

115TH CONGRESS
1ST SESSION

S. 733

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

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2017

Ms. MURKOWSKI (for herself, Mr. HEINRICH, Mr. RISCH, Mr. MANCHIN, and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

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.
- Sec. 206. Identifying opportunities for recreation, hunting, and fishing on Federal land.
- Sec. 207. Amendments to the Federal Land Transaction Facilitation Act.

TITLE III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

- Sec. 301. Commercial filming.

TITLE IV—WILDLIFE AND HABITAT CONSERVATION

- Sec. 401. Amendments to Pittman-Robertson Wildlife Restoration Act.
- Sec. 402. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

TITLE V—BOWS AND WILDLIFE MANAGEMENT

- Sec. 501. Bows in parks.
- Sec. 502. Wildlife management in parks.

TITLE VI—MISCELLANEOUS

- Sec. 601. Respect for treaties and rights.
- Sec. 602. No priority.
- Sec. 603. State authority for fish and wildlife.

1 SEC. 2. DEFINITION OF SECRETARY.

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Interior.

4 TITLE I—NATIONAL POLICY**5 SEC. 101. CONGRESSIONAL DECLARATION OF NATIONAL
6 POLICY.**

7 (a) IN GENERAL.—Congress declares that it is the
8 policy of the United States that Federal departments and
9 agencies, in accordance with the missions of the depart-
10 ments and agencies, Executive Orders 12962 and 13443

1 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537
2 (August 16, 2007)), and applicable law, shall—

3 (1) facilitate the expansion and enhancement of
4 hunting, fishing, and recreational shooting opportu-
5 nities on Federal land, in consultation with the
6 Wildlife and Hunting Heritage Conservation Coun-
7 cil, the Sport Fishing and Boating Partnership
8 Council, State and tribal fish and wildlife agencies,
9 and the public;

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

14 (A) State management authority over wild-
15 life resources; and

16 (B) private property rights; and

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

20 (b) EXCLUSION.—In this Act, the term “fishing”
21 does not include commercial fishing in which fish are har-
22 vested, either in whole or in part, that are intended to
23 enter commerce through sale.

1 **TITLE II—SPORTSMEN’S ACCESS**
2 **TO FEDERAL LAND**

3 **SEC. 201. DEFINITIONS.**

4 In this title:

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

7 (A) any land in the National Forest Sys-
8 tem (as defined in section 11(a) of the Forest
9 and Rangeland Renewable Resources Planning
10 Act of 1974 (16 U.S.C. 1609(a))) that is ad-
11 ministered by the Secretary of Agriculture, act-
12 ing through the Chief of the Forest Service;
13 and

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

20 (2) **SECRETARY CONCERNED.**—The term “Sec-
21 retary concerned” means—

22 (A) the Secretary of Agriculture, with re-
23 spect to land described in paragraph (1)(A);
24 and

1 (B) the Secretary, with respect to land de-
2 scribed in paragraph (1)(B).

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

5 (a) IN GENERAL.—Subject to subsection (b), Federal
6 land shall be open to hunting, fishing, and recreational
7 shooting, in accordance with applicable law, unless the
8 Secretary concerned closes an area in accordance with sec-
9 tion 203.

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

14 **SEC. 203. CLOSURE OF FEDERAL LAND TO HUNTING, FISH-**
15 **ING, AND RECREATIONAL SHOOTING.**

16 (a) AUTHORIZATION.—

17 (1) IN GENERAL.—Subject to paragraph (2)
18 and in accordance with section 302(b) of the Federal
19 Land Policy and Management Act of 1976 (43
20 U.S.C. 1732(b)), the Secretary concerned may des-
21 ignate any area on Federal land in which, and estab-
22 lish any period during which, for reasons of public
23 safety, administration, or compliance with applicable
24 laws, no hunting, fishing, or recreational shooting
25 shall be permitted.

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

6 (b) CLOSURE PROCEDURES.—

7 (1) IN GENERAL.—Except in an emergency, be-
 8 fore permanently or temporarily closing any Federal
 9 land to hunting, fishing, or recreational shooting,
 10 the Secretary concerned shall—

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

13 (B) provide public notice and opportunity
 14 for comment under paragraph (2).

