

Calendar No. 143

113TH CONGRESS
1ST SESSION**S. 1335**

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

IN THE SENATE OF THE UNITED STATES

JULY 18, 2013

Ms. MURKOWSKI introduced the following bill; which was read twice and ordered placed on the calendar

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—RECREATIONAL SHOOTING

- Sec. 101. Recreational fishing, hunting, and recreational shooting on Federal public land.
- Sec. 102. Transporting bows through National Parks.
- Sec. 103. Firearms at water resources development projects.
- Sec. 104. Permits for importation of polar bear trophies taken in sport hunts in Canada.
- Sec. 105. Target practice and marksmanship training on Federal land.

TITLE II—DUCK STAMPS

- Sec. 201. Exemption for subsistence users.
- Sec. 202. Electronic duck stamps.

TITLE III—REAUTHORIZATIONS

- Sec. 301. Federal Land Transaction Facilitation Act.
- Sec. 302. North American Wetlands Conservation Act.

TITLE IV—MISCELLANEOUS

- Sec. 401. Modification of definition of sport fishing equipment under the Toxic Substances Control Act.
- Sec. 402. Annual permit and fee for film crews of 5 persons or fewer.

1 **TITLE I—RECREATIONAL**
 2 **SHOOTING**
 3 **SEC. 101. RECREATIONAL FISHING, HUNTING, AND REC-**
 4 **REATIONAL SHOOTING ON FEDERAL PUBLIC**
 5 **LAND.**

6 (a) DEFINITIONS.—In this section:

7 (1) FEDERAL PUBLIC LAND.—

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

- 10 (i) owned by the United States; and
- 11 (ii) managed by a Federal agency (in-
 12 cluding the Department of the Interior and
 13 the Forest Service) for purposes that in-
 14 clude the conservation of natural resources.

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

3 (i) land or water held or managed in
4 trust for the benefit of Indians or other
5 Native Americans;

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

10 (iii) fish hatcheries; or

11 (iv) conservation easements on private
12 land.

13 (2) HUNTING.—

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

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

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

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

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

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

5 (i) the lawful catching, taking, or har-
6 vesting of fish; or

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

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

12 (4) RECREATIONAL SHOOTING.—The term
13 “recreational shooting” means any form of sport,
14 training, competition, or pastime, whether formal or
15 informal, that involves the discharge of a rifle, hand-
16 gun, or shotgun, or the use of a bow and arrow.

17 (b) RECREATIONAL FISHING, HUNTING, AND REC-
18 REATIONAL SHOOTING.—

19 (1) IN GENERAL.—Subject to valid existing
20 rights, and in cooperation with the respective State
21 and fish and wildlife agency, a Federal public land
22 management official shall exercise the authority of
23 the official under existing law (including provisions
24 regarding land use planning) to facilitate use of and
25 access to Federal public land for recreational fish-

1 ing, hunting, and recreational shooting except as
2 limited by—

3 (A) any law that authorizes action or with-
4 holding action for reasons of national security,
5 public safety, or resource conservation;

6 (B) any other Federal law that precludes
7 recreational fishing, hunting, or recreational
8 shooting on specific Federal public land or
9 water or units of Federal public land; and

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

16 (2) MANAGEMENT.—Consistent with paragraph
17 (1), the head of each Federal public land manage-
18 ment agency shall exercise the land management dis-
19 cretion of the head—

20 (A) in a manner that supports and facili-
21 tates recreational fishing, hunting, and rec-
22 reational shooting opportunities;

23 (B) to the extent authorized under applica-
24 ble State law; and

1 (C) in accordance with applicable Federal
2 law.

3 (3) PLANNING.—

4 (A) EFFECTS OF PLANS AND ACTIVI-
5 TIES.—

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

18 (ii) OTHER ACTIVITY NOT CONSID-
19 ERED.—

20 (I) IN GENERAL.—Federal public
21 land management officials shall not be
22 required to consider the existence or
23 availability of recreational fishing,
24 hunting, or recreational shooting op-
25 portunities on private or public land

1 that is located adjacent to, or in the
2 vicinity of, Federal public land for
3 purposes of—

4 (aa) planning for or deter-
5 mining which units of Federal
6 public land are open for rec-
7 reational fishing, hunting, or rec-
8 reational shooting; or

9 (bb) setting the levels of use
10 for recreational fishing, hunting,
11 or recreational shooting on Fed-
12 eral public land.

