term System acquisitions;”.

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

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

(e) FEDERAL LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas and National Monuments, but excluding lands on the Outer Continental Shelf, shall be open to fishing, hunting, and recreational shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interest, national security, or compliance with other law.

(2) RECREATIONAL SHOOTING RANGES.—

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

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

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

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

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

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

(2) APPLICATION OF WILDERNESS ACT.—Provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), stipulating that wilderness purposes are “within and sup-

plemental to” the purposes of the underlying Federal land unit are reaffirmed. When seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities on designated wilderness areas, each Federal land management official shall implement these supplemental purposes so as to facilitate, enhance, or both, but not to impede the underlying Federal land purposes when seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities in designated wilderness areas, provided that such implementation shall not authorize or facilitate commodity development, use or extraction, or permanent road construction or maintenance within designated wilderness areas.

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

(h) CONSULTATION WITH COUNCILS.—In fulfilling the duties under this section, Federal land management officials shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(i) AUTHORITY OF THE STATES.—Nothing in this section shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife under State law (including regulations) on land or water within the State, including on Federal land.

(j) FEDERAL LICENSES.—Nothing in this section shall be construed to authorize a Federal land management official to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal land in the States, except that this subsection shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

**SEC. 604. VOLUNTEER HUNTERS; REPORTS; CLOSURES AND RESTRICTIONS.**

(a) DEFINITIONS.—For the purposes of this section:

(1) PUBLIC LAND.—The term “public land” means—

- (A) units of the National Park System;
- (B) National Forest System lands; and
- (C) land and interests in land owned by the United States and under the administrative jurisdiction of—
  - (i) the Fish and Wildlife Service; or
  - (ii) the Bureau of Land Management.

(2) SECRETARY.—The term “Secretary” means—

- (A) the Secretary of the Interior and includes the Director of the National Park Service, with regard to units of the National Park System;
- (B) the Secretary of the Interior and includes the Director of the Fish and Wildlife Service, with regard to Fish and Wildlife Service lands and waters;
- (C) the Secretary of the Interior and includes the Director of the Bureau of Land Management, with regard to Bureau of Land Management lands and waters; and
- (D) the Secretary of Agriculture and includes the Chief of the Forest Service, with regard to National Forest System lands.

(3) VOLUNTEER FROM THE HUNTING COMMUNITY.—The term “volunteer from the hunting community” means a volunteer who holds a valid hunting license issued by a State.

(b) VOLUNTEER HUNTERS.—When planning wildlife management involving reducing the size of a wildlife population on public land, the Secretary shall consider the use of and may use volunteers from the hunting community as agents to assist in carrying out wildlife management on public land. The Secretary shall not reject the use of volunteers from the hunting community as agents without the concurrence of the appropriate State wildlife management authorities.

(c) REPORT.—Beginning on the second October 1 after the date of the enactment of this Act and biennially on October 1 thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) any public land administered by the Secretary that was closed to fishing, hunting, and recreational shooting at any time during the preceding year; and
- (2) the reason for the closure.

(d) CLOSURES OR SIGNIFICANT RESTRICTIONS.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in section 604(e) or emergency closures described in paragraph (2), a permanent or temporary withdrawal, change of classification, or change of management status of public land that effectively closes or signifi-

cantly restricts any acreage of public land to access or use for fishing, hunting, recreational shooting, or activities related to fishing, hunting, or recreational shooting, or a combination of those activities, shall take effect only if, before the date of withdrawal or change, the Secretary—

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

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

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

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

## **TITLE VII—FARMER AND HUNTER PROTECTION ACT**

### **SEC. 701. SHORT TITLE.**

This title may be cited as the “Hunter and Farmer Protection Act”.

### **SEC. 702. BAITING OF MIGRATORY GAME BIRDS.**

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF BAITING.—

“(1) DEFINITIONS.—In this subsection:

“(A) BAITED AREA.—

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

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

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

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

“(I) has been treated with a normal agricultural practice;

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

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

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

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

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

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

“(D) NORMAL AGRICULTURAL PRACTICE.—

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

“(I) is carried out in order to produce a marketable crop, including planting, harvest, postharvest, or soil conservation practices; and

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

“(ii) INCLUSIONS.—

“(I) IN GENERAL.—Subject to subclause (II), the term ‘normal agricultural practice’ includes the destruction of a crop in accordance

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

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

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

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

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

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

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

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

## TITLE VIII—TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

### SEC. 801. SHORT TITLE.

This title may be cited as the “Hunter Access Corridors Act”.

### SEC. 802. BOWHUNTING OPPORTUNITY AND WILDLIFE STEWARDSHIP.

(a) IN GENERAL.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

#### “§ 101513. Hunter access corridors

“(a) DEFINITIONS.—In this section:

“(1) NOT READY FOR IMMEDIATE USE.—The term ‘not ready for immediate use’ means—

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

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

“(2) VALID HUNTING LICENSE.—The term ‘valid hunting license’ means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.

“(b) TRANSPORTATION AUTHORIZED.—

“(1) IN GENERAL.—The Director shall not require a permit for, or promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit if—

“(A) in the case of an individual traversing the System unit on foot—

“(i) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

“(ii) the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;

“(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

- “(iv)(I) the individual possesses a valid hunting license;
- “(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or
- “(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or
- “(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

“(2) ENFORCEMENT.—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.

“(c) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—

“(1) IN GENERAL.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—

- “(A) contiguous to a System unit; and
- “(B) open to hunting.

“(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.

“(3) HUNTING SEASON.—The hunter access corridors shall be open for use during hunting seasons.

“(4) EXCEPTION.—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law.

“(5) IDENTIFICATION OF CORRIDORS.—The Director shall—

- “(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and
- “(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

“(6) REGISTRATION; TRANSPORTATION OF GAME.—The Director may—

- “(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;
- “(B) provide a process for online self-registration; and
- “(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.

“(7) CONSULTATION WITH STATES.—The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.

“(d) EFFECT.—Nothing in this section—

“(1) diminishes, enlarges, or modifies any Federal or State authority with respect to recreational hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or

“(2) authorizes—

- “(A) the establishment of new trails in System units; or
- “(B) authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.

“(e) NO MAJOR FEDERAL ACTION.—

“(1) IN GENERAL.—Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) NO ADDITIONAL ACTION REQUIRED.—No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.”

(b) CLERICAL AMENDMENT.—The table of sections for title 54, United States Code, is amended by inserting after the item relating to section 101512 the following:

“101513. Hunter access corridors.”

## TITLE IX—FEDERAL LAND TRANSACTION FACILITATION ACT REAUTHORIZATION (FLTFA)

### SEC. 901. SHORT TITLE.

This title may be cited as the “Federal Land Transaction Facilitation Act Reauthorization of 2015”.

### SEC. 902. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(1) (43 U.S.C. 2302(1)), by striking “cultural, or” and inserting “cultural, recreational access and use, or other”;

(2) in section 203(2) in the matter preceding subparagraph (A), by striking “on the date of enactment of this Act was” and inserting “is”;

(3) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “section 206” and all that follows through the period and inserting the following: “section 206—

“(1) to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

“(2) not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization of 2015, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and

“(3) to maintain the database referred to in paragraph (2).”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(4) by amending section 206(c)(1) (43 U.S.C. 2305(c)(1)) to read as follows:

“(1) USE OF FUNDS.—

“(A) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

“(B) PURPOSES.—Except as authorized under paragraph (2), funds in the Federal Land Disposal Account shall be used for one or more of the following purposes:

“(i) To purchase lands or interests therein that are otherwise authorized by law to be acquired and are one or more of the following:

“(I) Inholdings.

“(II) Adjacent to federally designated areas and contain exceptional resources.

“(III) Provide opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities.

“(IV) Likely to aid in the performance of deferred maintenance or the reduction of operation and maintenance costs or other deferred costs.

“(ii) To perform deferred maintenance or other maintenance activities that enhance opportunities for recreational access.”;

(5) in section 206(c)(2) (43 U.S.C. 2305(c)(2))—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(C) in subparagraph (C) (as so redesignated by this paragraph)—

(i) by striking “PURCHASES” and inserting “LAND PURCHASES AND PERFORMANCE OF DEFERRED MAINTENANCE ACTIVITIES”;

(ii) by striking “subparagraph (C)” and inserting “subparagraph (B)”;

and

(iii) by inserting “for the activities outlined in paragraph (2)” after “generated”; and

(D) by adding at the end the following:

“(D) Any funds made available under subparagraph (C) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.”;

(6) in section 206(c)(3) (43 U.S.C. 2305(c)(3))—

(A) by inserting after subparagraph (A) the following:

“(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;”; and

- (B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D);
- (7) in section 206(f) (43 U.S.C. 2305(f)), by amending paragraph (2) to read as follows:
- “(2) any remaining balance in the account shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).”; and
- (8) in section 207(b) (43 U.S.C. 2306(b))—
- (A) in paragraph (1)—
- (i) by striking “96–568” and inserting “96–586”; and
- (ii) by striking “; or” and inserting a semicolon;
- (B) in paragraph (2)—
- (i) by inserting “Public Law 105–263;” before “112 Stat.”; and
- (ii) by striking the period at the end and inserting a semicolon; and
- (C) by adding at the end the following:
- “(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);
- “(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);
- “(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);
- “(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);
- “(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or
- “(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).”.

## **TITLE X—AFRICAN ELEPHANT CONSERVATION AND LEGAL IVORY POSSESSION ACT**

### **SEC. 1001. SHORT TITLE.**

This title may be cited as the “African Elephant Conservation and Legal Ivory Possession Act of 2015”.

### **SEC. 1002. REFERENCES.**

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the African Elephant Conservation Act (16 U.S.C. 4201 et seq.).

### **SEC. 1003. LIMITED EXEMPTION FOR CERTAIN AFRICAN ELEPHANT IVORY.**

Section 2203 (16 U.S.C. 4223) is amended—

- (1) by inserting “(a) IN GENERAL.—” before the first sentence;
- (2) by inserting “and subsection (b) of this section” after “2202(e)”; and
- (3) by adding at the end the following:

“(b) EXEMPTION.—Nothing in this Act or subsection (a) or (d) of section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed to prohibit importation or exportation, or to require permission of the Secretary for importation or exportation, of—

- “(1) any raw ivory or worked ivory—
- “(A) imported solely for purposes of becoming part of a museum’s permanent collection, return to a lending museum, or display in a museum; or
- “(B) exported solely for purposes of—
- “(i) display in a foreign museum; or
- “(ii) return to a foreign person who lent such ivory to a museum in the United States;

“(2) any raw ivory or worked ivory that was lawfully importable into the United States on February 24, 2014, regardless of when acquired; or

“(3) any worked ivory that was previously lawfully possessed in the United States.”.

### **SEC. 1004. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICER IN EACH AFRICAN ELEPHANT RANGE COUNTRY.**

Part I (16 U.S.C. 4211 et seq.) is amended by adding at the end the following:

**“SEC. 2105. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICER IN EACH AFRICAN ELEPHANT RANGE COUNTRY.**

“The Secretary, in coordination with the Secretary of State, may station one United States Fish and Wildlife Service law enforcement officer in the primary United States diplomatic or consular post in each African country that has a significant population of African elephants, who shall assist local wildlife rangers in the protection of African elephants and facilitate the apprehension of individuals who illegally kill, or assist the illegal killing of, African elephants.”.

**SEC. 1005. CERTIFICATION FOR THE PURPOSES OF THE FISHERMEN’S PROTECTIVE ACT OF 1967.**

Section 2202 (16 U.S.C. 4222) is amended by adding at the end the following:

“(g) CERTIFICATION.—When the Secretary of the Interior finds that a country, directly or indirectly, is a significant transit or destination point for illegal ivory trade, the Secretary shall certify such fact to the President with respect to the country for the purposes of section 8(a) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978(a)).”.