15 (2) PUBLIC NOTICE AND COMMENT.—

16 (A) IN GENERAL.—Public notice and com-
 17 ment shall include—

18 (i) a notice of intent—

19 (I) published in advance of the
 20 public comment period for the clo-
 21 sure—

22 (aa) in the Federal Register;

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

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

4 (dd) in at least 1 local news-
5 paper;

6 (II) made available in advance of
7 the public comment period to local of-
8 fices, chapters, and affiliate organiza-
9 tions in the vicinity of the closure that
10 are signatories to the memorandum of
11 understanding entitled “Federal
12 Lands Hunting, Fishing, and Shoot-
13 ing Sports Roundtable Memorandum
14 of Understanding”; and

15 (III) that describes—

16 (aa) the proposed closure;
17 and

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

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

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

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

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

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

11 (ii) explain how the Secretary con-
 12 cerned resolved any significant issues
 13 raised by the comments; and

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

16 (c) TEMPORARY CLOSURES.—

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

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

22 (A) may not be renewed more than 3 times
 23 after the first temporary closure; and

1 (B) must be subject to a separate notice
2 and comment procedure in accordance with sub-
3 section (b)(2).

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

10 (d) REPORTING.—On an annual basis, the Secre-
11 taries concerned shall—

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

15 (2) submit to the Committee on Energy and
16 Natural Resources and the Committee on Agri-
17 culture, Nutrition, and Forestry of the Senate and
18 the Committee on Natural Resources and the Com-
19 mittee on Agriculture of the House of Representa-
20 tives a report that identifies—

21 (A) a list of each area of Federal land tem-
22 porarily or permanently subject to a closure;

23 (B) the acreage of each closure; and

24 (C) a survey of—

1 (i) the aggregate areas and acreage
2 closed under this section in each State;
3 and

4 (ii) the percentage of Federal land in
5 each State closed under this section with
6 respect to hunting, fishing, and recreation-
7 al shooting.

8 (e) APPLICATION.—This section shall not apply if the
9 closure is—

10 (1) less than 14 days in duration; and

11 (2) covered by a special use permit.

12 **SEC. 204. SHOOTING RANGES.**

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

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

20 (1) a component of the National Landscape
21 Conservation System;

22 (2) a component of the National Wilderness
23 Preservation System;

24 (3) any area that is—

25 (A) designated as a wilderness study area;

1 (B) administratively classified as—

2 (i) wilderness-eligible; or

3 (ii) wilderness-suitable; or

4 (C) a primitive or semiprimitive area;

5 (4) a national monument, national volcanic
6 monument, or national scenic area; or

7 (5) a component of the National Wild and Sce-
8 nic Rivers System (including areas designated for
9 study for potential addition to the National Wild
10 and Scenic Rivers System).

11 **SEC. 205. FEDERAL ACTION TRANSPARENCY.**

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

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

16 (A) in subsection (c)(1), by striking “,
17 United States Code”;

18 (B) by redesignating subsection (f) as sub-
19 section (i); and

20 (C) by striking subsection (e) and inserting
21 the following:

22 “(e)(1) Not later than March 31 of the first fiscal
23 year beginning after the date of enactment of the Sports-
24 men’s Act, and every fiscal year thereafter, the Chairman
25 of the Administrative Conference of the United States,

1 after consultation with the Chief Counsel for Advocacy of
2 the Small Business Administration, shall submit to Con-
3 gress and make publicly available online a report on the
4 amount of fees and other expenses awarded during the
5 preceding fiscal year under this section.

6 “(2) Each report under paragraph (1) shall describe
7 the number, nature, and amount of the awards, the claims
8 involved in the controversy, and any other relevant infor-
9 mation that may aid Congress in evaluating the scope and
10 impact of such awards.

11 “(3)(A) Each report under paragraph (1) shall ac-
12 count for all payments of fees and other expenses awarded
13 under this section that are made pursuant to a settlement
14 agreement, regardless of whether the settlement agree-
15 ment is sealed or otherwise subject to a nondisclosure pro-
16 vision.

17 “(B) The disclosure of fees and other expenses re-
18 quired under subparagraph (A) shall not affect any other
19 information that is subject to a nondisclosure provision in
20 a settlement agreement.

