

SPORTSMEN'S HERITAGE AND RECREATIONAL  
ENHANCEMENT ACT

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SEPTEMBER 18, 2017.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3668]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3668) to provide for the preservation of sportsmen's heritage and enhance recreation opportunities on Federal land, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Sportsmen's Heritage And Recreational Enhancement Act" or the "SHARE Act".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.

**TITLE I—FISHING PROTECTION ACT**

Sec. 101. Short title.  
Sec. 102. Modification of definition.  
Sec. 103. Limitation on authority to regulate ammunition and fishing tackle.

**TITLE II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT**

Sec. 201. Short title.  
Sec. 202. Definition of public target range.  
Sec. 203. Amendments to Pittman-Robertson Wildlife Restoration Act.

- Sec. 204. Limits on liability.
- Sec. 205. Sense of Congress regarding cooperation.

#### TITLE III—RECREATIONAL LANDS SELF-DEFENSE ACT

- Sec. 301. Short title.
- Sec. 302. Protecting Americans from violent crime.

#### TITLE IV—RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Recreational fishing, hunting, and shooting.
- Sec. 404. Volunteer hunters; reports; closures and restrictions.
- Sec. 405. Withdrawal of existing rule regarding hunting and trapping in Alaska.

#### TITLE V—FARMER AND HUNTER PROTECTION ACT

- Sec. 501. Short title.
- Sec. 502. Baiting of migratory game birds.

#### TITLE VI—TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

- Sec. 601. Short title.
- Sec. 602. Bowhunting opportunity and wildlife stewardship.

#### TITLE VII—RESPECT FOR TREATIES AND RIGHTS

- Sec. 701. Respect for treaties and rights.

#### TITLE VIII—STATE APPROVAL OF FISHING RESTRICTION

- Sec. 801. State or territorial approval of restriction of recreational or commercial fishing access to certain State or territorial waters.

#### TITLE IX—OPEN BOOK ON EQUAL ACCESS TO JUSTICE

- Sec. 901. Short title.
- Sec. 902. Modification of equal access to justice provisions.

#### TITLE X—GOOD SAMARITAN SEARCH AND RECOVERY

- Sec. 1001. Short title.
- Sec. 1002. Expedited access to certain Federal land.

#### TITLE XI—INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION

- Sec. 1101. Interstate transportation of firearms or ammunition.

#### TITLE XII—POLAR BEAR CONSERVATION AND FAIRNESS ACT

- Sec. 1201. Short title.
- Sec. 1202. Permits for importation of polar bear trophies taken in sport hunts in Canada.

#### TITLE XIII—NORTH AMERICAN WETLANDS CONSERVATION EXTENSION

- Sec. 1301. Short title.
- Sec. 1302. Authorization of appropriations.
- Sec. 1303. Limitation on expenditures for purchase of land.
- Sec. 1304. Enhanced report on expenditures.

#### TITLE XIV—GRAY WOLVES

- Sec. 1401. Reissuance of final rules relating to gray wolves in the Western Great Lakes and the State of Wyoming.

#### TITLE XV—HEARING PROTECTION

- Sec. 1501. Short title.
- Sec. 1502. Equal treatment of silencers and firearms.
- Sec. 1503. Treatment of certain silencers.
- Sec. 1504. Preemption of certain State laws in relation to firearm silencers.
- Sec. 1505. Destruction of records.
- Sec. 1506. Amendments to title 18, United States Code.
- Sec. 1507. Imposition of tax on firearm silencers or firearm mufflers.

#### TITLE XVI—LAWFUL PURPOSE AND SELF-DEFENSE

- Sec. 1601. Short title.
- Sec. 1602. Elimination of authority to reclassify popular rifle ammunition as “armor piercing ammunition”.
- Sec. 1603. Elimination of restrictions on importation of non-National Firearms Act firearm or ammunition that may otherwise be lawfully possessed and sold in the United States.
- Sec. 1604. Protection of shotguns, shotgun shells, and large caliber rifles from arbitrary classification as “destructive devices”.
- Sec. 1605. Broadening of the temporary interstate transfer provision to allow temporary transfers for all lawful purposes rather than just for “sporting purposes”.

#### TITLE XVII—FEDERAL LAND TRANSACTION FACILITATION ACT REAUTHORIZATION (FLTFA)

- Sec. 1701. Short title.
- Sec. 1702. Federal Land Transaction Facilitation Act.

#### TITLE XVIII—FILM CREWS

- Sec. 1801. Annual permit and fee for film crews of 5 persons or fewer.

#### TITLE XIX—RESPECT FOR STATE WILDLIFE MANAGEMENT AUTHORITY

- Sec. 1901. Authority of the States.

Sec. 1902. Federal licenses.  
 Sec. 1903. Cooperation with State Fish and Wildlife Agencies on Management Plans.

#### TITLE XX—GRAND CANYON BISON MANAGEMENT ACT

Sec. 2001. Short title.  
 Sec. 2002. Definitions.  
 Sec. 2003. Bison management plan for Grand Canyon National Park.

#### TITLE XXI—GUIDES AND OUTFITTERS

Sec. 2101. Short title; definitions.  
 Sec. 2102. Special recreation permit and fee.  
 Sec. 2103. Permit across multiple jurisdictions.  
 Sec. 2104. Guidelines and permit fee calculation.  
 Sec. 2105. Use of permit fees for permit administration.  
 Sec. 2106. Adjustment to permit use reviews.  
 Sec. 2107. Authorization of temporary permits for new uses for the Forest Service and BLM.  
 Sec. 2108. Indemnification requirements.  
 Sec. 2109. Streamlining of permitting process.  
 Sec. 2110. Cost recovery reform.  
 Sec. 2111. Extension of forest service recreation priority use permits.

#### TITLE XXII—HUNTING AND RECREATIONAL FISHING WITHIN CERTAIN NATIONAL FORESTS

Sec. 2201. Definitions.  
 Sec. 2202. Hunting and recreational fishing within the National Forest System.

## TITLE I—FISHING PROTECTION ACT

### SEC. 101. SHORT TITLE.

This title may be cited as the “Fishing Protection Act”.

### SEC. 102. MODIFICATION OF DEFINITION.

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

- (1) in clause (v), by striking “and” at the end;
- (2) in clause (vi), by striking the period at the end and inserting “, and”; and
- (3) by inserting after clause (vi) the following:  
 “(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

### SEC. 103. LIMITATION ON AUTHORITY TO REGULATE AMMUNITION AND FISHING TACKLE.

Except as provided in section 20.21 of title 50, Code of Federal Regulations, as in effect on the date of the enactment of this Act, or any substantially similar successor regulation thereto, the Secretary of the Interior, the Secretary of Agriculture, and any bureau, service, or office of the Department of the Interior or the Department of Agriculture, may not regulate the use of ammunition cartridges, ammunition components, or fishing tackle based on the lead content thereof if such use is in compliance with the law of the State in which the use occurs.

## TITLE II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

### SEC. 201. SHORT TITLE.

This title may be cited as the “Target Practice and Marksmanship Training Support Act”.

### SEC. 202. DEFINITION OF PUBLIC TARGET RANGE.

In this title, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate archery or rifle, pistol, or shotgun shooting.

### SEC. 203. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

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

- (1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and
- (2) by inserting after paragraph (1) the following:  
 “(2) the term ‘public target range’ means a specific location that—

- “(A) is identified by a governmental agency for recreational shooting;
  - “(B) is open to the public;
  - “(C) may be supervised; and
  - “(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.
- (b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—
- (1) by striking “(b) Each State” and inserting the following:
- “(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—
- “(1) IN GENERAL.—Except as provided in paragraph (2), each State”;
  - (2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;
  - (3) in the second sentence, by striking “The non-Federal share” and inserting the following:
- “(3) NON-FEDERAL SHARE.—The non-Federal share”;
- (4) in the third sentence, by striking “The Secretary” and inserting the following:
- “(4) REGULATIONS.—The Secretary”; and
- (5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:
- “(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.
- (c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—
- (1) in subsection (a), by adding at the end the following:
- “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;
- (2) by striking subsection (b) and inserting the following:
- “(b) COST SHARING.—
- “(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.
  - “(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.
  - “(3) IN-KIND MATCH.—For the purposes of cost sharing, any institution (as defined by 7 U.S.C. 7601) that is eligible to receive amounts under this section shall be allowed to use the present value of their land as an in-kind match to satisfy cost sharing requirements regardless of any restrictions in law that would otherwise prohibit the use of the land for such purpose.”; and
- (3) in subsection (c)(1)—
- (A) by striking “Amounts made” and inserting the following:
- “(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and
- (B) by adding at the end the following:
- “(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.
- SEC. 204. LIMITS ON LIABILITY.**
- (a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.
  - (b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—
- (1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

**SEC. 205. SENSE OF CONGRESS REGARDING COOPERATION.**

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

## **TITLE III—RECREATIONAL LANDS SELF-DEFENSE ACT**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Recreational Lands Self-Defense Act”.

**SEC. 302. PROTECTING AMERICANS FROM VIOLENT CRIME.**

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including a firearm that is assembled, loaded, and functional, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

## **TITLE IV—RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Recreational Fishing and Hunting Heritage and Opportunities Act”.

**SEC. 402. DEFINITIONS.**

In this title:

- (1) **FEDERAL PUBLIC LAND.**—The term “Federal public land” means any land or water that is owned and managed by the Bureau of Land Management or the Forest Service.
- (2) **FEDERAL PUBLIC LAND MANAGEMENT OFFICIALS.**—The term “Federal public land management officials” means—
  - (A) the Secretary of the Interior and the Director of the Bureau of Land Management regarding Bureau of Land Management lands and waters; and
  - (B) the Secretary of Agriculture and the Chief of the Forest Service regarding the National Forest System.
- (3) **HUNTING.**—
  - (A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—
    - (i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;
    - (ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or
    - (iii) the training of hunting dogs, including field trials.
  - (B) **EXCLUSION.**—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).
- (4) **RECREATIONAL FISHING.**—The term “recreational fishing” means the lawful—
  - (A) pursuit, capture, collection, or killing of fish; or
  - (B) attempt to capture, collect, or kill fish.
- (5) **RECREATIONAL SHOOTING.**—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

**SEC. 403. RECREATIONAL FISHING, HUNTING, AND SHOOTING.**

(a) **IN GENERAL.**—Subject to valid existing rights and subsection (g), and cooperation with the respective State fish and wildlife agency, Federal public land management officials shall exercise authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands, including National Monuments, Wilderness Areas, Wilderness Study Areas, and lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for recreational fishing, hunting, and shooting, except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; or

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

(b) **MANAGEMENT.**—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

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

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

(3) in accordance with applicable Federal law.

(c) **PLANNING.**—

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

(2) **NO MAJOR FEDERAL ACTION.**—No action taken under this title, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal public lands or lands managed by the United States Fish and Wildlife Service, shall be considered under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required with respect to such an action.

(3) **OTHER ACTIVITY NOT CONSIDERED.**—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(d) **FEDERAL PUBLIC LANDS.**—

(1) **LANDS OPEN.**—Notwithstanding any other law, lands under the jurisdiction of the Bureau of Land Management or the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas and National Monuments, but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands may be made subject to closure to or restriction on recreational fishing, hunting, or shooting if determined by the head of the agency concerned to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interest, national security, or compliance with other law.

(2) **SHOOTING RANGES.**—

(A) **IN GENERAL.**—The head of each Federal agency shall use his or her authorities in a manner consistent with this title and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS AND “WITHIN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for recreational fishing, hunting, and shooting and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated Federal wilderness areas shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area, provided that this determination shall not authorize or facilitate commodity development, use, or extraction, motorized recreational access or use that is not otherwise allowed under the Wilderness Act (16 U.S.C. 1131 et seq.), or permanent road construction or maintenance within designated wilderness areas.

(2) APPLICATION OF WILDERNESS ACT.—Provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), stipulating that wilderness purposes are “within and supplemental to” the purposes of the underlying Federal land unit are reaffirmed. When seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities on designated wilderness areas, the head of each Federal agency shall implement these supplemental purposes so as to facilitate, enhance, or both, but not to impede the underlying Federal land purposes when seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities in designated wilderness areas, provided that such implementation shall not authorize or facilitate commodity development, use or extraction, or permanent road construction or use within designated wilderness areas.

(f) REPORT.—Beginning on the second October 1 after the date of the enactment of this Act and biennially on October 1 thereafter, the head of each Federal agency who has authority to manage Federal public land on which recreational fishing, hunting, or shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

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

(2) the reason for the closure.

(g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for recreational fishing or hunting or activities related to recreational fishing or hunting, or both, shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

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

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

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

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

(3) EMERGENCY CLOSURES.—Nothing in this title prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this title.

(h) NATIONAL PARK SERVICE UNITS NOT AFFECTED.—Nothing in this title shall affect or modify management or use of units of the National Park System.

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

(j) **CONSULTATION WITH COUNCILS.**—In fulfilling the duties set forth in this Act, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(k) **AUTHORITY OF THE STATES.**—

(1) **IN GENERAL.**—Nothing in this title shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) **FEDERAL LICENSES.**—Nothing in this title shall be construed to authorize the head of a Federal agency to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

#### **SEC. 404. VOLUNTEER HUNTERS; REPORTS; CLOSURES AND RESTRICTIONS.**

(a) **DEFINITIONS.**—For the purposes of this section:

(1) **PUBLIC LAND.**—The term “public land” means—

- (A) units of the National Park System;
- (B) National Forest System lands; and
- (C) land and interests in land owned by the United States and under the administrative jurisdiction of—
  - (i) the United States Fish and Wildlife Service; or
  - (ii) the Bureau of Land Management.