**SEC. 1006. TREATMENT OF ELEPHANT IVORY.**

Section 2203 (16 U.S.C. 4223) is further amended by adding at the end the following:

“(c) TREATMENT OF ELEPHANT IVORY.—Nothing in this Act or the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed—

“(1) to prohibit, or to authorize prohibiting, the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory, or any product containing African elephant ivory, that has been lawfully imported or crafted in the United States; or

“(2) to authorize using any means of determining for purposes of this Act or the Endangered Species Act of 1973 whether African elephant ivory has been lawfully imported, including any presumption or burden of proof applied in such determination, other than such means used by the Secretary as of February 24, 2014.”.

**SEC. 1007. SPORT-HUNTED ELEPHANT TROPHIES.**

Section 2203 (16 U.S.C. 4223) is further amended by adding at the end the following:

“(d) SPORT-HUNTED ELEPHANT TROPHIES.—Nothing in this Act or subsection (a) or (d) of section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed to prohibit any citizen or legal resident of the United States, or an agent of such an individual, from importing a sport-hunted African elephant trophy under section 2202(e) of this Act, if the country in which the elephant was taken had an elephant population on Appendix II of CITES at the time the trophy elephant was taken.

“(e) RELATIONSHIP TO THE CONVENTION.—Nothing in this section shall be construed as modifying or repealing the Secretary’s duties to implement CITES and the appendices thereto, or as modifying or repealing section 8A or 9(c) of the Endangered Species Act of 1973 (16 U.S.C. 1537a and 1538(c)).”.

**SEC. 1008. AFRICAN ELEPHANT CONSERVATION ACT FINANCIAL ASSISTANCE PRIORITY AND REAUTHORIZATION.**

(a) FINANCIAL ASSISTANCE PRIORITY.—Section 2101 (16 U.S.C. 4211) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following:

“(e) PRIORITY.—In providing financial assistance under this section, the Secretary shall give priority to projects designed to facilitate the acquisition of equipment and training of wildlife officials in ivory producing countries to be used in anti-poaching efforts.”.

(b) REAUTHORIZATION.—Section 2306(a) (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2016 through 2020”.

## **TITLE XI—RESPECT FOR TREATIES AND RIGHTS**

**SEC. 1101. RESPECT FOR TREATIES AND RIGHTS.**

Nothing in this Act or the amendments made by this Act shall be construed to affect or modify any treaty or other right of any federally recognized Indian tribe.

## TITLE XII—INTEREST ON OBLIGATIONS HELD IN THE WILDLIFE RESTORATION FUND

### SEC. 1201. INTEREST ON OBLIGATIONS HELD IN THE WILDLIFE RESTORATION FUND.

Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C)) is amended by striking “2016” and inserting “2026”.

## TITLE XIII—PERMITS FOR FILM CREWS OF FIVE PEOPLE OR LESS

### SEC. 1301. ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5 PERSONS OR FEWER.

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

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

(1) in subsection (a)—

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

(B) by adding at the end the following:

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

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

“(B) REQUIRED PERMIT AND FEE.—For any film crew of 5 persons or fewer, the Secretary shall require a permit and assess an annual fee of \$200 for commercial filming activities or similar projects on Federal land and waterways administered by the Secretary.

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

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

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

“(F) NOTIFICATION REQUIRED.—A film crew of 5 persons or fewer subject to a permit issued under this paragraph shall notify the applicable land management agency with jurisdiction over the Federal land at least 48 hours before entering the Federal land.

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

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

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

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

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

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

(c) OTHER FEDERAL LAND.—Section 1 of Public Law 106–206 (16 U.S.C. 4601–6d) is amended—

(1) in subsection (a)—

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

(B) by adding at the end the following:

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

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

“(B) REQUIRED PERMIT AND FEE.—For any film crew of 5 persons or fewer, the Secretary shall require a permit and assess an annual fee of \$200 for commercial filming activities or similar projects on Federal land and waterways administered by the Secretary.

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

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

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

“(F) NOTIFICATION REQUIRED.—A film crew of 5 persons or fewer subject to a permit issued under this paragraph shall notify the applicable land management agency with jurisdiction over the Federal land at least 48 hours before entering the Federal land.

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

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

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

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

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

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

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

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

## **TITLE XIV—STATE APPROVAL OF FISHING RESTRICTION**

### **SEC. 1401. STATE OR TERRITORIAL APPROVAL OF RESTRICTION OF RECREATIONAL OR COMMERCIAL FISHING ACCESS TO CERTAIN STATE OR TERRITORIAL WATERS.**

(a) APPROVAL REQUIRED.—The Secretary of the Interior and the Secretary of Commerce shall not restrict recreational or commercial fishing access to any State or territorial marine waters or Great Lakes waters within the jurisdiction of the National Park Service or the Office of National Marine Sanctuaries, respectively, unless those restrictions are developed in coordination with, and approved by, the fish and wildlife management agency of the State or territory that has fisheries management authority over those waters.

(b) DEFINITION.—In this section, the term “marine waters” includes coastal waters and estuaries.

## **TITLE XV—HUNTING AND RECREATIONAL FISHING WITHIN CERTAIN NATIONAL FORESTS**

### **SEC. 1501. DEFINITIONS.**

In this title:

(1) HUNTING.—The term “hunting” means use of a firearm, bow, or other authorized means in the lawful pursuit, shooting, capture, collection, trapping, or killing of wildlife; attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or the training and use of hunting dogs, including field trials.

(2) RECREATIONAL FISHING.—The term “recreational fishing” means the lawful pursuit, capture, collection, or killing of fish; or attempt to capture, collect, or kill fish.

(3) FOREST PLAN.—The term “forest plan” means a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(4) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

**SEC. 1502. HUNTING AND RECREATIONAL FISHING WITHIN THE NATIONAL FOREST SYSTEM.**

(a) PROHIBITION OF RESTRICTIONS.—The Secretary of Agriculture or Chief of the Forest Service may not establish policies, directives, or regulations that restrict the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities and are consistent with the applicable forest plan.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions imposed by the Secretary of Agriculture or Chief of the Forest Service regarding the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities in force on the date of the enactment of this Act shall be void and have no force or effect.

(c) APPLICABILITY.—This section shall apply only to the Kisatchie National Forest in the State of Louisiana, the De Soto National Forest in the State of Mississippi, and the Ozark National Forest, the St. Francis National Forest and the Ouachita National Forest in the States of Arkansas and Oklahoma.

(d) STATE AUTHORITY.—Nothing in this section, section 1 of the Act of June 4, 1897 (16 U.S.C. 551), or section 32 of the Act of July 22, 1937 (7 U.S.C. 1011) shall affect the authority of States to manage hunting or recreational fishing on lands within the National Forest System.

## **TITLE XVI—GRAND CANYON BISON MANAGEMENT ACT**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Grand Canyon Bison Management Act”.

**SEC. 1602. DEFINITIONS.**

In this title:

(1) MANAGEMENT PLAN.—The term “management plan” means the management plan published under section 1603(a).

(2) PARK.—The term “Park” means the Grand Canyon National Park.

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

(4) SKILLED PUBLIC VOLUNTEER.—The term “skilled public volunteer” means an individual who possesses—

(A) a valid hunting license issued by the State of Arizona; and

(B) such other qualifications as the Secretary may require, after consultation with the Arizona Game and Fish Commission.

**SEC. 1603. BISON MANAGEMENT PLAN FOR GRAND CANYON NATIONAL PARK.**

(a) PUBLICATION OF PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish a management plan to reduce, through humane lethal culling by skilled public volunteers and by other nonlethal means, the population of bison in the Park that the Secretary determines are detrimental to the use of the Park.

(b) REMOVAL OF ANIMAL.—Notwithstanding any other provision of law, a skilled public volunteer may remove a full bison harvested from the Park.

(c) COORDINATION.—The Secretary shall coordinate with the Arizona Game and Fish Commission regarding the development and implementation of the management plan.

(d) NEPA COMPLIANCE.—In developing the management plan, the Secretary shall comply with all applicable Federal environmental laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) LIMITATION.—Nothing in this title applies to the taking of wildlife in the Park for any purpose other than the implementation of the management plan.

## PURPOSE OF THE BILL

The purpose of H.R. 2406 is to protect and enhance opportunities for recreational hunting, fishing and shooting.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 2406, the Sportsmen's Heritage and Recreational Enhancement Act of 2015 (SHARE Act), as amended, aims to protect Second Amendment rights and ensure that future generations of Americans will have ample access to federal lands to hunt, fish, and recreationally shoot. Reliable access is necessary to sustain our nation's rich outdoor sporting tradition heritage and benefits the men and women that make up the industries that support it. Outdoor sporting activities, including hunting, fishing and recreational shooting, are deeply engrained in the fabric of America's culture and heritage. Much of this activity occurs on America's federal lands. Federal agencies often prevent or impede access to federal lands for hunting, fishing, and recreational shooting that should otherwise be available for those activities. Since lack of access is one of the key reasons why sportsmen and women may stop participating in traditional outdoor sporting activities, ensuring that the public has reliable access to our nation's federal lands must remain a priority.

The SHARE Act includes many provisions to accomplish these goals. First, it implements an "open until closed" management policy on federal lands to facilitate sustained access for hunting, fishing, and recreational shooting and protects sportsmen and women from arbitrary efforts by the federal government to close lands to those activities. However, it does not prioritize hunting and fishing over other multiple uses of federal lands. The bill also requires federal agencies to consider the use of volunteers from the hunting community to cull excess animals on federal lands; prevents the Departments of the Interior and Commerce from restricting recreational or commercial fishing access on marine waters without coordination with and approval of the applicable State or territory; prevents U.S. Forest Service restrictions on hunting, fishing, and shooting in certain National Forests in Arkansas, Louisiana, and Mississippi; creates a new cost structure for small film crews operating on federal lands; adjusts funding limitations to make more funds available to States to establish and maintain recreational shooting ranges; authorizes bows and crossbows to be lawfully transported on National Park System lands with certain restrictions; and allows the National Park Service to establish hunter access corridors through National Park System units that are used to access adjacent federal land that is open to hunting. The bill also reauthorizes and amends the Federal Land Transaction Facilitation Act by emphasizing the acquisition of parcels that provide recreational access and providing federal agencies with the option to use funds generated by land sales for deferred maintenance activities, in addition to the purchase of land.

The bill also protects Second Amendment rights and the use of traditional ammunition and fishing tackle. It protects individuals' Constitutional right to bear arms on lands owned by the U.S. Army Corps of Engineers. Congress passed legislation allowing citizens to exercise this right on National Park and other federal lands, but

did not address lands owned by the Corps. The bill also protects the use of traditional ammunition and fishing tackle by reiterating and clarifying existing law that clearly limits the Environmental Protection Agency's authority to regulate those components under the Toxic Substances Control Act. It also prevents certain federal agencies from regulating the use of ammunition and fishing tackle based on lead content, but retains the existing prohibition of lead used in waterfowl hunting.

Finally, the bill prevents the regulation of lawfully possessed ivory products and eliminates red tape associated with the importation of hunting trophies. The bill prevents the U.S. Fish and Wildlife Service from implementing onerous rules banning the domestic sale and trade of lawfully possessed ivory products, including musical instruments, firearms, and antiques that include ivory, and ensures that sport-hunted elephant trophies can be legally imported from countries with sustainable elephant populations. It also allows for the importation of certain already legally-taken polar bear hunting trophies that, through no fault of sportsmen or women, have become trapped in bureaucratic red tape. However, the bill does not open the door to future imports.