21 “(f) As soon as practicable, and in any event not later
22 than the date on which the first report under subsection
23 (e)(1) is required to be submitted, the Chairman of the
24 Administrative Conference of the United States shall cre-
25 ate and maintain online a searchable database containing,

1 with respect to each award of fees and other expenses
2 under this section made on or after the date of enactment
3 of the Sportsmen’s Act, the following information:

4 “(1) The case name and number of the adver-
5 sary adjudication, if available, hyperlinked to the
6 case, if available.

7 “(2) The name of the agency involved in the
8 adversary adjudication.

9 “(3) A description of the claims in the adver-
10 sary adjudication.

11 “(4) The name of each party to whom the
12 award was made as such party is identified in the
13 order or other court document making the award.

14 “(5) The amount of the award.

15 “(6) The basis for the finding that the position
16 of the agency concerned was not substantially justi-
17 fied.

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

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

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

4 “(5)(A) Not later than March 31 of the first fiscal
5 year beginning after the date of enactment of the Sports-
6 men’s Act, and every fiscal year thereafter, the Chairman
7 of the Administrative Conference of the United States
8 shall submit to Congress and make publicly available on-
9 line a report on the amount of fees and other expenses
10 awarded during the preceding fiscal year pursuant to this
11 subsection.

12 “(B) Each report under subparagraph (A) shall de-
13 scribe the number, nature, and amount of the awards, the
14 claims involved in the controversy, and any other relevant
15 information that may aid Congress in evaluating the scope
16 and impact of such awards.

17 “(C)(i) Each report under subparagraph (A) shall ac-
18 count for all payments of fees and other expenses awarded
19 under this subsection that are made pursuant to a settle-
20 ment agreement, regardless of whether the settlement
21 agreement is sealed or otherwise subject to a nondisclosure
22 provision.

23 “(ii) The disclosure of fees and other expenses re-
24 quired under clause (i) shall not affect any other informa-

1 tion that is subject to a nondisclosure provision in a settle-
2 ment agreement.

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

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

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

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

14 “(6) As soon as practicable, and in any event not
15 later than the date on which the first report under para-
16 graph (5)(A) is required to be submitted, the Chairman
17 of the Administrative Conference of the United States
18 shall create and maintain online a searchable database
19 containing, with respect to each award of fees and other
20 expenses under this subsection made on or after the date
21 of enactment of the Sportsmen’s Act, the following infor-
22 mation:

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

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

3 “(C) The name of each party to whom the
4 award was made as such party is identified in the
5 order or other court document making the award.

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

7 “(E) The amount of the award.

8 “(F) The basis for the finding that the position
9 of the agency concerned was not substantially justi-
10 fied.

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

14 “(8) The head of each agency (including the Attorney
15 General of the United States) shall provide to the Chair-
16 man of the Administrative Conference of the United
17 States in a timely manner all information requested by
18 the Chairman to comply with the requirements of para-
19 graphs (5), (6), and (7).”.

20 (3) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—Section 2412 of title 28, United States
22 Code, is amended—

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

25 (B) in subsection (e)—

1 (i) by striking “of section 2412 of
 2 title 28, United States Code,” and insert-
 3 ing “of this section”; and

4 (ii) by striking “of such title” and in-
 5 serting “of this title”.

6 (b) JUDGMENT FUND TRANSPARENCY.—Section
 7 1304 of title 31, United States Code, is amended by add-
 8 ing at the end the following:

9 “(d) Beginning not later than the date that is 60
 10 days after the date of enactment of the Sportsmen’s Act,
 11 and unless the disclosure of such information is otherwise
 12 prohibited by law or a court order, the Secretary of the
 13 Treasury shall make available to the public on a website,
 14 as soon as practicable, but not later than 30 days after
 15 the date on which a payment under this section is ten-
 16 dered, the following information with regard to that pay-
 17 ment:

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

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

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

23 “(4) The amount paid representing principal li-
 24 ability, and any amounts paid representing any an-

1 cillary liability, including attorney fees, costs, and
2 interest.

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

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

7 **SEC. 206. IDENTIFYING OPPORTUNITIES FOR RECREATION,**
8 **HUNTING, AND FISHING ON FEDERAL LAND.**

9 (a) DEFINITIONS.—In this section:

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

12 (A) the Secretary, with respect to land ad-
13 ministered by—

14 (i) the Director of the National Park
15 Service;

16 (ii) the Director of the United States
17 Fish and Wildlife Service; and

18 (iii) the Director of the Bureau of
19 Land Management; and

20 (B) the Secretary of Agriculture, with re-
21 spect to land administered by the Chief of the
22 Forest Service.