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

- (A) the Secretary of the Interior and includes the Director of the National Park Service, with regard to units of the National Park System;
- (B) the Secretary of the Interior and includes the Director of the United States Fish and Wildlife Service, with regard to United States Fish and Wildlife Service lands and waters;
- (C) the Secretary of the Interior and includes the Director of the Bureau of Land Management, with regard to Bureau of Land Management lands and waters; and
- (D) the Secretary of Agriculture and includes the Chief of the Forest Service, with regard to National Forest System lands.

(3) **VOLUNTEER FROM THE HUNTING COMMUNITY.**—The term “volunteer from the hunting community” means a volunteer who holds a valid hunting license issued by a State.

(b) **VOLUNTEER HUNTERS.**—When planning wildlife management involving reducing the size of a wildlife population on public land, the Secretary shall consider the use of and may use volunteers from the hunting community as agents to assist in carrying out wildlife management on public land. The Secretary shall not reject the use of volunteers from the hunting community as agents without the concurrence of the appropriate State wildlife management authorities.

(c) **REPORT.**—Beginning on the second October 1 after the date of the enactment of this Act and biennially on October 1 thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) any public land administered by the Secretary that was closed to fishing, hunting, and recreational shooting at any time during the preceding year; and
- (2) the reason for the closure.

(d) **CLOSURES OR SIGNIFICANT RESTRICTIONS.**—

(1) **IN GENERAL.**—Other than closures established or prescribed by land planning actions referred to in section 604(e) or emergency closures described in paragraph (2), a permanent or temporary withdrawal, change of classification, or change of management status of public land that effectively closes or significantly restricts any acreage of public land to access or use for fishing, hunting, recreational shooting, or activities related to fishing, hunting, or recreational shooting, or a combination of those activities, shall take effect only if, before the date of withdrawal or change, the Secretary—

- (A) publishes appropriate notice of the withdrawal or change, respectively;
- (B) demonstrates that coordination has occurred with a State fish and wildlife agency; and



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

(2) EMERGENCY CLOSURES.—Nothing in this Act prohibits the Secretary from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

**SEC. 405. WITHDRAWAL OF EXISTING RULE REGARDING HUNTING AND TRAPPING IN ALASKA.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall withdraw the final rule entitled “Alaska; Hunting and Trapping in National Preserves” and published in the Federal Register on October 23, 2015 (80 Fed. Reg. 64325), and shall not issue a rule that is substantially similar to that rule.

## **TITLE V—FARMER AND HUNTER PROTECTION ACT**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Hunter and Farmer Protection Act”.

**SEC. 502. BAITING OF MIGRATORY GAME BIRDS.**

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF BAITING.—

“(1) DEFINITIONS.—In this subsection:

“(A) BAITED AREA.—

“(i) IN GENERAL.—The term ‘baited area’ means—

“(I) any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if the salt, grain, or feed could lure or attract migratory game birds; and

“(II) in the case of waterfowl, cranes (family Gruidae), and coots (family Rallidae), a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.

“(ii) EXCLUSIONS.—An area shall not be considered to be a ‘baited area’ if the area—

“(I) has been treated with a normal agricultural practice;

“(II) has standing crops that have not been manipulated; or

“(III) has standing crops that have been or are flooded.

“(B) BAITING.—The term ‘baiting’ means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas on which a hunter is attempting to take migratory game birds.

“(C) MIGRATORY GAME BIRD.—The term ‘migratory game bird’ means migratory bird species—

“(i) that are within the taxonomic families of Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae; and

“(ii) for which open seasons are prescribed by the Secretary of the Interior.

“(D) NORMAL AGRICULTURAL PRACTICE.—

“(i) IN GENERAL.—The term ‘normal agricultural practice’ means any practice in one annual growing season that—

“(I) is carried out in order to produce a marketable crop, including planting, harvest, postharvest, or soil conservation practices; and

“(II) is recommended for the successful harvest of a given crop by the applicable State office of the Cooperative Extension System of the Department of Agriculture, in consultation with, and if requested, the concurrence of, the head of the applicable State department of fish and wildlife.

“(ii) INCLUSIONS.—

“(I) IN GENERAL.—Subject to subclause (II), the term ‘normal agricultural practice’ includes the destruction of a crop in accordance with practices required by the Federal Crop Insurance Corporation for agricultural producers to obtain crop insurance under the Fed-

eral Crop Insurance Act (7 U.S.C. 1501 et seq.) on land on which a crop during the current or immediately preceding crop year was not harvestable due to a natural disaster (including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)).

“(II) LIMITATIONS.—The term ‘normal agricultural practice’ only includes a crop described in subclause (I) that has been destroyed or manipulated through activities that include (but are not limited to) mowing, disking, or rolling if the Federal Crop Insurance Corporation certifies that flooding was not an acceptable method of destruction to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

“(E) WATERFOWL.—The term ‘waterfowl’ means native species of the family Anatidae.

“(2) PROHIBITION.—It shall be unlawful for any person—

“(A) to take any migratory game bird by baiting or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

“(B) to place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by baiting or on or over the baited area.

“(3) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.”.

## TITLE VI—TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

### SEC. 601. SHORT TITLE.

This title may be cited as the “Hunter Access Corridors Act”.

### SEC. 602. BOWHUNTING OPPORTUNITY AND WILDLIFE STEWARDSHIP.

(a) IN GENERAL.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

#### “§ 101513. Hunter access corridors

“(a) DEFINITIONS.—In this section:

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

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

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

“(2) VALID HUNTING LICENSE.—The term ‘valid hunting license’ means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.

“(b) TRANSPORTATION AUTHORIZED.—

“(1) IN GENERAL.—The Director shall not require a permit for, or 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 if—

“(A) in the case of an individual traversing the System unit on foot—

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

“(ii) the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;

“(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

“(iv)(I) the individual possesses a valid hunting license;

“(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or

“(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or

“(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

- “(2) ENFORCEMENT.—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.
- “(c) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—
- “(1) IN GENERAL.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—
- “(A) contiguous to a System unit; and
- “(B) open to hunting.
- “(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.
- “(3) HUNTING SEASON.—The hunter access corridors shall be open for use during hunting seasons.
- “(4) EXCEPTION.—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law. Such closures shall be clearly marked with signs and dates of closures, and shall not include gates, chains, walls, or other barriers on the hunter access corridor.
- “(5) IDENTIFICATION OF CORRIDORS.—The Director shall—
- “(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and
- “(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.
- “(6) REGISTRATION; TRANSPORTATION OF GAME.—The Director may—
- “(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;
- “(B) provide a process for online self-registration; and
- “(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.
- “(7) CONSULTATION WITH STATES.—The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.
- “(d) EFFECT.—Nothing in this section—
- “(1) diminishes, enlarges, or modifies any Federal or State authority with respect to hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or
- “(2) authorizes—
- “(A) the establishment of new trails in System units; or
- “(B) authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.
- “(e) NO MAJOR FEDERAL ACTION.—
- “(1) IN GENERAL.—Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- “(2) NO ADDITIONAL ACTION REQUIRED.—No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.”.
- (b) CLERICAL AMENDMENT.—The table of sections for title 54, United States Code, is amended by inserting after the item relating to section 101512 the following:
- “101513. Hunter access corridors.”.

## TITLE VII—RESPECT FOR TREATIES AND RIGHTS

### SEC. 701. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this Act or the amendments made by this Act shall be construed to affect or modify any treaty or other right of any federally recognized Indian Tribe.

## TITLE VIII—STATE APPROVAL OF FISHING RESTRICTION

### SEC. 801. STATE OR TERRITORIAL APPROVAL OF RESTRICTION OF RECREATIONAL OR COMMERCIAL FISHING ACCESS TO CERTAIN STATE OR TERRITORIAL WATERS.

(a) **APPROVAL REQUIRED.**—The Secretary of the Interior and the Secretary of Commerce shall not restrict recreational or commercial fishing access to any State or territorial marine waters or Great Lakes waters within the jurisdiction of the National Park Service or the Office of National Marine Sanctuaries, respectively, unless those restrictions are developed in coordination with, and approved by, the fish and wildlife management agency of the State or territory that has fisheries management authority over those waters.

(b) **DEFINITION.**—In this section, the term “marine waters” includes coastal waters and estuaries.

## TITLE IX—OPEN BOOK ON EQUAL ACCESS TO JUSTICE

### SEC. 901. SHORT TITLE.

This title may be cited as the “Open Book on Equal Access to Justice Act”.

### SEC. 902. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

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

- (1) in subsection (c)(1), by striking “, United States Code”;
- (2) by redesignating subsection (f) as subsection (h);
- (3) by striking subsection (e); and
- (4) by inserting after subsection (d) the following:

“(e) The Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

- “(1) The case name and number of the adversary adjudication, 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, as such party is identified in the order or other agency document making the award.
- “(5) The amount of the award.
- “(6) The basis for the finding that the position of the agency concerned was not substantially justified.

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

“(g) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States, no later than 60 days following the Chairman’s request, all information requested by the Chairman to comply with the requirements of subsections (e) and (f).”

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

“(5) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

- “(A) The case name and number.
- “(B) The name of the agency involved in the case.
- “(C) The name of each party to whom the award was made, as such party is identified in the order or other court document making the award.
- “(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.

“(6) The online searchable database described in paragraph (5) may not reveal any information the disclosure of which is prohibited by law or court order.

“(7) 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, no later than 60 days following the Chairman’s request, all information requested by the Chairman to comply with the requirements of paragraphs (5) and (6).”

(c) CLERICAL AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

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

(2) in subsection (e)—

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

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

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall first apply with respect to awards of fees and other expenses that are made on or after the date of the enactment of this Act.

(2) ONLINE DATABASES.—The online databases required by section 504(e) of title 5, United States Code, and section 2412(d)(5) of title 28, United States Code, shall be established as soon as practicable after the date of the enactment of this Act, but in no case later than 1 year after the date of the enactment of this Act.

## **TITLE X—GOOD SAMARITAN SEARCH AND RECOVERY**

### **SEC. 1001. SHORT TITLE.**

This title may be cited as the “Good Samaritan Search and Recovery Act”.

### **SEC. 1002. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term “eligible”, with respect to an organization or individual, means that the organization or individual, respectively, is—

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term “good Samaritan search-and-recovery mission” means a search conducted by an eligible organization or individual for one or more missing individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clarify that—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54, United States Code;

(C) chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) chapter 81 of title 5, United States Code (commonly known as the “Federal Employees’ Compensation Act”), shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

- (2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.
- (d) **APPROVAL AND DENIAL OF REQUESTS.**—
- (1) **IN GENERAL.**—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.
- (2) **DENIALS.**—If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—
- (A) the reason for the denial of the request; and
- (B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.
- (e) **PARTNERSHIPS.**—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—
- (1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and
- (2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.
- (f) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—
- (1) plans to develop partnerships described in subsection (e)(1); and
- (2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (e)(2).

## **TITLE XI—INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION**

### **SEC. 1101. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.**

(a) **IN GENERAL.**—Section 926A of title 18, United States Code, is amended to read as follows:

#### **“§ 926A. Interstate transportation of firearms or ammunition**

“(a) Notwithstanding any provision of any law, rule, or regulation of a State or any political subdivision thereof:

“(1) A person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation, the firearm is unloaded, and—

“(A) if the transportation is by motor vehicle, the firearm is—

“(i) not directly accessible from the passenger compartment of the vehicle; or

“(ii) in a locked container other than the glove compartment or console; or

“(iii) secured by a secure gun storage or safety device; or

“(B) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device.

“(2) A person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation, the ammunition is not loaded into a firearm, and—

“(A) if the transportation is by motor vehicle, the ammunition is—

“(i) not directly accessible from the passenger compartment of the vehicle; or

“(ii) is in a locked container other than the glove compartment or console; or

“(B) if the transportation is by other means, the ammunition is in a locked container.

“(b) In subsection (a), the term ‘transport’ includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport.

“(c)(1) A person who is transporting a firearm or ammunition may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms, unless there is probable cause to believe that the person is doing so in a manner not provided for in subsection (a).

“(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsection (a).

“(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney’s fee.

“(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, section 926B or 926C, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages and other appropriate relief.

“(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney’s fee.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended in the item relating to section 926A by striking “firearms” and inserting “firearms or ammunition”.

## **TITLE XII—POLAR BEAR CONSERVATION AND FAIRNESS ACT**

### **SEC. 1201. SHORT TITLE.**

This title may be cited as the “Polar Bear Conservation and Fairness Act”.

### **SEC. 1202. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act.”.

## **TITLE XIII—NORTH AMERICAN WETLANDS CONSERVATION EXTENSION**

### **SEC. 1301. SHORT TITLE.**

This title may be cited as the “North American Wetlands Conservation Extension Act”.

**SEC. 1302. AUTHORIZATION OF APPROPRIATIONS.**

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking “not to exceed—” and all that follows through paragraph (5) and inserting “not to exceed \$50,000,000 for each of fiscal years 2018 through 2022.”.