#### COMMITTEE ACTION

H.R. 2406 was introduced on May 19, 2015, by Congressman Robert J. Wittman (R-VA). The bill was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Energy and Commerce, Transportation and Infrastructure, and the Judiciary. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands and the Subcommittee on Water, Power and Oceans. On October 7, 2015, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Congressman Robert Wittman offered an amendment in the nature of a substitute (ANS). Congressman Paul A. Gosar (R-AZ) offered amendment designated .134 to the ANS; it was adopted by voice vote. Congresswoman Amata Coleman Radewagen (R-AS) offered an amendment designated #1 to the ANS; it was adopted by a roll call vote of 20 to 15, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
114th Congress

Date: 10-08-15

Recorded Vote # 1

Meeting on / Amendment on: **Radewagen\_#1 to Wittman\_029 ANS to H.R. 2406 (Rep. Rob Wittman)**  
"SHARE Act"

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. LaMalfa, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>	X			<b>Mr. Denham, CA</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>		X	
<b>Mr. Gohmert, TX</b>	X			<b>Mr. Cook, CA</b>	X		
<i>Mrs. Bordallo, Guam</i>		X		<i>Mrs. Capps, CA</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Westerman, AR</b>	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Polis, CO</i>			
<b>Mr. Wittman, VA</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>		X	
<b>Mr. Fleming, LA</b>	X			<b>Mr. Newhouse, WA</b>	X		
<i>Mrs. Tsongas, MA</i>				<b>Mr. Zinke, MT</b>	X		
<b>Mr. McClintock, CA</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Peirluisi, Puerto Rico</i>		X		<b>Ms. Radewagen, AS</b>	X		
<b>Mr. Thompson, PA</b>				<b>Mr. MacArthur, NJ</b>			
<i>Mr. Huffman, CA</i>		X		<b>Mr. Mooney, WV</b>	X		
<b>Mrs. Lummis, WY</b>				<b>Mr. Hardy, NV</b>			
<i>Mr. Ruiz, CA</i>		X		<b>Mr. LaHood, IL</b>	X		
<b>Mr. Benishek, MI</b>							
<i>Mr. Lowenthal, CA</i>		X					
<b>Mr. Duncan, SC</b>	X						
<i>Mr. Cartwright, PA</i>		X					
<b>Mr. Gosar, AZ</b>	X						
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>		X		<b>TOTALS</b>	20	15	

Raúl M. Grijalva (D–AZ) offered an amendment designated .073 to the ANS; it was not adopted by a roll call vote of 15 to 22, as follows:

## Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 10-08-15

Recorded Vote # 2

Meeting on / Amendment on: Grijalva\_073 to Wittman\_029 ANS to H.R. 2406 (Rep. Rob Wittman) "SHARE Act"

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. LaMalfa, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>		X		<b>Mr. Denham, CA</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. Gallego, AZ</i>	X		
<b>Mr. Gohmert, TX</b>		X		<b>Mr. Cook, CA</b>		X	
<i>Mrs. Bordallo, Guam</i>	X			<i>Mrs. Capps, CA</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Westerman, AR</b>		X	
<i>Mr. Costa, CA</i>	X			<i>Mr. Polis, CO</i>			
<b>Mr. Wittman, VA</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Mr. Sablan, CNMI</i>	X			<i>Mr. Clay, MO</i>	X		
<b>Mr. Fleming, LA</b>		X		<b>Mr. Newhouse, WA</b>		X	
<i>Mrs. Tsongas, MA</i>				<b>Mr. Zinke, MT</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Peirluisi, Puerto Rico</i>	X			<b>Ms. Radewagen, AS</b>		X	
<b>Mr. Thompson, PA</b>				<b>Mr. MacArthur, NJ</b>			
<i>Mr. Huffman, CA</i>	X			<b>Mr. Mooney, WV</b>		X	
<b>Mrs. Lummis, WY</b>		X		<b>Mr. Hardy, NV</b>			
<i>Mr. Ruiz, CA</i>	X			<b>Mr. LaHood, IL</b>		X	
<b>Mr. Benishek, MI</b>		X					
<i>Mr. Lowenthal, CA</i>	X						
<b>Mr. Duncan, SC</b>		X					
<i>Mr. Cartwright, PA</i>	X						
<b>Mr. Gosar, AZ</b>		X					
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>	X			<b>TOTALS</b>	15	22	

Congressman Jared Huffman (D-CA) offered an amendment designated .109 to the ANS; it was not adopted by a roll call vote of 16 to 22, as follows:

## Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 10-08-15

Recorded Vote # 3

Meeting on / Amendment on: **Huffman\_109 to Wittman\_029 ANS to H.R. 2406 (Rep. Rob Wittman)**  
"SHARE Act"

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. LaMalfa, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>		X		<b>Mr. Denham, CA</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. Gallego, AZ</i>	X		
<b>Mr. Gohmert, TX</b>		X		<b>Mr. Cook, CA</b>		X	
<i>Mrs. Bordallo, Guam</i>	X			<i>Mrs. Capps, CA</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Westerman, AR</b>		X	
<i>Mr. Costa, CA</i>				<i>Mr. Polis, CO</i>			
<b>Mr. Wittman, VA</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Mr. Sablan, CNMI</i>	X			<i>Mr. Clay, MO</i>	X		
<b>Mr. Fleming, LA</b>		X		<b>Mr. Newhouse, WA</b>		X	
<i>Mrs. Tsongas, MA</i>	X			<b>Mr. Zinke, MT</b>	X		
<b>Mr. McClintock, CA</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Peirluisi, Puerto Rico</i>	X			<b>Ms. Radewagen, AS</b>		X	
<b>Mr. Thompson, PA</b>				<b>Mr. MacArthur, NJ</b>			
<i>Mr. Huffman, CA</i>	X			<b>Mr. Mooney, WV</b>		X	
<b>Mrs. Lummis, WY</b>		X		<b>Mr. Hardy, NV</b>			
<i>Mr. Ruiz, CA</i>	X			<b>Mr. LaHood, IL</b>		X	
<b>Mr. Benishek, MI</b>		X					
<i>Mr. Lowenthal, CA</i>	X						
<b>Mr. Duncan, SC</b>		X					
<i>Mr. Cartwright, PA</i>	X						
<b>Mr. Gosar, AZ</b>		X					
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>		X					
<i>Mrs. Torres, CA</i>	X			<b>TOTALS</b>	16	22	

Congressman John Fleming (R-LA) and Congressman Bruce Westerman (R-AR) offered an amendment designated .047 to the ANS; it was adopted by voice vote. Congressman Donald S. Beyer, Jr. (D-VA) offered an amendment designated .036 to the ANS; it was not adopted by a roll call vote of 15 to 21, as follows:

## Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 10-08-15

Recorded Vote # 4

Meeting on / Amendment on: **Beyer\_036 to Wittman\_029 ANS to H.R. 2406 (Rep. Rob Wittman) "SHARE Act"**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. LaMalfa, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>		X		<b>Mr. Denham, CA</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. Gallego, AZ</i>	X		
<b>Mr. Gohmert, TX</b>		X		<b>Mr. Cook, CA</b>		X	
<i>Mrs. Bordallo, Guam</i>	X			<i>Mrs. Capps, CA</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Westerman, AR</b>		X	
<i>Mr. Costa, CA</i>				<i>Mr. Polis, CO</i>			
<b>Mr. Wittman, VA</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Mr. Sablan, CNMI</i>	X			<i>Mr. Clay, MO</i>	X		
<b>Mr. Fleming, LA</b>		X		<b>Mr. Newhouse, WA</b>			
<i>Mrs. Tsongas, MA</i>	X			<b>Mr. Zinke, MT</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Peirluisi, Puerto Rico</i>	X			<b>Ms. Radewagen, AS</b>		X	
<b>Mr. Thompson, PA</b>				<b>Mr. MacArthur, NJ</b>			
<i>Mr. Huffman, CA</i>	X			<b>Mr. Mooney, WV</b>		X	
<b>Mrs. Lummis, WY</b>		X		<b>Mr. Hardy, NV</b>			
<i>Mr. Ruiz, CA</i>	X			<b>Mr. LaHood, IL</b>		X	
<b>Mr. Benishek, MI</b>		X					
<i>Mr. Lowenthal, CA</i>	X						
<b>Mr. Duncan, SC</b>		X					
<i>Mr. Cartwright, PA</i>	X						
<b>Mr. Gosar, AZ</b>		X					
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>	X			<b>TOTALS</b>	15	21	

No further amendments were offered and the Wittman ANS, as amended, was adopted by a roll call vote of 21 to 15, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
114th Congress

Date: 10-08-15

Recorded Vote # 5

Meeting on / Amendment on: **Wittman\_029 ANS to H.R. 2406 (Rep. Rob Wittman) "SHARE Act"**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. LaMalfa, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>	X			<b>Mr. Denham, CA</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>		X	
<b>Mr. Gohmert, TX</b>	X			<b>Mr. Cook, CA</b>	X		
<i>Mrs. Bordallo, Guam</i>		X		<i>Mrs. Capps, CA</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Westerman, AR</b>	X		
<i>Mr. Costa, CA</i>				<i>Mr. Polis, CO</i>			
<b>Mr. Wittman, VA</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>		X	
<b>Mr. Fleming, LA</b>	X			<b>Mr. Newhouse, WA</b>			
<i>Mrs. Tsongas, MA</i>		X		<b>Mr. Zinke, MT</b>	X		
<b>Mr. McClintock, CA</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Peirluisi, Puerto Rico</i>		X		<b>Ms. Radewagen, AS</b>	X		
<b>Mr. Thompson, PA</b>				<b>Mr. MacArthur, NJ</b>			
<i>Mr. Huffman, CA</i>		X		<b>Mr. Mooney, WV</b>	X		
<b>Mrs. Lummis, WY</b>	X			<b>Mr. Hardy, NV</b>			
<i>Mr. Ruiz, CA</i>		X		<b>Mr. LaHood, IL</b>	X		
<b>Mr. Benishek, MI</b>	X						
<i>Mr. Lowenthal, CA</i>		X					
<b>Mr. Duncan, SC</b>	X						
<i>Mr. Cartwright, PA</i>		X					
<b>Mr. Gosar, AZ</b>	X						
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>		X		<b>TOTALS</b>	21	15	

H.R. 2406, as amended, was adopted and ordered favorably reported to the House of Representatives on October 8, 2015, by a roll call vote of 21 to 15, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
114th Congress

Date: 10-08-15

Recorded Vote # 6

Meeting on / Amendment on: **On favorably reporting H.R. 2406 (Rep. Rob Wittman) "SHARE Act"**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. LaMalfa, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>	X			<b>Mr. Denham, CA</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>		X	
<b>Mr. Gohmert, TX</b>	X			<b>Mr. Cook, CA</b>	X		
<i>Mrs. Bordallo, Guam</i>		X		<i>Mrs. Capps, CA</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Westerman, AR</b>	X		
<i>Mr. Costa, CA</i>				<i>Mr. Polis, CO</i>			
<b>Mr. Wittman, VA</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>		X	
<b>Mr. Fleming, LA</b>	X			<b>Mr. Newhouse, WA</b>			
<i>Mrs. Tsongas, MA</i>		X		<b>Mr. Zinke, MT</b>	X		
<b>Mr. McClintock, CA</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Peirluisi, Puerto Rico</i>		X		<b>Ms. Radewagen, AS</b>	X		
<b>Mr. Thompson, PA</b>				<b>Mr. MacArthur, NJ</b>			
<i>Mr. Huffman, CA</i>		X		<b>Mr. Mooney, WV</b>	X		
<b>Mrs. Lummis, WY</b>	X			<b>Mr. Hardy, NV</b>			
<i>Mr. Ruiz, CA</i>		X		<b>Mr. LaHood, IL</b>	X		
<b>Mr. Benishek, MI</b>	X						
<i>Mr. Lowenthal, CA</i>		X					
<b>Mr. Duncan, SC</b>	X						
<i>Mr. Cartwright, PA</i>		X					
<b>Mr. Gosar, AZ</b>	X						
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>		X		<b>TOTALS</b>	21	15	

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 2406—SHARE Act*

Summary: H.R. 2406 would amend existing laws and establish new laws related to the management of federal lands. It would authorize the sale of certain federal land and permit the receipts from those sales to be spent. The bill also would authorize the appropriation of \$5 million a year to enforce laws related to the illegal trading of ivory. Based on information provided by the affected agencies, CBO estimates that implementing the legislation would cost \$24 million over the 2016–2020 period and \$1 million after 2020, assuming appropriation of the authorized and necessary amounts.

Because CBO estimates that enacting the bill would affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be negligible over the 2016–2025 period. Enacting H.R. 2406 would not affect revenues. CBO also estimates that enacting H.R. 2406 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

H.R. 2406 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state agencies by lowering the matching requirement for federal grants that support public shooting ranges. Any costs incurred by those entities would be incurred voluntarily.

