

**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

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**A BILL**

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) Short Title- This Act may be cited as the `Sportsmen's Act'.

(b) Table of Contents- The table of contents of 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.

## **TITLE I--RECREATIONAL SHOOTING**

### **SEC. 101. RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL PUBLIC LAND.**

(a) Definitions- In this section:

(1) FEDERAL PUBLIC LAND-

(A) IN GENERAL- The term `Federal public land' means any land or water that is--

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS- The term `Federal public land' does not include--

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

(ii) land or water managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING-

(A) IN GENERAL- The term `hunting' means use of a firearm, bow, or other authorized means in the lawful--

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

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

(B) EXCLUSION- The term `hunting' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING- The term `recreational fishing' means--

(A) an activity for sport or for pleasure that involves--

(i) the lawful catching, taking, or harvesting of fish; or

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

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

(4) RECREATIONAL SHOOTING- The term `recreational shooting' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) Recreational Fishing, Hunting, and Recreational Shooting-

(1) IN GENERAL- Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by--

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

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

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

(2) MANAGEMENT- Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head--

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

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

(C) in accordance with applicable Federal law.

(3) PLANNING-

(A) EFFECTS OF PLANS AND ACTIVITIES-

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING- Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED-

(I) IN GENERAL- Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of--

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) ENHANCED OPPORTUNITIES- Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the

recreational fishing, hunting, or shooting opportunities available to the public.

(B) USE OF VOLUNTEERS- If hunting is prohibited by law, all Federal public land planning documents described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND-

(A) LAND OPEN-

(i) IN GENERAL- Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to the activity.

(ii) MOTORIZED ACCESS- Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) CLOSURE OR RESTRICTION- Land described in subparagraph (A)(i) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) SHOOTING RANGES-

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

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

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

(ii) LIMITATION ON LIABILITY- Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) EXCEPTION- The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness

study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) REPORT- Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes--

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES-

(A) IN GENERAL- Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water--

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

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

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

(B) AGGREGATE OR CUMULATIVE EFFECTS- If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts or affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES-

(i) IN GENERAL- Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) TERMINATION- An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this section.

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

(8) CONSULTATION WITH COUNCILS- In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive

Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) AUTHORITY OF STATES-

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

(B) FEDERAL LICENSES-

(i) IN GENERAL- Except as provided in clause (ii), nothing in this subsection authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) MIGRATORY BIRD STAMPS- Nothing in this subparagraph affects any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

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

(a) Findings- Congress finds that--

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

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

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

(b) Possession of Bows in Units of National Park System-

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

(A) for the sole purpose of hunting on adjacent public or private land; and

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

(2) USE- Nothing in this section authorizes the use of the bows or crossbows that are being carried while at units of the National Park System.

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

(a) Findings- Congress finds that--

(1) the Second Amendment to the Constitution provides that 'the right of the people to keep and bear Arms, shall not be infringed';

(2) section 327.13 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), provides that, except in special circumstances, 'possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited' at water resources development projects administered by the Secretary of the Army;

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

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

(b) Protecting the Right of Individuals To Bear Arms at Water Resources Development Projects- The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if--

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

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

## **SEC. 104. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

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

    ` (D) POLAR BEAR PARTS-

        ` (i) IN GENERAL- Notwithstanding subparagraphs (A) and (C)(ii), subsection (d)(3), and sections 101 and 102, the Secretary of the Interior shall, expeditiously after the date on which the expiration of the applicable 30-day period described in subsection (d)(2) expires, 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 submitted, with a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested from a polar bear population from which a sport-hunted trophy could be imported before May 15, 2008, in accordance with section 18.30(i) of title 50, Code of Federal Regulations (or a successor regulation) by the person before May 15, 2008.

        ` (ii) APPLICABILITY OF PROHIBITION ON THE IMPORTATION OF A DEPLETED SPECIES-

            ` (I) PARTS LEGALLY HARVESTED BEFORE FEBRUARY 18, 1997-

        ` (aa) IN GENERAL- 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).