**SEC. 1303. LIMITATION ON EXPENDITURES FOR PURCHASE OF LAND.**

(a) LIMITATION.—Section 6 of the North American Wetlands Conservation Act (16 U.S.C. 4405) is amended by adding at the end the following:

“(c) LIMITATION ON EXPENDITURES FOR PURCHASE OF LAND.—Amounts appropriated under this Act may not be used by the Secretary to purchase land that will be administered by the United States.”.

(b) APPLICATION.—The amendment made by subsection (a) shall not apply with respect to any specific land acquisition required by contract or other agreement entered into before the date of enactment of this Act.

**SEC. 1304. ENHANCED REPORT ON EXPENDITURES.**

Section 10(2) of the North American Wetlands Conservation Act (16 U.S.C. 4409(2)) is amended to read as follows:

“(2) an annual assessment of the status of wetlands conservation projects, including an accounting of—

“(A) expenditures by Federal, State, and other United States entities;

“(B) expenditures made for fee-simple acquisition of Federal lands in the United States; and

“(C) expenditures by Canadian and Mexican sources to carry out wetland projects funded under this Act.”.

## **TITLE XIV—GRAY WOLVES**

**SEC. 1401. REISSUANCE OF FINAL RULES RELATING TO GRAY WOLVES IN THE WESTERN GREAT LAKES AND THE STATE OF WYOMING.**

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall re-issue—

(1) the final rule entitled “Endangered and Threatened Wildlife and Plants; Revising the Listing of the Gray Wolf (*Canis lupus*) in the Western Great Lakes” (76 Fed. Reg. 81666 (December 28, 2011)); and

(2) the final rule entitled “Endangered and Threatened Wildlife and Plants; Removal of the Gray Wolf in Wyoming From the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population’s Status as an Experimental Population” (77 Fed. Reg. 55530 (September 10, 2012)).

(b) NO JUDICIAL REVIEW.—The reissuance of the final rules described in subsection (a) shall not be subject to judicial review.

## **TITLE XV—HEARING PROTECTION**

**SEC. 1501. SHORT TITLE.**

This title may be cited as the “Hearing Protection Act”.

**SEC. 1502. EQUAL TREATMENT OF SILENCERS AND FIREARMS.**

(a) IN GENERAL.—Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking “(7) any silencer” and all that follows through “; and (8)” and inserting “and (7)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar quarters beginning more than 90 days after the date of the enactment of this Act.

**SEC. 1503. TREATMENT OF CERTAIN SILENCERS.**

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(f) FIREARM SILENCERS.—A person acquiring or possessing a firearm silencer in accordance with chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act with respect to such silencer.”.

**SEC. 1504. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.**

Section 927 of title 18, United States Code, is amended by adding at the end the following: “Notwithstanding the preceding sentence, a law of a State or a political



subdivision of a State that imposes a tax, other than a generally applicable sales or use tax, on making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, or imposes a marking, record-keeping or registration requirement with respect to such a firearm silencer, shall have no force or effect.”.

**SEC. 1505. DESTRUCTION OF RECORDS.**

Not later than 365 days after the date of the enactment of this Act, the Attorney General shall destroy any registration of a silencer maintained in the National Firearms Registration and Transfer Record pursuant to section 5841 of the Internal Revenue Code of 1986, any application to transfer filed under section 5812 of the Internal Revenue Code of 1986 that identifies the transferee of a silencer, and any application to make filed under section 5822 of the Internal Revenue Code of 1986 that identifies the maker of a silencer.

**SEC. 1506. AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

Title 18, United States Code, is amended—

(1) in section 921(a), by striking paragraph (24) and inserting the following:  
 “(24)(A) The terms ‘firearm silencer’ and ‘firearm muffler’ mean any device for silencing, muffling, or diminishing the report of a portable firearm, including the ‘keystone part’ of such a device.

“(B) The term ‘keystone part’ means, with respect to a firearm silencer or firearm muffler, an externally visible part of a firearm silencer or firearm muffler, without which a device capable of silencing, muffling, or diminishing the report of a portable firearm cannot be assembled, but the term does not include any interchangeable parts designed to mount a firearm silencer or firearm muffler to a portable firearm.”;

(2) in section 922(b)—

(A) in paragraph (1), by striking “shotgun or rifle” the first place it appears and inserting “shotgun, rifle, firearm silencer or firearm muffler”; and

(B) in paragraph (3), by striking “rifle or shotgun” and inserting “shotgun, rifle, firearm silencer or firearm muffler”; and

(3) in section 923(i)—

(A) by striking “Licensed” and inserting the following:

“(1) In the case of a firearm other than a firearm silencer or firearm muffler, licensed”; and

(B) by adding at the end the following:

“(2) In the case of a firearm silencer or firearm muffler, licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the keystone part of the firearm silencer or firearm muffler, in such manner as the Attorney General shall by regulations prescribe, each firearm silencer or firearm muffler imported or manufactured by such importer or manufacturer, except that, if a firearm silencer or firearm muffler does not have a clearly identifiable keystone part or has multiple keystone parts, licensed importers or licensed manufacturers shall submit a request for a marking variance to the Attorney General. The Attorney General shall grant such a request except on showing good cause that marking the firearm silencer or firearm muffler as requested would not further the purposes of this chapter.”.

**SEC. 1507. IMPOSITION OF TAX ON FIREARM SILENCERS OR FIREARM MUFFLERS.**

(a) IN GENERAL.—Section 4181 of the Internal Revenue Code of 1986 is amended by adding at the end of the list relating to “Articles taxable at 10 percent” the following:

“Firearm silencers or firearm mufflers.”.

(b) FIREARM SILENCERS; FIREARM MUFFLERS.—Section 4181 of such Code is amended by adding at the end the following:

“For purposes of this part, the terms ‘firearm silencer’ and ‘firearm muffler’ mean any device for silencing, muffling, or diminishing the report of a portable firearm.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 4181 of such Code is amended by striking “other than pistols and revolvers” and inserting “other than articles taxable at 10 percent under this section”.

(2) Section 4182(b) of such Code is amended by striking “firearms, pistols, revolvers, shells, and cartridges” and inserting “articles described in section 4181 and”.

(3) Section 4182(c)(1) of such Code is amended by striking “or firearm” and inserting “firearm, firearm silencer, or firearm muffler”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer in any calendar quarter beginning more than 90 days after the date of the enactment of this Act.

## TITLE XVI—LAWFUL PURPOSE AND SELF- DEFENSE

### SEC. 1601. SHORT TITLE.

This Act may be cited as the “Lawful Purpose and Self Defense Act”.

### SEC. 1602. ELIMINATION OF AUTHORITY TO RECLASSIFY POPULAR RIFLE AMMUNITION AS “ARMOR PIERCING AMMUNITION”.

Section 921(a)(17) of title 18, United States Code, is amended—

(1) in subparagraph (B)(i), by striking “may be used” and inserting “is designed and intended by the manufacturer or importer for use”;

(2) in subparagraph (B)(ii), by inserting “by the manufacturer or importer” before “for use”; and

(3) in subparagraph (C), by striking “the Attorney General finds is primarily intended to be used for sporting purposes” and inserting “is primarily intended by the manufacturer or importer to be used in a rifle or shotgun, a handgun projectile that is designed and intended by the manufacturer or importer to be used for hunting, recreational, or competitive shooting”.

### SEC. 1603. ELIMINATION OF RESTRICTIONS ON IMPORTATION OF NON-NATIONAL FIREARMS ACT FIREARM OR AMMUNITION THAT MAY OTHERWISE BE LAWFULLY POSSESSED AND SOLD IN THE UNITED STATES.

(a) ELIMINATION OF PROHIBITIONS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (a), by striking paragraph (7) and inserting the following:

“(7) for any person to manufacture or import armor piercing ammunition, unless the manufacture or importation of the ammunition—

“(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

“(B) is for the purpose of exportation; or

“(C) is for the purpose of testing or experimentation, and has been authorized by the Attorney General;”;

(2) in subsection (l), by striking “925(d) of this chapter” and inserting “925”; and

(3) by striking subsection (r).

(b) BROADENING OF EXCEPTIONS.—Section 925 of such title is amended—

(1) in subsection (a)(3), by striking “determined” and all that follows through the end and inserting “intended for the lawful personal use of such member or club.”;

(2) in subsection (a)(4), by striking “(A)” and all that follows through “for the” and inserting “intended for the lawful”; and

(3) by striking subsections (d) through (f) and inserting the following:

“(d)(1) Within 30 days after the Attorney General receives an application therefor, the Attorney General shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if—

“(A) the firearm or ammunition is being imported or brought in for scientific, research, testing, or experimentation purposes;

“(B) the firearm is an unserviceable firearm (other than a machine gun as defined in section 5845(b) of the Internal Revenue Code of 1986 that is readily restorable to firing condition) imported or brought in as a curio or museum piece;

“(C) the firearm is not a firearm as defined in section 5845(a) of the Internal Revenue Code of 1986;

“(D) the ammunition is not armor piercing ammunition (as defined in section 921(a)(17)(B) of this title), unless subparagraph (A), (E), (F), or (G) applies;

“(E) the firearm or ammunition is being imported or brought in for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

“(F) the firearm or ammunition is being imported or brought in for the purpose of exportation;

“(G) the firearm or ammunition was previously taken out of the United States or a possession thereof by the person who is bringing in the firearm or ammunition; or

“(H) the firearm is a firearm defined as curio or relic by the Attorney General under section 921(a)(13) of this title.

“(2) Within 30 days after the Attorney General receives an application therefor, the Attorney General shall permit the conditional importation or bringing in of a

firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of the firearm or ammunition will be allowed under this subsection.

“(3) The Attorney General shall not authorize, under this subsection, the importation of any firearm the importation of which is prohibited by section 922(p).”.

**SEC. 1604. PROTECTION OF SHOTGUNS, SHOTGUN SHELLS, AND LARGE CALIBER RIFLES FROM ARBITRARY CLASSIFICATION AS “DESTRUCTIVE DEVICES”.**

(a) AMENDMENTS TO THE NATIONAL FIREARMS ACT.—Section 5845(f) of the Internal Revenue Code of 1986 is amended—

- (1) in paragraph (2), by striking “recognized as particularly suitable for sporting purposes” and inserting “recognized as suitable for lawful purposes”; and
- (2) by striking “use solely for sporting purposes” and inserting “use for sporting purposes”.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 921(a)(4) of title 18, United States Code, is amended—

- (1) in subparagraph (B) of the first sentence, by striking “particularly suitable for sporting” and inserting “suitable for lawful”; and
- (2) in the second sentence, by striking “solely”.

**SEC. 1605. BROADENING OF THE TEMPORARY INTERSTATE TRANSFER PROVISION TO ALLOW TEMPORARY TRANSFERS FOR ALL LAWFUL PURPOSES RATHER THAN JUST FOR “SPORTING PURPOSES”.**

Section 922 of title 18, United States Code, is amended in each of subsections (a)(5)(B), (a)(9), and (b)(3)(B), by striking “sporting”.

## **TITLE XVII—FEDERAL LAND TRANSACTION FACILITATION ACT REAUTHORIZATION (FLTFA)**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “Federal Land Transaction Facilitation Act Reauthorization”.

**SEC. 1702. FEDERAL LAND TRANSACTION FACILITATION ACT.**

The Federal Land Transaction Facilitation Act is amended—

- (1) in section 203(1) (43 U.S.C. 2302(1)), by striking “cultural, or” and inserting “cultural, recreational access and use, or other”; and

- (2) in section 203(2) in the matter preceding subparagraph (A), by striking “on the date of enactment of this Act was” and inserting “is”; and

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

(A) in subsection (a), by striking “section 206” and all that follows through the period at the end and inserting the following: “section 206—“(1) to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

“(2) not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and

“(3) to maintain the database referred to in paragraph (2).”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(4) by amending section 206(c)(1) (43 U.S.C. 2305(c)(1)) to read as follows:

“(1) USE OF FUNDS.—

“(A) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended, subject to appropriation, in accordance with this subsection.

“(B) PURPOSES.—Except as authorized under paragraph (2), funds in the Federal Land Disposal Account shall be used for one or more of the following purposes:

“(i) To purchase lands or interests therein that are otherwise authorized by law to be acquired and are one or more of the following:

“(I) Inholdings.

“(II) Adjacent to federally designated areas and contain exceptional resources.

“(III) Provide opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities.

- “(IV) Likely to aid in the performance of deferred maintenance or the reduction of operation and maintenance costs or other deferred costs.
- “(ii) To perform deferred maintenance or other maintenance activities that enhance opportunities for recreational access.”;
- (5) in section 206(c)(2) (43 U.S.C. 2305(c)(2))—
- (A) by striking subparagraph (A);
- (B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;
- (C) in subparagraph (C) (as so redesignated by this paragraph)—
- (i) by striking “PURCHASES” and inserting “LAND PURCHASES AND PERFORMANCE OF DEFERRED MAINTENANCE ACTIVITIES”;
- (ii) by striking “subparagraph (C)” and inserting “subparagraph (B)”;
- and
- (iii) by inserting “for the activities outlined in paragraph (1)” after “generated”; and
- (D) by adding at the end the following:
- “(D) Any funds made available under subparagraph (C) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.”;
- (6) in section 206(c)(3) (43 U.S.C. 2305(c)(3))—
- (A) by inserting after subparagraph (A) the following:
- “(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities.”; and
- (B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D);
- (7) in section 206(f) (43 U.S.C. 2305(f)), by amending paragraph (2) to read as follows:
- “(2) any remaining balance in the account shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).”; and
- (8) in section 207(b) (43 U.S.C. 2306(b))—
- (A) in paragraph (1)—
- (i) by striking “96–568” and inserting “96–586”; and
- (ii) by striking “; or” and inserting a semicolon;
- (B) in paragraph (2)—
- (i) by inserting “Public Law 105–263,” before “112 Stat.”; and
- (ii) by striking the period at the end and inserting a semicolon; and
- (C) by adding at the end the following:
- “(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);
- “(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);
- “(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);
- “(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);
- “(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or
- “(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).”.