13 (II) ENHANCED OPPORTUNI-
14 TIES.—Federal public land manage-
15 ment officials may consider the oppor-
16 tunities described in subclause (I) if
17 the combination of those opportunities
18 would enhance the recreational fish-
19 ing, hunting, or shooting opportunities
20 available to the public.

21 (B) USE OF VOLUNTEERS.—If hunting is
22 prohibited by law, all Federal public land plan-
23 ning documents described in subparagraph
24 (A)(i) of an agency shall, after appropriate co-
25 ordination with State fish and wildlife agencies,

1 allow the participation of skilled volunteers in
2 the culling and other management of wildlife
3 populations on Federal public land unless the
4 head of the agency demonstrates, based on the
5 best scientific data available or applicable Fed-
6 eral law, why skilled volunteers should not be
7 used to control overpopulation of wildlife on the
8 land that is the subject of the planning docu-
9 ment.

10 (4) BUREAU OF LAND MANAGEMENT AND FOR-
11 EST SERVICE LAND.—

12 (A) LAND OPEN.—

13 (i) IN GENERAL.—Land under the ju-
14 risdiction of the Bureau of Land Manage-
15 ment or the Forest Service (including a
16 component of the National Wilderness
17 Preservation System, land designated as a
18 wilderness study area or administratively
19 classified as wilderness eligible or suitable,
20 and primitive or semiprimitive areas, but
21 excluding land on the outer Continental
22 Shelf) shall be open to recreational fishing,
23 hunting, and recreational shooting unless
24 the managing Federal public land agency
25 acts to close the land to the activity.

1 (ii) **MOTORIZED ACCESS.**—Nothing in
2 this subparagraph authorizes or requires
3 motorized access or the use of motorized
4 vehicles for recreational fishing, hunting,
5 or recreational shooting purposes within
6 land designated as a wilderness study area
7 or administratively classified as wilderness
8 eligible or suitable.

9 (B) **CLOSURE OR RESTRICTION.**—Land de-
10 scribed in subparagraph (A)(i) may be subject
11 to closures or restrictions if determined by the
12 head of the agency to be necessary and reason-
13 able and supported by facts and evidence for
14 purposes including resource conservation, public
15 safety, energy or mineral production, energy
16 generation or transmission infrastructure, water
17 supply facilities, protection of other permittees,
18 protection of private property rights or inter-
19 ests, national security, or compliance with other
20 law, as determined appropriate by the Director
21 of the Bureau of Land Management or the
22 Chief of the Forest Service, as applicable.

23 (C) **SHOOTING RANGES.**—

24 (i) **IN GENERAL.**—Except as provided
25 in clause (iii), the head of each Federal

1 public land agency may use the authorities
2 of the head, in a manner consistent with
3 this section and other applicable law—

4 (I) to lease or permit use of land
5 under the jurisdiction of the head for
6 shooting ranges; and

7 (II) to designate specific land
8 under the jurisdiction of the head for
9 recreational shooting activities.

10 (ii) LIMITATION ON LIABILITY.—Any
11 designation under clause (i)(II) shall not
12 subject the United States to any civil ac-
13 tion or claim for monetary damages for in-
14 jury or loss of property or personal injury
15 or death caused by any recreational shoot-
16 ing activity occurring at or on the des-
17 ignated land.

18 (iii) EXCEPTION.—The head of each
19 Federal public land agency shall not lease
20 or permit use of Federal public land for
21 shooting ranges or designate land for rec-
22 reational shooting activities within includ-
23 ing a component of the National Wilder-
24 ness Preservation System, land designated
25 as a wilderness study area or administra-

1 tively classified as wilderness eligible or
2 suitable, and primitive or semiprimitive
3 areas.

4 (5) REPORT.—Not later than October 1 of
5 every other year, beginning with the second October
6 1 after the date of enactment of this Act, the head
7 of each Federal public land agency who has author-
8 ity to manage Federal public land on which rec-
9 reational fishing, hunting, or recreational shooting
10 occurs shall submit to the Committee on Natural
11 Resources of the House of Representatives and the
12 Committee on Energy and Natural Resources of the
13 Senate a report that describes—

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

18 (B) the reason for the closure.