        ` (bb) APPLICABILITY- Item (aa) shall not apply to polar bear parts imported before June 12, 1997.

            ` (II) PARTS LEGALLY HARVESTED BEFORE MAY 15, 2008-

        ` (aa) IN GENERAL- 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).

        ` (bb) APPLICABILITY- Item (aa) shall not apply to polar bear parts imported before the date of enactment of the Sportsmen's Act .'

## **SEC. 105. TARGET PRACTICE AND MARKSMANSHIP TRAINING ON FEDERAL LAND.**

### (a) Findings; Purpose-

#### (1) FINDINGS- Congress finds that--

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

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

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

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

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

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

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

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

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

(b) Definition of Public Target Range- In this section, the term `public target range' means a specific location that--

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

(2) is open to the public;

(3) may be supervised; and

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

(c) Amendments to Pittman-Robertson Wildlife Restoration Act-

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

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

`(2) the term `public target range' means a specific location that--

`(A) is identified by a governmental agency for recreational shooting;



`(B) is open to the public;

`(C) may be supervised; and

`(D) may accommodate archery or rifle, pistol, or shotgun shooting;'

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

(A) by striking `(b) Each State' and inserting the following:

`(b) Expenditures for Management of Wildlife Areas and Resources-

`(1) IN GENERAL- Except as provided in paragraph (2), each State';

(B) in paragraph (1) (as so designated), by striking `construction, operation,' and inserting `operation';

(C) in the second sentence, by striking `The non-Federal share' and inserting the following:

`(3) NON-FEDERAL SHARE- The non-Federal share';

(D) in the third sentence, by striking `The Secretary' and inserting the following:

`(4) REGULATIONS- The Secretary'; and

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

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

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

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

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

(B) by striking subsection (b) and inserting the following:

`(b) Cost Sharing-

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

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

(C) in subsection (c)(1)--

(i) by striking `Amounts made' and inserting the following:

`(A) IN GENERAL- Except as provided in subparagraph (B), amounts made'; and

(ii) by adding at the end the following:

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

(d) Limits on Liability-

(1) DISCRETIONARY FUNCTION- For purposes of chapter 171 of title 28, United States Code (commonly known as the `Federal Tort Claims Act'), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(2) CIVIL ACTION OR CLAIMS- Except to the extent provided in chapter 171 of title 28, United States Code (commonly known as the `Federal Tort Claims Act'), the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is--

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

(B) located on Federal land.

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

## **TITLE II--DUCK STAMPS**

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

Section 3(h)(2) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(1)) is amended by adding at the end the following: `A taking authorized under this section shall be exempt from the prohibition on taking under section 1 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a).'.

### **SEC. 202. ELECTRONIC DUCK STAMPS.**

(a) Definitions- In this section:

(1) ACTUAL STAMP- The term `actual stamp' means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the `Duck Stamp Act'), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM-

(A) IN GENERAL- The term `automated licensing system' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION- The term `automated licensing system' includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP- The term `electronic stamp' means an electronic version of an actual stamp that--

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

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

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

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

(4) SECRETARY- The term `Secretary' means the Secretary of the Interior.

(b) Authority To Issue Electronic Duck Stamps-

(1) IN GENERAL- The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION- The Secretary shall implement this section in consultation with State management agencies.

(c) State Application-

(1) APPROVAL OF APPLICATION REQUIRED- The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this section.

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

(3) CONTENTS OF APPLICATION- The Secretary may not approve a State application unless the application contains--

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

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

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

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

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

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

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(4) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA- Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish--

- (A) deadlines for submission of applications;
- (B) eligibility requirements for submitting applications; and
- (C) criteria for approving applications.