## TITLE XVIII—FILM CREWS

### SEC. 1801. ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5 PERSONS OR FEWER.

Section 100905 of title 54, United States Code, is amended as follows:

- (1) In subsection (a)—
- (A) in paragraph (1), by striking “provide a fair return to the United States” and inserting “be sufficient to cover the cost of a film permit and other administrative and personnel costs”; and
- (B) by adding at the end the following:
- “(3) FILM CREW OF 5 PERSONS OR FEWER.—For a commercial film crew of 5 persons or fewer for commercial filming activities or similar projects on Federal land and waters administered by the Secretary the Secretary shall—

“(A) assess an annual fee in an amount sufficient to cover the administrative cost of issuing a permit under this section, but not greater than \$200; and

“(B) require a permit which shall be valid for commercial filming activities or similar projects that occur in areas designated for public use during public hours on all Federal land and waterways administered by the Secretary for a 1-year period beginning on the date of issuance of the permit.”.

(2) By striking subsection (b) and redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(3) In subsection (b), as redesignated by this section, by adding at the end the following:

“(3) STILL PHOTOGRAPHY CREW OF 5 PERSONS OR FEWER.—The fee under this paragraph for a still photography crew of 5 persons or fewer shall be not more than \$200.”.

(4) In subsection (e), as redesignated by this section—

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

“(1) TIMING.—The Secretary”; and

(B) by adding at the end the following:

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

(5) By adding at the end the following:

“(f) 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 an additional fee for commercial filming or still photography under this section if—

“(1) the filming or still photography conducted is 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)).

“(g) NEWS GATHERING ACTIVITIES.—For the purposes of this section, a news gathering shall not be considered a commercial activity.

“(h) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘commercial film crew’ means any persons present on Federal land or water under the jurisdiction of the Secretary who are associated with the production of a film;

“(2) the term ‘news gathering’ means the gathering, recording, and filming of news and information related to news in any medium; and

“(3) 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 such Secretary.”.

## **TITLE XIX—RESPECT FOR STATE WILDLIFE MANAGEMENT AUTHORITY**

### **SEC. 1901. AUTHORITY OF THE STATES.**

Nothing in this Act shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife under State law on land or water within the State, including on Federal land administered by the Bureau of Land Management or the Forest Service.

### **SEC. 1902. FEDERAL LICENSES.**

Nothing in this Act, shall be construed to authorize the head of a Federal agency to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal land in the State, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

### **SEC. 1903. COOPERATION WITH STATE FISH AND WILDLIFE AGENCIES ON MANAGEMENT PLANS.**

(a) USE OF STATE FISH AND WILDLIFE DATA AND ANALYSES.—The Secretary of the Interior and the Secretary of Agriculture shall prioritize coordination, consultation, and cooperation with the appropriate State fish and wildlife agencies and local governments to recognize and fully utilize State and local government fish and wildlife data and analyses, unless it is determined by the State or local government that

such data is proprietary or protected from disclosure under State law, as a primary source to inform—

- (1) land and resource management plans for units of the National Forest System developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);
  - (2) land use plans developed under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);
  - (3) comprehensive conservation plans developed under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd);
  - (4) project planning and execution; and
  - (5) related natural resource policies and decisions.
- (b) SHARING DATA.—Federal agencies shall evaluate and utilize existing analysis of data on fish and wildlife populations prepared by appropriate State or local governments and share Federal data with fish and wildlife managers and local governments.

## **TITLE XX—GRAND CANYON BISON MANAGEMENT ACT**

### **SEC. 2001. SHORT TITLE.**

This title may be cited as the “Grand Canyon Bison Management Act”.

### **SEC. 2002. DEFINITIONS.**

In this title:

- (1) FULL BISON.—The term “full bison” means all of the remains of a bison after field dressing.
- (2) MANAGEMENT PLAN.—The term “management plan” means the management plan published under section 2003(a).
- (3) PARK.—The term “Park” means the Grand Canyon National Park.
- (4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (5) SKILLED PUBLIC VOLUNTEER.—The term “skilled public volunteer” means an individual who possesses—
  - (A) a valid hunting license issued by the State of Arizona; and
  - (B) such other qualifications as the Secretary may require, after consultation with the Arizona Game and Fish Commission.

### **SEC. 2003. BISON MANAGEMENT PLAN FOR GRAND CANYON NATIONAL PARK.**

- (a) PUBLICATION OF PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish a management plan to reduce, through humane lethal culling by skilled public volunteers and by other nonlethal means, the population of bison in the Park that the Secretary determines are detrimental to the use of the Park.
- (b) REMOVAL OF ANIMAL.—Notwithstanding section 4 of the Act of March 2, 1929 (16 U.S.C. 198c) or any other provision of law, a skilled public volunteer may remove from the Park a full bison harvested in accordance with the management plan.
- (c) COORDINATION.—The Secretary shall coordinate with and obtain written approval from the Arizona Game and Fish Commission regarding the development and finalization of the management plan and any amendments to the management plan.
- (d) NEPA COMPLIANCE.—In developing the management plan, the Secretary shall comply with all applicable Federal environmental laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- (e) LIMITATION.—Nothing in this Act applies to the taking of wildlife in the Park for any purpose other than the implementation of the management plan.

## **TITLE XXI—GUIDES AND OUTFITTERS**

### **SEC. 2101. SHORT TITLE; DEFINITIONS.**

- (a) SHORT TITLE.—This title may be cited as the “Guides and Outfitters Act” or the “GO Act”.
- (b) DEFINITIONS.—In this title:
  - (1) SECRETARY.—The term “Secretary” means—
    - (A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and
    - (B) the Secretary of Agriculture, with respect to the Forest Service.
  - (2) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

**SEC. 2102. SPECIAL RECREATION PERMIT AND FEE.**

Subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended to read as follows:

“(h) SPECIAL RECREATION PERMIT AND FEE.—

“(1) IN GENERAL.—The Secretary may—

“(A) issue a special recreation permit for Federal recreational lands and waters; and

“(B) charge a special recreation permit fee in connection with the issuance of the permit.

“(2) SPECIAL RECREATION PERMITS.—The Secretary may issue special recreation permits in the following circumstances:

“(A) For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.

“(B) To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

“(C) To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

“(3) REDUCTION IN FEDERAL COSTS AND DUPLICATION OF ANALYSIS.—

“(A) IN GENERAL.—The issuance of a new special recreation permit for activities under paragraph (2) shall be categorically excluded from further analysis and documentation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the proposed use is the same as or similar to a previously authorized use and the Secretary determines that such issuance does not have significant environmental effects based upon application of the extraordinary circumstances procedures established by the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) DEFINITION.—For the purposes of this paragraph, the term ‘similar’ means—

“(i) substantially similar in type, nature, and scope; and

“(ii) will not result in significant new impacts.

“(4) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88–657 (16 U.S.C. 537).”.

**SEC. 2103. PERMIT ACROSS MULTIPLE JURISDICTIONS.**

(a) IN GENERAL.—In the case of an activity requiring permits pursuant to subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) for use of lands managed by both the Forest Service and the Bureau of Land Management—

(1) the Secretaries may issue a joint permit based upon a single application to both agencies when issuance of a joint permit based upon a single application will lower processing and other administration costs for the permittee, provided that the permit applicant shall have the option to apply for separate permits rather than a joint permit; and

(2) the permit application required under paragraph (1) shall be—

(A) the application required by the lead agency; and

(B) submitted to the lead agency.

(b) REQUIREMENTS OF THE LEAD AGENCY.—The lead agency for a permit under subsection (a) shall—

(1) coordinate with the associated agencies, consistent with the authority of the Secretaries under section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), to develop and issue the single, joint permit that covers the entirety of the trip;

(2) in processing the joint permit application, incorporate the findings, interests, and needs of the associated agencies, provided that such coordination shall not be subject to cost recovery; and

(3) complete the permitting process within a reasonable time after receiving the permit application.

(c) **EFFECT ON REGULATIONS.**—Nothing in this section shall alter, expand, or limit the applicability of any Federal law (including regulations) to lands administered by the relevant Federal agencies.

(d) **DEFINITIONS.**—In this section:

(1) **ASSOCIATED AGENCY.**—The term “associated agency” means an agency that manages the land on which the trip of the special recreation permit applicant will enter after leaving the land managed by the lead agency.

(2) **LEAD AGENCY.**—The term “lead agency” means the agency that manages the land on which the trip of the special recreation permit applicant will begin.

**SEC. 2104. GUIDELINES AND PERMIT FEE CALCULATION.**

(a) **GUIDELINES AND EXCLUSION OF CERTAIN REVENUES.**—The Secretary shall—

(1) publish guidelines in the Federal Register for establishing recreation permit fees; and

(2) provide appropriate deductions from gross revenues used as the basis for the fees established under paragraph (1) for—

(A) revenue from goods, services, and activities provided by a recreation service provider outside Federal recreational lands and waters, such as costs for transportation, lodging, and other services before or after a trip; and

(B) fees to be paid by permit holder under applicable law to provide services on other Federal lands, if separate permits are issued to that permit holder for a single event or trip.

(b) **FEE CONDITIONS.**—The fee charged by the Secretary for a permit issued under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) shall not exceed 3 percent of the recreational service provider’s annual gross revenue for activities authorized by the permit on Federal lands, plus applicable revenue additions, minus applicable revenue exclusions or a similar flat per person fee.

(c) **DISCLOSURE OF FEES.**—A holder of a special recreation permit may inform its customers of the various fees charged by the Secretary under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)).

**SEC. 2105. USE OF PERMIT FEES FOR PERMIT ADMINISTRATION.**

(a) **DEPOSITS.**—Subject to subsection (b), revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(2) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(2)) shall be held in special accounts established for each specific unit or area for which such revenues are collected, and shall remain available for expenditure, without further appropriation, until expended.

(b) **USE OF PERMIT FEES.**—Revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(2) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(2)) shall be used only—

(1) to partially offset the Secretary’s direct cost of administering the permits;

(2) to improve and streamline the permitting process; and

(3) for related recreation infrastructure and other purposes specifically to support recreation activities at the specific site for which use is authorized under the permit, after obtaining input from any related permittees; provided, however, that the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to any advisory committee or other group established to carry out this paragraph.

(c) **LIMITATION ON USE OF FEES.**—The Secretary may not use any permit fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for listed or candidate species.

**SEC. 2106. ADJUSTMENT TO PERMIT USE REVIEWS.**

(a) **IN GENERAL.**—In reviewing and adjusting allocations of use for priority use permits for special uses of Federal recreational lands and waters managed by the Forest Service, and in renewing such permits, the Secretary of Agriculture shall allocate to a permit holder a level of use that is no less than the highest amount of actual annual use over the reviewed period plus 25 percent, capped at the amount of use allocated when the permit was issued unless additional capacity is available. The Secretary may assign any use remaining after adjusting allocations on a temporary basis to qualified permit holders.

(b) **WAIVER.**—Use reviews under subsection (a) may be waived for periods in which circumstances that prevented use of assigned capacity, such as weather, fire, natural disasters, wildlife displacement, business interruptions, insufficient availability of hunting and fishing licenses, or when allocations on permits include significant shoulder seasons. The authorizing office may approve non-use without re-



ducing the number of service days assigned to the permit in such circumstances at the request of the permit holder. Approved non-use may be temporarily assigned to other qualified permit holders when conditions warrant.

**SEC. 2107. AUTHORIZATION OF TEMPORARY PERMITS FOR NEW USES FOR THE FOREST SERVICE AND BLM.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall establish and implement a program to authorize temporary permits for new recreational uses of Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management, respectively, and to provide for the conversions of such temporary permits to long-term permits after 2 years of satisfactory operation. The issuance and conversion of such permits shall be subject to subsection (h)(3) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802).

**SEC. 2108. INDEMNIFICATION REQUIREMENTS.**

(a) **INDEMNIFICATION.**—A permit holder that is prohibited by the State from providing indemnification to the Federal Government shall be considered to be in compliance with indemnification requirements of the Department of the Interior and the Department of Agriculture if the permit holder carries the required minimum amount of liability insurance coverage or is self-insured for the same minimum amount.

(b) **EXCULPATORY AGREEMENTS.**—The Secretary shall not implement, administer or enforce any regulation or policy prohibiting the use of exculpatory agreements between recreation service providers and their customers for services provided under a special recreation permit.

**SEC. 2109. STREAMLINING OF PERMITTING PROCESS.**

(a) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall revise part 251, subpart B, of title 36 Code of Federal Regulations, and the Secretary of the Interior shall revise subpart 2932, of title 43, Code of Federal Regulations, to streamline the processes for the issuance and renewal of outfitter and guide special use permits. Such amended regulations shall—

(1) shorten application processing times and minimize application and administration costs; and

(2) provide for the use of programmatic environmental assessments and categorical exclusions for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the issuance or renewal of outfitter and guide and similar recreation special use permits when the Secretary determines that such compliance is required, to the maximum extent allowable under applicable law, including, but not limited to, use of a categorical exclusion as provided under section 803(h)(3) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(3)).