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

1 (A) a State office of the Bureau of Land
2 Management; or

3 (B) a regional office of—

4 (i) the National Park Service;

5 (ii) the United States Fish and Wild-
6 life Service; or

7 (iii) the Forest Service.

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

11 (A) with respect to land under the jurisdic-
12 tion of the National Park Service, on park
13 roads and designated routes under section 4.10
14 of title 36, Code of Federal Regulations (or suc-
15 cessor regulations);

16 (B) with respect to land under the jurisdic-
17 tion of the United States Fish and Wildlife
18 Service, on the land under a comprehensive con-
19 servation plan prepared under section 4(e) of
20 the National Wildlife Refuge System Adminis-
21 tration Act of 1966 (16 U.S.C. 668dd(e));

22 (C) with respect to land under the jurisdic-
23 tion of the Forest Service, on National Forest
24 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 1 year after the date of enactment of this Act, and biennially thereafter during the 10-year period beginning on the date on which the first priority list is completed, 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).

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

4 (3) CONSIDERATIONS.—In preparing the pri-
5 ority list required under paragraph (1), the Sec-
6 retary shall consider with respect to the land—

7 (A) whether access is absent or merely re-
8 stricted, including the extent of the restriction;

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

11 (C) the potential for recreational use;

12 (D) any information received from the
13 public or other stakeholders during the nomina-
14 tion process described in paragraph (5); and

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

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

23 (A) another Federal agency;

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

25 (C) a private landowner.

1 (5) NOMINATION PROCESS.—In preparing a pri-
2 ority list under this section, the Secretary shall pro-
3 vide an opportunity for members of the public to
4 nominate parcels for inclusion on the priority list.

5 (c) ACCESS OPTIONS.—With respect to land included
6 on a priority list described in subsection (b), the Secretary
7 shall develop and submit to the Committees on Appropria-
8 tions and Energy and Natural Resources of the Senate
9 and the Committees on Appropriations and Natural Re-
10 sources of the House of Representatives a report on op-
11 tions for providing access that—

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

16 (2) specifies the steps recommended to secure
17 the access and egress, including acquiring an ease-
18 ment, right-of-way, or fee title from a willing owner
19 of any land that abuts the land or the need to co-
20 ordinate with State land management agencies or
21 other Federal, State, or tribal governments to allow
22 for such access and egress; and

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

1 (d) PROTECTION OF PERSONALLY IDENTIFYING IN-
 2 FORMATION.—In making the priority list and report pre-
 3 pared under subsections (b) and (c) available, the Sec-
 4 retary shall ensure that no personally identifying informa-
 5 tion is included, such as names or addresses of individuals
 6 or entities.

7 (e) WILLING OWNERS.—For purposes of providing
 8 any permits to, or entering into agreements with, a State,
 9 local, or tribal government or private landowner with re-
 10 spect to the use of land under the jurisdiction of the gov-
 11 ernment or landowner, the Secretary shall not take into
 12 account whether the State, local, or tribal government or
 13 private landowner has granted or denied public access or
 14 egress to the land.

15 (f) MEANS OF PUBLIC ACCESS AND EGRESS IN-
 16 CLUDED.—In considering public access and egress under
 17 subsections (b) and (c), the Secretary shall consider public
 18 access and egress to the legal boundaries of the land de-
 19 scribed in those subsections, including access and egress—

20 (1) by motorized or non-motorized vehicles; and

21 (2) on foot or horseback.

22 (g) EFFECT.—

23 (1) IN GENERAL.—This section shall have no
 24 effect on whether a particular recreational use shall

1 be allowed on the land included in a priority list
 2 under this section.

3 (2) EFFECT OF ALLOWABLE USES ON AGENCY
 4 CONSIDERATION.—In preparing the priority list
 5 under subsection (b), the Secretary shall only con-
 6 sider recreational uses that are allowed on the land
 7 at the time that the priority list is prepared.

