

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

October 5, 2015

To: All Natural Resources Committee Members

From: Majority Committee Staff – Spencer Kimball x 6-7736
Subcommittee Federal Lands

Markup: Markup on H.R. 2406 (Rep. Rob Wittman), To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.
October 7 and 8, 2015

H.R. 2406, *Sportsmen's Heritage and Recreational Enhancement (SHARE) Act of 2015*

Bill Summary

H.R. 2406, the *Sportsmen's Heritage and Recreational Enhancement Act of 2015 (SHARE Act)*, introduced earlier this year by Rep. Robert Wittman (R-VA) is comprised of thirteen provisions that will increase opportunities for hunters, anglers, and recreational shooters; eliminate regulatory impediments and safeguard against new regulations that will impede outdoor sporting activities; and protect Second Amendment rights.

Similar packages were passed with bipartisan support in both the 112th and 113th Congresses. H.R. 3590, which was introduced in the 113th Congress by Rep. Robert Latta (R-OH) and included many of the same or similar provisions as the *SHARE Act*, passed the House on February 5, 2014 with a bipartisan vote of 268-154, but was not taken up in the Senate.

Co-Sponsors

Rep. Babin (R-TX-36), Rep. Benishek (R-MI-1), Rep. Carter (R-TX-31), Rep. Cole (R-OK-4), Rep. Collins (R-NY-27), Rep. DesJarlais (R-TN-4), Rep. Duncan (R-SC-3), Rep. Emmer (R-MN-6), Rep. Farenthold (R-TX-27), Rep. Gosar (R-AZ-4), Rep. Green (D-TX-29), Rep. Hice (R-GA-10), Rep. Huelskamp (R-KS-1), Rep. Huizenga (R-MI-2), Rep. Kline (R-MN-2), Rep. Latta (R-OH-5), Rep. Luetkemeyer (R-MO-3), Rep. McClintock (R-CA-4), Rep. Messer (R-IN-6), Rep. Miller (R-MI-10), Rep. Nugent (R-FL-11), Rep. Peterson (D-MN-7), Rep. Rigell (R-VA-2), Rep. Roe (R-TN-1), Rep. Mike Rogers (R-AL-3), Rep. Sessions (R-TX-32), Rep. Tipton (R-CO-3), Rep. Walberg (R-MI-7), Rep. Walz (D-MN-1), Rep. Westmoreland (R-GA-3).

Background

The *SHARE Act* aims to ensure that future generations will have ample access to federal lands to hunt, fish, and shoot. Reliable access not only sustains our nation's rich outdoor sporting tradition heritage, it significantly benefits the men and women that make up the industries that

support it. The bill also protects Second Amendment rights and the use of traditional ammunition and fishing tackle, prevents the implementation of onerous constraints on lawfully possessed ivory products, and eliminates red tape associated with the importation of hunting trophies.

Outdoor sporting activities, including hunting, fishing and recreational shooting, are deeply engrained in the fabric of America's culture and heritage. Values instilled by partaking in these activities are passed down from generation to generation. Hunting, fishing, and shooting are now growing in popularity. In 2011, over 37 million people over the age of 16 hunted or fished in the U.S.¹ Outdoor sporting activities are also a major economic driver, contributing over \$90 billion to the U.S. economy in 2011.²

Much of this activity occurs on America's federal lands. Unfortunately, federal agencies like the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) 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.

Major Provisions of H.R. 2406

Section 3 requires the Secretary of the Interior to submit **a report to Congress that assesses expected economic impacts from the Act within one year of passage**. This report must include a review of any expected increases in recreational hunting, fishing, recreational shooting, and conservation activities and an estimate of any jobs created to support these activities including estimated wages and federal revenue related to those jobs.

TITLE I--HUNTING, FISHING AND RECREATIONAL SHOOTING PROTECTION ACT

- Makes permanent the existing exemption from Environmental Protection Agency regulation under the Toxic Substances Control Act (TSCA) for lead ammunition, and adds lead sport fishing equipment to the list of exempted products under TSCA.
- Prevents the Departments of the Interior and Agriculture from regulating the use of ammunition and related components and fishing tackle based on lead content. This limitation does not apply to the U.S. Fish and Wildlife Service and the National Park Service, the existing prohibition of lead used in waterfowl hunting, and if such use is in compliance with State law.

