

Calendar No. 328

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-183

SPORTSMEN'S ACT OF 2015

DECEMBER 16, 2015.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 556]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 556) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended, do pass.

CONTENTS

	Page
Amendments	1
Purpose of the Measure	11
Background and Need	11
Legislative History	13
Committee Recommendation and Tabulation of Votes	14
Committee Amendments	14
Section-by-Section Analysis	15
Cost and Budgetary Considerations	19
Regulatory Impact Evaluation	19
Congressionally Directed Spending	19
Executive Communications	19
Changes in Existing Law	34

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL POLICY

Sec. 101. Congressional declaration of national policy.

TITLE II—SPORTSMEN'S ACCESS TO FEDERAL LAND

- Sec. 201. Definitions.
 Sec. 202. Federal land open to hunting, fishing, and recreational shooting.
 Sec. 203. Closure of Federal land to hunting, fishing, and recreational shooting.
 Sec. 204. Shooting ranges.
 Sec. 205. Federal action transparency.

TITLE III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

- Sec. 301. Commercial filming.

TITLE IV—BOWS, WILDLIFE MANAGEMENT, AND ACCESS OPPORTUNITIES FOR RECREATION,
HUNTING, AND FISHING

- Sec. 401. Bows in parks.
 Sec. 402. Wildlife management in parks.
 Sec. 403. Identifying opportunities for recreation, hunting, and fishing on Federal land.

TITLE V—FEDERAL LAND TRANSACTION FACILITATION ACT

- Sec. 501. Federal Land Transaction Facilitation Act.

TITLE VI—CONSERVATION REAUTHORIZATION

- Sec. 601. National Park Service Maintenance and Revitalization Conservation Fund.
 Sec. 602. Land and Water Conservation Fund.
 Sec. 603. Historic Preservation Fund.

TITLE VII—MISCELLANEOUS

- Sec. 701. Respect for treaties and rights.
 Sec. 702. No priority.

TITLE I—NATIONAL POLICY

SEC. 101. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) **IN GENERAL.**—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) **EXCLUSION.**—In this Act, the term “fishing” does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

TITLE II—SPORTSMEN'S ACCESS TO FEDERAL LAND

SEC. 201. DEFINITIONS.

In this title:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) any land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

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

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 202. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) **IN GENERAL.**—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 203.

(b) **EFFECT OF TITLE.**—Nothing in this title opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 203. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) **REQUIREMENT.**—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) **CLOSURE PROCEDURES.**—

(1) **IN GENERAL.**—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph

(2).

(2) **PUBLIC NOTICE AND COMMENT.**—

(A) **IN GENERAL.**—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding”; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) **FINAL DECISION.**—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) **TEMPORARY CLOSURES.**—

(1) **IN GENERAL.**—A temporary closure under this section may not exceed a period of 180 days.

(2) **RENEWAL.**—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and (B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) **EFFECT OF TEMPORARY CLOSURE.**—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) **REPORTING.**—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee

on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

- (A) a list of each area of Federal land temporarily or permanently subject to a closure;
- (B) the acreage of each closure; and
- (C) a survey of—
 - (i) the aggregate areas and acreage closed under this section in each State; and
 - (ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.
- (e) APPLICATION.—This section shall not apply if the closure is—
 - (1) less than 14 days in duration; and
 - (2) covered by a special use permit.

SEC. 204. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

- (1) a component of the National Landscape Conservation System;
- (2) a component of the National Wilderness Preservation System;
- (3) any area that is—
 - (A) designated as a wilderness study area;
 - (B) administratively classified as—
 - (i) wilderness-eligible; or
 - (ii) wilderness-suitable; or
 - (C) a primitive or semiprimitive area;
- (4) a national monument, national volcanic monument, or national scenic area; or
- (5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 205. FEDERAL ACTION TRANSPARENCY.

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

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

- (A) in subsection (c)(1), by striking “, United States Code”;
- (B) by redesignating subsection (f) as subsection (i); and
- (C) by striking subsection (e) and inserting the following:

“(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Sportsmen’s Act of 2015, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

“(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

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

- “(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.
- “(2) The name of the agency involved in the adversary adjudication.
- “(3) A description of the claims in the adversary adjudication.
- “(4) The name of each party to whom the award was made.
- “(5) The amount of the award.

“(6) The basis for the finding that the position of the agency concerned was not substantially justified.

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

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

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

“(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Sportsmen’s Act of 2015, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

“(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

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

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

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

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

“(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Sportsmen’s Act of 2015, the following information:

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

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

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

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

“(E) The amount of the award.

“(F) The basis for the finding that the position of the agency concerned was not substantially justified.

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

“(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).”.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

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

(B) in subsection (e)—

(i) by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”; and

(ii) by striking “of such title” and inserting “of this title”.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

“(d) Beginning not later than the date that is 60 days after the date of enactment of the Sportsmen’s Act of 2015, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

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

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

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

“(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

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

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

TITLE III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

SEC. 301. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106–206 (16 U.S.C. 4601–6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITION OF SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.”;

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “of the Interior or the Secretary of Agriculture (hereafter individually referred to as the ‘Secretary’ with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions)”;

(ii) in subparagraph (B), by inserting “, except in the case of film crews of 3 or fewer individuals” before the period at the end; and

(B) by adding at the end the following:

“(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Sportsmen’s Act of 2015, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.”;

(4) in subsection (c) (as so redesignated), in the second sentence, by striking “subsection (a)” and inserting “subsection (b)”;

(5) in subsection (d) (as so redesignated), in the heading, by inserting “Commercial” before “Still”;

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting “in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),” after “without further appropriation,”;

(7) in subsection (g) (as so redesignated)—

(A) by striking “The Secretary shall” and inserting the following:

“(1) IN GENERAL.—The Secretary shall”; and

(B) by adding at the end the following:

“(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.”; and

(8) by adding at the end the following:

“(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

“(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

(2) is conducted by a crew of not more than 3 individuals; and

(3) uses only a camera and tripod.

“(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

“(2) INCLUDED ACTIVITIES.—In this subsection, the term ‘news gathering’ includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.”.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

- (1) by striking section 100905; and
- (2) in the table of contents, by striking the item relating to section 100905.

**TITLE IV—BOWS, WILDLIFE MANAGEMENT, AND ACCESS OPPORTUNITIES
FOR RECREATION, HUNTING, AND FISHING**

SEC. 401. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

“§ 104908. Bows in parks

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

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

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

“(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

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

“(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

“(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code, is amended by inserting after the item relating to section 104907 the following:

“104908. Bows in parks.”.

SEC. 402. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 401(a)), is amended by adding at the end the following:

“SEC. 104909. WILDLIFE MANAGEMENT IN PARKS.

“(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

“(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.— Qualified volunteers providing assistance under subsection (a) shall be subject to—

“(1) any training requirements or qualifications established by the Secretary; and

“(2) any other terms and conditions that the Secretary may require.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 401(b)), United States Code, is amended by inserting after the item relating to section 104907 the following:

“104909. Wildlife management in parks.”.

SEC. 403. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

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

- (A) the Secretary of the Interior, with respect to land administered by—
 - (i) the Director of the National Park Service;
 - (ii) the Director of the United States Fish and Wildlife Service; and
 - (iii) the Director of the Bureau of Land Management; and
- (B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

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

- (A) a State office of the Bureau of Land Management; or
- (B) a regional office of—
 - (i) the National Park Service;
 - (ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

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

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

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

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

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

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

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

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

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

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

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

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) **WILLING OWNERS.**—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private land owner has granted or denied public access or egress to the land.

(f) **MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.**—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

- (1) by motorized or non-motorized vehicles; and
- (2) on foot or horseback.

(g) **EFFECT.**—

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

(2) **EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.**—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

TITLE V—FEDERAL LAND TRANSACTION FACILITATION ACT

SEC. 501. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) **IN GENERAL.**—The Federal Land Transaction Facilitation Act is amended—

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

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “(as in effect on the date of enactment of this Act)”; and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) 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. 460 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).”

(b) **FUNDS TO TREASURY.**—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury \$1,000,000 for each of fiscal years 2016 through 2025.

TITLE VI—CONSERVATION REAUTHORIZATION

SEC. 601. NATIONAL PARK SERVICE MAINTENANCE AND REVITALIZATION CONSERVATION FUND.

(a) **IN GENERAL.**—Chapter 1049 of title 54, United States Code (as amended by section 402(a)), is amended by adding at the end the following:

“§ 104910. National Park Service Maintenance and Revitalization Conservation Fund

“(a) **IN GENERAL.**—There is established in the Treasury a fund, to be known as the ‘National Park Service Critical Maintenance and Revitalization Conservation Fund’ (referred to in this section as the ‘Fund’).