H.R. 2406 would impose a private-sector mandate, as defined in UMRA, by eliminating an individual's existing right to seek compensation for damages occurring at some public target ranges. Based on information from the Department of the Interior, CBO estimates that the cost of the mandate would be small and fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 2406 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
CHANGES IN DIRECT SPENDING												
Proceeds from Sale of Property: <sup>a</sup>												
Estimated Budget Authority .....	-2	-3	-4	-5	-6	-8	-8	0	0	0	-20	-36
Estimated Outlays	-2	-3	-4	-5	-6	-8	-8	0	0	0	-20	-36
Spending of Sales Proceeds:												
Estimated Budget Authority .....	3	4	5	6	7	9	9	0	0	0	25	43
Estimated Outlays	2	3	4	5	6	7	9	0	0	0	20	36
Total Changes:												
Estimated Budget Authority ..	1	1	1	1	1	1	1	0	0	0	5	7
Estimated Outlays ....	*	*	*	*	*	-1	1	0	0	0	*	0
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level .....	5	5	5	5	5	*	*	*	*	*	25	25
Estimated Outlays	4	5	5	5	5	1	24	25				

Note: Components may not sum to totals because of rounding;

\* = between 450,000 and \$500,000.

<sup>a</sup> The amounts of sale proceeds shown in the table reflect expected increases in collections under RR, 2406. In addition to those amounts, CBO estimates that the Bureau of Land Management will collect \$10 million over the 2016–2025 period from land sales under current law.

**Basis of estimate:** For this estimate, CBO assumes that the legislation will be enacted in 2016 and that the necessary amounts will be appropriated for each fiscal year.

### *Direct spending*

CBO estimates that enacting H.R. 2406 would have a negligible effect on direct spending over the 2016–2025 period. Title IX, which would reauthorize the Federal Land Transaction Facilitation Act (FLTFA) through July 25, 2022, would increase offsetting receipts from land sales and associated direct spending by \$36 million over the 2016–2022 period. On balance, title IX would have no net effect on direct spending over that period. Other provisions in the bill would have a negligible effect on direct spending.

Federal Land Transaction Facilitation Act. Title IX would reauthorize FLTFA and allow certain federal agencies to spend, without further appropriation, proceeds from the sale of land administered by the Bureau of Land Management (BLM) to purchase inholdings (privately held land surrounded by federal land). Based on information from BLM, CBO estimates that enacting title IX would increase both the proceeds from the sale of federal property and the spending of those proceeds. On balance, CBO estimates that enacting title IX would have no net effect on direct spending over the 2016–2022 period.

Under current law, proceeds from the sale of BLM land are deposited in the Treasury as offsetting receipts. CBO estimates that such proceeds will total \$7 million over the 2016–2022 period and are not available to be spent without appropriation. Because, under the bill, BLM could spend those proceeds to pay for administrative costs associated with other land sales, CBO estimates that enacting the legislation would lead to more sales, and that collections would increase by \$36 million over that period. Under the bill, we esti-

mate that new spending authority from the proceeds of the sale of BLM land would total around \$43 million over 2016–2022 period.

CBO estimates that annual proceeds from the sale of BLM land over the next 7 years would be lower (on average) than historical collections under FLTFA, which expired in 2011. Over the 2001–2011 period, proceeds under the program totaled roughly \$120 million. Most of those collections were generated by sales near urban areas in Nevada and Arizona in 2006 and 2007. Because the amount of future proceeds would be related to housing market conditions in those areas, we expect that total proceeds in the future would be lower, although they would increase annually through 2022 as additional sales take place near those urban areas.

Title IX also would authorize four land-management agencies (BLM, the U.S. Fish and Wildlife Service, the National Park Service, and the Forest Service) to spend without further appropriation proceeds from the sale of BLM land, including amounts expected to be collected under current law. Thus, CBO estimates that enacting title IX would increase direct spending over the 2016–2022 period. Based on the historical rate of spending for FLTFA program and for other federal land acquisition activities, CBO expects that those agencies would spend \$36 million over the 2016–2022 period. As a result, CBO estimates that enacting title IX would have no net effect on direct spending over that period.

Interest Earned on Amounts in the Wildlife Restoration Fund (VWRF). Title XII would amend current law to change how interest earned on amounts in the WRF could be spent but not the amounts available to be spent. Because the amounts available to be spent would not be affected, CBO estimates that enacting title XII would have a negligible net effect on direct spending.

Fees for Commercial Filming Activities. Title XIII would require the Secretaries of Agriculture and the Interior to charge a permit fee of \$200 a year for crews of five persons or fewer that conduct commercial filming activities on certain federal lands. Under current law, some of the affected agencies collect fees for those activities to recover any costs the agencies incur in administering such activities. Those agencies are authorized to spend the collections without further appropriation. CBO expects that, under the bill, certain film crews would pay less than the amounts required under current law and others would pay more. However, because the affected agencies would have the authority to spend any proceeds from fees established under the bill, we estimate that enacting title XIII would have a negligible effect on net direct spending.

#### *Spending subject to appropriation*

Title X would amend and reauthorize the African Elephant Conservation Act. The bill would authorize the appropriation of \$5 million a year over the 2016–2020 period for the Fish and Wildlife Service to enforce laws aimed at preventing the illegal trading of ivory. The bill would authorize the Secretary of the Interior to station law enforcement officers in African countries with elephant populations and to identify countries where illegal ivory trade is occurring. Assuming appropriation of the authorized amounts, CBO estimates that implementing title X would cost \$24 million over the 2016–2020 period and \$1 million after 2020.

H.R. 2406 also contains provisions that would affect the possession, transport, and use of certain hunting and fishing equipment on federal lands, impose certain reporting requirements, and allow for the importation of certain polar bear remains. Based on information provided by the affected agencies, CBO expects that many of those provisions would have little or no effect on the agencies' activities relative to current law. Thus, we estimate that implementing those provisions would have an insignificant effect on the federal budget.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

	By fiscal year, in millions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
	NET INCREASE OR DECREASE (1) IN THE DEFICIT											
Statutory Pay-As-You-Go	0	0	0	0	0	0	-1	0	0	0	0	0

Increase in long term direct spending and deficits: CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

Estimated impact on state, local, and tribal governments: H.R. 2406 contains no intergovernmental mandates as defined in UMRA and would benefit state agencies by lowering the matching requirement for federal grants that support public shooting ranges. Any costs incurred by those entities would be incurred voluntarily.

Estimated impact on the private sector: The bill would impose a private-sector mandate as defined in UMRA by eliminating an individual's existing right to seek compensation from the federal government for damages occurring at a public target range supported by federal funds. The cost of the mandate would be the forgone value of awards and settlements in such claims. Information from the Department of the Interior indicates that few, if any, of those types of lawsuits are brought against the U.S. government. Because such claims would probably continue to be uncommon, CBO estimates that the cost of the mandate would be small and fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, CBO implementation of this bill would cost \$2 million over the 2016–2010 time period, subject to appro-

priation, while increasing net offsetting receipts by \$5 million over the 2018–2025 time period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to protect and enhance opportunities for recreational hunting, fishing and shooting.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

### TOXIC SUBSTANCES CONTROL ACT

#### TITLE I—CONTROL OF TOXIC SUBSTANCES

\* \* \* \* \*

#### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2)(A) Except as provided in subparagraph (B), the term “chemical substance” means any organic or inorganic substance of a particular molecular identity, including—

- (i) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature, and
  - (ii) any element or uncombined radical.
- (B) Such term does not include—
- (i) any mixture,
  - (ii) any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide,
  - (iii) tobacco or any tobacco product,
  - (iv) any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act),
  - (v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of such Code) **[, and],** *or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,*
  - (vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device **[.], and**
  - (vii) *any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.*

The term “food” as used in clause (vi) of this subparagraph includes poultry and poultry products (as defined in sections 4(e) and 4(f) of the Poultry Products Inspection Act), meat and meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

(3) The term “commerce” means trade, traffic, transportation, or other commerce (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, transportation, or commerce described in clause (A).

(4) The terms “distribute in commerce” and “distribution in commerce” when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture mean to sell, or the sale of, the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of, the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(5) The term “environment” includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

(6) The term “health and safety study” means any study of any effect of a chemical substance or mixture on health or the environment or on both, including underlying data and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this Act.

(7) The term “manufacture” means to import into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedules of the United States), produce, or manufacture.

(8) The term “mixture” means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

(9) The term “new chemical substance” means any chemical substance which is not included in the chemical substance list compiled and published under section 8(b).

(10) The term “process” means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce—

(A) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or

(B) as part of an article containing the chemical substance or mixture.

(11) The term “processor” means any person who processes a chemical substance or mixture.

(12) The term “standards for the development of test data” means a prescription of—

(A) the—

(i) health and environmental effects, and

(ii) information relating to toxicity, persistence, and other characteristics which affect health and the environment,

for which test data for a chemical substance or mixture are to be developed and any analysis that is to be performed on such data, and

(B) to the extent necessary to assure that data respecting such effects and characteristics are reliable and adequate—

(i) the manner in which such data are to be developed,

(ii) the specification of any test protocol or methodology to be employed in the development of such data, and

(iii) such other requirements as are necessary to provide such assurance.

(13) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

(14) The term “United States”, when used in the geographic sense, means all of the States.

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**PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT**

\* \* \* \* \*

**SEC. 2. DEFINITIONS.**

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantedation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

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

- (A) is identified by a governmental agency for recreational shooting;
- (B) is open to the public;
- (C) may be supervised; and
- (D) may accommodate archery or rifle, pistol, or shotgun shooting;

[(2)] (3) the term “Secretary” means the Secretary of the Interior;

[(3)] (4) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(4)] (5) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

[(5)] (6) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(6)] (7) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations,

and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

[(7)] (8) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(8)] (9) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

SEC. 3. (a)(1) An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1986 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the “fund”) and is authorized to be appropriated and made available until expended to carry out the purposes of this Act. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the “Wildlife Conservation and Restoration Account”. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).

(b)(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year’s withdrawals. For purposes of such investment, the Secretary of the Treasury may—

(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

(B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund—

(A) shall be credited to the fund;

(B) constitute the sums available for allocation by the Secretary under section 8 of the North American Wetlands Conservation Act; and

(C) shall become available for apportionment under this Act at the beginning of fiscal year **【2016】 2026**.

(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.

\* \* \* \* \*

SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term “wildlife-restoration project”, as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

**【(b) Each State】 (b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—**

**(1) IN GENERAL.—***Except as provided in paragraph (2), each State may use the funds apportioned to it under section 4(c) to pay up to 75 per centum of the costs of a hunter safety program and the **【construction, operation,】 operation** and maintenance of public target ranges, as a part of such program. **【The non-Federal share】***

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

(3) *NON-FEDERAL SHARE.*—*The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. [The Secretary]*

(4) *REGULATIONS.*—*The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public target ranges under this subsection.*

\* \* \* \* \*

**SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.**

(a) **IN GENERAL.**—

(1) **GRANTS.**—Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002, and \$8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

(2) **LIMITATION ON USE.**—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

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

[(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.]

(b) COST SHARING.—

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

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

(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

(1) PERIOD OF AVAILABILITY.—[Amounts made]

(A) IN GENERAL.—*Except as provided in subparagraph (B), amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.*

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

(2) REAPPORTIONMENT.—*At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.*

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**MARINE MAMMAL PROTECTION ACT OF 1972**

\* \* \* \* \*

**TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS**

\* \* \* \* \*

**PERMITS**

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal. Permits for the incidental taking of marine mammals in the course of commercial fishing operations may only be issued as specifically provided for in sections 101(a)(5) or 306, or subsection (h) of this section.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c)(1) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to such taking or importation. Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;

(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and

(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

(D) If the Secretary—

(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A) (i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10).

(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in injury to a species, stock, or individual, or in loss of unique research opportunities.

(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting

the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

- (i) The species or stocks of marine mammals which may be harassed.
- (ii) The geographic location of the research.
- (iii) The period of time over which the research will be conducted.
- (iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.
- (v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general authorization, the Secretary shall issue a letter to the applicant confirming that the general authorization applies, or, if the proposed research is likely to result in the taking (including Level A harassment) of a marine mammal, shall notify the applicant that subparagraph (A) applies.