TITLE II--TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

- Encourages federal land management agencies to cooperate with state and local governments to maintain recreational shooting ranges
- Extends and increases states' authority to allocate Pittman-Robertson Act funding for recreational shooting ranges on federal lands.

¹ [*America's Sporting Heritage: Fueling the American Economy*](#). Congressional Sportsmen's Foundation. 2013.

² *Id.*

- Enables states to allocate a greater proportion of federal funding to create and maintain recreational shooting ranges on federal and non-federal lands.
- Shields the United States from any civil action or claim for money damages caused by an activity occurring at a public target range that is funded by the federal government, except to the extent provided under the Federal Tort Claims Act.
- Urges the Chief of the USFS and the Director of the BLM to cooperate with state and local authorities and other entities to implement waste removal and other practices on federal lands used as a public target range to encourage continued use.

TITLE III--POLAR BEAR CONSERVATION AND FAIRNESS ACT

- Amends the Marine Mammal Protection Act of 1972 to enable the Secretary of the Interior to authorize import permits of 41 Polar Bears legally harvested from approved populations in Canada before the polar bear was listed as threatened under the Endangered Species Act (ESA) in 2008.
- This provision applies to any person who submits proof that the polar bear was legally harvested by the person before February 18, 1997 or has 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 federal regulations.

TITLE IV--RECREATIONAL LANDS SELF-DEFENSE ACT

- Authorizes the lawful possession of firearms pursuant to state law on lands managed by the Army Corps of Engineers as part of a water resource development project, so long as the individual is not otherwise prohibited by law from possessing the firearm and 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 COMMITTEE

- Amends the Fish and Wildlife Coordination Act to establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and of Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.
- Stipulates the membership of the council, including discretionary and ex officio members, terms of members and Chairperson, pay for services and reimbursement for travel and lodging, frequency and nature of meetings, and provides for the establishment of subgroups.
- Eliminates the existing Wildlife and Hunting Heritage Conservation Council.
- Requires the submission of an annual report to the Secretaries, certain Congressional Committees that describes the activities during the preceding year.
- Exempts the Advisory Committee from the Federal Advisory Committee Act.

TITLE VI--RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

- Requires BLM and USFS lands to be open for recreational hunting fishing and shooting unless specifically closed.
- BLM and USFS retain authority to implement closures or restrictions on such land for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, national security, protection of private property rights, or compliance with other law. National parks and wildlife refuges will remain exempt from this provision.
- Revises the U.S. Fish & Wildlife Service (FWS) Strategic Growth Policy to require the consideration of priority public uses such as hunting and recreational fishing when adding new lands to National Wildlife Refuge System.
- Provides for the use of volunteers from the hunting community to cull excess animals on Bureau of Land Management (BLM), U.S. Forest Service (USFS), FWS, and National Park Service (NPS) lands.
- Requires federal agencies to reports to Congress any closures of federal lands to hunting, fishing, or recreational shooting.

TITLE VII--FARMER AND HUNTER PROTECTION ACT

- Authorizes U.S. Department of Agriculture (USDA) state extension offices to determine “normal agricultural practices” in order to help remedy situations in which the FWS has interpreted the Migratory Bird Treaty Act to include hunting of migratory birds on rolled rice fields as illegal baiting.
- Aims to set criteria of what constitutes “normal agricultural practices” by having the FWS refer to local USDA extension offices for the determination.

TITLE VIII--TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

- Authorizes bows and crossbows to be lawfully transported on NPS units, as long as they are not ready for immediate use and remain inside the vehicle during the time they are transported.
- Allows NPS to establish hunter access corridors with system units, in consultation with states, and retain authority to close corridors for reasons of public safety, administration, or compliance with applicable law.