(d) State Obligations and Authorities-

(1) DELIVERY OF ACTUAL STAMP- The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp--

- (A) by not later than the date on which the electronic stamp expires under subsection (e)(3); and
- (B) in a manner agreed upon by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION-

(A) REQUIREMENT TO TRANSMIT- The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection--

- (i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;
- (ii) the face value amount of each electronic stamp sold by the State; and
- (iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL- The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

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

(3) ELECTRONIC STAMP ISSUANCE FEE- A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

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

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

(e) Electronic Stamp Requirements; Recognition of Electronic Stamp-

(1) STAMP REQUIREMENTS- The Secretary shall require an electronic stamp issued by a State under this section--

- (A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and
- (B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP- Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp--

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

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

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

(f) Termination of State Participation- The authority of a State to issue electronic stamps under this section may be terminated--

(1) by the Secretary, if the Secretary--

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

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

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

### **TITLE III--REAUTHORIZATIONS**

#### **SEC. 301. FEDERAL LAND TRANSACTION FACILITATION ACT.**

The Federal Land Transaction Facilitation Act is amended--

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

(A) in subparagraph (B), by striking `and' after the semicolon at the end;

(B) in subparagraph (C), by inserting `and' after the semicolon at the end; and

(C) by adding at the end the following:

`(D) provide an opportunity to reduce the Federal budget deficit;';

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

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

(A) in subsection (a), by striking `approved land use plans (as in effect on the date of enactment of this Act)' and inserting `the most recent approved land use plans'; and

(B) in subsection (d), by striking `11 years after the date of enactment of this Act' and inserting `15 years after the date of enactment of the Sportsmen's Act';

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

(A) in subsection (a)--

(i) by striking `the gross proceeds of the sale or exchange of public land under this Act' and inserting `30 percent of the gross proceeds of the sale or exchange of public land under this title'; and

(ii) by inserting before the period at the end the following: `and the balance of the gross proceeds shall be deposited in the general fund of the United States Treasury and used for Federal budget deficit reduction'; and

(B) by striking subsection (f); and

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

(A) in paragraph (1)--

(i) by striking `96-568' and inserting `96-586'; and

(ii) by striking `; or' and inserting a semicolon;

(B) in paragraph (2)--

(i) by inserting `Public Law 105-263;' before `112 Stat.'; and

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

(C) by adding at the end the following:

`(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

`(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

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

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

`(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

`(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).'

## **SEC. 302. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking `2012' and inserting `2017'.

## **TITLE IV--MISCELLANEOUS**

### **SEC. 401. MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER THE TOXIC SUBSTANCES CONTROL ACT.**

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

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

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

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

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

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

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

(b) In General- Section 1(a) of Public Law 106-206 (16 U.S.C. 4601-6d(a)) is amended--

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

(2) in the first sentence, by striking `The Secretary of the Interior' and inserting the following:

`(1) IN GENERAL- Except as provided in paragraph (4), the Secretary of the Interior';

(3) in the second sentence, by striking `Such fee' and inserting the following:

`(2) CRITERIA- The fee established under paragraph (1)';

(4) in the third sentence, by striking `The Secretary may' and inserting the following:

`(3) OTHER CONSIDERATIONS- The Secretary may'; and

(5) by adding at the end the following:

`(4) SPECIAL RULES FOR FILM CREWS OF 5 PERSONS OR FEWER-

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

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

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

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

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

`(F) NOTIFICATION REQUIRED- A film crew of 5 persons or fewer subject to a permit issued under this paragraph shall notify the applicable land management

agency with jurisdiction over the Federal land at least 48 hours before entering the Federal land.

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

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

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

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

`(iv) the filming includes the use of models or props that are not part of the natural or cultural resources or administrative facilities of the Federal land.'.

(c) Recovery of Costs- Section 1(b) of Public Law 106-206 (16 U.S.C. 4601-6d(b)) is amended in the first sentence--

(1) by striking `collect any costs' and inserting `recover any costs'; and

(2) by striking `similar project' and inserting `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.

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**July 18, 2013**

Read twice and ordered placed on the calendar

*END*