8 **SEC. 207. AMENDMENTS TO THE FEDERAL LAND TRANS-**
 9 **ACTION FACILITATION ACT.**

10 (a) IN GENERAL.—The Federal Land Transaction
 11 Facilitation Act (43 U.S.C. 2301 et seq.) is amended—

12 (1) in section 203(2) (43 U.S.C. 2302(2)), in
 13 the matter preceding subparagraph (A), by striking
 14 “on the date of enactment of this Act was” and in-
 15 serting “is”;

16 (2) in section 205 (43 U.S.C. 2304)—

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

19 and

20 (B) by striking subsection (d);

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

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

24 (A) in paragraph (1)—

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

3 (ii) by striking “or” at the end;

4 (B) in paragraph (2)—

5 (i) by inserting “Public Law 105–
6 263;” before “112 Stat.”; and

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

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

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

13 “(4) the Lincoln County Conservation, Recre-
14 ation, and Development Act of 2004 (Public Law
15 108–424; 118 Stat. 2403);

16 “(5) subtitle F of title I of the Omnibus Public
17 Land Management Act of 2009 (Public Law 111–
18 11; 123 Stat. 1032);

19 “(6) subtitle O of title I of the Omnibus Public
20 Land Management Act of 2009 (Public Law 111–
21 11; 123 Stat. 1075);

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

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

4 (b) TRANSFER OF FUNDS TO TREASURY.—Of the
5 amounts deposited in the Federal Land Disposal Account
6 established by section 206 of the Federal Land Trans-
7 action Facilitation Act (43 U.S.C. 2305), there shall be
8 transferred to the general fund of the Treasury
9 \$1,000,000 for each of fiscal years 2018 through 2027.

10 **TITLE III—FILMING ON FED-**
11 **ERAL LAND MANAGEMENT**
12 **AGENCY LAND**

13 **SEC. 301. COMMERCIAL FILMING.**

14 (a) IN GENERAL.—Section 1 of Public Law 106–206
15 (16 U.S.C. 460l–6d) is amended—

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

18 (2) by inserting before subsection (b) (as so re-
19 designated) the following:

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

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

25 (A) in paragraph (1)—

1 (i) in the first sentence—

2 (I) by striking “of the Interior or
3 the Secretary of Agriculture (here-
4 after individually referred to as the
5 ‘Secretary’ with respect to land (ex-
6 cept land in a System unit as defined
7 in section 100102 of title 54, United
8 States Code) under their respective
9 jurisdictions)”;

10 (II) by striking “or similar
11 projects”;

12 (ii) in subparagraph (A), by striking
13 “or similar project”; and

14 (iii) in subparagraph (B), by inserting
15 “, except in the case of film crews of three
16 or fewer individuals” before the period at
17 the end; and

18 (B) by adding at the end the following:

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

1 (4) in subsection (c) (as so redesignated), in the
 2 second sentence, by striking “subsection (a)” and in-
 3 serting “subsection (b)”;

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

7 (6) in paragraph (1) of subsection (f) (as so re-
 8 designated), by inserting “in accordance with the
 9 Federal Lands Recreation Enhancement Act (16
 10 U.S.C. 6801 et seq.),” after “without further appro-
 11 priation,”;

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

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

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

16 (B) by adding at the end the following:

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

21 (8) by adding at the end the following:

22 “(h) EXEMPTION FROM COMMERCIAL FILMING OR
 23 STILL PHOTOGRAPHY PERMITS AND FEES.—The Sec-
 24 retary shall not require persons holding commercial use
 25 authorizations or special recreation permits to obtain an

1 additional permit or pay a fee for commercial filming or
 2 still photography under this Act if the filming or photog-
 3 raphy conducted is—

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

7 “(2) the holder of the commercial use author-
 8 ization or special recreation permit is an individual
 9 or small business concern (within the meaning of
 10 section 3 of the Small Business Act (15 U.S.C.
 11 632)).

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

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

19 “(2) is conducted by a crew of not more than
 20 3 individuals; and

21 “(3) uses only a camera and tripod.

22 “(j) APPLICABILITY TO NEWS GATHERING ACTIVI-
 23 TIES.—

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

1 “(2) INCLUDED ACTIVITIES.—In this sub-
 2 section, the term ‘news gathering’ includes, at a
 3 minimum, the gathering, recording, and filming of
 4 news and information related to news in any me-
 5 dium.”.

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

8 (1) by striking section 100905; and

9 (2) in the table of sections for chapter 1009 of
 10 title 54, United States Code, by striking the item re-
 11 lating to section 100905.