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

- Reauthorizes FLTFA, which enables the BLM to sell federal land for ranching, community development, and other projects. The revenue allows federal agencies to acquire high-priority inholdings from willing sellers.

- Requires funds from the federal portion of the program to be used for acquisition of lands that will address deferred maintenance activities and enhance hunting, fishing, and recreational access.

TITLE X--AFRICAN ELEPHANT CONSERVATION AND LEGAL IVORY POSSESSION ACT

- Reauthorizes the African Elephant Conservation Act (AECA) through fiscal year 2019.
- Authorizes ivory to be imported or exported under the AECA and the ESA if the raw ivory or worked ivory is solely for a museum; it was lawfully importable into the United States on February 24, 2014, regardless of when it was acquired; or the worked ivory was previously lawfully possessed in the United States.
- Authorizes the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory that has been lawfully imported or crafted in the United States and the importation of a sport-hunted African elephant trophy if the country in which the elephant was taken had elephants that are listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the time the trophy was taken.

TITLE XI--RESPECT FOR TREATIES AND RIGHTS

- Prevents the bill from modifying of treaties and rights of federally recognized Indian tribes.

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

- Extends the date after which interest earned on obligations held in the wildlife restoration fund, which was established by the Pittman-Robertson Wildlife Restoration Act, may be available for apportionment through 2026.

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

- Directs the Departments of the Interior and Agriculture to issue permits and assess a \$200 fee on an annual-basis for commercial filming on federal lands and waterways for crews of five people or fewer
- Allows the Secretaries to deny access for commercial filming for crews of five or less in certain scenarios.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Support for the Legislation

The following organizations support H.R. 2406:

American Sportfishing Association, Archery Trade Association, Association of Fish and Wildlife Agencies, B.A.S.S., Bear Trust International, Berkley Conservation Institute, Boone and Crockett Club, Camp Fire Club of America, Catch-A-Dream Foundation, Center for Coastal Conservation, Coastal Conservation Association, Congressional Sportsmen's Foundation, Conservation Force, Council to Advance Hunting and the Shooting Sports, Dallas Safari Club, Delta Waterfowl Foundation, Ducks Unlimited, Houston Safari Club, International Game Fish Association, Izaak Walton League of America, Masters of Foxhounds Association, Mule Deer Foundation, National Marine Manufacturers Association, National Rifle Association, National Shooting Sports Foundation, National Trappers Association, National Wild Turkey Federation, North American Bear Foundation, Orion – The Hunter's Institute, Pheasants Forever, Pope and Young Club, Quail Forever, Quality Deer Management Association, Rocky Mountain Elk Foundation, Ruffed Grouse Society, Safari Club International, Shikar Safari Club International, Shimano American Corporation, Sportsmen's Alliance, Texas Wildlife Association, Theodore Roosevelt Conservation Partnership, Tread Lightly!, Trout Unlimited, Wild Sheep Foundation, Wildlife Forever, Wildlife Management Institute, Wildlife Mississippi.

Administration Position

Neither USFS nor the Department of Interior have taken a formal position on H.R. 2406. At a legislative hearing in May to address a discussion draft of the bill, USFS and BLM expressed general support for many of the goals of the bill, but also expressed a number of serious concerns with the language as written.

Anticipated Amendments

Rep. Rob Wittman (R-VA-01) will offer an Amendment in the Nature of a Substitute (ANS) that updates language in Title IX so that federal agencies have the option to use funds in the federal land disposal account for deferred maintenance activities, in addition to the purchase of land. It also allows federal agencies to use funds in that account to acquire lands that may help address deferred maintenance activities or deferred costs.

The ANS also amends Title VIII, including refining definitions of terms, changing the title, clarifying language regarding the transportation of bows through the National Park System, and clarifying and expanding language regarding the authority of NPS to establish hunter access corridors through National Park System units that are used to access adjacent federal land that is open to hunting.

Effect on Current Law

H.R. 2406 affects current law in the following ways:

TITLE I--HUNTING, FISHING AND RECREATIONAL SHOOTING PROTECTION ACT

- Amends Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) to add any lead components including shot, bullets and other projectiles, propellants, and primers and sport fishing equipment to exempted products under TSCA.