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

21 (A) IN GENERAL.—Other than closures es-
22 tablished or prescribed by land planning actions
23 referred to in paragraph (4)(B) or emergency
24 closures described in subparagraph (C), a per-
25 manent or temporary withdrawal, change of

1 classification, or change of management status
2 of Federal public land or water that effectively
3 closes or significantly restricts 1,280 or more
4 contiguous acres of Federal public land or
5 water to access or use for recreational fishing
6 or hunting or activities relating to fishing or
7 hunting shall take effect only if, before the date
8 of withdrawal or change, the head of the Fed-
9 eral public land agency that has jurisdiction
10 over the Federal public land or water—

11 (i) publishes appropriate notice of the
12 withdrawal or change, respectively;

13 (ii) demonstrates that coordination
14 has occurred with a State fish and wildlife
15 agency; and

16 (iii) submits to the Committee on
17 Natural Resources of the House of Rep-
18 resentatives and the Committee on Energy
19 and Natural Resources of the Senate writ-
20 ten notice of the withdrawal or change, re-
21 spectively.

22 (B) AGGREGATE OR CUMULATIVE EF-
23 FECTS.—If the aggregate or cumulative effect
24 of separate withdrawals or changes effectively
25 closes or significantly restricts or affects 1,280

1 or more acres of land or water, the withdrawals
2 and changes shall be treated as a single with-
3 drawal or change for purposes of subparagraph
4 (A).

5 (C) EMERGENCY CLOSURES.—

6 (i) IN GENERAL.—Nothing in this sec-
7 tion prohibits a Federal public land man-
8 agement agency from establishing or im-
9 plementing emergency closures or restric-
10 tions of the smallest practicable area of
11 Federal public land to provide for public
12 safety, resource conservation, national se-
13 curity, or other purposes authorized by
14 law.

15 (ii) TERMINATION.—An emergency
16 closure under clause (i) shall terminate
17 after a reasonable period of time unless the
18 temporary closure is converted to a perma-
19 nent closure consistent with this section.

20 (7) NO PRIORITY.—Nothing in this section re-
21 quires a Federal agency to give preference to rec-
22 reational fishing, hunting, or recreational shooting
23 over other uses of Federal public land or over land
24 or water management priorities established by other
25 Federal law.

1 (8) CONSULTATION WITH COUNCILS.—In car-
2 rying out this section, the heads of Federal public
3 land agencies shall consult with the appropriate ad-
4 visory councils established under Executive Order
5 12962 (16 U.S.C. 1801 note; relating to recreational
6 fisheries) and Executive Order 13443 (16 U.S.C.
7 661 note; relating to facilitation of hunting heritage
8 and wildlife conservation).

9 (9) AUTHORITY OF STATES.—

10 (A) IN GENERAL.—Nothing in this section
11 interferes with, diminishes, or conflicts with the
12 authority, jurisdiction, or responsibility of any
13 State to manage, control, or regulate fish and
14 wildlife under State law (including regulations)
15 on land or water within the State, including on
16 Federal public land.

17 (B) FEDERAL LICENSES.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii), nothing in this subsection
20 authorizes the head of a Federal public
21 land agency head to require a license, fee,
22 or permit to fish, hunt, or trap on land or
23 water in a State, including on Federal pub-
24 lic land in the State.

1 (ii) MIGRATORY BIRD STAMPS.—Noth-
2 ing in this subparagraph affects any mi-
3 gratory bird stamp requirement of the Mi-
4 gratory Bird Hunting and Conservation
5 Stamp Act (16 U.S.C. 718a et seq.).

6 **SEC. 102. TRANSPORTING BOWS THROUGH NATIONAL**
7 **PARKS.**

8 (a) FINDINGS.—Congress finds that—

9 (1) bowhunters are known worldwide as among
10 the most skilled, ethical, and conservation-minded of
11 all hunters;

12 (2) bowhunting organizations at the Federal,
13 State, and local level contribute significant financial
14 and human resources to wildlife conservation and
15 youth education programs throughout the United
16 States; and

17 (3) bowhunting contributes \$38,000,000,000
18 each year to the economy of the United States.