12 **TITLE IV—WILDLIFE AND** 13 **HABITAT CONSERVATION**

14 **SEC. 401. AMENDMENTS TO PITTMAN-ROBERTSON WILD-** 15 **LIFE RESTORATION ACT.**

16 (a) PURPOSE.—The purpose of this section is to fa-
 17 cilitate the construction and expansion of public target
 18 ranges, including ranges on Federal land managed by the
 19 Forest Service and the Bureau of Land Management.

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

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

25 (2) is open to the public;

1 (3) may be supervised; and

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

4 (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-
5 LIFE RESTORATION ACT.—

6 (1) DEFINITIONS.—Section 2 of the Pittman-
7 Robertson Wildlife Restoration Act (16 U.S.C.
8 669a) is amended—

9 (A) by redesignating paragraphs (2)
10 through (8) as paragraphs (3) through (9), re-
11 spectively; and

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

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

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

18 “(B) is open to the public;

19 “(C) may be supervised; and

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

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

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

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

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

7 (B) in paragraph (1) (as so designated), by
 8 striking “construction, operation,” and insert-
 9 ing “operation”;

10 (C) in the second sentence, by striking
 11 “The non-Federal share” and inserting the fol-
 12 lowing:

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

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

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

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

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

24 (3) FIREARM AND BOW HUNTER EDUCATION
 25 AND SAFETY PROGRAM GRANTS.—Section 10 of the

1 Pittman-Robertson Wildlife Restoration Act (16
2 U.S.C. 669h–1) is amended—

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

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

12 (B) by striking subsection (b) and insert-
13 ing the following:

14 “(b) COST SHARING.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Federal share of the cost of any activ-
17 ity carried out using a grant under this section shall
18 not exceed 75 percent of the total cost of the activ-
19 ity.

20 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
21 EXPANSION.—The Federal share of the cost of ac-
22 quiring land for, expanding, or constructing a public
23 target range in a State on Federal or non-Federal
24 land pursuant to this section or section 8(b) shall

1 not exceed 90 percent of the cost of the activity.”;
2 and

3 (C) in subsection (c)(1)—

4 (i) by striking “Amounts made” and
5 inserting the following:

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

8 (ii) by adding at the end the fol-
9 lowing:

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

17 (d) SENSE OF CONGRESS REGARDING COOPERA-
18 TION.—It is the sense of Congress that, consistent with
19 applicable laws (including regulations), the Secretary and
20 the Secretary of Agriculture should cooperate with State
21 and local authorities and other entities to carry out waste
22 removal and other activities on any Federal land used as
23 a public target range to encourage continued use of that
24 land for target practice or marksmanship training.

1 **SEC. 402. WILDLIFE AND HUNTING HERITAGE CONSERVA-**
 2 **TION COUNCIL ADVISORY COMMITTEE.**

3 The Fish and Wildlife Coordination Act (16 U.S.C.
 4 661 et seq.) is amended by adding at the end the fol-
 5 lowing:

6 **“SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVA-**
 7 **TION COUNCIL ADVISORY COMMITTEE.**

8 “(a) ESTABLISHMENT.—There is established the
 9 Wildlife and Hunting Heritage Conservation Council Advi-
 10 sory Committee (referred to in this section as the ‘Advi-
 11 sory Committee’) to advise the Secretary of the Interior
 12 and the Secretary of Agriculture (referred to in this sec-
 13 tion as the ‘Secretaries’) on wildlife and habitat conserva-
 14 tion, hunting, and recreational shooting.

15 “(b) DUTIES OF THE ADVISORY COMMITTEE.—The
 16 Advisory Committee shall advise the Secretaries regard-
 17 ing—

18 “(1) implementation of the ‘Recreational Hunt-
 19 ing and Wildlife Resource Conservation Plan—A
 20 Ten-Year Plan for Implementation’ and any suc-
 21 cessor plans, in accordance with Executive Order
 22 13443 (16 U.S.C. 661 note; relating to facilitation
 23 of hunting heritage and wildlife conservation);

24 “(2) increasing public awareness of, and sup-
 25 port for, the Wildlife Restoration Program;

1 “(3) fostering wildlife and habitat conservation
2 and ethics in hunting and shooting sports recreation;