TITLE II--TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

- Amends Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) to allocate additional resources from the fund for recreational shooting ranges on federal lands and so states to allocate a greater proportion of federal funding to create and maintain recreational shooting ranges on federal and non-federal lands.

TITLE III--POLAR BEAR CONSERVATION AND FAIRNESS ACT

- Amends Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) to enable the Secretary of the Interior to authorize import permits of 41 Polar Bears legally harvested from approved populations in Canada before the polar bear was listed as threatened under the ESA in 2008, with limitations.

TITLE V--WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE

- Amends the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to abolish the Wildlife and Hunting Heritage Conservation Council and establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee, and add details about the Advisory Committee.

TITLE VI--RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

- Amends Section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)) so that FWS must consider priority public uses such as hunting and recreational fishing when adding new lands to National Wildlife Refuge System.

TITLE VII--FARMER AND HUNTER PROTECTION ACT

- Amends Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) to authorize U.S. Department of Agriculture (USDA) state extension offices to determine “normal agricultural practices” and sets criteria of what constitutes “normal agricultural practices” by having the FWS refer to local USDA extension offices for the determination.

***TITLE IX--FEDERAL LAND TRANSACTION FACILITATION ACT
REAUTHORIZATION (FLTFA)***

- Reauthorizes and amends the Federal Land Transaction Facilitation Act (43 U.S.C. 2302) so that funds from the federal portion of the program may be used for acquisition of lands that will address deferred maintenance activities and enhance of hunting, fishing, and recreational access.

TITLE X--AFRICAN ELEPHANT CONSERVATION AND LEGAL IVORY POSSESSION ACT

- Reauthorizes the African Elephant Conservation Act (16 U.S.C. 4201 et seq.) through fiscal year 2019.
- Amends the African Elephant Conservation Act (16 U.S.C. 4201 et seq.) to authorize ivory to be imported or exported under the AECA and the ESA if the raw ivory or worked ivory is solely for a museum; it was lawfully importable into the United States on February 24, 2014, regardless of when it was acquired; or the worked ivory was previously lawfully possessed in the United States.
- Amends the African Elephant Conservation Act (16 U.S.C. 4201 et seq.) to authorize the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory that has been lawfully imported or crafted in the United States and the importation of a sport-hunted African elephant trophy if the country in which the elephant was taken had elephants that are listed on Appendix II of CITES at the time the trophy was taken.

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

- Amends Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C)) so that the interest on obligations held in the fund shall become available for apportionment at the beginning of fiscal year 2026.

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

- Amends Section 100905 of title 54, U.S.C., to direct the Departments of the Interior and Agriculture to issue permits and assess a \$200 fee on an annual-basis for commercial filming on federal lands and waterways for crews of five people or fewer and allows the Secretaries to deny access for commercial filming for crews of five or less in certain scenarios.

EXISTING LAW AMENDMENTS

Disclaimer: This document is intended for drafting purposes only by House Office of the Legislative Counsel’s attorneys. The following text reflects amendments made to existing law which have not been reviewed.

Brackets surrounding text indicate text being struck and new matter is shown in italic type face. Also, some laws amended may not be shown here because the amended statute is not maintained by HOLC staff; in those cases, any new levels added by the bill will appear under the heading of the amended Act.

TOXIC SUBSTANCES CONTROL ACT

TITLE I—CONTROL OF TOXIC SUBSTANCES

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SEC. 3. DEFINITIONS.

As used in this Act:

(1) * * *

(2)(A) * * *

(B) Such term does not include—

(i) * * *

* * * * *

(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).

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PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

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SEC. 2. DEFINITIONS.