19 (b) POSSESSION OF BOWS IN UNITS OF NATIONAL
20 PARK SYSTEM.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the Secretary of the Interior shall permit individuals
23 carrying bows and crossbows to traverse units of the
24 National Park System if the traverse is—

1 (A) for the sole purpose of hunting on ad-
2 jacent public or private land; and

3 (B) the most direct means of access to the
4 adjacent land.

5 (2) USE.—Nothing in this section authorizes
6 the use of the bows or crossbows that are being car-
7 ried while at units of the National Park System.

8 **SEC. 103. FIREARMS AT WATER RESOURCES DEVELOPMENT**
9 **PROJECTS.**

10 (a) FINDINGS.—Congress finds that—

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

14 (2) section 327.13 of title 36, Code of Federal
15 Regulations (as in effect on the date of enactment
16 of this Act), provides that, except in special cir-
17 cumstances, “possession of loaded firearms, ammu-
18 nition, loaded projectile firing devices, bows and ar-
19 rows, crossbows, or other weapons is prohibited” at
20 water resources development projects administered
21 by the Secretary of the Army;

22 (3) the regulations described in paragraph (2)
23 prevent individuals complying with Federal and
24 State laws from exercising the Second Amendment

1 rights of the individuals while at such water re-
2 sources development projects; and

3 (4) the Federal laws should make it clear that
4 the Second Amendment rights of an individual at a
5 water resources development project should not be
6 infringed.

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

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

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

1 **SEC. 104. PERMITS FOR IMPORTATION OF POLAR BEAR**
2 **TROPHIES TAKEN IN SPORT HUNTS IN CAN-**
3 **ADA.**

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

7 “(D) POLAR BEAR PARTS.—

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

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

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

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

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

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

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

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

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

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

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

12 **SEC. 105. TARGET PRACTICE AND MARKSMANSHIP TRAIN-**
13 **ING ON FEDERAL LAND.**

14 (a) FINDINGS; PURPOSE.—

15 (1) FINDINGS.—Congress finds that—

16 (A) the use of firearms and archery equip-
17 ment for target practice and marksmanship
18 training activities on Federal land is allowed,
19 except to the extent specific portions of that
20 land have been closed to those activities;

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

1 (C) the availability of public target ranges
2 on non-Federal land has been declining for a
3 variety of reasons, including continued popu-
4 lation growth and development near former
5 ranges;

6 (D) providing opportunities for target
7 practice and marksmanship training at public
8 target ranges on Federal and non-Federal land
9 can help—

10 (i) to promote enjoyment of shooting,
11 recreational, and hunting activities; and

12 (ii) to ensure safe and convenient lo-
13 cations for those activities;

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

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

1 (2) PURPOSE.—The purpose of this section is
2 to facilitate the construction and expansion of public
3 target ranges, including ranges on Federal land
4 managed by the Forest Service and the Bureau of
5 Land Management.

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

9 (1) is identified by a governmental agency for
10 recreational shooting;

11 (2) is open to the public;

12 (3) may be supervised; and

13 (4) may accommodate archery or rifle, pistol, or
14 shotgun shooting.

15 (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-
16 LIFE RESTORATION ACT.—

17 (1) DEFINITIONS.—Section 2 of the Pittman-
18 Robertson Wildlife Restoration Act (16 U.S.C.
19 669a) is amended—

20 (A) by redesignating paragraphs (2)
21 through (8) as paragraphs (3) through (9), re-
22 spectively; and

23 (B) by inserting after paragraph (1) the
24 following:

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

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

5 “(B) is open to the public;

6 “(C) may be supervised; and

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

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

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

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

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

19 (B) in paragraph (1) (as so designated), by
20 striking “construction, operation,” and insert-
21 ing “operation”;

22 (C) in the second sentence, by striking
23 “The non-Federal share” and inserting the fol-
24 lowing:

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

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

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

6 (E) by inserting after paragraph (1) (as
7 designated by subparagraph (A)) the following:

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

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

16 (A) in subsection (a), by adding at the end
17 the following:

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

1 (B) by striking subsection (b) and insert-
2 ing the following:

3 “(b) COST SHARING.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the cost of any activ-
6 ity carried out using a grant under this section shall
7 not exceed 75 percent of the total cost of the activ-
8 ity.