“(b) **DEPOSITS TO FUND.**—Notwithstanding any provision of law providing that the proceeds shall be credited to miscellaneous receipts of the Treasury, for each fiscal year, there shall be deposited in the Fund, from revenues due and payable to the

United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) \$150,000,000.

“(c) USE AND AVAILABILITY.—

“(1) IN GENERAL.—Amounts deposited in the Fund shall—

“(A) be used only for the purposes described in subsection (d); and

“(B) be available for expenditure only after the amounts are appropriated for those purposes.

“(2) AVAILABILITY.—Any amounts in the Fund not appropriated shall remain available in the Fund until appropriated.

“(3) NO LIMITATION.—Appropriations from the Fund pursuant to this section may be made without fiscal year limitation.

“(d) NATIONAL PARK SYSTEM CRITICAL DEFERRED MAINTENANCE.—The Secretary shall use amounts appropriated from the Fund for high-priority deferred maintenance needs of the Service that support critical infrastructure and visitor services.

“(e) LAND ACQUISITION PROHIBITION.—Amounts in the Fund shall not be used for land acquisition.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 402(b)), is amended by inserting after the item relating to section 104907 the following:

“104910. National Park Service Maintenance and Revitalization Conservation Fund.”.

SEC. 602. LAND AND WATER CONSERVATION FUND.

(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “During the period ending September 30, 2015, there” and inserting “There”; and

(2) in subsection (c)(1), by striking “through September 30, 2015”.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking “There” and inserting “(a) IN GENERAL.—There”; and

(2) by striking the second sentence and inserting the following:

“(b) ALLOCATION.—Of the appropriations from the Fund—

“(1) not less than 40 percent shall be used collectively for Federal purposes under section 200306;

“(2) not less than 40 percent shall be used collectively—

“(A) to provide financial assistance to States under section 200305;

“(B) for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c);

“(C) for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and

“(D) for the American Battlefield Protection Program established under chapter 3081; and “(3) not less than 1.5 percent or \$10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.”.

(c) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

“(c) CONSERVATION EASEMENTS.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.”.

(d) ACQUISITION CONSIDERATIONS.—Section 200306 of title 54, United States Code (as amended by subsection (c)), is amended by adding at the end of the following:

“(d) ACQUISITION CONSIDERATIONS.—The Secretary and the Secretary of Agriculture shall take into account the following in determining the land or interests in land to acquire:

“(1) Management efficiencies.

“(2) Management cost savings.

“(3) Geographic distribution.

“(4) Significance of the acquisition.

“(5) Urgency of the acquisition.

“(6) Threats to the integrity of the land to be acquired.

“(7) The recreational value of the land.”.

SEC. 603. HISTORIC PRESERVATION FUND.

Section 303102 of title 54, United States Code, is amended by striking “of fiscal years 2012 to 2015” and inserting “fiscal year”.

TITLE VII—MISCELLANEOUS

SEC. 701. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this Act or the amendments made by this Act—

- (1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or
- (2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 702. NO PRIORITY.

Nothing in this Act or the amendments made by this Act provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

2. Amend the title so as to read: “A bill to protect and enhance opportunities for hunting, fishing, and recreational shooting, and for other purposes.”.

PURPOSE

The purposes of S. 556, as ordered reported are to protect and enhance opportunities for hunting, fishing, and recreational shooting on Federal lands, and to authorize other conservation programs related to sportsmen and other recreational uses on Federal lands.

BACKGROUND AND NEED

Sportsmen and women come from all over the country, from big cities and small towns, from the north and the south. Hunting and fishing are a significant element of the nation’s economy. According to the 2013 Sportsmen’s Economic Impact Report from the Congressional Sportsmen’s Foundation, approximately 37.4 million people hunted or fished in America in 2011. That is roughly equal to the population of California, and those numbers are always increasing. Many sportsmen and women enjoy hunting, fishing and recreational shooting on federal public lands, which is roughly one in every four acres according to the 2014 Congressional Research Service report “Federal Land Ownership: Overview and Data.”

Sportsmen’s Access to Federal Land

Current regulations and law lack clarity regarding both when Bureau of Land Management (BLM) and U.S. Forest Service (USFS) lands are available for hunting, fishing, and recreational shooting and the process for notifying the public of temporary and permanent closures. This has led to confusion and uncertainty among the sportsmen’s community and the general public regarding what areas are accessible and when. BLM Instruction Memorandum No. 2010–028 provides that temporary closures can be up to two years in length and provides no guarantee of the opportunity for comment by the public—this is suggestive of a disconnect between what temporary means in the mind of the public and what temporary means to a federal agency. S. 556 seeks to clarify and expanded upon the procedures that currently exist to provide for more public input and greater transparency.

Commercial Filming

In 2000, Congress directed the Secretaries of the Interior and of Agriculture to establish a reasonable fee for commercial filming activities on Federal land administered by the Secretaries (P.L. 106–206). The agency response to the P.L. 106–206 (as amended by P.L.

113–287) has been slow, inconsistent, and failed to take account of technological changes and development which allow filming to be done with minimal equipment. Thirteen years later, BLM, U.S. Fish and Wildlife Service (USFWS) and the National Park Service (NPS) finally issued a proposed fee schedule for commercial filming. Currently, the proposed fee schedule draws no distinctions between small businesses with *de minimus* crews and large multi-million dollar endeavors. Additionally, there is currently no way for people such as guides and outfitters who have already obtained a commercial use authorization or special recreation permit to do even incidental amounts of filming, such as filming promotional material to advertise their guiding business without a duplicative permitting process. Given both the length of time it took to develop a proposed unified fee schedule and the important policy issues that are still not addressed by the proposal, S. 556 seeks to provide additional direction and clarity from Congress on these issues.

In 2014, the USFS began the process to finalize Interim Directive 2709 on commercial filming in wilderness areas. The Interim Directive created ambiguity as to whether journalists have to undergo a permit process (potentially requiring them to disclose the story they are covering and potentially constituting a form of prior restraint) and pay a fee in order to gather news, necessitating USFS Chief Tom Tidwell to issue guidance clarifying that the directive does not apply to news gathering or recreational photography. Similar concerns have been raised about the applicability of the commercial filming law to news gathering on lands managed by the Bureaus at the Department of the Interior. The Sportsmen’s Act therefore clarifies that the commercial filming statute does not apply to newsgathering in order to protect the Constitutional right to freedom of speech.

The NPS website, under the heading “Commercial Filming and Photography,” notes that the NPS encourages filming and photography where it will “promote the protection and public enjoyment of park resources,” provided that the activity does not violate certain listed criteria including, “[i]s inspirational, educational, or healthful . . .” or “will foster an understanding of, and appreciation for, park resources, or will promote enjoyment through a direct association with, interaction with, or relation to park resources.” While these are all laudable goals, the NPS may not and should not infringe on freedom of speech rights nor impose prior restraints on the content of what may be filmed in a national park in this manner. It is perfectly legitimate for a filmmaker to make a film about how a national park is being mismanaged or that the park is a waste of tax payer money. The Committee sees a need to clarify that content may not be a criterion for granting a commercial filming permit.

Other Land Issues

Currently, sportsmen are not allowed to carry bows—unassembled or otherwise—in their vehicles through national parks. In contrast, the 2009 Credit Card Accountability Responsibility and Disclosure Act prohibits the Secretary of the Interior from promulgating or enforcing any regulation that bars an individual from possessing a firearm, including an assembled or functional firearm, in any unit of the National Park System or the National Wildlife

Refuge System (NWRS) as long as that the individual is legally authorized to possess the firearm and the possession is in compliance with the law of the State in which the NPS or NWRS unit is located. The NPS website notes one is even allowed to carry loaded guns in national parks. S. 556 seeks to make Federal policy regarding bows and crossbows in national parks more consistent with current policy regarding firearms in national parks.

In addition, there are *de facto* restrictions on access to public land due to non-federal parcels of land hindering access. More information is needed regarding the nature of such parcels. With the expiration of the Federal Land Transfer Facilitation Act (P.L. 106–248), local units of the BLM are no longer allowed to keep a portion of the proceeds from land sales, an important incentive for removing low priority parcels from government ownership.

Conservation reauthorization

Authorizations for the Land and Water Conservation Fund (LWCF) (P.L. 106–248) and the Historic Preservation Fund (P.L. 89–665) are both set to expire at the end of this fiscal year. At the same time, there is a significant maintenance backlog at some of our most treasured national parks. Title VI of the bill permanently reauthorizes the LWCF program in a way that balances land acquisition with other conservation programs important to states and also permanently reauthorizes the Historic Preservation Fund. To address the problem of needed maintenance at the national parks, Title VI also establishes a National Park Maintenance and Revitalization Fund.