(b) **ONLINE APPLICATIONS.**—To the maximum extent practicable, where feasible and efficient, the Secretary shall make special recreation permit applications available to be filled out and submitted online.

**SEC. 2110. COST RECOVERY REFORM.**

(a) **REGULATORY PROCESS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall revise section 251.58 of title 36, Code of Federal Regulations, and the Secretary of the Interior shall revise section 2932.31(e) and (f) of title 43, Code of Federal Regulations, to reduce costs and minimize the burden of cost recovery on small businesses and adverse impacts of cost recovery on jobs in the outfitting and guiding industry and on rural economies provided, however, that nothing in the revised regulations shall further limit the Secretary's authority to issue or renew recreation special use permits.

(b) **DE MINIMIS EXEMPTION.**—

(1) **COST RECOVERY LIMITATION.**—Any regulations issued by the Secretary of the Interior or the Secretary of Agriculture to establish fees to recover processing costs for recreation special use applications and monitoring costs for recreation special use authorizations shall include an exemption providing that at least the first 50 hours of work necessary in any one year to process and/or monitor such an application shall not be subject to cost recovery. The application of a 50-hour credit per permit shall also apply to any monitoring fees on a per annum basis during the term of each permit.

(2) **APPLICATION OF EXEMPTION.**—An exemption under paragraph (1) shall apply to the processing of each recreation special use permit application and monitoring of each recreation special use authorization for which cost recovery is required, including any application or authorization requiring more than 50 hours (or such other greater number of hours specified for exemption) to process

or monitor. In the event that the amount of work required to process such an application or monitor such an authorization exceeds the specified exemption, the amount of work for which cost recovery is required shall be reduced by the amount of the exemption.

(3) **MULTIPLE APPLICATIONS.**—In situations involving multiple recreation special use applications for similar services in the same unit or area that require more than 50 hours (or such other greater number of hours specified for exemption) in the aggregate to process, the Secretary shall, regardless of whether the applications are solicited or unsolicited and whether there is competitive interest—

(A) determine the share of the aggregate amount to be allocated to each application, on an equal or prorated basis, as appropriate; and

(B) for each application, apply a separate exemption of up to 50 hours (or such other greater number of hours specified for exemption) to the share allocated to such application.

(4) **COST REDUCTION.**—The agency processing a recreation special use application shall utilize existing studies and analysis to the greatest extent practicable in order to reduce the amount of work and cost necessary to process the application.

(5) **LIMITATION.**—The Secretary of the Interior and the Secretary of Agriculture may not recover as processing costs for recreation special use applications and monitoring costs for recreation special use authorizations any costs for consultations conducted under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or for biological monitoring on Federal recreational lands and waters under such Act for listed, proposed, or candidate species.

(6) **WAIVER OF COST RECOVERY.**—The Secretary of the Interior and the Secretary of Agriculture may waive the recovery of costs for processing recreation special use permit applications and renewals, on a categorical or case-by-case basis as appropriate, if the Secretary determines that—

(A) such costs would impose a significant economic burden on any small business or category of small businesses;

(B) such cost recovery could threaten the ability of an applicant or permittee to provide, in a particular area, a particular outdoor recreational activity that is consistent with the public interest and with applicable resource management plans; or

(C) prevailing economic conditions are unfavorable, such as during economic recessions, or when drought, fire, or other natural disasters have depressed economic activity in the area of operation.

#### **SEC. 2111. EXTENSION OF FOREST SERVICE RECREATION PRIORITY USE PERMITS.**

Where the holder of a special use permit for outfitting and guiding that authorizes priority use has submitted a request for renewal of such permit in accordance with applicable laws and regulations, the Secretary of Agriculture shall have the authority to grant the holder one or more extensions of the existing permit for additional items not to exceed 5 years in the aggregate, as necessary to allow the Secretary to complete the renewal process and to avoid the interruption of services under such permit. Before granting an extension under this section, the Secretary shall take all reasonable and appropriate steps to complete the renewal process before the expiration of the special use permit.

## **TITLE XXII—HUNTING AND RECREATIONAL FISHING WITHIN CERTAIN NATIONAL FORESTS**

#### **SEC. 2201. DEFINITIONS.**

In this title:

(1) **HUNTING.**—The term “hunting” means use of a firearm, bow, or other authorized means in the lawful pursuit, shooting, capture, collection, trapping, or killing of wildlife; attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or the training and use of hunting dogs, including field trials.

(2) **RECREATIONAL FISHING.**—The term “recreational fishing” means the lawful pursuit, capture, collection, or killing of fish; or attempt to capture, collect, or kill fish.

(3) **FOREST PLAN.**—The term “forest plan” means a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(4) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

**SEC. 2202. HUNTING AND RECREATIONAL FISHING WITHIN THE NATIONAL FOREST SYSTEM.**

(a) PROHIBITION OF RESTRICTIONS.—The Secretary of Agriculture or Chief of the Forest Service may not establish policies, directives, or regulations that restrict the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities and are consistent with the applicable forest plan.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions imposed by the Secretary of Agriculture or Chief of the Forest Service regarding the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities in force on the date of the enactment of this Act shall be void and have no force or effect.

(c) APPLICABILITY.—This section shall apply only to—

(1) the Kisatchie National Forest in the State of Louisiana;

(2) the De Soto National Forest in the State of Mississippi; and

(3) the Ozark National Forest, the St. Francis National Forest, and the Ouachita National Forest in the States of Arkansas and Oklahoma.

(d) STATE AUTHORITY.—Nothing in this section, section 1 of the Act of June 4, 1897 (16 U.S.C. 551), or section 32 of the Act of July 22, 1937 (7 U.S.C. 1011) shall affect the authority of States to manage hunting or recreational fishing on lands within the National Forest System.

## PURPOSE OF THE BILL

The purpose of H.R. 3668 is to provide for the preservation of sportsmen’s heritage and enhance recreation opportunities on Federal land.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 3668, the Sportsmen’s Heritage and Recreational Enhancement (SHARE) Act, guarantees future generations ample access to federal lands to hunt, fish and recreationally shoot. Reliable access not only sustains our nation’s rich outdoor sporting tradition heritage, but also significantly benefits the men and women who make up the industries that support it. The bill also protects Second Amendment rights, the use of traditional ammunition and fishing tackle, and eliminates red tape associated with the importation of hunting trophies.

Outdoor sporting activities, including hunting, fishing and recreational shooting, are deeply engrained in the fabric of America’s culture and heritage. Values instilled by partaking in these activities are passed down from generation to generation and continue to grow in popularity every year. In 2011, over 37 million people in the U.S. over the age of 16 hunted or fished.<sup>1</sup> Outdoor sporting activities are also a major economic driver, contributing over \$90 billion to the U.S. economy in 2011.<sup>2</sup>

Much of this activity occurs on America’s federal lands. Unfortunately, federal agencies like the United States Forest Service (USFS) and Bureau of Land Management (BLM) often prevent or impede access for hunting, fishing and recreational shooting on federal lands that should otherwise be available for those activities. Reliable public access to our nation’s federal lands must remain a priority to ensure the steady and continuous participation of sportsmen and women in traditional outdoor sporting activities.

<sup>1</sup>*America’s Sporting Heritage: Fueling the American Economy*. Congressional Sportsmen’s Foundation. 2013.

<sup>2</sup>*Id.*

The SHARE Act includes many provisions to accomplish these goals. First, it implements an “open until closed” management policy on BLM and USFS lands to facilitate reliable access for hunting, fishing and recreational shooting, and protects sportsmen and women from arbitrary efforts by the federal government to close lands. The bill also requires federal agencies to consider the use of volunteers from the hunting community to cull excess animals on federal lands; prevents the Departments of the Interior and Commerce from restricting recreational or commercial fishing access on State marine waters without coordination with and approval of the applicable State or territory; prevents USFS restrictions on hunting, fishing and shooting in certain National Forests in Arkansas, Louisiana, Mississippi, and Oklahoma; creates a new cost structure for small film crews operating on federal lands; adjusts funding limitations to make more funds available to States to establish and maintain recreational shooting ranges; authorizes bows and crossbows to be lawfully transported on National Park System lands with certain restrictions; and allows the National Park Service to establish hunter access corridors through National Park System units that are used to access adjacent federal land that is open to hunting.

Furthermore, the bill also reauthorizes and amends the Federal Land Transaction Facilitation Act of 2000 (Public Law 106–248) by emphasizing the acquisition of parcels that provide recreational access and providing federal agencies with the option to use funds generated by land sales for deferred maintenance activities, in addition to the purchase of land.

The bill also protects Second Amendment rights and the use of traditional ammunition and fishing tackle. It protects individuals’ Constitutional right to bear arms on lands owned by the U.S. Army Corps of Engineers. Congress passed legislation allowing citizens to exercise this right on National Park and other federal lands, but did not address lands owned by the Corps. The bill protects the use of traditional ammunition and fishing tackle by reiterating and clarifying existing law that clearly limits the Environmental Protection Agency’s authority to regulate those components under the Toxic Substances Control Act of 1976 (Public Law 94–469). It removes Bureau of Alcohol, Tobacco, Firearms and Explosives authority to use the “sporting purposes” clauses in federal law in ways that could undermine the core principles of the Second Amendment. This bill also removes suppressors from the scope of the National Firearms Act of 1934 (Public Law 73–474), replacing the outdated federal transfer process with an instantaneous National Instant Criminal Background Check.

Finally, the bill allows for the importation of certain already legally-taken polar bear hunting trophies that, through no fault of sportsmen or women, have become trapped in bureaucratic red tape.

A similar bill, H.R. 2406, authored by Congressman Robert J. Wittman (R–VA), was favorably reported by the Natural Resources Committee in the 114th Congress, and passed the House of Representatives by a bipartisan roll call vote of 242 ayes and 161 nays on February 26, 2016. No action was taken in the Senate.

## COMMITTEE ACTION

H.R. 3668 was introduced on September 1, 2017, by Congressman Jeff Duncan (R-SC). The bill was primarily referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, the Judiciary, Energy and Commerce, Transportation and Infrastructure, and Ways and Means. Within the Committee on Natural Resources, the bill was referred to the Subcommittees on Federal Lands, and Water, Power and Oceans. On September 12, 2017, the Subcommittee on Federal Lands held a hearing on the bill. On September 12, 2017, the Natural Resources Committee met to consider the bill. The two Subcommittees were discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by voice vote. Congressman Raul M. Grijalva (D-AZ) offered an amendment designated 004; it was not agreed to by a roll call vote of 15 ayes and 20 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 1

Meeting on / Amendment on: FC Mark Up on **Grijalva\_004** Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. Cook, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. Soto, FL</i>			
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. McEachin, VA</i>			
<b>Mr. Gohmert, TX, Vice Chairman</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Ms. Bordallo, Guam</i>	X			<i>Mr. Brown, MD</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Costa, CA</i>				<i>Mr. Clay, MO</i>	X		
<b>Mr. Wittman, VA</b>		X		<b>Mrs. Radewagen, AS</b>		X	
<i>Mr. Sablan, CNMI</i>				<i>Mr. Gomez, CA</i>	X		
<b>Mr. McClintock, CA</b>		X		<b>Mr. LaHood, IL</b>		X	
<i>Ms. Tsongas, MA</i>	X			<b>Mr. Webster, FL</b>			
<b>Mr. Pearce, NM</b>		X		<b>Mr. Bergman, MI</b>		X	
<i>Mr. Huffman, CA</i>	X			<b>Ms. Cheney, WY</b>			
<b>Mr. Thompson, PA</b>		X		<b>Mr. Johnson, LA</b>		X	
<i>Mr. Lowenthal, CA</i>	X			<b>Ms. González-Colón, PR</b>		X	
<b>Mr. Gosar, AZ</b>		X		<b>Mr. Gianforte, MT</b>	X		
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>	X						
<b>Mr. Tipton, CO</b>		X					
<i>Mr. Gallego, AZ</i>	X						
<b>Mr. LaMalfa, CA</b>		X					
<i>Ms. Hanabusa, HI</i>	X						
<b>Mr. Denham, CA</b>		X					
<i>Ms. Barragán, CA</i>	X			<b>TOTAL:</b>	15	20	

Congressman Paul A. Gosar (R-AZ) offered an amendment designated 047; it was adopted by voice vote. Congressman Alan S. Lowenthal (D-CA) offered an amendment designated 003; it was not agreed to by a roll call vote of 14 ayes and 23 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 2