(4)(A) A permit may be issued for enhancing the survival or recovery of a species or stock only with respect to a species or stock for which the Secretary, after consultation with the Marine Mammal Commission and after notice and opportunity for public comment, has first determined that—

- (i) taking or importation is likely to contribute significantly to maintaining or increasing distribution or numbers necessary to ensure the survival or recovery of the species or stock; and
- (ii) taking or importation is consistent (I) with any conservation plan adopted by the Secretary under section 115(b) of this title or any recovery plan developed under section 4(f) of the Endangered Species Act of 1973 for the species or stock, or (II) if there is no conservation or recovery plan in place, with the Secretary's evaluation of actions required to enhance the survival or recovery of the species or stock in light to the factors that would be addressed in a conservation plan or a recovery plan.

(B) A permit issued in accordance with this paragraph may allow the captive maintenance of a marine mammal from a depleted species or stock only if the Secretary—

- (i) determines that captive maintenance is likely to contribute to the survival or recovery of the species or stock by maintaining a viable gene pool, increasing productivity, providing biological information, or establishing animal reserves;

(ii) determines that the expected benefit to the affected species or stock outweighs the expected benefit of alternatives which do not require removal of animals from the wild; and

(iii) requires that the marine mammal or its progeny be returned to the natural habitat of the species or stock as soon as feasible, consistent with the objectives of any applicable conservation plan or recovery plan, or of any evaluation by the Secretary under subparagraph (A).

The Secretary may allow the public display of such a marine mammal only if the Secretary determines that such display is incidental to the authorized maintenance and will not interfere with the attainment of the survival or recovery objectives.

(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada by the applicant. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level;

(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and

(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary until expended for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

(C)(i) The Secretary shall undertake a scientific review of the impact of permits issued under this paragraph on the polar bear population stocks in Canada within 2 years after the date of enactment of this paragraph. The Secretary shall provide an opportunity for public comment during the course of such review, and shall include a response to such public comment in the final report on such review.

(ii) The Secretary shall not issue permits under this paragraph after September 30, 1996, if the Secretary determines, based on the scientific review, that the issuance of permits under this paragraph is having a significant adverse impact on the polar bear population stocks in Canada. The Secretary may review such determination annually thereafter, in light of the best scientific information available, and shall complete the review not later than January 31 in any year a review is undertaken. The Secretary may issue permits under this paragraph whenever the Secretary determines, on the basis of such an-

nual review, that the issuance of permits under this paragraph is not having a significant adverse impact on the polar bear population stocks in Canada.

[(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.】

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

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

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

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

*(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2015.*

(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not

to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3); or

(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

(A) The name of the marine mammal or other identification.

(B) The sex of the marine mammal.

(C) The estimated or actual birth date of the marine mammal.

(D) The date of acquisition or disposition of the marine mammal by the permit holder.

(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

(F) If the marine mammal is transferred, the name of the recipient.

(G) A notation if the animal was acquired as the result of a stranding.

(H) The date of death of the marine mammal and the cause of death when determined.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of Title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title,

(B) in any case in which a violation of the terms and conditions of the permit is found, or

(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear population stocks are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear population stocks throughout their range.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) GENERAL PERMITS.—

(1) Consistent with the regulations prescribed pursuant to section 103 of this title and to the requirements of section 101 of this title, the Secretary may issue an annual permit to a United States purse seine fishing vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

(2) Such annual permits for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 306 of this Act, subject to the regulations issued pursuant to section 303 of this Act.

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**FISH AND WILDLIFE COORDINATION ACT**

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

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

(b) *CONTINUANCE AND ABOLISHMENT OF EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL.*—*The Wildlife and Hunting Heritage Conservation Council established pursuant to section 441 of the Revised Statutes (43 U.S.C. 1457), section 2 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts applicable to specific bureaus of the Department of the Interior—*

(1) *shall continue until the date of the first meeting of the Wildlife and Hunting Heritage Conservation Council established by the amendment made by subsection (a); and*

(2) *is hereby abolished effective on that date.*

(c) *DUTIES OF THE ADVISORY COMMITTEE.*—*The Advisory Committee shall advise the Secretaries with regard to—*

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

(2) *policies or programs to conserve and restore wetlands, agricultural lands, grasslands, forest, and rangeland habitats;*

(3) *policies or programs to promote opportunities and access to hunting and shooting sports on Federal lands;*

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

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

(6) *policies or programs that encourage coordination among the public, the hunting and shooting sports community, wildlife conservation groups, and States, tribes, and the Federal Government.*

(d) *MEMBERSHIP.*—

(1) *APPOINTMENT.*—

(A) *IN GENERAL.*—*The Advisory Committee shall consist of no more than 16 discretionary members and 7 ex officio members.*

(B) *EX OFFICIO MEMBERS.*—*The ex officio members are—*

(i) *the Director of the United States Fish and Wildlife Service or a designated representative of the Director;*

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

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

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

- (v) the Chief of the Natural Resources Conservation Service or a designated representative of the Chief;
- (vi) the Administrator of the Farm Service Agency or a designated representative of the Administrator; and
- (vii) the Executive Director of the Association of Fish and Wildlife Agencies.

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

- (i) State fish and wildlife agencies.
- (ii) Game bird hunting organizations.
- (iii) Wildlife conservation organizations.
- (iv) Big game hunting organizations.
- (v) Waterfowl hunting organizations.
- (vi) The tourism, outfitter, or guiding industry.
- (vii) The firearms or ammunition manufacturing industry.
- (viii) The hunting or shooting equipment retail industry.
- (ix) Tribal resource management organizations.
- (x) The agriculture industry.
- (xi) The ranching industry.
- (xii) Women's hunting and fishing advocacy, outreach, or education organization.
- (xiii) Minority hunting and fishing advocacy, outreach, or education organization.
- (xiv) Veterans service organization.

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

(2) *TERMS.*—

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

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

- (i) 6 members shall be appointed for a term of 4 years;
- (ii) 5 members shall be appointed for a term of 3 years; and
- (iii) 5 members shall be appointed for a term of 2 years.

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

(4) *VACANCY AND REMOVAL.*—

(A) *IN GENERAL.*—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

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

(5) *CONTINUATION OF SERVICE.*—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

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

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

(8) *MEETINGS.*—

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

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

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

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

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

(e) *EXPENSES.*—The expenses of the Advisory Committee that the Secretaries determine to be reasonable and appropriate shall be paid by the Secretaries.

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

(g) *ANNUAL REPORT.*—

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

*delay and the date on which the submission of the report is anticipated.*

(2) *CONTENTS.*—*The report required by paragraph (1) shall describe—*

(A) *the activities of the Advisory Committee during the preceding year;*

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

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

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

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**NATIONAL WILDLIFE REFUGE SYSTEM  
ADMINISTRATION ACT OF 1966**

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SEC. 4. (a)(1) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the “National Wildlife Refuge System” (referred to herein as the “System”), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service. With respect to refuge lands in the State of Alaska, those programs relating to the management of resources for which any other agency of the Federal Government exercises administrative responsibility through cooperative agreement shall remain in effect, subject to the direct supervision of the United States Fish and Wildlife Service, as long as such agency agrees to exercise such responsibility.

(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

(3) With respect to the System, it is the policy of the United States that—

(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

(C) *the Secretary shall integrate wildlife-dependent recreational uses in accordance with their status as priority gen-*

*eral public uses into proposed or existing regulations, policies, criteria, plans, or other activities to alter or amend the manner in which individual refuges or the National Wildlife Refuge System (System) are managed, including, but not limited to, any activities which target or prioritize criteria for long and short term System acquisitions;*

**[(C)]** *(D)* compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

**[(D)]** *(E)* when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.

(4) In administering the System, the Secretary shall—

(A) provide for the conservation of fish, wildlife, and plants, and their habitats within the System;

(B) ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans;

(C) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public;

(D) ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System;

(E) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

(F) assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge;

(G) acquire, under State law, water rights that are needed for refuge purposes;

(H) recognize compatible wildlife-dependent recreational uses as the priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

(I) ensure that opportunities are provided within the System for compatible wildlife-dependent recreational uses;

(J) ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System;

(K) provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportu-

nities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness;

(M) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges; and

(N) monitor the status and trends of fish, wildlife, and plants in each refuge.

(5) No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b)(3) of this section) unless—

(A) the Secretary determines with the approval of the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established; and

(B) such lands are transferred or otherwise disposed of for an amount not less than—

(i) the acquisition costs of such lands, in the case of lands of the system which were purchased by the United States with funds from the migratory bird conservation fund, or fair market value, whichever is greater; or

(ii) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System.

The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence.

(6) Each area which is included within the System on January 1, 1975, or thereafter, and which was or is—

(A) designated as an area within such System by law, Executive order, or secretarial order; or

(B) so included by public land withdrawal, donation, purchase, exchange, or pursuant to a cooperative agreement with any State or local government, any Federal department or agency, or any other governmental entity,

shall continue to be a part of the System until otherwise specified by Act of Congress, except that nothing in this paragraph shall be construed as precluding—

(i) the transfer or disposal of acquired lands within any such area pursuant to paragraph (5) of this subsection;

(ii) the exchange of lands within any such area pursuant to subsection (b)(3) of this section; or

(iii) the disposal of any lands within any such area pursuant to the terms of any cooperative agreement referred to in subparagraph (B) of this paragraph.

(b) In administering the System, the Secretary is authorized to take the following actions:

(1) Enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that

the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) Accept donations of funds and to use such funds to acquire or manage lands or interests therein.

(3) Acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as he may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, to enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge.

(5) Issue regulations to carry out this Act.

(c) No person shall disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: *Provided*, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior to the effective date of this Act unless subsequently withdrawn under other authority of law. With the exception of endangered species and threatened species listed by the Secretary pursuant to section 4 of the Endangered Species Act of 1973 in States wherein a cooperative agreement does not exist pursuant to section 6(c) of that Act, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system. The regulations permitting hunting and fishing of resident fish and wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws and regulations.

(d)(1) The Secretary is authorized, under such regulations as he may prescribe, to—

(A) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: *Provided*, That not to exceed 40 per centum at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be ad-

ministered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe unless the Secretary finds that the taking of any species of migratory game birds in more than 40 percent of such area would be beneficial to the species; and

(B) permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established.

(2) Notwithstanding any other provision of law, the Secretary may not grant to any Federal, State, or local agency or to any private individual or organization any right-of-way, easement, or reservation in, over, across, through, or under any area within the system in connection with any use permitted by him under paragraph (1)(B) of this subsection unless the grantee pays to the Secretary, at the option of the Secretary, either (A) in lump sum the fair market value (determined by the Secretary as of the date of conveyance to the grantee) of the right-of-way, easement, or reservation; or (B) annually in advance the fair market rental value (determined by the Secretary) of the right-of-way, easement, or reservation. If any Federal, State, or local agency is exempted from such payment by any other provision of Federal law, such agency shall otherwise compensate the Secretary by any other means agreeable to the Secretary, including, but not limited to, making other land available or the loan of equipment or personnel; except that (A) any such compensation shall relate to, and be consistent with, the objectives of the National Wildlife Refuge System, and (B) the Secretary may waive such requirement for compensation if he finds such requirement impracticable or unnecessary. All sums received by the Secretary pursuant to this paragraph shall, after payment of any necessary expenses incurred by him in administering this paragraph, be deposited into the Migratory Bird Conservation Fund and shall be available to carry out the provisions for land acquisition of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Hunting Stamp Act (16 U.S.C. 718 et seq.).

(3)(A)(i) Except as provided in clause (iv), the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety. The Secretary may make the determinations referred to in this paragraph for a refuge concurrently with development of a conservation plan under subsection (e).

(ii) On lands added to the System after March 25, 1996, the Secretary shall identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of any such lands, existing compatible wildlife-dependent recreational uses that the Secretary determines shall be permitted to continue on an interim basis pending completion of the comprehensive conservation plan for the refuge.

(iii) Wildlife-dependent recreational uses may be authorized on a refuge when they are compatible and not inconsistent with public safety. Except for consideration of consistency with State laws and

regulations as provided for in subsection (m), no other determinations or findings are required to be made by the refuge official under this Act or the Refuge Recreation Act for wildlife-dependent recreation to occur.