LEGISLATIVE HISTORY

In the 112th Congress, Senator Tester introduced S. 3525 on September 10, 2012. The bill was placed directly on the Senate Calendar pursuant to rule XIV. S. 3525 was cosponsored by 14 Senators. Cloture was invoked on the motion to proceed by a vote of 84 to 7 on September 22, 2012. The motion to proceed to consideration was agreed to on October 13, 2012 and consideration of amendments continued on October 15 and November 26, 2012. The amendment in the nature of a substitute offered by Senator Tester (SA 2875) was ruled out of order by the Chair on October 26 after a motion to waive all applicable budgetary discipline with respect to SA 2875 was rejected by a vote of 50 to 44. S. 3525 was returned to the calendar on November 26, 2012.

A companion bill, H.R. 4089, was introduced in the House of Representatives by Representative Miller on February 27, 2012. H.R. 4089 had 27 cosponsors. H.R. 4089 was considered under the provision of H. Res. 614 and passed by the House of Representatives on April 17, 2012, by a vote of 276 to 146. H.R. 4089 was received in the Senate on April 18, 2012.

In the 113th Congress, Senator Murkowski introduced S. 1335 on July 18, 2013. The bill was placed directly on the Senate Calendar pursuant to rule XIV. S. 1335 was cosponsored by 12 Senators. Similar legislation, S. 1996 and S. 2363, was also introduced by Senator Hagan on February 6, 2014 and May 20, 2014 respectively. S. 1996 was cosponsored by 27 Senators and S. 2363 was cosponsored by 46 Senators. S. 2363 was placed directly on the Calendar pursuant to rule XIV. A cloture motion on S. 2363 was considered

by the full Senate on July 10, 2014 and by a vote of 41 to 56, cloture was not invoked.

A companion bill, H.R. 3590, was introduced in the House of Representatives by Representative Latta on November 21, 2013. H.R. 3590 had 86 cosponsors. H.R. 3590 was passed by the House of Representatives on February 5, 2014, by a vote of 268 to 154. It was received in the Senate on February 6, 2014 and placed directly on the Senate Calendar on February 10, 2014.

In the 114th Congress, S. 405, the larger umbrella Bipartisan Sportsmen's bill was introduced by Senator Murkowski and Senators Heinrich, Risch, Heitkamp, Fischer and Manchin on February 5, 2015. The bill was placed on the Senate Calendar pursuant to rule XIV on February 9, 2015. S. 405 contains the provisions included in S. 556. S. 405 also contains provisions jurisdictional to the Committee on Environment and Public Works (EPW). These provisions were also introduced by Senator Sullivan as a separate bill, S. 659, on March 4, 2015 and referred to EPW. The EPW subcommittee on Fisheries, Water, and Wildlife held a hearing on S. 659 on March 17, 2015 (S. Hrg. 114–24).

A House companion bill, H.R. 2406, was introduced on May 19, 2015 by Representative Wittman. H.R. 2406 has 36 cosponsors. H.R. 2406 was ordered reported with an amendment in the nature of a substitute on October 8, 2015 by the House Natural Resources Committee by a vote of 21 to 15.

S. 556 was introduced by Senator Murkowski on February 25, 2015. The Committee on Energy and Natural Resources held a hearing on the bill on March 12, 2015.

The Committee on Energy and Natural Resources met in open business session on November 19, 2015, and ordered S. 556 favorably reported with an amendment in the nature of a substitute and an amendment to the title.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in an open business session on November 19, 2015, by a majority voice vote of a quorum present, recommends that the Senate pass S. 556, if amended as described herein. One Senator requested that his vote be recorded as follows:

NAYS
Mr. Lee

COMMITTEE AMENDMENTS

During its consideration of S. 556, the Committee adopted an amendment in the nature of a substitute and an amendment to the title.

The amendment in the nature of a substitute reorganizes the bill into titles by subject matter to provide greater definitional clarity. The amendment provides a Congressional declaration of nation policy building off of the Executive Orders related to Sportsmen's issues that shall apply to all departments and agencies in accordance with their missions. The amendment ensures public involvement and opportunity to comment where BLM and USFS land currently open to the public is closed temporarily or permanently. The

amendment limits temporary closures to 180 days with the potential to renew the temporary closure three times.

The amendment also revises and expands the commercial filming provisions to require a single joint land use fee schedule to be published within 180 days of enactment; exempts small crews of three or fewer individuals from having to pay commercial filming fees; exempts incidental filming by small businesses such as guides and outfitters that are already covered by a commercial use authorization or special recreation permit from having to get an additional commercial filming permit and pay additional fees; prevents content from being used as a criterion to issue or deny a commercial filming permit; and makes clear that newsgathering is not a commercial activity, thereby protecting first amendment rights to free speech.

Additionally, the amendment in the nature of a substitute reforms and permanently reauthorizes the LWCF, permanently reauthorizes the Historic Preservation Fund, and establishes a permanent NPS Maintenance and Revitalization Fund.

The amendment is further described in the section-by-section analysis.

SECTION-BY-SECTION ANALYSIS

Title I—National Policy

Section 101. Congressional declaration of national policy

Section 101 declares a national policy that all Federal Departments and agencies, in accordance with their missions and with Executive Orders 12962 and 13443, shall facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities, shall conserve and enhance aquatic systems and the management of game species and the habitat of those species on federal land, including through hunting and fishing, and consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

Title II—Sportsmen’s Access to Federal Land

Section 201. Definitions

Section 201 provides definitions for this title.

Section 202. Federal land open to hunting, fishing, and recreational shooting

Section 202 provides that Federal land shall be open to hunting, fishing and recreational shooting unless the Secretary concerned closes an area in accordance with section 203.

Section 203. Closure of Federal land to hunting, fishing, and recreational shooting

Section 203 provides that the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be prohibited. Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall consult with

State fish and wildlife agencies and provide public notice and an opportunity for comment. Temporary closures under this section may not exceed a period of 180 days and may not be renewed more than three times after the first temporary closure. The Secretaries shall publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section and shall submit to designated Congressional committees a list of areas of Federal land closed, the acreage of each closure and a survey of total aggregate areas and acres closed under this section in each State, including what percentage of Federal land in each State the closed areas represent. This section shall not apply to closures less than 14 days in duration covered by a special use permit.

Section 204. Shooting ranges

Section 204 provides that the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range, except the Secretary shall not lease or permit the use of Federal land for a shooting range within certain specified areas.

Section 205. Federal action transparency

Section 205 provides that the Chairman of the Administrative Conference of the United States (Chairman) shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding year under the Equal Access to Justice provisions (5 U.S.C. 504). Section 205 also provides that the Chairman shall create and maintain online a searchable database containing information on award of fees and other expenses made under these provisions.

The section requires that the Chairman shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding year under Section 2412 of title 28. The section also requires that the Chairman shall create and maintain online a searchable database containing information on award of fees and other expenses made under this section. Finally, the section requires that the Secretary of the Treasury shall make available to the public on a website information regarding payments tendered under Section 1304 of title 31.

The Committee's understanding is that the addition of (e)(3)(A) in conjunction with (e)(3)(B) to section 504 of title 5 means that while fees and expenses awarded will be disclosed, other information that is sealed or otherwise subject to a nondisclosure provision will not be disclosed as a result of this section. Additionally, the online searchable database described in section 504(f) of title 5 is more circumscribed so that it may not reveal any information which is prohibited by law or court order. It is also the Committee's understanding that provisions of section 2412(d)(5)(C)(i) and (ii) of title 28 mean that while fees and expenses awarded will be disclosed, other information that is sealed or otherwise subject to a nondisclosure provision will not be disclosed as a result of this section. The online searchable database provided for in section 2412 of title 28 is subject to the same restrictions discussed above.

Title III—Filming on Federal Land Management Agency Land

Section 301. Commercial filming

Section 301 requires the Secretaries of the Interior and Agriculture to develop a single joint land use fee schedule for commercial filming and still photography. The section clarifies that commercial filming fees only apply to commercial still photography, not to all still photography; updates the use of proceeds to match use of recreational fees by providing the use of proceeds shall be in accordance with the Federal Lands Recreation Enhancement Act; and ensures the First Amendment of the Constitution is followed by providing that the Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this act. The section exempts holders of commercial use authorizations or special recreation permits who are small businesses where the filming is incidental to the permitted activity under the commercial use authorization or special recreation permit from commercial filming or still photography permits and fees. The section also provides that commercial filming conducted by an entity that is a small business concern, with a crew of not more than three individuals who use only a camera and tripod, is exempt from fees under this act, but not from recovery of costs fees. The section makes clear that newsgathering activities shall not be considered a commercial activity under this Act.

Title IV—Bows, Wildlife Management, and Access Opportunities for Recreation, Hunting, and Fishing

Section 401. Bows in parks

Section 401 provides that the NPS Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if certain requirements are met.