Meeting on / Amendment on: FC Mark Up on Lowenthal\_003 Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman		X		Mr. Cook, CA		X	
Mr. Grijalva, AZ, Ranking Member	X			Mr. Soto, FL			
Mr. Young, AK, Chairman Emeritus				Mr. Westerman, AR		X	
Mrs. Napolitano, CA	X			Mr. McEachin, VA			
Mr. Gohmert, TX, Vice Chairman		X		Mr. Graves, LA		X	
Ms. Bordallo, Guam	X			Mr. Brown, MD	X		
Mr. Lamborn, CO		X		Mr. Hice, GA		X	
Mr. Costa, CA				Mr. Clay, MO	X		
Mr. Wittman, VA		X		Mrs. Radewagen, AS		X	
Mr. Sablan, CNMI				Mr. Gomez, CA	X		
Mr. McClintock, CA		X		Mr. LaHood, IL		X	
Ms. Tsongas, MA	X			Mr. Webster, FL			
Mr. Pearce, NM		X		Mr. Bergman, MI		X	
Mr. Huffman, CA	X			Ms. Cheney, WY		X	
Mr. Thompson, PA		X		Mr. Johnson, LA		X	
Mr. Lowenthal, CA	X			Ms. González-Colón, PR		X	
Mr. Gosar, AZ		X		Mr. Gianforte, MT		X	
Mr. Beyer, VA	X						
Mr. Labrador, ID		X					
Mrs. Torres, CA	X						
Mr. Tipton, CO		X					
Mr. Gallego, AZ	X						
Mr. LaMalfa, CA		X					
Ms. Hanabusa, HI	X						
Mr. Denham, CA		X					
Ms. Barragán, CA	X			TOTAL:	14	23	



Congressman Jared Huffman (D–CA) offered an amendment designated 108; it fell on a point of order. Congressman Jimmy Gomez (D–CA) offered an amendment designated 002; it was not agreed to by a roll call vote of 13 ayes and 23 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 3

Meeting on / Amendment on: FC Mark Up on **Gomez\_002** Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. Cook, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. Soto, FL</i>			
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. McEachin, VA</i>			
<b>Mr. Gohmert, TX, Vice Chairman</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Costa, CA</i>				<i>Mr. Clay, MO</i>	X		
<b>Mr. Wittman, VA</b>		X		<b>Mrs. Radewagen, AS</b>		X	
<i>Mr. Sablan, CNMI</i>				<i>Mr. Gomez, CA</i>	X		
<b>Mr. McClintock, CA</b>		X		<b>Mr. LaHood, IL</b>		X	
<i>Ms. Tsongas, MA</i>	X			<b>Mr. Webster, FL</b>			
<b>Mr. Pearce, NM</b>		X		<b>Mr. Bergman, MI</b>		X	
<i>Mr. Huffman, CA</i>	X			<b>Ms. Cheney, WY</b>		X	
<b>Mr. Thompson, PA</b>		X		<b>Mr. Johnson, LA</b>		X	
<i>Mr. Lowenthal, CA</i>	X			<b>Ms. González-Colón, PR</b>		X	
<b>Mr. Gosar, AZ</b>		X		<b>Mr. Gianforte, MT</b>		X	
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>		X					
<i>Mrs. Torres, CA</i>	X						
<b>Mr. Tipton, CO</b>		X					
<i>Mr. Gallego, AZ</i>	X						
<b>Mr. LaMalfa, CA</b>		X					
<i>Ms. Hanabusa, HI</i>	X						
<b>Mr. Denham, CA</b>		X					
<i>Ms. Barragán, CA</i>	X			<b>TOTAL:</b>	13	23	

Congressman Donald S. Beyer, Jr. (D–VA) offered an amendment designated 006; it was not agreed to by a roll call vote of 13 ayes and 22 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 4

Meeting on / Amendment on: FC Mark Up on **Beyer\_006** Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. Cook, CA</b>			
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. Soto, FL</i>			
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. McEachin, VA</i>			
<b>Mr. Gohmert, TX, Vice Chairman</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Costa, CA</i>				<i>Mr. Clay, MO</i>	X		
<b>Mr. Wittman, VA</b>		X		<b>Mrs. Radewagen, AS</b>		X	
<i>Mr. Sablan, CNMI</i>				<i>Mr. Gomez, CA</i>	X		
<b>Mr. McClintock, CA</b>		X		<b>Mr. LaHood, IL</b>		X	
<i>Ms. Tsongas, MA</i>	X			<b>Mr. Webster, FL</b>			
<b>Mr. Pearce, NM</b>		X		<b>Mr. Bergman, MI</b>		X	
<i>Mr. Huffman, CA</i>	X			<b>Ms. Cheney, WY</b>		X	
<b>Mr. Thompson, PA</b>		X		<b>Mr. Johnson, LA</b>		X	
<i>Mr. Lowenthal, CA</i>	X			<b>Ms. González-Colón, PR</b>		X	
<b>Mr. Gosar, AZ</b>		X		<b>Mr. Gianforte, MT</b>		X	
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>		X					
<i>Mrs. Torres, CA</i>	X						
<b>Mr. Tipton, CO</b>		X					
<i>Mr. Gallego, AZ</i>	X						
<b>Mr. LaMalfa, CA</b>		X					
<i>Ms. Hanabusa, HI</i>	X						
<b>Mr. Denham, CA</b>		X					
<i>Ms. Barragán, CA</i>	X			<b>TOTAL:</b>	13	22	

Congressman Raul M. Grijalva (D-AZ) offered an amendment designated 061; it was not agreed to by a roll call vote of 12 ayes and 22 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 5

Meeting on / Amendment on: FC Mark Up on **Grijalva\_061** Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. Cook, CA</b>			
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. Soto, FL</i>			
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. McEachin, VA</i>			
<b>Mr. Gohmert, TX, Vice Chairman</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>	X		
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Costa, CA</i>				<i>Mr. Clay, MO</i>	X		
<b>Mr. Wittman, VA</b>		X		<b>Mrs. Radewagen, AS</b>		X	
<i>Mr. Sablan, CNMI</i>				<i>Mr. Gomez, CA</i>	X		
<b>Mr. McClintock, CA</b>		X		<b>Mr. LaHood, IL</b>		X	
<i>Ms. Tsongas, MA</i>	X			<b>Mr. Webster, FL</b>			
<b>Mr. Pearce, NM</b>		X		<b>Mr. Bergman, MI</b>		X	
<i>Mr. Huffman, CA</i>	X			<b>Ms. Cheney, WY</b>		X	
<b>Mr. Thompson, PA</b>		X		<b>Mr. Johnson, LA</b>		X	
<i>Mr. Lowenthal, CA</i>	X			<b>Ms. González-Colón, PR</b>		X	
<b>Mr. Gosar, AZ</b>		X		<b>Mr. Gianforte, MT</b>		X	
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>		X					
<i>Mrs. Torres, CA</i>	X						
<b>Mr. Tipton, CO</b>		X					
<i>Mr. Gallego, AZ</i>							
<b>Mr. LaMalfa, CA</b>		X					
<i>Ms. Hanabusa, HI</i>	X						
<b>Mr. Denham, CA</b>		X					
<i>Ms. Barragán, CA</i>	X			<b>TOTAL:</b>	12	22	

Congresswoman Niki Tsongas (D-MA) offered an amendment designated 001; it was not agreed to by a roll call vote of 13 ayes and 21 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 6

Meeting on / Amendment on: FC Mark Up on Tsongas\_001 Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman		X		Mr. Cook, CA			
Mr. Grijalva, AZ, Ranking Member	X			Mr. Soto, FL			
Mr. Young, AK, Chairman Emeritus				Mr. Westerman, AR		X	
Mrs. Napolitano, CA	X			Mr. McEachin, VA			
Mr. Gohmert, TX, Vice Chairman		X		Mr. Graves, LA	X		
Ms. Bordallo, Guam				Mr. Brown, MD	X		
Mr. Lamborn, CO		X		Mr. Hice, GA		X	
Mr. Costa, CA				Mr. Clay, MO	X		
Mr. Wittman, VA		X		Mrs. Radewagen, AS		X	
Mr. Sablan, CNMI				Mr. Gomez, CA	X		
Mr. McClintock, CA		X		Mr. LaHood, IL		X	
Ms. Tsongas, MA	X			Mr. Webster, FL			
Mr. Pearce, NM		X		Mr. Bergman, MI		X	
Mr. Huffman, CA	X			Ms. Cheney, WY		X	
Mr. Thompson, PA		X		Mr. Johnson, LA		X	
Mr. Lowenthal, CA	X			Ms. González-Colón, PR		X	
Mr. Gosar, AZ		X		Mr. Gianforte, MT		X	
Mr. Beyer, VA	X						
Mr. Labrador, ID		X					
Mrs. Torres, CA	X						
Mr. Tipton, CO		X					
Mr. Gallego, AZ							
Mr. LaMalfa, CA		X					
Ms. Hanabusa, HI	X						
Mr. Denham, CA		X					
Ms. Barragán, CA	X			TOTAL:	13	21	



Congressman Bruce Westerman (R-AR) offered an amendment designated Young\_093; it was adopted to by a roll call vote of 21 ayes and 14 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 7

Meeting on / Amendment on: FC Mark Up on **Young\_093** Amendment to H.R. 3668 (Rep. Jeff Duncan),  
 "Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. Cook, CA</b>			
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>			
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. McEachin, VA</i>			
<b>Mr. Gohmert, TX, Vice Chairman</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Costa, CA</i>				<i>Mr. Clay, MO</i>		X	
<b>Mr. Wittman, VA</b>	X			<b>Mrs. Radewagen, AS</b>	X		
<i>Mr. Sablan, CNMI</i>				<i>Mr. Gomez, CA</i>		X	
<b>Mr. McClintock, CA</b>	X			<b>Mr. LaHood, IL</b>	X		
<i>Ms. Tsongas, MA</i>		X		<b>Mr. Webster, FL</b>			
<b>Mr. Pearce, NM</b>	X			<b>Mr. Bergman, MI</b>	X		
<i>Mr. Huffman, CA</i>		X		<b>Ms. Cheney, WY</b>	X		
<b>Mr. Thompson, PA</b>	X			<b>Mr. Johnson, LA</b>	X		
<i>Mr. Lowenthal, CA</i>		X		<b>Ms. González-Colón, PR</b>	X		
<b>Mr. Gosar, AZ</b>	X			<b>Mr. Gianforte, MT</b>	X		
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>	X						
<i>Mrs. Torres, CA</i>		X					
<b>Mr. Tipton, CO</b>	X						
<i>Mr. Gallego, AZ</i>		X					
<b>Mr. LaMalfa, CA</b>	X						
<i>Ms. Hanabusa, HI</i>		X					
<b>Mr. Denham, CA</b>		X					
<i>Ms. Barragán, CA</i>		X		<b>TOTAL:</b>	21	14	

Congressman Doug LaMalfa (R-CA) offered an amendment designated 026; it adopted by voice vote. Congressman Mike Johnson (R-LA) offered an amendment designated 024; it was adopted by voice vote. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 22 ayes and 13 nays on September 13, 2017, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 09-13-17

Recorded Vote #: 8

Meeting on / Amendment on: FC Mark Up on **Favorably Reporting** H.R. 3668 (Rep. Jeff Duncan), "*Sportsmen's Heritage and Recreational Enhancement Act*" or "*SHARE Act*."

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. Cook, CA</b>			
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>			
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. McEachin, VA</i>			
<b>Mr. Gohmert, TX, Vice Chairman</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Costa, CA</i>				<i>Mr. Clay, MO</i>		X	
<b>Mr. Wittman, VA</b>	X			<b>Mrs. Radewagen, AS</b>	X		
<i>Mr. Sablan, CNMI</i>				<i>Mr. Gomez, CA</i>		X	
<b>Mr. McClintock, CA</b>	X			<b>Mr. LaHood, IL</b>	X		
<i>Ms. Tsongas, MA</i>		X		<b>Mr. Webster, FL</b>			
<b>Mr. Pearce, NM</b>	X			<b>Mr. Bergman, MI</b>	X		
<i>Mr. Huffman, CA</i>		X		<b>Ms. Cheney, WY</b>	X		
<b>Mr. Thompson, PA</b>	X			<b>Mr. Johnson, LA</b>	X		
<i>Mr. Lowenthal, CA</i>		X		<b>Ms. González-Colón, PR</b>	X		
<b>Mr. Gosar, AZ</b>	X			<b>Mr. Gianforte, MT</b>	X		
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>	X						
<i>Mrs. Torres, CA</i>		X					
<b>Mr. Tipton, CO</b>	X						
<i>Mr. Gallego, AZ</i>		X					
<b>Mr. LaMalfa, CA</b>	X						
<i>Ms. Hanabusa, HI</i>		X					
<b>Mr. Denham, CA</b>	X						
<i>Ms. Barragán, CA</i>		X		<b>TOTAL:</b>	22	13	

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation and the Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 18, 2017.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3668, the SHARE Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Janani Shankaran, Jeff LaFave, and Mark Grabowicz.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 3668—SHARE Act*

Summary: H.R. 3668 would change the way silencers for firearms are taxed. Under the bill, silencers would no longer be taxed at \$200 per unit, but would instead be taxed at 10 percent of their value. All revenues derived from their sale would be deposited into the Wildlife Restoration Fund and could be spent without further appropriation. In addition, the bill would authorize the appropriation of \$250 million over the 2018–2022 period. Finally, the bill would amend existing laws and establish new laws related to the management of federal lands, including several changes that would affect the use and transport of hunting and fishing equipment on federal lands.

The staff of the Joint Committee on Taxation (JCT) estimates that enacting H.R. 3668 would reduce revenues by \$139 million over the 2017–2027 period. In addition, CBO estimates that enacting the bill would increase direct spending by \$146 million over that period. Combined, those effects would increase federal deficits over the next 10 years by \$285 million. Because enacting the bill would affect direct spending and revenues, pay-as-you-go procedures apply.