(iv) Compatibility determinations in existence on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997 shall remain in effect until and unless modified.

(B) Not later than 24 months after the date of the enactment of the National Wildlife Refuge System Improvement Act of 1997, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use of a refuge is a compatible use. These regulations shall—

(i) designate the refuge official responsible for making initial compatibility determinations;

(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

(iii) identify the effects of each use on refuge resources and purposes of each refuge;

(iv) require that compatibility determinations be made in writing;

(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the mission of the System;

(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use, except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself;

(viii) require, after an opportunity for public comment, reevaluation of each compatible wildlife-dependent recreational use when conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) or at least every 15 years, whichever is earlier; and

(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) or has otherwise been provided during routine, periodic determinations of compatibility for wildlife-dependent recreational uses.

(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

(A) overflights above a refuge; and

(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over a refuge or a portion of a refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.

(e)(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a “planning unit”) in the System;

(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after the date of enactment of the National Wildlife Refuge System Improvement Act of 1997.

(C) The Secretary shall manage each refuge or planning unit under plans in effect on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

(A) the purposes of each refuge comprising the planning unit;

(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

(C) the archaeological and cultural values of the planning unit;

(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

(F) opportunities for compatible wildlife-dependent recreational uses.

(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

(B) coordinate the development of the conservation plan or revision with relevant State conservation plans for fish and wildlife and their habitats.

(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, owners of adjacent or potentially affected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments.

(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.

(f) PENALTIES.—

(1) KNOWING VIOLATIONS.—Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.

(g) Any person authorized by the Secretary to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations, and may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the Secretary, in accordance with law. The Director of the United States

Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act.

(h) Regulations applicable to areas of the System that are in effect on the date of enactment of this Act shall continue in effect until modified or rescinded.

(i) Nothing in this section shall be construed to amend, repeal, or otherwise modify the provision of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460K—460K-4) which authorizes the Secretary to administer the areas within the System for public recreation. The provisions of this section relating to recreation shall be administered in accordance with the provisions of said Act.

(j) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(k) Notwithstanding any other provision of this Act, the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System if the Secretary determines it is necessary to protect the health and safety of the public or any fish or wildlife population.

(l) Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters that are not within the System.

(m) Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

(n)(1) Nothing in this Act shall—

(A) create a reserved water right, express or implied, in the United States for any purpose;

(B) affect any water right in existence on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997; or

(C) affect any Federal or State law in existence on the date of the enactment of the National Wildlife Refuge System Improvement Act of 1997 regarding water quality or water quantity.

(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to the McCarran Act (43 U.S.C. 666).

(o) Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

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**MIGRATORY BIRD TREATY ACT**

\* \* \* \* \*

SEC. 3. (a) That subject to the provisions and in order to carry out the purposes of the conventions, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

[(b) It shall be unlawful for any person to—

[(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

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

(b) PROHIBITION OF BAITING.—

(1) DEFINITIONS.—*In this subsection:*

(A) BAITED AREA.—

(i) IN GENERAL.—*The term “baited area” means—*

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

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

(ii) EXCLUSIONS.—*An area shall not be considered to be a “baited area” if the area—*

(I) *has been treated with a normal agricultural practice;*

(II) *has standing crops that have not been manipulated; or*

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

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

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

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

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

**(D) NORMAL AGRICULTURAL PRACTICE.—**

(i) **IN GENERAL.**—The term “normal agricultural practice” means any practice in 1 annual growing season that—

(I) is carried out in order to produce a marketable crop, including planting, harvest, postharvest, or soil conservation practices; and

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

(ii) **INCLUSIONS.**—

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

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

**(E) WATERFOWL.**—The term “waterfowl” means native species of the family Anatidae.

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

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

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

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

**(4) REPORTS.**—Annually, the Secretary of Agriculture shall submit to the Secretary of the Interior a report that describes any changes to normal agricultural practices across the range

*of crops grown by agricultural producers in each region of the United States in which the recommendations are provided to agricultural producers.*

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**TITLE 54, UNITED STATES CODE**

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**SUBTITLE I—NATIONAL PARK SYSTEM**

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**DIVISION A—ESTABLISHMENT AND  
GENERAL ADMINISTRATION**

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**CHAPTER 1009—ADMINISTRATION**

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**§ 100905. Commercial filming**

(a) **COMMERCIAL FILMING FEE.**—

(1) **IN GENERAL.**—~~【The Secretary】~~ *Except as provided in paragraph (3), the Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:*

(A) *The number of days the filming activity or similar project takes place in the System unit.*

(B) *The size of the film crew present in the System unit.*

(C) *The amount and type of equipment present in the System unit.*

(2) **OTHER FACTORS.**—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

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

(A) **DEFINITION OF FILM CREW.**—*In this paragraph, the term “film crew” means any persons present on Federal land or waterways under the jurisdiction of the Secretary who are associated with the production of a film.*

(B) **REQUIRED PERMIT AND FEE.**—*For any film crew of 5 persons or fewer, the Secretary shall require a permit and assess an annual fee of \$200 for commercial filming activities or similar projects on Federal land and waterways administered by the Secretary.*

(C) **COMMERCIAL FILMING ACTIVITIES.**—*A permit issued under subparagraph (B) shall be valid for commercial filming activities or similar projects that occur in areas designated for public use during public hours on all Federal*

*land and waterways administered by the Secretary for a 1-year period beginning on the date of issuance of the permit.*

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

*(E) USE OF CAMERAS.—The Secretary shall not prohibit, as a mechanized apparatus or under any other purposes, use of cameras or related equipment used for the purpose of commercial filming activities or similar projects in accordance with this paragraph on Federal land and waterways administered by the Secretary.*

*(F) NOTIFICATION REQUIRED.—A film crew of 5 persons or fewer subject to a permit issued under this paragraph shall notify the applicable land management agency with jurisdiction over the Federal land at least 48 hours before entering the Federal land.*

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

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

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

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

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

**(b) RECOVERY OF COSTS.—**The Secretary shall **collect any costs** recover any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

**(c) STILL PHOTOGRAPHY.—**

**(1) IN GENERAL.—**Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

**(2) EXCEPTION.—**The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

**(d) PROTECTION OF RESOURCES.—**The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

**(1)** there is a likelihood of resource damage;

**(2)** there would be an unreasonable disruption of the public's use and enjoyment of the site; or

**(3)** the activity poses health or safety risks to the public.

**(e) USE OF PROCEEDS.—**

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

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**CHAPTER 1015—TRANSPORTATION**

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SUBCHAPTER I—AIRPORTS

Sec.  
101501. Airports in or near System units.

SUBCHAPTER II—ROADS AND TRAILS

\* \* \* \* \*  
101513. Hunter access corridors.

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SUBCHAPTER II—ROADS AND TRAILS

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**§ 101513. Hunter access corridors**

(a) DEFINITIONS.—*In this section:*

(1) NOT READY FOR IMMEDIATE USE.—*The term “not ready for immediate use” means—*

- (A) *a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and*
- (B) *with respect to a crossbow, uncocked.*

(2) VALID HUNTING LICENSE.—*The term “valid hunting license” means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.*

(b) TRANSPORTATION AUTHORIZED.—

(1) IN GENERAL.—*The Director shall not require a permit for, or promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit if—*

- (A) *in the case of an individual traversing the System unit on foot—*
  - (i) *the individual is not otherwise prohibited by law from possessing the bows and crossbows;*
  - (ii) *the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;*

(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

(iv)(I) the individual possesses a valid hunting license;

(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or

(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or

(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

(2) **ENFORCEMENT.**—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.

(c) **ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.**—

(1) **IN GENERAL.**—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—

(A) contiguous to a System unit; and

(B) open to hunting.

(2) **DETERMINATION BY DIRECTOR.**—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.

(3) **HUNTING SEASON.**—The hunter access corridors shall be open for use during hunting seasons.

(4) **EXCEPTION.**—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law.

(5) **IDENTIFICATION OF CORRIDORS.**—The Director shall—

(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and

(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

(6) **REGISTRATION; TRANSPORTATION OF GAME.**—The Director may—

(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;

(B) provide a process for online self-registration; and

(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.

(7) **CONSULTATION WITH STATES.**—The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.

(d) *EFFECT.*—*Nothing in this section—*

(1) *diminishes, enlarges, or modifies any Federal or State authority with respect to recreational hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or*

(2) *authorizes—*

(A) *the establishment of new trails in System units; or*

(B) *authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.*

(e) *NO MAJOR FEDERAL ACTION.*—

(1) *IN GENERAL.*—*Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

(2) *NO ADDITIONAL ACTION REQUIRED.*—*No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.*

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**FEDERAL LAND TRANSACTION FACILITATION ACT**

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**TITLE II—FEDERAL LAND TRANSACTION FACILITATION**

\* \* \* \* \*

**SEC. 203. DEFINITIONS.**

In this title:

(1) **EXCEPTIONAL RESOURCE.**—The term “exceptional resource” means a resource of scientific, natural, historic, [cultural, or] *cultural, recreational access and use, or other recreational value* that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) **FEDERALLY DESIGNATED AREA.**—The term “federally designated area” means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that [on the date of enactment of this Act was] *is* within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) **INHOLDING.**—The term “inholding” means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) **PUBLIC LAND.**—The term “public land” means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

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

\* \* \* \* \*

#### **SEC. 205. DISPOSAL OF PUBLIC LAND.**

(a) **IN GENERAL.**—The Secretary shall establish a program, using funds made available under [section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).] *section 206—*

(1) *to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);*

(2) *not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization of 2015, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and*

(3) *to maintain the database referred to in paragraph (2).*

(b) **SALE OF PUBLIC LAND.**—

(1) **IN GENERAL.**—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) **EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.**—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate [11] 22 years after the date of enactment of this Act.

**SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.**

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the “Federal Land Disposal Account”.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

[(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.]

(1) USE OF FUNDS.—

(A) IN GENERAL.—*Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.*

(B) PURPOSES.—*Except as authorized under paragraph (2), funds in the Federal Land Disposal Account shall be used for one or more of the following purposes:*

(i) *To purchase lands or interests therein that are otherwise authorized by law to be acquired and are one or more of the following:*

(I) *Inholdings.*

(II) *Adjacent to federally designated areas and contain exceptional resources.*

(III) *Provide opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities.*

(IV) *Likely to aid in the performance of deferred maintenance or the reduction of operation and maintenance costs or other deferred costs.*

(ii) *To perform deferred maintenance or other maintenance activities that enhance opportunities for recreational access.*

(2) FUND ALLOCATION.—

[(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

[(i) inholdings; and

[(ii) adjacent to federally designated areas and contain exceptional resources.]

[(B)] (A) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

[(C)] (B) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds de-

posited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

**[(D)] (C) SAME STATE [PURCHASES] LAND PURCHASES AND PERFORMANCE OF DEFERRED MAINTENANCE ACTIVITIES.**—Of the amounts not used under subparagraph **[(C)] (B)**, not less than 80 percent shall be expended within the State in which the funds were generated *for the activities outlined in paragraph (2)*. Any remaining funds may be expended in any other State.

*(D) Any funds made available under subparagraph (C) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.*

(3) **PRIORITY.**—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

*(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;*

**[(B)] (C)** the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

**[(C)] (D)** such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) **BASIS OF SALE.**—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) **CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.**—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substance or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under chapter 2003 of title 54, United States Code.

(f) TERMINATION.—On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

[(2) any remaining balance in the account shall become available for appropriation under section 200303 of title 54, United States Code.]

*(2) any remaining balance in the account shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).*

**SEC. 207. SPECIAL PROVISIONS.**

(a) IN GENERAL.—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This title shall not apply to land eligible for sale under—

(1) Public Law [96–568] 96–586 (commonly known as the “Santini-Burton Act”) (94 Stat. 3381)[; or];

(2) the Southern Nevada Public Land Management Act of 1998 (*Public Law 105–263*; 112 Stat. 2343)[.];

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

(4) *the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);*

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

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

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

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

(c) EXCHANGES.—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

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**AFRICAN ELEPHANT CONSERVATION ACT**

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## TITLE II—AFRICAN ELEPHANT CONSERVATION

\* \* \* \* \*

### PART I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

#### SEC. 2101. PROVISION OF ASSISTANCE.

(a) **IN GENERAL.**—The Secretary may provide financial assistance under this part from the Fund for approved projects for research, conservation, management, or protection of African elephants.