Section 402. Wildlife management in parks

Section 402 provides that if the Secretary determines it necessary to reduce the size of a wildlife population on National Park System land in accordance with applicable law and regulation, the Secretary may use qualified volunteers to assist in carrying out such wildlife management on such land, subject to such training requirements, qualifications, and other terms and conditions that the Secretary may require.

Section 403. Identifying opportunities for recreation, hunting, and fishing on Federal land

Section 403 directs the Secretary to prepare a priority list that identifies the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or state law, to hunt, fish, or use the land for other recreational purpose but to which there is no public access or egress or to which the public access or egress to the legal boundaries of the land is significantly restricted. The section requires that for each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public ac-

cess or egress to the land would require acquisition of an easement, right-of-way, or fee title from another Federal agency, a state, local, or tribal government, or a private land owner. The Secretary shall develop and submit a report to designated Congressional committees that identifies how public access and egress could reasonably be provided to the legal boundaries in a manner that minimizes the impact on wildlife habitat and water quality.

Title V—Federal Land Transaction Facilitation Act

Section 501. Federal Land Transaction Facilitation Act

Section 501 permanently reauthorizes the Federal Land Transaction Facilitation Act. The section amends section 203(2) of FLTFA (Public Law 106–248) to make any federally designated area eligible for FLTFA funds, regardless of when the area was established, amends section 205 of FLTFA to allow any Federal lands identified for disposal in approved land use plans to be eligible for sale, and requires \$1 million in sales annually under the program to be transferred to the general fund of the Treasury for each of the fiscal years 2016 through 2025, to offset budget scoring issues.

Title VI—Conservation Reauthorization

Section 601. National Park Service Maintenance and Revitalization Conservation Fund

Section 601 establishes a NPS Critical Maintenance and Revitalization Conservation Fund to address high-priority deferred maintenance needs of the NPS with a prohibition on the use of funds for land acquisition.

Section 602. Land and Water Conservation Fund

Section 602 permanently reauthorizes the LWCF, and specifies the way in which funds may be allocated; adds two new set-asides, one for hunting, fishing, or other recreational purposes and another for recreation and conservation programs important to states. The section also provides that in making federal land acquisitions, the Secretaries shall consider conservation easements, and are required to take into account certain considerations in determining which land or interests in land to acquire.

Section 603. Historic Preservation Fund

Section 603 permanently reauthorizes the Historic Preservation Fund.

Title VII—Miscellaneous

Section 701. Respect for treaties and rights

Section 701 provides that nothing in this Act affects or modifies rights of Federally recognized Indian tribes and that nothing in this act modifies Federal law relating to migratory birds.

Section 702. No Priority

Section 702 provides that nothing in this Act provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 556. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 556, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 556, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the BLM and the USFS at the March 12, 2015 hearing on S. 556 follows:

STATEMENT OF STEVE ELLIS, DEPUTY DIRECTOR, OPERATIONS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to discuss the views of the Department of the Interior on S. 556, the Bipartisan Sportsmen's Act of 2015. We appreciate the Committee's attention to the important issues of hunting, fishing, and other recreational uses of public lands, and we strongly support the goal of enhancing opportunities for recreation, including hunting, fishing, and target shooting, on public lands. We support the goals of the bill, but we have outlined some concerns in this statement. We look forward to working with the Chairman and the Committee to address these issues.

Agencies in the Department of the Interior manage 19% of the Nation's land area. Providing access to quality recreation on public lands is one of the Department's primary missions as outlined in its current Strategic Plan, which commits to improving outdoor recreation access and increasing opportunities for public enjoyment of Federal lands and waters. In addition to drawing people of all ages outdoors to play, serve, learn, and work, outdoor recreation is a significant contributor to the national economy and the economies of communities that surround the lands we manage. It is important that we make recreational oppor-

tunities available in communities across the nation, to promote health and fitness, engage our youth, and inspire the next generations to conserve and protect America's precious resources. In 2012, the Outdoor Industry Association reported that recreation activities generate \$64.6 billion dollars in spending each year and support 6.1 million jobs. The approximately 417 million visits to DOI-managed lands in 2012 contributed an estimated \$45 billion in economic output to the surrounding economies through trip-related spending.

Because of the complexity of S. 556 and the importance of these issues to the Department, my statement will address each of the bill's provisions individually.

RECREATIONAL FISHING, HUNTING, & RECREATIONAL
SHOOTING ON FEDERAL PUBLIC LAND (SEC. 101)

Background

The Bureau of Land Management (BLM) is responsible for the management of 245 million acres of public land under the principles of multiple use and sustained yield. The BLM manages these public lands for a variety of uses, such as energy development, livestock grazing, recreation, and timber production, while protecting an array of natural, cultural, and historical resources. The BLM's recreation program is one of the key elements of our multiple-use mission. In the West, public lands are America's backyard, providing close-to-home outdoor recreation venues. In addition, they afford extensive backcountry recreation opportunities. The expansive landscapes and world-class recreation opportunities offered by the BLM's public lands are among America's greatest treasures.

BLM maintains high quality dispersed recreation opportunities where visitors and recreationists are free to explore and discover undeveloped places in the outdoors. There are countless outstanding examples of fishing and hunting opportunities on the public lands. The BLM-managed Gunnison Gorge National Conservation Area is designated by the State of Colorado as a Gold Medal Trout Fishery and supports excellent rainbow, brown, and cutthroat trout populations; Wyoming BLM lands provide habitat for abundant herds of trophy pronghorn and Rocky Mountain elk; and the BLM-managed Steens Mountain area in Oregon supports fantastic big game hunting opportunities for trophy mule deer. In many places across the west, the BLM's remote lands are highly regarded for the quality of the hunting experiences they offer.

Hunting activities and regulations on public lands are generally managed by State fish and wildlife agencies, and BLM-managed lands are considered open to hunting, fishing, and recreational target shooting unless they have been specifically closed by law or to protect public safety. In rare circumstances, the BLM may also close areas to balance uses of public lands pursuant to a public land-use planning process. The BLM estimates that over 99 percent

of BLM-managed public lands are open to hunting, and 99 percent of BLM-managed public lands are open to recreational target shooting. The most common restricted areas are administrative sites, campgrounds and other developed facilities and in a few other areas with intensive energy, industrial or mineral operations or nearby residential or community development.

Analysis

Section 101 of S. 556 provides that Federal land-managing agencies other than the National Park Service (NPS) and U.S. Fish and Wildlife Service (USFWS) exercise their authority to support and facilitate use of and access to Federal land for hunting, fishing, and recreational shooting. This section would require the agencies to consider effects on hunting, fishing, and target shooting when developing planning documents; designate public lands as open to hunting and shooting unless they are closed for reasons authorized under the bill; and authorize designation of areas for target shooting. Finally, this section would initiate reporting requirements for any closures of lands to hunting or target shooting.

The Department strongly supports the goal of promoting recreational fishing, hunting and shooting opportunities. Some of these provisions, however, appear to be duplicative of existing policies and may interfere with existing management practices. For example, the BLM already regards public lands as open to fishing, hunting, and shooting unless it is demonstrated that the activity could result in unacceptable resource damage or create a public health and safety hazard. Any determination to permanently close public lands to certain activities is made following extensive public involvement and notification through the land use planning and NEPA processes. Temporary closures also involve public notification through the Federal Register. Additionally, when developing resource management plans or when taking any action that may affect shooting sports or access, the BLM notifies over 40 hunting and groups, as specified in the Federal Land Hunting, Fishing and Shooting Sports Roundtable Memorandum of Understanding (MOU), expressly to help ensure that these activities and issues are fully considered.

Similarly, the bill provides that the BLM may lease lands for shooting ranges and designate specific lands for target shooting. The BLM currently has and regularly uses its authority under the Recreation and Public Purposes Act to patent certain lands to cities, counties, and non-profit organizations for use as shooting ranges. This approach allows entities that are focused on the operation of shooting ranges and are better equipped to handle potential clean-up to properly manage these areas of concentrated use. Given the BLM's limited staff and resources, we feel strongly that the current approach is in the best interest of the shooting public and the general public.

In addition to these duplicative requirements, some of the language in the section as drafted appears to contradict the intent of the legislation or to potentially cause confusion with implementation of existing laws. For instance, the BLM is concerned that Section 101(b)(2) may be interpreted to limit the Secretary's discretion and could result in legal uncertainty that might ultimately inhibit the BLM's efforts to enhance opportunities for hunting, fishing, and shooting. Similarly, Section 101(b)(3)(ii) appears to restrict consideration of cumulative effects of certain management actions and activities on adjacent or nearby non-Federal lands, which may in some cases limit the BLM's ability to respond to issues raised in scoping and comply with other federal laws and regulations. Additionally, certain language in this section may be interpreted to allow activities in wilderness areas that are not consistent with the Wilderness Act.