Finally, assuming appropriation of the authorized and necessary amounts, CBO estimates that implementing the legislation would cost \$174 million over the 2018–2022 period, with the remainder spending in years after 2021.

CBO estimates that enacting S. 733 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2028.

CBO has reviewed the nontax provisions of H.R. 3668 and determined that they contain intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would preempt state and local laws regulating the transportation of firearms across state lines and the taxation of firearm silencers. CBO estimates that the costs of the preemption to those governments would be small and well below the annual threshold established in UMRA for intergovernmental mandates (\$78 million in 2017, adjusted annually for inflation).

CBO has determined that the nontax provisions of H.R. 3668 would impose private-sector mandates, as defined in UMRA, by eliminating the ability of plaintiffs to seek judicial review of federal rules to remove certain gray wolves from the endangered species list and eliminating the ability of plaintiffs to seek compensation for damages occurring at some public target ranges. CBO estimates that the cost of the mandates would be small and fall well below the annual threshold established in UMRA for private-sector mandates (\$156 million in 2017, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 3668 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 750 (administration of justice).

	By fiscal year, in millions of dollars—												
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2017– 2022	2017– 2027
DECREASES IN REVENUES													
Tax Treatment of Silencers:													
Estimated Revenues .....	0	–4	–9	–10	–11	–13	–14	–16	–18	–21	–23	–46	–139
INCREASES IN DIRECT SPENDING													
Wildlife Restoration Fund:													
Estimated Budget Authority .....	0	4	9	11	12	15	17	20	24	28	33	52	175
Estimated Outlays .....	0	2	5	8	11	13	15	18	21	25	29	39	146
NET INCREASE IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES													
Impact on Deficit .....	0	6	14	18	22	26	29	34	39	46	52	85	285
INCREASES IN SPENDING SUBJECT TO APPROPRIATION													
North American Wetlands Conservation:													
Authorization Level .....	0	50	50	50	50	50	0	0	0	0	0	250	250
Estimated Outlays .....	0	12	25	35	43	48	37	25	15	8	2	163	250
Other Provisions:													
Estimated Authorization Level .....	0	3	2	2	2	2	1	1	1	1	1	11	17
Estimated Outlays .....	0	3	2	2	2	2	1	1	1	1	1	11	17
Total Changes:													
Estimated Authorization Level .....	0	53	52	52	52	52	2	2	2	2	2	261	267
Estimated Outlays .....	0	15	27	37	45	50	39	27	17	10	4	174	267

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.  
Note: Amounts may not sum to totals because of rounding.

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.  
Note: Amounts may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of 2017 and that the authorized and necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

#### *Revenues*

The National Firearms Act of 1934 (NFA) imposes several taxes on certain types of firearms and devices, including a \$200 tax on the make, manufacture, importation, and transfer of silencers. Separately, a 10 percent firearms and ammunition excise tax (FAET) is imposed under current law on the sale of pistols and revolvers by the manufacturer, producer, or importer of such items. The bill would remove silencers from the NFA and its associated taxes and regulations and instead make those devices subject to the FAET. JCT estimates, on net, those changes would reduce revenues by \$139 million over the 2018–2027 period.

#### *Direct spending*

Based on information provided by JCT about the amount of revenues that would be collected under the FAET, CBO estimates that enacting the bill would increase direct spending by \$146 million over the 2018–2027 period for the Wildlife Restoration Fund. Other provisions in the bill would have a negligible effect on direct spending.

**Wildlife Restoration Fund.** Under current law, revenues collected under the FAET are deposited into the U.S. Fish and Wildlife Service's Wildlife Restoration Fund and spent without further appropriation. CBO projects that all balances and new deposits into the fund will be spent under current law. Although revenues would decline under the bill, H.R. 3668 would increase revenues collected under the FAET and would thus increase Wildlife Restoration Fund funding by an amount equal to the amount of revenues collected from the 10 percent tax on silencers. Based on historical spending patterns, CBO estimates that enacting those provisions would increase direct spending by \$146 million over the 2018–2027 period.

**Fees for Commercial Filming Activities.** H.R. 3668 would require the Secretaries of Agriculture and the Interior to charge a permit fee of up to \$200 a year for crews of five persons or fewer that conduct commercial filming or photography on certain federal lands. Under current law, some of the affected agencies collect fees for those activities to recover costs the agencies incur in administering such activities. Those agencies are authorized to spend the collections without further appropriation. CBO expects that, under the bill, certain film crews would pay less than the amounts required under current law and others would pay more. However, because the affected agencies would have the authority to spend any proceeds from fees established under the bill, we estimate that enacting title XIII would have a negligible effect on net direct spending.

#### *Spending subject to appropriation*

CBO estimates that implementing H.R. 3668 would have a discretionary cost of \$174 million over the 2018–2022 period, assuming appropriation of the authorized and necessary amounts.



North American Wetlands Conservation. The bill would authorize the appropriation of \$50 million a year over the 2018–2022 period for programs carried out under the North American Wetlands Conservation Act (NAWCA). The U.S. Fish and Wildlife Service (USFWS) uses amounts appropriated under NAWCA primarily for grants to state, local, and tribal governments; nonprofit organizations; and other entities that carry out wetlands conservation projects. In 2017, the USFWS received an appropriation of \$35 million to carry out similar activities. CBO estimates that implementing those provisions would cost \$163 million over the 2018–2022 period and \$87 million after 2022.

Other Provisions. H.R. 3668 contains provisions that would require affected agencies to waive the cost recovery charges for the first 50 hours of work required to process special recreation use permits and would prevent agencies from recovering costs for completing certain activities under the Endangered Species Act. Based on information provided by the affected agencies, CBO estimates that enacting the bill would reduce collections, totaling about \$4 million a year, and the associated direct spending from cost recovery charges by about \$1 million a year. Because those collections can be spent under current law, enacting this provision would result in no net change in direct spending. However, CBO estimates that implementing provisions related to special recreation use permits would cost \$1 million a year, because the affected agencies would still be required to perform the work necessary to issue those permits.

The bill also would reauthorize the Federal Land Transaction Facilitation Act (FLTFA) through 2022. Under the bill, proceeds from the sale of land administered by the Bureau of Land Management (BLM) would be deposited into a special account where amounts would be available, subject to appropriation, to purchase inholdings (privately held land surrounded by federal land) and to cover certain administrative costs. BLM has the authority to sell land under current law, and CBO estimates that the agency will generate about \$1 million a year from those sales. Because those provisions do not provide any funding or incentive to increase the amount of land the agency sells, such as the authority to retain and spend proceeds, CBO expects that enacting the provisions would not increase the amount of proceeds generated by BLM land sales. Assuming appropriation of the estimated proceeds from BLM land sales under current law, CBO estimates that implementing the FLTFA changes would cost \$1 million a year over the 2018–2022 period.

The bill also would require the Administrative Conference of the United States (ACUS) to create an online searchable database containing information about cases in which fees and expenses were awarded by courts or federal agencies. The ACUS is an independent agency that assists other federal agencies in improving regulatory and other administrative procedures. Based on an analysis of information from ACUS, CBO estimates that creating and maintaining the database would cost \$1 million in 2018 and less than \$500,000 annually thereafter. Those funds would cover costs for additional ACUS staff, technological upgrades, and data collection by federal agencies.

H.R. 3668 also contains provisions that would affect the possession, transport, and use of certain hunting and fishing equipment on federal lands, impose certain reporting requirements, allow for the importation of certain polar bear remains, and require federal agencies to develop a process to expedite access to federal land to conduct search and rescue activities. Based on information provided by the affected agencies, CBO expects that many of those provisions would have little or no effect on the agencies' activities relative to current law. Thus, we estimate that implementing those provisions would have an insignificant effect on the federal budget.

**Pay-As-You-Go considerations:** The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3668, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON SEPTEMBER 13, 2017

	By fiscal year, in millions of dollars—													2017– 2022	2017 2027
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027				
NET INCREASE IN THE DEFICIT															
Statutory Pay-As-You-Go Impact	0	6	14	18	22	26	29	34	39	46	52	85	285		
Memorandum:															
Changes in Outlays ....	0	–4	–9	–10	–11	–13	–14	–16	–18	–21	–23	–46	–139		
Changes in Revenues	0	2	5	8	11	13	15	18	21	25	29	39	146		

**Increase in long term direct spending and deficits:** CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2028.

**Estimated impact on state, local, and tribal governments:** CBO has reviewed the nontax provisions of H.R. 3668 and determined that they contain intergovernmental mandates as defined in UMRA because it would protect gun owners who transport firearms across state lines under the Firearm Owners Protection Act and preempt regulatory authority of state and local governments. H.R. 3668 would marginally expand an existing preemption by clarifying that the protection for gun owners traveling across state lines with firearms applies in situations where the gun owner is staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, or any other activity incidental to a trip. CBO expects state and local law enforcement agencies to experience a small reduction in the amount of penalties they collect from violators of gun control laws, an increase in legal damages awarded to defendants, and potentially some additional training expenses if H.R. 3668 is enacted. However, because of the small number of incidents expected to occur each year, CBO estimates that the costs of the mandate would be small.

The bill also would preempt any state or local law that imposes a tax (other than a broadly based tax) on firearm silencers or that would impose marking, recordkeeping, or registration requirements on owners of silencers. Although the preemption would limit the

application of state and local laws and regulations, CBO estimates that any reduction in revenue from taxes specific to silencers would be small. In total, CBO estimates that cost of the mandates in the bill would fall well below the annual threshold established in UMRA for intergovernmental mandates (\$78 million in 2017, adjusted annually for inflation).

Estimated impact on the private sector: CBO has determined that the nontax provisions of H.R. 3668 would impose private-sector mandates as defined in UMRA. The bill would eliminate the ability of plaintiffs to seek judicial review of federal rules to remove gray wolves in the western Great Lakes region or in the state of Wyoming from the endangered species list. The bill also would eliminate the ability of plaintiffs to seek compensation from the federal government for damages occurring at public target ranges supported by federal funds. The cost of a mandate that eliminates a right of action is the forgone income and value of awards or settlements in such cases. Because such losses would generally not occur in cases involving a judicial review of rules, CBO expects that the mandate would probably impose no costs. In addition, information from the Department of the Interior indicates plaintiffs file few, if any, lawsuits against the U.S. government seeking compensation for damages on public ranges. Because such claims would probably continue to be uncommon in the future, CBO estimates that any loss of income or awards would be small. Consequently, CBO estimates that the aggregate cost of the mandates would fall well below the annual threshold established in UMRA for private-sector mandates (\$156 million in 2017, adjusted annually for inflation).

Previous CBO estimates: On April 28, 2017, CBO transmitted a cost estimate for S. 733, the Sportsmen's Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. Both bills contain provisions that would reauthorize FLTFA; however, the Senate bill would extend FLTFA for a longer period of time, allow BLM to retain and spend proceeds from land sales, and require annual payments to the U.S. Treasury. The CBO cost estimates for those provisions reflect those differences. S. 733 also contains several other provisions that are similar to provisions in H.R. 3668. CBO estimates that the costs of carrying out those provisions would be the same.

Estimate prepared by: Federal Costs: Janani Shankaran (Wildlife Restoration Fund), Jeff LaFave (Federal lands), and Mark Grabowicz (Administrative Conference of the United States); Federal Revenues: The staff of the Joint Committee on Taxation; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of Rule XIII, the general performance goal or objective of this bill is to provide for the preservation of sportsmen's heritage and enhance recreation opportunities on Federal land.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e),

9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

**Directed Rule Making.** This bill contains seven directed rulemakings. Section 1401 of this bill requires the Secretary of the Interior to reissue 2 final rules: 76 Fed. Reg. 81666 (December 28, 2011); and 77 Fed. Reg. 55530 (September 10, 2012). Section 1506 of the bill directs the United States Attorney General to create regulations that require licensed importers and manufacturers of firearm silencers or mufflers to identify such firearm silencer or muffler by means of a serial number engraved or cast on the keystone part of the firearm silencer or muffler. Section 2109 of this bill requires the Secretary of the Interior and the Secretary of Agriculture to revise existing regulations to streamline the processes for the issuance or renewal of outfitter and guide special use permits. Section 2110 of the bill directs the Secretary of the Interior and the Secretary of Agriculture to revise existing regulations to reduce costs and minimize the burden of cost recovery on small businesses and cost recovery on jobs in the outfitting and guiding industry and on rural economies.

**Duplication of Existing Programs.** This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law except that Section 1504 preempts certain State laws in relation to firearm silencers.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

### TOXIC SUBSTANCES CONTROL ACT

#### TITLE I—CONTROL OF TOXIC SUBSTANCES

\* \* \* \* \*

#### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2)(A) Except as provided in subparagraph (B), the term “chemical substance” means any organic or inorganic substance of a particular molecular identity, including—

(i) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature, and

(ii) any element or uncombined radical.

(B) Such term does not include—

(i) any mixture,

(ii) any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide,

(iii) tobacco or any tobacco product,

(iv) any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act),

(v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of such Code) and any component of such an article (limited to shot shells, cartridges, and components of shot shells and cartridges), **[and]**

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device **[.]**, and

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

The term “food” as used in clause (vi) of this subparagraph includes poultry and poultry products (as defined in sections 4(e) and 4(f) of the Poultry Products Inspection Act), meat and meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

(3) The term “commerce” means trade, traffic, transportation, or other commerce (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, transportation, or commerce described in clause (A).