3 “(4) stimulating the participation of sportsmen
4 and sportswomen in the conservation and manage-
5 ment of wildlife and habitat resources through out-
6 reach and education;

7 “(5) fostering communication and coordination
8 among—

9 “(A) the Federal Government and State
10 and tribal governments;

11 “(B) industry;

12 “(C) sportsmen and sportswomen who
13 hunt and shoot;

14 “(D) wildlife and habitat conservation and
15 management organizations; and

16 “(E) the public;

17 “(6) providing appropriate access to Federal
18 land for recreational shooting and hunting; and

19 “(7) recommendations to improve implementa-
20 tion of Federal conservation programs that benefit
21 wildlife, hunting, and outdoor recreation on private
22 land.

23 “(c) MEMBERSHIP.—

24 “(1) APPOINTMENT.—

1 “(A) IN GENERAL.—The Advisory Com-
 2 mittee shall consist of not more than 16 discre-
 3 tionary members and 7 ex officio members.

4 “(B) EX OFFICIO MEMBERS.—The ex offi-
 5 cio members are—

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

9 “(ii) the Director of the Bureau of
 10 Land Management or a designated rep-
 11 resentative of the Director;

12 “(iii) the Director of the National
 13 Park Service or a designated representa-
 14 tive of the Director;

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

17 “(v) the Chief of the Natural Re-
 18 sources Conservation Service or a des-
 19 ignated representative of the Chief;

20 “(vi) the Administrator of the Farm
 21 Service Agency or a designated representa-
 22 tive of the Administrator; and

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

1 “(C) DISCRETIONARY MEMBERS.—The dis-
2 cretionary members shall be appointed jointly
3 by the Secretaries from at least one of each of
4 the following:

5 “(i) State fish and wildlife manage-
6 ment agencies.

7 “(ii) Wildlife and habitat conservation
8 management organizations.

9 “(iii) Game bird hunting organiza-
10 tions.

11 “(iv) Waterfowl hunting organiza-
12 tions.

13 “(v) Big game hunting organizations.

14 “(vi) The tourism, outfitter, or guid-
15 ing industry relating to hunting, fishing,
16 and shooting sports.

17 “(vii) The hunting or shooting equip-
18 ment retail industry.

19 “(viii) Tribal resource management
20 organizations.

21 “(ix) Hunting, shooting, and fishing
22 sports outreach and education organiza-
23 tions.

1 “(x) Women’s hunting and fishing ad-
 2 vocacy, outreach, or education organiza-
 3 tions.

4 “(xi) Minority hunting and fishing ad-
 5 vocacy, outreach, or education organiza-
 6 tions.

7 “(xii) Veterans service organizations.

8 “(2) TERMS.—

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

14 “(B) TERMS OF INITIAL APPOINTEES.—As
 15 designated by the Secretaries at the time of ap-
 16 pointment, of the members first appointed—

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

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

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

23 “(3) PRESERVATION OF PUBLIC ADVISORY STA-
 24 TUS.—No individual may be appointed as a discre-
 25 tionary member of the Advisory Committee while

1 serving as an officer or employee of the Federal
2 Government.

3 “(4) VACANCY AND REMOVAL.—

4 “(A) IN GENERAL.—Any vacancy on the
5 Advisory Committee shall be filled in the man-
6 ner in which the original appointment was
7 made.

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

12 “(5) CONTINUATION OF SERVICE.—Each ap-
13 pointed member may continue to serve after the ex-
14 piration of the term of office to which such member
15 was appointed until a successor has been appointed.

16 “(6) CHAIRPERSON.—The Chairperson of the
17 Advisory Committee shall be appointed for a 3-year
18 term by the Secretaries, jointly, from among the
19 members of the Advisory Committee. An individual
20 may not be appointed as Chairperson for more than
21 2 consecutive or nonconsecutive terms.

22 “(7) COMPENSATION.—Members of the Advi-
23 sory Committee shall serve without compensation.

24 “(8) TRAVEL EXPENSES.—Members of the Ad-
25 visory Committee may be allowed travel expenses, in-

cluding per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of duties of the Advisory Committee.

“(9) MEETINGS.—

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

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

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

“(D) SUBGROUPS.—The Advisory Committee may establish such workgroups or subgroups as the Advisory Committee deems necessary for the purpose of compiling information or conducting research.