The BLM supports the purposes of this section and would like the opportunity to work with the Chairman to ensure that those goals are met without unnecessary duplication or unintended legal consequences.

ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5 PERSONS OR
FEWER (SEC. 102)

Background

Under current commercial filming fee law (Public Law 106–206), the Secretary of the Interior and Secretary of Agriculture are authorized to establish a fee system for commercial filming activities on Federal lands. The Act requires a permit for all commercial filming and directs the Secretaries to collect a cost recovery fee associated with processing the permit requests and monitoring the permitted activities, and a location or rental fee to provide a fair return to the United States for the use of federal lands. The Department of the Interior regularly receives and processes requests for commercial film permits under existing law.

We welcome individuals, groups, and companies who wish to film the beauty and bounty of our nation's incredible public lands. We also understand and appreciate the interest of hunters and anglers in taking video and photos to record their own experiences and memorialize their visit to the public lands. It is important for Americans to see their public lands and—done right and under the right conditions—commercial filming is a very welcome and important use of our nation's natural areas.

Analysis

Section 102 would establish a process for assessing fees and authorize access to Federal land for small commercial film crews. This section would amend Public Law 106–206 by requiring the Secretaries of the Interior and Agriculture to allow commercial filming crews of five persons or fewer access to all areas designated for public use on lands and

waters under their purview, provided each filming crew pays one, \$200 annual fee, and that the access is during public hours. While notification would be required and the Secretary could deny access under certain circumstances, no further restrictions could be placed on such film crews, including on the cameras, vehicles or other equipment they may use on public lands.

The Department has concerns about the timeframes for permit denial established by this section of the bill. While the bill requires film crews to notify the managing agency 48 hours before filming begins, and allows the Secretary to deny access in certain circumstances, the Department is concerned that this section does not offer the Secretary the discretion needed to manage film crew permits most effectively. Though the Secretary may deny access, the section does not allow for permit restrictions specific to the circumstances of a filming event, which would limit the Department's primary mechanism for avoiding resource damage, user conflicts, or risks to public safety. Additionally, the Department feels that in most cases, a 48-hour notification is not sufficient to assess the possibility of resource damage, user conflicts, or safety risks that may be incurred.

The Department is also concerned that the bill could be interpreted to require authorization of commercial filming in wilderness areas, notwithstanding the requirements and restrictions in the Wilderness Act. Section 4(d)(6) of the Wilderness Act (P.L. 88-577) states that commercial services may be performed in wilderness areas only to the extent necessary for activities that are proper for realizing the recreational or other wilderness purposes of the areas. Under this bill, some of our most pristine lands could be open to commercial filming, regardless of these wilderness factors. Since the vast majority of public lands, including wilderness, do not have designated hours, this use could occur and at any time and without consideration of potential resource impacts.

The Department also has concerns about the fee structure in this section. The effects of some language in this section are not entirely clear. This section does not specify whether the single annual permit fee would be: (1) one fee applicable for all use on federal lands; (2) a fee that must be paid by each film crew to each agency, depending on the type of land being accessed; or (3) an annual fee to be paid for each federal land unit being accessed. This section also does not make clear whether the agencies would be authorized to recover subsequent costs for further monitoring that may be necessary. We also note that in many cases, the \$200 fee may not represent a fair return to the taxpayer for uses authorized under this section. The appropriate cost recovery and location or rental fees for a given use may depend on the needs of the project, requirements for monitoring, and degree of impact to natural or cultural resources or the experience of other visitors.

The Administration appreciates the needs of the many different visitors to the public lands. These constituencies include commercial film makers and videographers, and we value their contributions in films that educate, enlighten and entertain. However, it is important that all commercial filming activities be managed to avoid disruption to visitor activities and damage to natural and cultural resources, and the Administration cannot support this section as written because it does not provide sufficient discretion for the agencies to manage film crews as a use of public lands.

FEDERAL ACTION TRANSPARENCY (SEC. 103)

Background

The Equal Access to Justice Act (EAJA) provides that in certain circumstances the Federal government pay attorney fees and certain expenses incurred in successful litigation against the Federal government. The Department of the Interior is committed to transparency as it works to fulfill its broad mission. In recent years the Department has worked to better understand and address litigation risks and the associated costs of our litigation-related activities.

Analysis

We support efforts to increase the transparency of the EAJA process. We are aware that there are concerns regarding the role of the Administrative Conference of the United States in tracking expenditures pursuant to the EAJA, but defer to others on that issue. We note, however, that the specific reporting requirements under the bill would impose a substantial burden on the Department of the Interior by increasing staff time and expenses in collection, formatting, and dissemination of the requested information.

BOWS IN THE PARKS (SEC. 104)

Background

Sec. 104 would prohibit the Director of the NPS from promulgating or enforcing any regulation that prohibits an individual from transporting inoperable bows and crossbows across any unit of the National Park System in the vehicle of an individual if the individual is not otherwise prohibited by law from possessing the bows and crossbows; the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across National Park System land; and the possession of the bows and crossbows is in compliance with the law of the State in which the unit of the National Park System is located.

Analysis

NPS regulations in 36 CFR 2.4 allow for the transport of an inoperable bow in a motor vehicle and the NPS has no intentions of changing this regulation. Therefore, the Department objects to this section because it is unnecessary. However, if the committee decides to continue to include this provision, we would recommend that it be amended to define the term “vehicle” and to require that bows and crossbows, as well as arrows, be stored in a manner that prevents their ready use.

AVAILABILITY OF LWCF FOR RECREATIONAL PUBLIC ACCESS
PROJECTS (SEC. 201)

Background

The Land and Water Conservation Fund (LWCF) is one of the Nation’s most effective tools for expanding access for hunting and fishing, conserving critical landscapes, creating places for children to play and learn, protecting traditional uses such as working ranches and farms, acquiring inholdings to manage contiguous landscapes, and protecting sites of historic and cultural significance. In FY 2014, the Department of the Interior received roughly \$135 million in LWCF funding, which the Department used to consolidate and more effectively manage the lands for which it is responsible, and to acquire easements and rights-of-way to enhance public access. For the BLM, nearly 100 percent of LWCF funding over the past several years has been used for projects that enhance public access for recreation.

Analysis

Section 201 of the bill amends the Land and Water Conservation Act to require not less than the greater of 1.5% or \$10,000,000 of the funds be directed toward public access. The Department supports providing acquisition of easements, rights-of-way, and fee title acquisitions for the purpose of enhancing access to public lands, and would like to note that access priorities can be and have been set administratively through the bureaus’ annual LWCF prioritization process. While we strongly support these goals, we would prefer to consider creating a permanent set-aside in the context of establishing full and mandatory funding for the Land and Water Conservation Fund.

IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, &
FISHING ON FEDERAL LAND (SEC. 202)

*Background**Bureau of Land Management*

BLM-managed public lands receive an estimated 60 million visits annually from hunters, anglers, hikers, bikers, OHV riders, climbers, boaters, and other recreationists. The BLM actively seeks to improve access to public lands and has conducted several comprehensive analyses that re-

ported on acres of land with inadequate access. More than 90% of BLM-managed lands are accessible to the public for recreational purposes via adjacent public lands, easements, or rights-of-way. The BLM continually seeks opportunities to acquire access to public lands which are inaccessible because of private or state land ownership patterns that block reasonable access. The BLM uses input from the public obtained during the land use planning and transportation management planning processes to drive the expansion of hunting, fishing, and recreational access opportunities through the acquisition of easements, rights-of-ways, and other means. BLM field offices are also continually updating local maps and online resources with improved access information that incorporate the unique user needs of each local area. In an effort to utilize technologies that will allow the public to produce and view web maps, the BLM is also developing an interactive web-based interface for the public to access BLM maps, data, and information.

National Park Service

The NPS manages 84 million acres of land in 407 units of the National Park System across the U.S. Since 1916, the American people have entrusted the NPS with the care of their National Parks. With the help of volunteers and park partners, the NPS is proud to safeguard these special places and to share their stories with visitors across the nation. Each of these special places reflects a fundamental truth about the American experience, whether it is the natural beauty of our lands or the historic importance of the people and events that have shaped this nation. In 2014, there were 292.8 million visits to National Parks. In 2013, our parks contributed \$26.5 billion to the nation's economy, and supported 240,000 jobs nationwide.

U.S. Fish and Wildlife Service

Hunting and fishing are two priority public uses of the National Wildlife Refuge System. Over 500 national wildlife refuges and wetland management districts are open for fishing, wildlife watching, hunting, photography and other forms of recreation. Currently, 335 national wildlife refuges are open for hunting and 271 are open for fishing. As a way to improve access for all Americans, the U.S. Fish and Wildlife Service (FWS) manages over 3,500 small outdoor recreation facilities on national wildlife refuges that are accessible for hunters, anglers, and other outdoor enthusiasts. These small facilities are supported by a network of well managed roads and trails that enhance access for the public. Refuges rely upon comprehensive conservation plans to identify areas to be opened to the public and are required to undertake appropriate use and compatibility reviews before new recreation programs can be offered.