(b) **PROJECT PROPOSAL.**—Any African government agency responsible for African elephant conservation and protection, the CITES Secretariat, and any organization or individual with experience in African elephant conservation may submit to the Secretary a project proposal under this section. Each such proposal shall contain—

- (1) the name of the person responsible for conducting the project;
- (2) a succinct statement of the need for and purposes of the project;
- (3) a description of the qualifications of the individuals who will be conducting the project;
- (4) an estimate of the funds and time required to complete the project;
- (5) evidence of support of the project by governmental entities of countries within which the project will be conducted, if such support may be important for the success of the project; and
- (6) any other information the Secretary considers to be necessary or appropriate for evaluating the eligibility of the project for funding under this title.

(c) **PROJECT REVIEW AND APPROVAL.**—The Secretary shall review each project proposal to determine if it meets the criteria set forth in subsection (d) and otherwise merits assistance under this title. Not later than six months after receiving a project proposal, and subject to the availability of funds, the Secretary shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal.

(d) **CRITERIA FOR APPROVAL.**—The Secretary may approve a project under this section if the project will enhance programs for African elephant research, conservation, management, or protection by—

- (1) developing in a usable form sound scientific information on African elephant habitat condition and carrying capacity, total elephant numbers and population trends, or annual reproduction and mortality; or
- (2) assisting efforts—
  - (A) to ensure that any taking of African elephants in the country is effectively controlled and monitored;
  - (B) to implement conservation programs to provide for healthy, sustainable African elephant populations; or

(C) to enhance compliance with the CITES Ivory Control System.

(e) *PRIORITY.*—*In providing financial assistance under this section, the Secretary shall give priority to projects designed to facilitate the acquisition of equipment and training of wildlife officials in ivory producing countries to be used in anti-poaching efforts.*

**[(e)] (f) PROJECT SUSTAINABILITY.**—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects that will enhance sustainable conservation programs to ensure effective long-term conservation of African elephants.

**[(f)] (g) PROJECT REPORTING.**—Each entity that receives assistance under this section shall provide such periodic reports to the Director of the United States Fish and Wildlife Service as the Director considers relevant and appropriate. Each report shall include all information requested by the Director for evaluating the progress and success of the project.

\* \* \* \* \*

**SEC. 2105. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICER IN EACH AFRICAN ELEPHANT RANGE COUNTRY.**

*The Secretary, in coordination with the Secretary of State, may station one United States Fish and Wildlife Service law enforcement officer in the primary United States diplomatic or consular post in each African country that has a significant population of African elephants, who shall assist local wildlife rangers in the protection of African elephants and facilitate the apprehension of individuals who illegally kill, or assist the illegal killing of, African elephants.*

**PART II—MORATORIA AND PROHIBITED ACTS**

\* \* \* \* \*

**SEC. 2202. MORATORIA.**

(a) **IVORY PRODUCING COUNTRIES.**—

(1) **IN GENERAL.**—The Secretary shall establish a moratorium on the importation of raw and worked ivory from an ivory producing country immediately upon making a determination that the country does not meet all the criteria set forth in section 2201(b)(1).

(2) **LATER ESTABLISHMENT.**—With regard to any ivory producing country for which the Secretary has insufficient information to make a determination pursuant to section 2201(b), the Secretary shall establish a moratorium on the importation of raw and worked ivory from such country not later than January 1, 1990, unless, based on new information, the Secretary concludes before that date that the country meets all of the criteria set forth in section 2201(b)(1).

(b) **INTERMEDIARY COUNTRIES.**—The Secretary shall establish a moratorium on the importation of raw and worked ivory from an intermediary country immediately upon making a determination that the country—

- (1) is not a party to CITES;
- (2) does not adhere to the CITES Ivory Control System;

(3) imports raw ivory from a country that is not an ivory producing country;

(4) imports raw or worked ivory from a country that is not a party to CITES;

(5) imports raw or worked ivory that originates in an ivory producing country in violation of the laws of that ivory producing country;

(6) substantially increases its imports of raw or worked ivory from a country that is subject to a moratorium under this title during the first three months of that moratorium; or

(7) imports raw or worked ivory from a country that is subject to a moratorium under this title after the first three months of that moratorium, unless the ivory is imported by vessel during the first six months of that moratorium and is accompanied by shipping documents which show that it was exported before the establishment of the moratorium.

(c) **SUSPENSION OF MORATORIUM.**—The Secretary shall suspend a moratorium established under this section if, after notice and public comment, the Secretary determines that the reasons for establishing the moratorium no longer exist.

(d) **PETITION.**—

(1) **IN GENERAL.**—Any person may at any time submit a petition in writing requesting that the Secretary establish or suspend a moratorium under this section. Such a petition shall include such substantial information as may be necessary to demonstrate the need for the action requested by the petition.

(2) **CONSIDERATION AND RULING.**—The Secretary shall publish a notice of receipt of a petition under this subsection in the Federal Register and shall provide an opportunity for the public to comment on the petition. The Secretary shall rule on such petition not later than 90 days after the close of the public comment period.

(e) **SPORT-HUNTED TROPHIES.**—Individuals may import sport-hunted elephant trophies that they have legally taken in an ivory producing country that has submitted an ivory quota. The Secretary shall not establish any moratorium under this section, pursuant to a petition or otherwise, which prohibits the importation into the United States of sport-hunted trophies from elephants that are legally taken by the importer or the importer's principal in an ivory producing country that has submitted an ivory quota.

(f) **CONFISCATED IVORY.**—Trade in raw or worked ivory that is confiscated by an ivory producing country or an intermediary country and is disposed of pursuant to the CITES Ivory Control System shall not be the sole cause for the establishment of a moratorium under this part if all proceeds from the disposal of the confiscated ivory are used solely to enhance wildlife conservation programs or conservation purposes of CITES. With respect to any country that was not a party to CITES at the time of such confiscation, this subsection shall not apply until such country develops appropriate measures to assure that persons with a history of illegal dealings in ivory shall not benefit from the disposal of confiscated ivory.

(g) **CERTIFICATION.**—*When the Secretary of the Interior finds that a country, directly or indirectly, is a significant transit or destination point for illegal ivory trade, the Secretary shall certify such fact to the President with respect to the country for the purposes of sec-*

tion 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

**SEC. 2203. PROHIBITED ACTS.**

(a) *IN GENERAL.*—Except as provided in section 2202(e) and subsection (b) of this section, it is unlawful for any person—

- (1) to import raw ivory from any country other than an ivory producing country;
- (2) to export raw ivory from the United States;
- (3) to import raw or worked ivory that was exported from an ivory producing country in violation of that country's laws or of the CITES Ivory Control System;
- (4) to import worked ivory, other than personal effects, from any country unless that country has certified that such ivory was derived from legal sources; or
- (5) to import raw or worked ivory from a country for which a moratorium is in effect under section 2202.

(b) *EXEMPTION.*—Nothing in this Act or subsection (a) or (d) of section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed to prohibit importation or exportation, or to require permission of the Secretary for importation or exportation, of—

- (1) any raw ivory or worked ivory—
  - (A) imported solely for purposes of becoming part of a museum's permanent collection, return to a lending museum, or display in a museum; or
  - (B) exported solely for purposes of—
    - (i) display in a foreign museum; or
    - (ii) return to a foreign person who lent such ivory to a museum in the United States;
- (2) any raw ivory or worked ivory that was lawfully importable into the United States on February 24, 2014, regardless of when acquired; or
- (3) any worked ivory that was previously lawfully possessed in the United States.

(c) *TREATMENT OF ELEPHANT IVORY.*—Nothing in this Act or the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed—

- (1) to prohibit, or to authorize prohibiting, the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory, or any product containing African elephant ivory, that has been lawfully imported or crafted in the United States; or
- (2) to authorize using any means of determining for purposes of this Act or the Endangered Species Act of 1973 whether African elephant ivory has been lawfully imported, including any presumption or burden of proof applied in such determination, other than such means used by the Secretary as of February 24, 2014.

(d) *SPORT-HUNTED ELEPHANT TROPHIES.*—Nothing in this Act or subsection (a) or (d) of section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed to prohibit any citizen or legal resident of the United States, or an agent of such an individual, from importing a sport-hunted African elephant trophy under section 2202(e) of this Act, if the country in which the ele-

phant was taken had an elephant population on Appendix II of CITES at the time the trophy elephant was taken.

(e) RELATIONSHIP TO THE CONVENTION.—Nothing in this section shall be construed as modifying or repealing the Secretary's duties to implement CITES and the appendices thereto, or as modifying or repealing section 8A or 9(c) of the Endangered Species Act of 1973 (16 U.S.C. 1537a and 1538(c)).

\* \* \* \* \*

### PART III—MISCELLANEOUS

\* \* \* \* \*

#### SEC. 2306. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Fund and to the Secretary a total of not to exceed \$5,000,000 for each of fiscal years [2007 through 2012] 2016 through 2020 to carry out this title, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this title, the Secretary may expend not more than 3 percent or \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this title.

### PUBLIC LAW 106-206

#### SEC. 1. COMMERCIAL FILMING.

(a) COMMERCIAL FILMING FEE.—

(1) IN GENERAL.—[The Secretary] *Except as provided in paragraph (3), the Secretary* of the Interior or the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(B) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(C) The amount and type of equipment present.

(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

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

(A) DEFINITION OF FILM CREW.—*In this paragraph, the term “film crew” means any persons present on Federal land or waterways under the jurisdiction of the Secretary who are associated with the production of a film.*

(B) REQUIRED PERMIT AND FEE.—*For any film crew of 5 persons or fewer, the Secretary shall require a permit and*

*assess an annual fee of \$200 for commercial filming activities or similar projects on Federal land and waterways administered by the Secretary.*

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

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

*(E) USE OF CAMERAS.—The Secretary shall not prohibit, as a mechanized apparatus or under any other purposes, use of cameras or related equipment used for the purpose of commercial filming activities or similar projects in accordance with this paragraph on Federal land and waterways administered by the Secretary.*

*(F) NOTIFICATION REQUIRED.—A film crew of 5 persons or fewer subject to a permit issued under this paragraph shall notify the applicable land management agency with jurisdiction over the Federal land at least 48 hours before entering the Federal land.*

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

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

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

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

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

**(b) RECOVERY OF COSTS.—**The Secretary shall **collect any costs** *recover any costs* incurred as a result of filming activities or **similar project** *similar projects*, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

**(c) STILL PHOTOGRAPHY.—**

**(1) IN GENERAL.—**Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

**(2) EXCEPTION.—**The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

- (1) there is a likelihood of resource damage;
- (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or
- (3) the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

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 CHAIRMAN  
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JASON KNOX  
 STAFF DIRECTOR  
 The Honorable K. Michael Conaway  
 Chairman  
 Committee on Agriculture  
 1301 Longworth HOB  
 Washington, DC 20515

Dear Mr. Chairman:

On October 8, 2015, the Committee on Natural Resources ordered favorably reported as amended H.R. 2406, the Sportsman's Heritage and Recreational Enhancement Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture, among other committees. My staff has shared a copy of the reported text with your staff.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
 Chairman  
 Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
 The Honorable Kevin McCarthy, Majority Leader  
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
 The Honorable Thomas J. Wickham, Jr., Parliamentarian

**U.S. House of Representatives**  
**Committee on Natural Resources**  
 Washington, DC 20515

December 2, 2015

PAUL M. GRIJALVA, AZ  
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DAN NEWHOUSE, WASHINGTON  
THEM KELLY, MISSISSIPPI

**U.S. House of Representatives**  
**Committee on Agriculture**  
Room 1301, Longworth House Office Building  
Washington, DC 20515-6001