9 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
10 EXPANSION.—The Federal share of the cost of ac-
11 quiring land for, expanding, or constructing a public
12 target range in a State on Federal or non-Federal
13 land pursuant to this section or section 8(b) shall
14 not exceed 90 percent of the cost of the activity.”;
15 and

16 (C) in subsection (c)(1)—

17 (i) by striking “Amounts made” and
18 inserting the following:

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

21 (ii) by adding at the end the fol-
22 lowing:

23 “(B) EXCEPTION.—Amounts provided for
24 acquiring land for, constructing, or expanding a
25 public target range shall remain available for

1 expenditure and obligation during the 5-fiscal-
2 year period beginning on October 1 of the first
3 fiscal year for which the amounts are made
4 available.”.

5 (d) LIMITS ON LIABILITY.—

6 (1) DISCRETIONARY FUNCTION.—For purposes
7 of chapter 171 of title 28, United States Code (com-
8 monly known as the “Federal Tort Claims Act”),
9 any action by an agent or employee of the United
10 States to manage or allow the use of Federal land
11 for purposes of target practice or marksmanship
12 training by a member of the public shall be consid-
13 ered to be the exercise or performance of a discre-
14 tionary function.

15 (2) CIVIL ACTION OR CLAIMS.—Except to the
16 extent provided in chapter 171 of title 28, United
17 States Code (commonly known as the “Federal Tort
18 Claims Act”), the United States shall not be subject
19 to any civil action or claim for money damages for
20 any injury to or loss of property, personal injury, or
21 death caused by an activity occurring at a public
22 target range that is—

23 (A) funded in whole or in part by the Fed-
24 eral Government pursuant to the Pittman-Rob-

1 ertson Wildlife Restoration Act (16 U.S.C. 669
2 et seq.); or

3 (B) located on Federal land.

4 (e) SENSE OF CONGRESS REGARDING COOPERA-
5 TION.—It is the sense of Congress that, consistent with
6 applicable laws (including regulations), the Chief of the
7 Forest Service and the Director of the Bureau of Land
8 Management should cooperate with State and local au-
9 thorities and other entities to carry out waste removal and
10 other activities on any Federal land used as a public target
11 range to encourage continued use of that land for target
12 practice or marksmanship training.

13 **TITLE II—DUCK STAMPS**

14 **SEC. 201. EXEMPTION FOR SUBSISTENCE USERS.**

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

21 **SEC. 202. ELECTRONIC DUCK STAMPS.**

22 (a) DEFINITIONS.—In this section:

23 (1) ACTUAL STAMP.—The term “actual stamp”
24 means a Federal migratory-bird hunting and con-
25 servation stamp required under the Act of March

1 16, 1934 (16 U.S.C. 718a et seq.) (popularly known
2 as the “Duck Stamp Act”), that is printed on paper
3 and sold through the means established by the au-
4 thority of the Secretary immediately before the date
5 of enactment of this Act.

6 (2) AUTOMATED LICENSING SYSTEM.—

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

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

17 (3) ELECTRONIC STAMP.—The term “electronic
18 stamp” means an electronic version of an actual
19 stamp that—

20 (A) is a unique identifier for the individual
21 to whom it is issued;

22 (B) can be printed on paper or produced
23 through an electronic application with the same
24 indicators as the State endorsement provides;

1 (C) is issued through a State automated li-
2 censing system that is authorized, under State
3 law and by the Secretary under this section, to
4 issue electronic stamps;

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

8 (E) is described in the State application
9 approved by the Secretary under subsection
10 (c)(3).

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (b) AUTHORITY TO ISSUE ELECTRONIC DUCK
14 STAMPS.—

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

18 (2) CONSULTATION.—The Secretary shall im-
19 plement this section in consultation with State man-
20 agement agencies.

21 (c) STATE APPLICATION.—

22 (1) APPROVAL OF APPLICATION REQUIRED.—
23 The Secretary may not authorize a State to issue
24 electronic stamps under this section unless the Sec-

1 retary has received and approved an application sub-
2 mitted by the State in accordance with this section.