The FY 2014 Consolidated Appropriations Act (PL 113-76) directed the Department and the U.S. Forest Service

to report to Congress on actions they are taking to preserve and improve access to public lands for hunting, fishing, shooting and other recreational activities, including proposed improvements for public involvement in agency decision-making and coordination with State and local governments. The Department is finalizing that report and looks forward to sharing it with the Congress in the near future, as well as using it as a basis for further discussions with the bill's sponsor and the Committee.

Analysis

Section 202 of the bill would require the BLM, NPS, FWS, and the U.S. Forest Service, to develop and maintain a list of priority parcels for which hunting, fishing, or recreational uses are allowed by law but public access is inadequate or unavailable. This section further requires the agencies to identify a general process for obtaining legal public access, and to develop a report to Congress on options providing for access. We note that the Department has existing authority to complete all of these tasks, and that we are prioritizing recreational access under existing law. The Department supports the objectives of this section, but would like to work with the sponsor on technical changes to ensure that reporting and tracking requirements can be feasibly met with existing funding and staffing.

FEDERAL LAND TRANSACTION FACILITATION ACT (SEC. 203)

Background

Congress enacted FLTFA in July of 2000 as Title II of Public Law 106-248. FLTFA expired on July 25, 2011. Under FLTFA, the BLM could sell public lands identified for disposal through the land use planning process prior to July 2000, and retain the proceeds from those sales in a special account in the Treasury. The BLM and the other Federal land managing agencies were then able to use those funds to acquire, from willing sellers, inholdings within certain federally designated areas and lands that are adjacent to those areas that contain exceptional resources. Lands were able to be acquired within and/or adjacent to areas managed by the NPS, USFWS, USFS, and the BLM.

Over the life of the FLTFA, approximately 27,249 acres were sold under this authority and approximately 18,535 acres of high resource value lands were acquired. The President's fiscal year 2016 Budget includes a proposal to permanently reauthorize FLTFA. The BLM identifies lands that may be suitable for disposal through its land use planning process, which involves full public participation. Before the enactment of FLTFA, the BLM had the authority under the Federal Land Policy and Management Act (FLPMA) to sell lands identified for disposal. The proceeds from those sales were deposited into the General Fund of the Treasury. However, because of the costs asso-

ciated with those sales (including environmental and cultural clearances, appraisals, and surveys), few sales were undertaken. Since it was enacted, the BLM utilized FLTFA to sell 330 parcels previously identified for disposal totaling 27,249 acres, with a total value of approximately \$117.4 million. Over the same time period, the Federal government acquired 37 parcels totaling 18,535 acres, with a total value of approximately \$50.4 million using FLTFA funds.

Using the FLTFA proceeds, the BLM, NPS, FWS, and FS acquired significant inholdings and adjacent lands from willing sellers, consistent with the provisions of the Act. For example, in November 2009 the BLM used FLTFA funds to complete the acquisition of 4,573 acres within the BLM's Canyons of the Ancients National Monument in southwest Colorado. These inholdings encompass 25 documented cultural sites, and archaeologists expect to record an additional 700 significant finds. The acquisition also included two particularly important areas: "Jackson's Castle," which is archaeologically significant; and the "Skywatcher Site," a one-of-a kind, 1,000-year-old solstice marker. The following are a few additional examples of important FLTFA acquisitions:

- Elk Springs Area of Critical Environmental Concern (ACEC), New Mexico/BLM—This 2,280-acre acquisition protects critical elk wintering habitat.
- Hells Canyon Wilderness, Arizona/BLM—A 640-acre parcel constituting the last inholding within the Hells Canyon Wilderness, located just 25 miles northwest of Phoenix.
- Grand Teton National Park, Wyoming/NPS—This small (1.38 acres), but critical inholding within the Park was acquired and protected from development.
- Nestucca Bay National Wildlife Refuge, Oregon/FWS—This 92-acre dairy farm on the outskirts of Pacific City, Oregon, was slated for residential development and was acquired to protect a significant portion of the world's population of the Semidi Islands Aleutian Cackling Goose.

Analysis

Section 203 of the bill would both reauthorize and enhance the original FLTFA through four major changes. First, the bill permanently reauthorizes FLTFA. Second, under the original FLTFA, only lands identified for disposal prior to July 25, 2000, were eligible to be sold. This section modifies that restriction by allowing any lands identified for disposal through the BLM's land use planning process to be sold through the FLTFA process. The Department supports this change, which recognizes the usefulness and importance of the BLM's land use planning process. Third, the original FLTFA allowed acquisitions of inholdings within, or adjacent to, certain Federal units such as BLM conservation units, National Parks, National Wildlife Refuges, and certain Forest Service units if they

existed prior to July 25, 2000. This section eliminates this limitation as well, and we support this change. Finally, the legislation adds exceptions to FLTFA in recognition of specific laws that modify FLTFA with respect to some particular locations. The FLTFA does not apply to lands available for sale under the Santini-Burton Act (P.L. 96-586) and the Southern Nevada Public Land Management Act (P.L. 105-263). This legislation additionally exempts lands included in the White Pine County Conservation, Recreation, and Development Act (P.L. 109-432) and the Lincoln County Conservation, Recreation and Development Act (P.L. 108-424). Finally, a number of provisions of the Omnibus Public Land Management Act of 2009 (P.L. 111-11) modify FLTFA at specific sites or for specific purposes. These exceptions are also captured by this legislation.

This section of the bill also provides that \$1 million per year be transferred to the Treasury from the Federal Land Disposal Account. The Department recommends deletion of this section, which would reduce the effectiveness of the FLTFA authority. The Department strongly supports Section 203.

CONCLUSION

Thank you for the opportunity to testify on the seven provisions included in this legislation. The Department shares the Committee's interest in enhancing recreational opportunities and access for hunting, fishing, and target shooting on public lands, and we look forward to continuing to work with you on these important issues. One opportunity for future collaboration on hunting, fishing, and other recreational uses of the public lands is the Administration's legislative proposal for a Congressionally-chartered, non-profit BLM Foundation. The Foundation would provide opportunities for interested members of the public and stakeholders to contribute financially to the programs they care most about—for instance, land acquisition, recreational access projects, and habitat improvement.

TESTIMONY OF LESLIE WELDON, DEPUTY CHIEF FOR NATIONAL FOREST SYSTEM, DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Madam Chairman and members of the committee; thank you for the opportunity to represent the views of the United States Department of Agriculture (USDA) on S. 556, the Bipartisan Sportsmen's Act of 2015. I am Leslie Weldon, Deputy Chief for the National Forest System, USDA Forest Service.

Please let me begin by strongly emphasizing the foundational role the National Forest System serves in providing high-quality outdoor recreational opportunities for all Americans. The 193 million acres of land the Forest Service manages in the public trust are now and always have been where people across the country go to enjoy

world-class hunting, fishing, and recreational shooting, as well as nearly every other variety of healthy outdoor activity. Spending by visitors engaging in recreation activities supports more jobs and economic output than any other activities on the National Forest System. In 2012, outdoor recreation on the National Forests supported approximately 190,000 jobs and contributed about \$13 billion to the Nation's gross domestic product.

S. 556 would, in summary, require the continued management of the National Forest System for hunting, fishing, and recreational shooting, require consideration of these uses in land management planning documents, require allowance of volunteers for the culling of wildlife, require access to designated wilderness for hunting, fishing, and shooting, continue provisions for the designation of shooting ranges, require reporting measures on closures or restrictions, and require coordination with advisory committees on these actions. The bill would establish procedures for permitting commercial film crews of five or fewer persons and the use of cameras and related equipment. It also creates reporting requirements under the Equal Access to Justice Act. In Title II, the bill would mandate that a percentage of monies from the Land and Water Conservation Fund be used to acquire recreation access to federal lands, would require development and publication of a list of federal lands where access is limited or unavailable, and amend the Federal Land Transaction Facilitation Act.