As used in this Act—

(1) * * *

* * * * *

(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 es-

tates 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) * * *

(b)(1) * * *

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

(A) * * *

* * * * *

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

* * * * *

SEC. 8. (a) * * *

[(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, and maintenance of public target ranges, as a part of such program. [The non-Federal share]*

(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.*

(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.*

* * * * *

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

(a) *IN GENERAL.*—

(1) * * *

* * * * *

(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.*

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MARINE MAMMAL PROTECTION ACT OF 1972

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TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

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PERMITS

SEC. 104. (a) * * *

* * * * *

(c)(1) * * *

* * * * *

(5)(A) * * *

* * * * *

【(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.

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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 di-

rects 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.).

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

* * * * *

SEC. 4. (a)(1) * * *

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

* * * * *
(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;*

(C) 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

* * * * *

MIGRATORY BIRD TREATY ACT

* * * * *
SEC. 3. (a) * * *

[(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 (fam-i-ly Rallidae), a standing, un-har-vest-ed 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 54, UNITED STATES CODE

FEDERAL LAND TRANSACTION FACILITATION ACT

* * * * *

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) * * *

* * * * *

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).

* * * * *

(d) **TERMINATION OF AUTHORITY.**—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) * * *

* * * * *

(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 operations and maintenance costs or other deferred costs.*

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

[(2) (C) **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.]

* * * * *

(C) **ADMINISTRATIVE AND OTHER EXPENSES.**—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other ex-

penses necessary to carry out the land disposal program under section 205.

* * * * *

(F) Any funds made available under subparagraph (E) 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) * * *

(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.*

* * * * *

(f) TERMINATION.—On termination of activities under section 205—

(1) * * *

[(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6).]

(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) * * *

(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).

* * * * *

AFRICAN ELEPHANT CONSERVATION ACT

* * * * *

TITLE II—AFRICAN ELEPHANT CONSERVATION

* * * * *

PART I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

SEC. 2101. PROVISION OF ASSISTANCE.

(a) * * *

* * * * *

(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) * * *

* * * * *

(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. 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) * * *

* * * * *

(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 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)).

* * * * *

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.

* * * * *

ACT OF MAY 26, 2000

(Public Law 106-206)

AN ACT To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

SECTION 1. COMMERCIAL FILMING.

(a) *COMMERCIAL FILMING FEE.*—The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.

* * * * *

(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 des-

ignated 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.

(3) The amount and type of equipment present. The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) RECOVERY OF COSTS.—The Secretary shall also [collect any costs] recover any costs incurred as a result of filming activities or [similar project] similar projects, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

* * * * *

Current Law Proposed as Amended by H.R. 2406 as introduced
[Supplement to document prepared by Legislative Counsel; if conflict, this document controls]

[new text highlighted in yellow; text to be deleted in brackets]

Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g)

[(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 part of such program. [The non-Federal share]

(2) Exceptions.—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.

Section 3(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b)

(b) Investment of unexpended amounts

(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 4407 of this title](#); and

(C) shall become available for apportionment under this chapter at the beginning of fiscal year [2016] **2026**.

Section 4(a)(3) of National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd)

[(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.

Section 205 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304)

(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 July 25, 2000) under section 1712 of this title.] 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 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).

* * * * *

(d) Termination of authority

The authority provided under this section shall terminate [11] 22 years after July 25, 2000.

Section 206(c)(2) of the Federal Land Transaction Facilitation Act (43 USC 2305(c)(2))

(2) Fund allocation

(A) **Deferred Maintenance Activities.**—Except as authorized under subparagraph (D), funds shall be used to purchase lands or interests in lands therein for the performance of deferred maintenance on administrative sites or other deferred maintenance activities.

[(A)] (B) Purchase of land

Except as authorized under subparagraph [(C)] (D), 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[.] ;and

(iii) opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities.

[(B)] (C) 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 2303 of this title.

[(C)] (D) **Administrative and other expenses**

An amount not to exceed 20 percent of the funds deposited 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 2304 of this title.

[(D)] (E) **Same State purchases**

Of the amounts not used under subparagraph [(C)] (D), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(F) Any funds made available under subparagraph (E) 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 2303(c) of this title);

(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.

Section 100905 of Title 54, United States Code

Section 1. Commercial Filming.

(a) Commercial Filming Fee.—Except as provided in paragraph (3), the Secretary [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.