“(10) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

1 “(d) EXPENSES, ADMINISTRATIVE SUPPORT, TECH-
 2 NICAL SERVICES, AND ADVICE.—The Secretaries may
 3 provide for expenses, administrative support, technical
 4 services, and advice to the Advisory Committee that the
 5 Secretaries determine to be appropriate.

6 “(e) ANNUAL REPORT.—

7 “(1) REQUIRED.—Not later than September 30
 8 of each year, the Advisory Committee shall submit
 9 a report to the Secretaries, the Committee on Nat-
 10 ural Resources and the Committee on Agriculture of
 11 the House of Representatives, and the Committee on
 12 Energy and Natural Resources and the Committee
 13 on Agriculture, Nutrition, and Forestry of the Sen-
 14 ate.

15 “(2) CONTENTS.—The report required under
 16 paragraph (1) shall describe—

17 “(A) the activities of the Advisory Com-
 18 mittee during the preceding year;

19 “(B) the reports and recommendations
 20 made by the Advisory Committee to the Secre-
 21 taries during the preceding year; and

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

1 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The
 2 Advisory Committee shall be exempt from the Federal Ad-
 3 visory Committee Act (5 U.S.C. App.).”.

4 **TITLE V—BOWS AND WILDLIFE** 5 **MANAGEMENT**

6 **SEC. 501. BOWS IN PARKS.**

7 (a) IN GENERAL.—Chapter 1049 of title 54, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing:

10 **“§ 104908. Bows in parks**

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

13 “(1) a bow or crossbow, the arrows of which are
 14 secured or stowed in a quiver or other arrow trans-
 15 port case; and

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

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

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

24 “(2) the bows or crossbows that are not ready
 25 for immediate use remain inside the vehicle of the

1 individual throughout the period during which the
 2 bows or crossbows are transported across System
 3 land; and

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

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for chapter 1049 of title 54, United States Code, is
 9 amended by inserting after the item relating to section
 10 104907 the following:

“104908. Bows in parks.”.

11 **SEC. 502. WILDLIFE MANAGEMENT IN PARKS.**

12 (a) IN GENERAL.—Chapter 1049 of title 54, United
 13 States Code (as amended by section 501(a)), is amended
 14 by adding at the end the following:

15 **“§ 104909. Wildlife management in parks**

16 “(a) USE OF QUALIFIED VOLUNTEERS.—If the Sec-
 17 retary determines it is necessary to reduce the size of a
 18 wildlife population on System land in accordance with ap-
 19 plicable law (including regulations), the Secretary may use
 20 qualified volunteers to assist in carrying out wildlife man-
 21 agement on System land.

22 “(b) REQUIREMENTS FOR QUALIFIED VOLUN-
 23 TEERS.—Qualified volunteers providing assistance under
 24 subsection (a) shall be subject to—

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

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

5 “(c) DONATIONS.—The Secretary may authorize the
6 donation and distribution of meat from wildlife manage-
7 ment activities carried out under this section, including
8 the donation and distribution to Indian tribes, qualified
9 volunteers, food banks, and other organizations that work
10 to address hunger, in accordance with applicable health
11 guidelines and such terms and conditions as the Secretary
12 may require.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 1049 of title 54 (as amended by section
15 501(b)), United States Code, is amended by inserting
16 after the item relating to section 104908 the following:

“104909. Wildlife management in parks.”.

17 **TITLE VI—MISCELLANEOUS**

18 **SEC. 601. RESPECT FOR TREATIES AND RIGHTS.**

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

21 (1) affects or modifies any treaty or other right
22 of any federally recognized Indian tribe; or

23 (2) modifies any provision of Federal law relat-
24 ing to migratory birds or to endangered or threat-
25 ened species.

1 **SEC. 602. NO PRIORITY.**

2 Nothing in this Act or the amendments made by this
3 Act provides a preference to hunting, fishing, or rec-
4 reational shooting over any other use of Federal land or
5 water.

6 **SEC. 603. STATE AUTHORITY FOR FISH AND WILDLIFE.**

7 Nothing in this Act—

8 (1) authorizes the Secretary of Agriculture or
9 the Secretary to require Federal licenses or permits
10 to hunt and fish on Federal land; or

11 (2) enlarges or diminishes the responsibility or
12 authority of States with respect to fish and wildlife
13 management.

○