(202) 225-2171

December 8, 2015

COLLIN C. PETERSON, MINNESOTA  
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SUZANNE GOLDBER, WASHINGTON  
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APRIL W. KUTNER, NEW HAMPSHIRE  
RICHARD M. NOLAN, MINNESOTA  
CHERYL BUSFOS, ILLINOIS  
SEAN PATRICK MALONEY, NEW YORK  
ANDREW PATRICK, ARIZONA  
PETE AGUILAR, CALIFORNIA  
STACEY E. PLASKETT, VIRGIN ISLANDS  
ALISA S. ADAMS, NORTH CAROLINA  
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SCOTT C. GRAVES,  
STAFF DIRECTOR  
ROBERT L. LAREW,  
MINORITY STAFF DIRECTOR

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth HOB  
Washington, D.C. 20515

Dear Mr. Chairman:

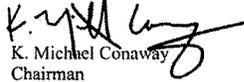
Thank you for the opportunity to review H.R. 2406, the Sportsman's Heritage and Recreational Enhancement Act of 2015. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 2406 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,



K. Michael Conaway  
Chairman

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Collin C. Peterson  
The Honorable Raul Grijalva  
The Honorable Thomas J. Wickham, Parliamentarian

ROB BISHOP, UT  
 CHAIRMAN  
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 TOM MCGARTHRU, NJ  
 ALEX MOONEY, WV  
 CRESSENT HARDY, NV  
 DARRIN L. MOORE, IL

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

December 7, 2015

RAUL M. GRIJALVA, AZ  
 RANKING MEMBER  
 GRACE F. NAROLITANO, CA  
 MADELINE Z. BORDALLO, GU  
 JIM COSTA, CA  
 GREGORIO KILLI CAMACHO SABLAN, CNMI  
 NIKI TSONGAS, MA  
 PEDRO R. PERLUSI, PR  
 JARED HUFFMAN, CA  
 RAUL RUIZ, CA  
 ALAN LOWENTHAL, CA  
 MATTHEW CARTWRIGHT, PA  
 DON BEYER, VA  
 NORMA J. TORRES, CA  
 DEBBIE DINGELL, MI  
 RUBEN GALLEGO, AZ  
 LOIS CAPPEL, CA  
 JARED POLS, CO  
 Wm. LACY CLAY, MO

DAVID WATKINS  
DEMOCRATIC STAFF DIRECTOR

JASON KNOX  
STAFF DIRECTOR

The Honorable Bill Shuster  
 Chairman  
 Committee on Transportation and Infrastructure  
 2165 Rayburn HOB  
 Washington, DC 20515

Dear Mr. Chairman:

On October 8, 2015, the Committee on Natural Resources ordered favorably reported as amended H.R. 2406, the Sportsman's Heritage and Recreational Enhancement Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Transportation and Infrastructure, among other committees.

I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
 Chairman  
 Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
 The Honorable Kevin McCarthy, Majority Leader  
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
 The Honorable Thomas J. Wickham, Jr., Parliamentarian



**Committee on Transportation and Infrastructure  
U.S. House of Representatives**

**Bill Shuster**  
Chairman

Washington, DC 20515

**Peter A. DeFazio**  
Ranking Member

Christopher P. Bertram, Staff Director

December 8, 2015

Katherine W. Dolrick, Democratic Staff Director

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

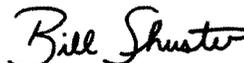
Dear Chairman Bishop:

I write concerning H.R. 2406, the *Sportmen's Heritage and Recreational Enhancement Act of 2015* (SHARI Act). This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite Floor consideration of H.R. 2406, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Should a conference on the bill be necessary, I fully expect the Committee on Transportation and Infrastructure to be represented on the conference committee.

Thank you for your assistance in this matter and for agreeing to include a copy of this letter in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during Floor consideration.

Sincerely,

  
Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Raúl M. Grijalva  
Mr. Thomas J. Wickham, Jr., Parliamentarian

ROB BISHOP, UT  
 CHAIRMAN  
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 JEDY HICE, GA  
 ALUMIA AMATA COLEMAN RADEWAGEN, AS  
 TOM MACARTHUR, NJ  
 ALEX MOONEY, WV  
 CRESSENT HARVEY, NV  
 DARRIN LAMODO, IL

JASON KNIX  
 STAFF DIRECTOR

The Honorable Fred Upton  
 Chairman  
 Committee on Energy and Commerce  
 2125 Rayburn HOB  
 Washington, DC 20515

Dear Mr. Chairman:

On October 8, 2015, the Committee on Natural Resources ordered favorably reported as amended H.R. 2406, the Sportsman's Heritage and Recreational Enhancement Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Energy and Commerce, among other committees.

I ask that you allow the Committee on Energy and Commerce to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
 Chairman  
 Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
 The Honorable Kevin McCarthy, Majority Leader  
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
 The Honorable Thomas J. Wickham, Jr., Parliamentarian

<http://naturalresources.house.gov>

**U.S. House of Representatives**  
**Committee on Natural Resources**  
 Washington, DC 20515

December 9, 2015

RAUL M. GRIJALVA, AZ  
 RANKING MEMBER  
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DAVID WATKINS  
 DEMOCRATIC STAFF DIRECTOR

FRED UPTON, MICHIGAN  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 275-2927  
Minority (202) 275-3841

December 9, 2015

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2406, the Sportsman's Heritage and Recreational Enhancement Act of 2015.

As you noted, the bill was additionally referred to the Committee on Energy and Commerce, and I agree to the discharge of the Committee from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects the Committee's jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I appreciate your support for my request to have the Committee represented on the conference committee.

Finally, I appreciate the inclusion of your letter and this response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your assistance.

Sincerely,



Fred Upton  
Chairman

ROB BISHOP, TX  
 CHAIRMAN  
 DON YOUNG, AK  
 LOUIE GOMBERG, TX  
 DOUG LAMBRIN, CO  
 ROBERT J. WITTMAN, VA  
 JOHN FLEMING, LA  
 TOM N. JOLINICK, CA  
 GLENN THOMPSON, PA  
 CYNTHIA LUMMIS, WY  
 DAN BENIGER, MI  
 JEFF DUNCAN, SC  
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 RAUL R. LABRADOR, ID  
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 RYAN Zinke, MT  
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 ALUMIA ABATA COLEMAN RADEWAGEN, AS  
 TOM MACARTHUR, NJ  
 ALEX MCONEY, WV  
 CRESTEN HARDY, WV  
 DARIN LAHOOD, IL

**U.S. House of Representatives**  
**Committee on Natural Resources**  
 Washington, DC 20515

December 9, 2015

RAUL M. GRIJALVA, AZ  
 RANKING MEMBER  
 GRACE F. NAPOLITANO, CA  
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 JIM COSTA, CA  
 GREGORIO VILLU CAMACHO SARBAN, DM  
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 MATTHEW CARTWRIGHT, PA  
 DON BEVER, VA  
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 JARED POKS, CO  
 WY LACY CLAY, MO

DAVID WATKINS  
 DEMOCRATIC STAFF DIRECTOR

JASON KNOX  
 STAFF DIRECTOR  
 The Honorable Bob Goodlatte  
 Chairman  
 Committee on the Judiciary  
 2138 Rayburn HOB  
 Washington, DC 20515

Dear Mr. Chairman:

On October 8, 2015, the Committee on Natural Resources ordered favorably reported as amended H.R. 2406, the Sportsman's Heritage and Recreational Enhancement Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on the Judiciary, among other committees.

I ask that you allow the Committee on the Judiciary to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Judiciary represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request, and I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
 Chairman  
 Committee on Natural Resources

- cc: The Honorable Paul D. Ryan, Speaker
- The Honorable Kevin McCarthy, Majority Leader
- The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
- The Honorable Thomas J. Wickham, Jr., Parliamentarian

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 CHAIRMAN

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 JOHN RATCLIFFE, Texas  
 DAVE TROTT, Michigan  
 MIKE BISHOP, Michigan

JOHN CONYERS, JR., Michigan  
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 PEDRO R. PIERLUISI, Puerto Rico  
 JOY CHU, California  
 TED DEUTCH, Florida  
 LUIS V. GUTIERREZ, Illinois  
 KAREN BASS, California  
 GEORGE L. RICHMOND, Louisiana  
 SUZANNE K. OLSEN, Washington  
 HAKEEM S. JEFFRIES, New York  
 DAVID OCELINE, Rhode Island  
 SCOTT PETERS, California

ONE HUNDRED FOURTEENTH CONGRESS

**Congress of the United States**

**House of Representatives**

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515-6216

(202) 225-3951  
<http://www.house.gov/judiciary>

December 9, 2015

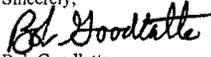
The Honorable Rob Bishop  
 Chairman  
 Committee on Natural Resources  
 1324 Longworth House Office Building  
 Washington, DC 20515

Dear Chairman Bishop,

I am writing with respect to H.R. 2406, the "Sportsmen's Heritage and Recreational Enhancement Act of 2015," which the Committee on Natural Resources recently ordered reported favorably. As a result of your having consulted with us on provisions in H.R. 2406 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2406 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during Floor consideration of H.R. 2406.

Sincerely,  
  
 Bob Goodlatte  
 Chairman

cc: The Honorable John Conyers, Jr.  
 The Honorable Raul Grijalva  
 The Honorable John Boehner  
 Mr. Thomas J. Wickham, Jr.

## DISSENTING VIEWS

Our nation's public lands provide opportunities for hunting, fishing, trapping, and other wildlife-dependent recreational activities which serve as economic engines for local economies. More than 75 percent of federal lands, whether managed by the Forest Service, Bureau of Land Management, National Park Service, or Fish and Wildlife Service, are open for fishing, hunting, and recreational shooting. Increasing opportunities for hunters, anglers, and other outdoor enthusiasts remains a top priority of Committee Democrats. However, this bill fails to provide those opportunities, and instead advances an anti-conservation agenda that is at odds with our principles and the tradition of bipartisan work on legislation designed to benefit American landscapes, wildlife, and the sporting community.

H.R. 2406 cobbles together seven separate legislative proposals along with six other titles, allegedly, to enhance access to federal lands for hunting, fishing and recreational shooting. While several of the proposals are non-controversial, the bill includes provisions that would undermine the Wilderness Act, the National Environmental Policy Act and other conservation laws. H.R. 2406 also continues the Republican crusade to drive the extinction of wildlife by adding language that would block the Administration's efforts under the Endangered Species Act to stop ivory trafficking and prevent the slaughter of African elephants. Finally, the bill includes several unrelated and harmful titles dealing with importation of polar bear trophies, hunting birds using bait, use of fire arms at Army Corps of Engineers facilities, and toxic substances contained in ammunition and fishing tackle.

H.R. 2406 is just as notable for the provisions it excludes. Many conservation priorities important to sportsmen are conspicuously missing from this bill, including reauthorization of the Land and Water Conservation Fund (LWCF), the North American Wetlands Conservation Act, the National Fish and Wildlife Foundation, and the Multinational Species Conservation Funds. Committee Democrats offered an amendment at markup that would have added these and other bipartisan measures to the bill, but Republicans defeated it on a party line vote. A separate Democratic amendment to permanently reauthorize LWCF a critical conservation program which expired on October 1st failed by a similar margin. Republicans' continued refusal to reauthorize LWCF means that \$2.5 million in offshore oil and gas royalty payments is being diverted away from land conservation every single day.

With their failure to include these reauthorizations and remove some of the extreme titles which undermine bedrock conservation laws, Committee Republicans have pushed through a controversial bill instead of working with Democrats to craft legislation that would benefit sportsmen and pass the House using expedited proce-

dures. In its current form, H.R. 2406 is just a giveaway to the gun lobby, not a serious sportsmen's package. We oppose H.R. 2406, and hope that Committee Republicans will reconsider their stance on several of the bill's provision and glaring omissions in advance of reporting it to the full House.

RAÚL GRIJALVA,  
*Ranking Member.*  
Committee on Natural Resources.

NIKI TSONGAS,  
*Ranking Member,*  
Subcommittee on Federal Lands.

JARED HUFFMAN,  
*Ranking Member,*  
Subcommittee on Water, Power and Oceans.

ALAN LOWENTHAL,  
*Member of Congress.*

GRACE NAPOLITANO,  
*Member of Congress.*

MATT CARTWRIGHT,  
*Member of Congress.*

DONALD S. BEYER, JR.  
*Member of Congress.*

○