SECTION 101—RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING

USDA applauds the interest in promoting the tradition of hunting, fishing, and recreational shooting on the National Forests. Certain components in the legislation, however, raise specific concerns. Management of National Forests, including within designated wilderness, for the purposes of hunting, fishing, and shooting, and consideration of these uses when relevant in planning documents is already a fundamental component of existing law and policy including the Multiple Use—Sustained Yield Act and the National Forest Management Act, and will continue even without passage of this bill. National Forests are and will be open unless closed to these activities. If an agency action has effects on hunting, fishing, or recreational uses they would be evaluated under current policy and those effects disclosed. If they are not relevant to the planning effort, requiring the agency to consider them would provide minimum benefit and generate additional, unnecessary environmental documentation. Although the bill states that the bill is not intended to prioritize recreational hunting, fishing, and recreational shooting over other uses of Federal lands, USDA is concerned that the requirements in section 101 to facilitate recreational hunting, fishing, and recreational shooting could limit the agency's flexibility to

balance these uses with other uses as required under the Forest Service's Multiple Use-Sustained Yield Act.

USDA also is concerned that section 101(b)(4)(A) could be understood to open units of the National Wilderness Preservation System to uses prohibited by the Wilderness Act. Section 101(b)(4)(A)(ii) would provide that the bill's requirement that lands are open to fishing, hunting, and recreational shooting does not also authorize motorized access or the use of motorized vehicles in wilderness study areas and areas administratively classified as eligible or suitable for wilderness designation. This provision does not provide the same safeguard that motorized access for fishing, hunting and shooting will continue to be prohibited in designated wilderness. We are concerned that section 101(b)(4)(A)(ii) could be read to open wilderness areas administered by the Forest Service to temporary roads, motor vehicles, motorized equipment, motorboats, and other forms of mechanized transport in furtherance of recreational hunting, shooting, and fishing.

Further, this provision only mentions motorized vehicles but is silent on other prohibited uses under section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), such as mechanical transport, structures, and installations. As a result, this provision creates uncertainty as to whether such uses, when in furtherance of recreational hunting, shooting, and fishing, would remain prohibited under the Wilderness Act. Wilderness areas are currently managed by the Forest Service to provide opportunities for recreational use and enjoyment (including hunting and fishing) consistent with the primary responsibility of preserving the wilderness character of the area. Under section 101(b)(4)(C), local agency line officers already exercise authority to designate shooting ranges where appropriate and necessary. We note that the liability limitation in section 101(b)(4)(C) regarding these designations does not override the Federal Tort Claims Act and therefore most likely would not have any legal effect. With respect to section 101(b)(3)(B), the decision to allow culling of wildlife by volunteers or by other methods in any areas closed to hunting or fishing would be a decision best made locally, in concert with state agencies, based on local circumstances.

Given our long-standing commitment to manage National Forests as open for hunting, fishing, and shooting, where prohibitions do occur they are as a last resort to address sound public safety or natural resource concerns. These decisions are again best made by local, delegated line officers rather than agency heads, after the appropriate level of environmental analysis under NEPA and appropriate public involvement have been completed. The restatement in section 101(b)(8) of the authority of Executive Orders 12962 and 13443 is unnecessary and may give the perception the Agency is required to give deference to these activities as special interests. Additionally, to the extent the consultation requirement applies to emergency

closures, timely agency response to public safety issues could be compromised.

SECTION 102—COMMERCIAL FILMING

USDA agrees commercial filming is an appropriate use of National Forest System lands and should not be overly constrained. To this end, the Forest Service is currently engaged in a public process to revise its commercial filming directives to ensure sufficient protection of public resources, the freedom of individuals and groups, both large and small, to film and photograph National Forest System lands, and the protection of freedom of the press. This effort has included meeting with industry advocates and media groups, and hosting extensive public meetings in Boise, Seattle, Portland, and Washington DC during the public comment period for the proposed directives. Additionally, in concert with a Department of Interior-led effort USDA has been engaged in formation of an updated fee schedule common across land management agencies, with publication of a final rule anticipated soon. USDA believes issuance of these directives is the most appropriate way to ensure balanced protection of natural resource and wilderness values with use by commercial film crews of all sizes.

We would like to work with the committee on language addressing commercial filming to avoid unintended consequences. We are concerned that even small film crews can have a substantial impact as they may use large vehicles, trailers, generators, and other equipment to conduct their business. Issuing permits based on individual applications allows for commercial filming and provides assurance that impacts on natural resources will be avoided or minimized.

Additionally, we are concerned about new paragraph (3)(E), which provides that the Secretary may 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.” Because paragraph (3)(E) applies to wilderness, this provision would allow use of motorized equipment such as cranes for filming in wilderness, which would be inconsistent with the Wilderness Act.

SECTION 103—FEDERAL ACTION TRANSPARENCY

The detailed data to meet reporting requirements in the Federal Action Transparency section of the bill would impose a substantial burden on the Forest Service in terms of staff time and information technology expenses in the collection, database formatting, and dissemination of this information. We do not support section 103 as the information is largely already available via the Public Access to Court Electronic Records reporting system, even though it is not in summary report format as requested in this bill.

SECTIONS 201 AND 202—HABITAT CONSERVATION

We fully support the objectives of increasing and improving access to public lands. The development and publication of regional priority lists describing lands with limited, disputed or no legal access as required by Section 202 will require considerable staff time and would not, by itself, create greater access. Local Forest managers regularly pursue opportunities to acquire title, easement, or right-of-way to improve public access. We will continue to pursue negotiations with willing sellers, and assert public rights where access has been denied, to the extent of our capacity to do so.

The Land and Water Conservation Fund (LWCF) is a proven tool that can be used to improve recreational access to public lands. The President's FY 2016 Budget proposes to permanently authorize annual mandatory funding of the Department of Agriculture and Department of the Interior Land and Water Conservation Fund programs beginning in FY 2017. In FY 2016, we are requesting \$400 million in discretionary funding and \$500 million in mandatory funding, with all \$900 million coming from mandatory funding in FY 2017 to be shared by Agriculture and Interior. Full funding for the Land and Water Conservation Fund supports the President's agenda of improving public access and the past success and ongoing importance of the LWCF cannot be overstated. Of 40 land purchases the Forest Service completed in FY14 using LWCF, 39 provided either legal access where none previously existed or improved legal access. While we support the goals of Section 201 of this bill, we would prefer to consider creating a permanent set-aside in the context of establishing full and mandatory funding for the Land and Water Conservation Fund.

SECTION 203—FEDERAL LAND TRANSFER FACILITATION ACT

USDA supports reauthorization of the Federal Land Transfer Facilitation Act (FLTFA) and recommends that all proceeds be retained and used for critical land acquisitions including those that provide access for hunting, fishing, shooting, and other recreational activities.

Sources such as LWCF and FLTFA are significant in achieving our conservation mission, especially as an ever-increasing portion of the Forest Service budget is consumed by wildland fire suppression efforts. Resolving the fire-funding issue with bipartisan legislation is a critical need and an important first step before we could adequately address and fund all the provisions in this legislation.

This concludes my remarks. Thank you again for the opportunity to comment and I am available to take your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL LAND TRANSACTION FACILITATION ACT

* * * * *

SEC. 203. * * *

(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—

* * * * *

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 11 years after the date of enactment of this Act.]

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

* * * * *

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

[(1) the Federal Land Disposal Account shall be terminated; and

[(2) any remaining balance in the account shall become available for appropriation under section 200303 of title 54, United States Code.]

SEC. 207. SPECIAL PROVISIONS.

(a) * * *

(b) **OTHER LAW.**—This 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).

* * * * *

PUBLIC LAW 106–206, AS AMENDED

* * * * *

SECTION 1. COMMERCIAL FILMING.

(a) *DEFINITION OF SECRETARY.*—The term ‘Secretary’ means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.

[(a)] (b) *COMMERCIAL FILMING FEE.*—

(1) *IN GENERAL.*—The Secretary [of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to land in a System unit as defined in section 100102 of title 54, United States Code under their respective jurisdictions)] shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. The fee shall provide a fair return to the United States and shall be based upon the following criteria:

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

(B) The size of the film crew present on Federal land under the Secretary’s jurisdiction, *except in the case of film crews of 3 or fewer individuals.*

(C) The amount and type of equipment present.

(2) *OTHER FACTORS.*— The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(3) *FEE SCHEDULE.*—*Not later than 180 days after the date of enactment of the Sportsmen’s Act of 2015, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.*

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

[(c)] (d) *COMMERCIAL STILL PHOTOGRAPHY.*—

(1) *IN GENERAL.*— Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or

both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

[(d)] (e) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

- (1) there is a likelihood of resource damage;
- (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or
- (3) that the activity poses health or safety risks to the public.