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

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

9 (A) a description of the format of the elec-
10 tronic stamp that the State will issue under this
11 section, including identifying features of the li-
12 censee that will be specified on the stamp;

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

15 (C) a description of the process the State
16 will use to account for and transfer to the Sec-
17 retary the amounts collected by the State that
18 are required to be transferred to the Secretary
19 under the program;

20 (D) the manner by which the State will
21 transmit electronic stamp customer data to the
22 Secretary;

23 (E) the manner by which actual stamps
24 will be delivered;

1 (F) the policies and procedures under
2 which the State will issue duplicate electronic
3 stamps; and

4 (G) such other policies, procedures, and in-
5 formation as may be reasonably required by the
6 Secretary.

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

12 (A) deadlines for submission of applica-
13 tions;

14 (B) eligibility requirements for submitting
15 applications; and

16 (C) criteria for approving applications.

17 (d) STATE OBLIGATIONS AND AUTHORITIES.—

18 (1) DELIVERY OF ACTUAL STAMP.—The Sec-
19 retary shall require that each individual to whom a
20 State sells an electronic stamp under this section
21 shall receive an actual stamp—

22 (A) by not later than the date on which
23 the electronic stamp expires under subsection
24 (e)(3); and

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

3 (2) COLLECTION AND TRANSFER OF ELEC-
4 TRONIC STAMP REVENUE AND CUSTOMER INFORMA-
5 TION.—

6 (A) REQUIREMENT TO TRANSMIT.—The
7 Secretary shall require each State authorized to
8 issue electronic stamps to collect and submit to
9 the Secretary in accordance with this sub-
10 section—

11 (i) the first name, last name, and
12 complete mailing address of each individual
13 that purchases an electronic stamp from
14 the State;

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

17 (iii) the amount of the Federal por-
18 tion of any fee required by the agreement
19 for each stamp sold.

20 (B) TIME OF TRANSMITTAL.—The Sec-
21 retary shall require the submission under sub-
22 paragraph (A) to be made with respect to sales
23 of electronic stamps by a State according to the
24 written agreement between the Secretary and
25 the State agency.

1 (C) ADDITIONAL FEES NOT AFFECTED.—

2 This section shall not apply to the State portion
3 of any fee collected by a State under paragraph
4 (3).

5 (3) ELECTRONIC STAMP ISSUANCE FEE.—A
6 State authorized to issue electronic stamps may
7 charge a reasonable fee to cover costs incurred by
8 the State and the Department of the Interior in
9 issuing electronic stamps under this section, includ-
10 ing costs of delivery of actual stamps.

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

15 (5) LIMITATION ON AUTHORITY TO REQUIRE
16 PURCHASE OF STATE LICENSE.—A State may not
17 require that an individual purchase a State hunting
18 license as a condition of issuing an electronic stamp
19 under this section.

20 (e) ELECTRONIC STAMP REQUIREMENTS; RECOGNI-
21 TION OF ELECTRONIC STAMP.—

22 (1) STAMP REQUIREMENTS.—The Secretary
23 shall require an electronic stamp issued by a State
24 under this section—

1 (A) to have the same format as any other
2 license, validation, or privilege the State issues
3 under the automated licensing system of the
4 State; and

5 (B) to specify identifying features of the li-
6 censee that are adequate to enable Federal,
7 State, and other law enforcement officers to
8 identify the holder.

9 (2) RECOGNITION OF ELECTRONIC STAMP.—
10 Any electronic stamp issued by a State under this
11 section shall, during the effective period of the elec-
12 tronic stamp—

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

15 (B) be recognized nationally as a valid
16 Federal migratory bird hunting and conserva-
17 tion stamp; and

18 (C) authorize the licensee to hunt migra-
19 tory waterfowl in any other State, in accordance
20 with the laws of the other State governing that
21 hunting.

22 (3) DURATION.—An electronic stamp issued by
23 a State shall be valid for a period agreed to by the
24 State and the Secretary, which shall not exceed 45
25 days.