[(e)] (f) USE OF PROCEEDS.—

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation *in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.)*, and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

[(f)] (g) PROCESSING OF PERMIT APPLICATIONS.—**[The Secretary shall]** (1) *IN GENERAL.*—*The Secretary shall* establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

(2) *CONSIDERATIONS.*—*The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.*

(h) *EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.*—*The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—*

(1) *incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and*

(2) *the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).*

(i) *EXCEPTION FROM CERTAIN FEES.*—*Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—*

(1) *is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));*

(2) *is conducted by a crew of not more than 3 individuals; and*

(3) *uses only a camera and tripod.*

(j) *APPLICABILITY TO NEWS GATHERING ACTIVITIES.*—

(1) *IN GENERAL.*—*News gathering shall not be considered a commercial activity.*

(2) *INCLUDED ACTIVITIES.*—*In this subsection, the term ‘news gathering’ includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.*

UNITED STATES CODE

* * * * *

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

§ 504. Costs and fees of parties

* * * * *

(c)(1) After consultation with the Chairman of the Administrative Conference of the United States, each agency shall by rule establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. If a court reviews the underlying decision of the adversary adjudication, an award for fees and other expenses may be made only pursuant to section 2412(d)(3) of title 28【, United States Code】.

* * * * *

【(e) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this subsection.】

(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Sportsmen’s Act of 2015, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a non-disclosure provision.

(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

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

- (1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.*
- (2) The name of the agency involved in the adversary adjudication.*
- (3) A description of the claims in the adversary adjudication.*
- (4) The name of each party to whom the award was made.*
- (5) The amount of the award.*
- (6) The basis for the finding that the position of the agency concerned was not substantially justified.*

(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).

[(f)] *(i) No award may be made under this section for costs, fees, or other expenses which may be awarded under section 7430 of the Internal Revenue Code of 1986.*

* * * * *

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

* * * * *

§ 2412. Costs and fees

* * * * *

(d) * * *

(3) In awarding fees and other expenses under this subsection to a prevailing party in any action for judicial review of an adversary adjudication, as defined in subsection (b)(1)(C) of section 504 of title 5, **[United States Code,]** or an adversary adjudication subject to chapter 71 of title 41, the court shall include in that award fees and other expenses to the same extent authorized in subsection (a) of such section, unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust.

* * * * *

(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Sportsmen’s Act of 2015, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of

fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision. (ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

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

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

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

(iii) the statute under which the plaintiff filed suit.

(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Sportsmen's Act of 2015, the following information:

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

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

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

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

(E) The amount of the award.

(F) The basis for the finding that the position of the agency concerned was not substantially justified.

(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).

(e) The provisions of this section shall not apply to any costs, fees, and other expenses in connection with any proceeding to which section 7430 of the Internal Revenue Code of 1954 applies (determined without regard to subsections (b) and (f) of such section). Nothing in the preceding sentence shall prevent the awarding under subsection (a) [of section 2412 of title 28, United States

Code,] of this section of costs enumerated in section 1920 [of such title] of this title (as in effect on October 1, 1981).

* * * * *

TITLE 31—MONEY AND FINANCE

* * * * *

§ 1304. Judgments, awards, and compromise settlements

* * * * *

(d) *Beginning not later than the date that is 60 days after the date of enactment of the Sportsmen’s Act of 2015, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:*

- (1) *The name of the specific agency or entity whose actions gave rise to the claim or judgment.*
- (2) *The name of the plaintiff or claimant.*
- (3) *The name of counsel for the plaintiff or claimant.*
- (4) *The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.*
- (5) *A brief description of the facts that gave rise to the claim.*
- (6) *The name of the agency that submitted the claim.*

* * * * *

TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

* * * * *

CHAPTER 1009—ADMINISTRATION

- 100901. Authority of Secretary to carry out certain activities
- 100902. Rights of way for public utilities and power and communication facilities
- 100903. Solid waste disposal operations
- 100904. Admission and special recreation use fees
- 100905. Commercial filming**
- 100906. Advisory committees

* * * * *

100905. Commercial filming

[(a) COMMERCIAL FILMING FEE.—

[(1) IN GENERAL.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

- [(A)** The number of days the filming activity or similar project takes place in the System unit.
- [(B)** The size of the film crew present in the System unit.
- [(C)** The amount and type of equipment present in the System unit.

[(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

[(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

[(c) STILL PHOTOGRAPHY.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

[(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site’s natural or cultural resources or administrative facilities.

[(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

[(1) there is a likelihood of resource damage;

[(2) there would be an unreasonable disruption of the public’s use and enjoyment of the site; or

[(3) the activity poses health or safety risks to the public.

[(e) USE OF PROCEEDS.—

[(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

[(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

[(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.]

* * * * *

CHAPTER 1049—MISCELLANEOUS

- 104901. Central warehouses at System units
- 104902. Services or other accommodations for public
- 104903. Care, removal, and burial of indigents
- 104904. Hire of work animals, vehicles, and equipment with or without personal services
- 104905. Preparation of mats for reproduction of photographs
- 104906. Protection or right of individuals to bear arms
- 104907. Limitation on extension or establishment of national parks in Wyoming
- 104908. *Bows in parks*
- 104909. *Wildlife management in parks*
- 104910. *National Park Service Maintenance and Revitalization Conservation Fund*

* * * * *

§ 104908. Bows in parks

(a) *DEFINITION OF NOT READY FOR IMMEDIATE USE.*—The term ‘not ready for immediate use’ means—

- (1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and
- (2) with respect to a crossbow, uncocked.

(b) *VEHICULAR TRANSPORTATION AUTHORIZED.*—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

- (1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;
- (2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and
- (3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.

SEC. 104909. WILDLIFE MANAGEMENT IN PARKS.

(a) *USE OF QUALIFIED VOLUNTEERS.*—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

(b) *REQUIREMENTS FOR QUALIFIED VOLUNTEERS.*—Qualified volunteers providing assistance under subsection (a) shall be subject to—

- (1) any training requirements or qualifications established by the Secretary; and
- (2) any other terms and conditions that the Secretary may require.

§ 104910. National Park Service Maintenance and Revitalization Conservation Fund

(a) *IN GENERAL.*—There is established in the Treasury a fund, to be known as the ‘National Park Service Critical Maintenance and Revitalization Conservation Fund’ (referred to in this section as the ‘Fund’).

(b) *DEPOSITS TO FUND.*—Notwithstanding any provision of law providing that the proceeds shall be credited to miscellaneous receipts of the Treasury, for each fiscal year, there shall be deposited in the Fund, from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) \$150,000,000.

(c) *USE AND AVAILABILITY.*—

(1) *IN GENERAL.*—Amounts deposited in the Fund shall—

(A) be used only for the purposes described in subsection (d); and

(B) be available for expenditure only after the amounts are appropriated for those purposes.

(2) *AVAILABILITY.*—Any amounts in the Fund not appropriated shall remain available in the Fund until appropriated.

(3) *NO LIMITATION.*—Appropriations from the Fund pursuant to this section may be made without fiscal year limitation.

(d) *NATIONAL PARK SYSTEM CRITICAL DEFERRED MAINTENANCE.*—The Secretary shall use amounts appropriated from the Fund for high-priority deferred maintenance needs of the Service that support critical infrastructure and visitor services.

(e) *LAND ACQUISITION PROHIBITION.*—Amounts in the Fund shall not be used for land acquisition.

* * * * *

CHAPTER 2003—LAND AND WATER CONSERVATION FUND

* * * * *

§ 200302. Establishment of Land and Water Conservation Fund

(a) *ESTABLISHMENT.*—There is established in the Treasury the Land and Water Conservation Fund.

(b) *DEPOSITS.*—**During the period ending September 30, 2015, there** *There* shall be deposited in the Fund the following revenues and collections:

* * * * *

(c) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than \$900,000,000 for each fiscal year **through September 30, 2015**.

* * * * *

§ 200304. Statement of estimated requirements

There (a) *IN GENERAL.*—*There* shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. **Not less than 40 percent of such appropriations shall be available for Federal purposes.**

(b) *ALLOCATION.*—*Of the appropriations from the Fund—*

(1) *not less than 40 percent shall be used collectively for Federal purposes under section 200306;*

(2) *not less than 40 percent shall be used collectively—*

(A) *to provide financial assistance to States under section 200305;*

(B) *for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c);*

(C) *for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and*

(D) *for the American Battlefield Protection Program established under chapter 3081; and*

(3) not less than 1.5 percent or \$10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.

* * * * *

§ 200306. Allocation of Fund amounts for Federal purposes

* * * * *

(c) CONSERVATION EASEMENTS.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.

(d) ACQUISITION CONSIDERATIONS.—The Secretary and the Secretary of Agriculture shall take into account the following in determining the land or interests in land to acquire:

- (1) Management efficiencies.
- (2) Management cost savings.
- (3) Geographic distribution.
- (4) Significance of the acquisition.
- (5) Urgency of the acquisition.
- (6) Threats to the integrity of the land to be acquired.
- (7) The recreational value of the land.

* * * * *

CHAPTER 3031—HISTORIC PRESERVATION FUND

* * * * *

§ 303102. Contents

For each [of fiscal years 2012 to 2015] fiscal year, \$150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

* * * * *