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

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

5 (A) finds that the State has violated any of
6 the terms of the application of the State ap-
7 proved by the Secretary under subsection (c);
8 and

9 (B) provides to the State written notice of
10 the termination by not later than the date that
11 is 30 days before the date of termination; or

12 (2) by the State, by providing written notice to
13 the Secretary by not later than the date that is 30
14 days before the termination date.

15 **TITLE III—REAUTHORIZATIONS**

16 **SEC. 301. FEDERAL LAND TRANSACTION FACILITATION** 17 **ACT.**

18 The Federal Land Transaction Facilitation Act is
19 amended—

20 (1) in section 202(5) (43 U.S.C. 2301(5))—

21 (A) in subparagraph (B), by striking
22 “and” after the semicolon at the end;

23 (B) in subparagraph (C), by inserting
24 “and” after the semicolon at the end; and

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

1 “(D) provide an opportunity to reduce the
2 Federal budget deficit;”;

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

6 (3) in section 205 (43 U.S.C. 2304)—

7 (A) in subsection (a), by striking “ap-
8 proved land use plans (as in effect on the date
9 of enactment of this Act)” and inserting “the
10 most recent approved land use plans”; and

11 (B) in subsection (d), by striking “11
12 years after the date of enactment of this Act”
13 and inserting “15 years after the date of enact-
14 ment of the Sportsmen’s Act”;

15 (4) in section 206 (43 U.S.C. 2305)—

16 (A) in subsection (a)—

17 (i) by striking “the gross proceeds of
18 the sale or exchange of public land under
19 this Act” and inserting “30 percent of the
20 gross proceeds of the sale or exchange of
21 public land under this title”; and

22 (ii) by inserting before the period at
23 the end the following: “and the balance of
24 the gross proceeds shall be deposited in the
25 general fund of the United States Treasury

1 and used for Federal budget deficit reduc-
2 tion”; and

3 (B) by striking subsection (f); and

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

5 (A) in paragraph (1)—

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

8 (ii) by striking “; or” and inserting a
9 semicolon;

10 (B) in paragraph (2)—

11 (i) by inserting “Public Law 105–
12 263;” before “112 Stat.”; and

13 (ii) by striking the period at the end
14 and inserting a semicolon; and

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

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

19 “(4) the Lincoln County Conservation, Recre-
20 ation, and Development Act of 2004 (Public Law
21 108–424; 118 Stat. 2403);

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

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

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

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

10 **SEC. 302. NORTH AMERICAN WETLANDS CONSERVATION**
11 **ACT.**

12 Section 7(c)(5) of the North American Wetlands Con-
13 servation Act (16 U.S.C. 4406(c)(5)) is amended by strik-
14 ing “2012” and inserting “2017”.

15 **TITLE IV—MISCELLANEOUS**

16 **SEC. 401. MODIFICATION OF DEFINITION OF SPORT FISH-**
17 **ING EQUIPMENT UNDER THE TOXIC SUB-**
18 **STANCES CONTROL ACT.**

19 Section 3(2)(B) of the Toxic Substances Control Act
20 (15 U.S.C. 2602(2)(B)) is amended—

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

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

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

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

12 **SEC. 402. ANNUAL PERMIT AND FEE FOR FILM CREWS OF**
13 **5 PERSONS OR FEWER.**

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

18 (b) IN GENERAL.—Section 1(a) of Public Law 106–
19 206 (16 U.S.C. 460l–6d(a)) is amended—

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

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

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

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

5 “(2) CRITERIA.—The fee established under
6 paragraph (1)”;

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

9 “(3) OTHER CONSIDERATIONS.—The Secretary
10 may”; and

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

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

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

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

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

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

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

21 “(F) NOTIFICATION REQUIRED.—A film
22 crew of 5 persons or fewer subject to a permit
23 issued under this paragraph shall notify the ap-
24 plicable land management agency with jurisdic-

1 tion over the Federal land at least 48 hours be-
2 fore entering the Federal land.

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

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

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

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

14 “(iv) the filming includes the use of
15 models or props that are not part of the
16 natural or cultural resources or adminis-
17 trative facilities of the Federal land.”.

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

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

23 (2) by striking “similar project” and inserting
24 “similar projects”.

Calendar No. 143

113TH CONGRESS
1ST Session

S. 1335

A BILL

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

JULY 18, 2013

Read twice and ordered placed on the calendar