(4) The term “conditions of use” means the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.

(5) The terms “distribute in commerce” and “distribution in commerce” when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture mean to sell, or the sale of, the substance, mixture, or arti-

cle in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of, the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(6) The term “environment” includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

(7) The term “guidance” means any significant written guidance of general applicability prepared by the Administrator.

(8) The term “health and safety study” means any study of any effect of a chemical substance or mixture on health or the environment or on both, including underlying information and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this Act.

(9) The term “manufacture” means to import into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedules of the United States), produce, or manufacture.

(10) The term “mixture” means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

(11) The term “new chemical substance” means any chemical substance which is not included in the chemical substance list compiled and published under section 8(b).

(12) The term “potentially exposed or susceptible subpopulation” means a group of individuals within the general population identified by the Administrator who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly.

(13) The term “process” means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce—

(A) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or

(B) as part of an article containing the chemical substance or mixture.

(14) The term “processor” means any person who processes a chemical substance or mixture.

(15) The term “protocols and methodologies for the development of information” means a prescription of—

(A) the—

(i) health and environmental effects, and

(ii) information relating to toxicity, persistence, and other characteristics which affect health and the environment, for which information for a chemical substance or mixture are to be developed and any analysis that is to be performed on such information, and

(B) to the extent necessary to assure that information respecting such effects and characteristics are reliable and adequate—

(i) the manner in which such information are to be developed,

(ii) the specification of any test protocol or methodology to be employed in the development of such information, and

(iii) such other requirements as are necessary to provide such assurance.

(16) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

(17) The term “United States”, when used in the geographic sense, means all of the States.

\* \* \* \* \*

## **PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT**

\* \* \* \* \*

### **SEC. 2. DEFINITIONS.**

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) *the term “public target range” means a specific location that—*

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

*(B) is open to the public;*

*(C) may be supervised; and*

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

[(2)] (3) the term “Secretary” means the Secretary of the Interior;

[(3)] (4) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise

the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(4)] (5) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

[(5)] (6) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(6)] (7) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

[(7)] (8) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(8)] (9) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

\* \* \* \* \*

SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term “wildlife-restoration project”, as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.



[(b)] [Each State] (b) *EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.*—

(1) *IN GENERAL.*—*Except as provided in paragraph (2), each State may use the funds apportioned to it under section 4(c) to pay up to 75 per centum of the costs of a hunter safety program and the [construction, operation,] operation and maintenance of public target ranges, as a part of such program. [The non-Federal share]*

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

(3) *NON-FEDERAL SHARE.*—*The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. [The Secretary]*

(4) *REGULATIONS.*—*The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public target ranges under this subsection.*

\* \* \* \* \*

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

(a) *IN GENERAL.*—

(1) *GRANTS.*—*Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002, and \$8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—*

(A) *in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—*

(i) *the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;*

(ii) *the enhancement of interstate coordination and development of hunter education and shooting range programs;*

(iii) *the enhancement of bow hunter and archery education, safety, and development programs; and*

(iv) *the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and*

(B) *in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).*

(2) *LIMITATION ON USE.*—*Under paragraph (1), a State shall not be required to use more than the amount described in sec-*

tion 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

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

[(b) *COST SHARING.*—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.]

(b) *COST SHARING.*—

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

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

(3) *IN-KIND MATCH.*—*For the purposes of cost sharing, any institution (as defined by 7 U.S.C. 7601) that is eligible to receive amounts under this section shall be allowed to use the present value of their land as an in-kind match to satisfy cost sharing requirements regardless of any restrictions in law that would otherwise prohibit the use of the land for such purpose.*

(c) *PERIOD OF AVAILABILITY; REAPPORTIONMENT.*—

(1) *PERIOD OF AVAILABILITY.*—[Amounts made]

(A) *IN GENERAL.*—*Except as provided in subparagraph (B), amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.*

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

(2) *REAPPORTIONMENT.*—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.

\* \* \* \* \*

## MIGRATORY BIRD TREATY ACT

\* \* \* \* \*

SEC. 3. (a) That subject to the provisions and in order to carry out the purposes of the conventions, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory

flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

[(b) It shall be unlawful for any person to—

[(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

[(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.]

(b) PROHIBITION OF BAITING.—

(1) DEFINITIONS.—*In this subsection:*

(A) BAITED AREA.—

(i) IN GENERAL.—*The term “baited area” means—*

(I) *any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if the salt, grain, or feed could lure or attract migratory game birds; and*

(II) *in the case of waterfowl, cranes (family Gruidae), and coots (family Rallidae), a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.*

(ii) EXCLUSIONS.—*An area shall not be considered to be a “baited area” if the area—*

(I) *has been treated with a normal agricultural practice;*

(II) *has standing crops that have not been manipulated; or*

(III) *has standing crops that have been or are flooded.*

(B) BAITING.—*The term “baiting” means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas on which a hunter is attempting to take migratory game birds.*

(C) MIGRATORY GAME BIRD.—*The term “migratory game bird” means migratory bird species—*

(i) *that are within the taxonomic families of Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae; and*

(ii) *for which open seasons are prescribed by the Secretary of the Interior.*

(D) NORMAL AGRICULTURAL PRACTICE.—

(i) IN GENERAL.—*The term “normal agricultural practice” means any practice in one annual growing season that—*

(I) is carried out in order to produce a marketable crop, including planting, harvest, postharvest, or soil conservation practices; and

(II) is recommended for the successful harvest of a given crop by the applicable State office of the Cooperative Extension System of the Department of Agriculture, in consultation with, and if requested, the concurrence of, the head of the applicable State department of fish and wildlife.

(ii) INCLUSIONS.—

(I) IN GENERAL.—Subject to subclause (II), the term “normal agricultural practice” includes the destruction of a crop in accordance with practices required by the Federal Crop Insurance Corporation for agricultural producers to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) on land on which a crop during the current or immediately preceding crop year was not harvestable due to a natural disaster (including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)).

(II) LIMITATIONS.—The term “normal agricultural practice” only includes a crop described in subclause (I) that has been destroyed or manipulated through activities that include (but are not limited to) mowing, discing, or rolling if the Federal Crop Insurance Corporation certifies that flooding was not an acceptable method of destruction to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(E) WATERFOWL.—The term “waterfowl” means native species of the family Anatidae.

(2) PROHIBITION.—It shall be unlawful for any person—

(A) to take any migratory game bird by baiting or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

(B) to place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by baiting or on or over the baited area.

(3) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

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## TITLE 54, UNITED STATES CODE

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## SUBTITLE I—NATIONAL PARK SYSTEM

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## DIVISION A—ESTABLISHMENT AND GENERAL ADMINISTRATION

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### CHAPTER 1009—ADMINISTRATION

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#### § 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** *be sufficient to cover the cost of a film permit and other administrative and personnel costs* 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.

(3) *FILM CREW OF 5 PERSONS OR FEWER.—For a commercial film crew of 5 persons or fewer for commercial filming activities or similar projects on Federal land and waters administered by the Secretary the Secretary shall—*

*(A) assess an annual fee in an amount sufficient to cover the administrative cost of issuing a permit under this section, but not greater than \$200; and*

*(B) require a permit which shall be valid for commercial filming activities or similar projects that occur in areas designated for public use during public hours on all Federal land and waterways administered by the Secretary for a 1-year period beginning on the date of issuance of the permit.*

**[(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)] (b) 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.

(3) *STILL PHOTOGRAPHY CREW OF 5 PERSONS OR FEWER.*—*The fee under this paragraph for a still photography crew of 5 persons or fewer shall be not more than \$200.*

[(d)] (c) 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)] (d) 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)] (e) PROCESSING OF PERMIT APPLICATIONS.—

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

(f) *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 an additional fee for commercial filming or still photography under this section if—*

*(1) the filming or still photography conducted is 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)).*

(g) *NEWS GATHERING ACTIVITIES.*—*For the purposes of this section, a news gathering shall not be considered a commercial activity.*

(h) *DEFINITIONS.*—*For the purposes of this section—*

*(1) the term “commercial film crew” means any persons present on Federal land or water under the jurisdiction of the Secretary who are associated with the production of a film;*

*(2) the term “news gathering” means the gathering, recording, and filming of news and information related to news in any medium; and*

(3) 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 such Secretary.

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## SUBTITLE I—NATIONAL PARK SYSTEM

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## DIVISION A—ESTABLISHMENT AND GENERAL ADMINISTRATION

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### CHAPTER 1015—TRANSPORTATION

#### SUBCHAPTER I—AIRPORTS

Sec.

101501. Airports in or near System units.

#### SUBCHAPTER II—ROADS AND TRAILS

101511. Authority of Secretary.

101512. Conveyance to States of roads leading to certain historical areas.

101513. *Hunter access corridors.*

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#### SUBCHAPTER II—ROADS AND TRAILS

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#### **§ 101513. *Hunter access corridors***

(a) **DEFINITIONS.**—*In this section:*

(1) **NOT READY FOR IMMEDIATE USE.**—*The term “not ready for immediate use” means—*

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

(B) *with respect to a crossbow, uncocked.*

(2) **VALID HUNTING LICENSE.**—*The term “valid hunting license” means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.*

(b) **TRANSPORTATION AUTHORIZED.**—

(1) **IN GENERAL.**—*The Director shall not require a permit for, or 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 if—*

(A) *in the case of an individual traversing the System unit on foot—*

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

(ii) *the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;*

(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

(iv)(I) the individual possesses a valid hunting license;

(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or

(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or

(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

(2) *ENFORCEMENT.*—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.

(c) *ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.*—

(1) *IN GENERAL.*—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—

(A) contiguous to a System unit; and

(B) open to hunting.

(2) *DETERMINATION BY DIRECTOR.*—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.

(3) *HUNTING SEASON.*—The hunter access corridors shall be open for use during hunting seasons.

(4) *EXCEPTION.*—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law. Such closures shall be clearly marked with signs and dates of closures, and shall not include gates, chains, walls, or other barriers on the hunter access corridor.

(5) *IDENTIFICATION OF CORRIDORS.*—The Director shall—

(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and

(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

(6) *REGISTRATION; TRANSPORTATION OF GAME.*—The Director may—

(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;

(B) provide a process for online self-registration; and

(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.



(7) *CONSULTATION WITH STATES.*—*The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.*

(d) *EFFECT.*—*Nothing in this section—*

(1) *diminishes, enlarges, or modifies any Federal or State authority with respect to hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or*

(2) *authorizes—*

(A) *the establishment of new trails in System units; or*

(B) *authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.*

(e) *NO MAJOR FEDERAL ACTION.*—

(1) *IN GENERAL.*—*Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

(2) *NO ADDITIONAL ACTION REQUIRED.*—*No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.*

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## **TITLE 5, UNITED STATES CODE**

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### **PART I—THE AGENCIES GENERALLY**

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#### **CHAPTER 5—ADMINISTRATIVE PROCEDURE**

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##### **SUBCHAPTER I—GENERAL PROVISIONS**

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#### **§ 504. Costs and fees of parties**

(a)(1) An agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency was substantially justified or that special circumstances make an award unjust. Whether or not the position of the agency was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

(2) A party seeking an award of fees and other expenses shall, within thirty days of a final disposition in the adversary adjudication, submit to the agency an application which shows that the party is a prevailing party and is eligible to receive an award under this section, and the amount sought, including an itemized

statement from any attorney, agent, or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the agency was not substantially justified. When the United States appeals the underlying merits of an adversary adjudication, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made under this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.

(3) The adjudicative officer of the agency may reduce the amount to be awarded, or deny an award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of the adjudicative officer of the agency under this section shall be made a part of the record containing the final decision of the agency and shall include written findings and conclusions and the reason or basis therefor. The decision of the agency on the application for fees and other expenses shall be the final administrative decision under this section.

(4) If, in an adversary adjudication arising from an agency action to enforce a party's compliance with a statutory or regulatory requirement, the demand by the agency is substantially in excess of the decision of the adjudicative officer and is unreasonable when compared with such decision, under the facts and circumstances of the case, the adjudicative officer shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust. Fees and expenses awarded under this paragraph shall be paid only as a consequence of appropriations provided in advance.

(b)(1) For the purposes of this section—

(A) "fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees (The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency involved, and (ii) attorney or agent fees shall not be awarded in excess of \$125 per hour unless the agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.);

(B) "party" means a party, as defined in section 551(3) of this title, who is (i) an individual whose net worth did not exceed \$2,000,000 at the time the adversary adjudication was initiated, or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed

\$7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association or for purposes of subsection (a)(4), a small entity as defined in section 601;

(C) “adversary adjudication” means (i) an adjudication under section 554 of this title in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license, (ii) any appeal of a decision made pursuant to section 7103 of title 41 before an agency board of contract appeals as provided in section 7105 of title 41, (iii) any hearing conducted under chapter 38 of title 31, and (iv) the Religious Freedom Restoration Act of 1993;

(D) “adjudicative officer” means the deciding official, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication;

(E) “position of the agency” means, in addition to the position taken by the agency in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based; except that fees and other expenses may not be awarded to a party for any portion of the adversary adjudication in which the party has unreasonably protracted the proceedings; and

(F) “demand” means the express demand of the agency which led to the adversary adjudication, but does not include a recitation by the agency of the maximum statutory penalty (i) in the administrative complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount.

(2) Except as otherwise provided in paragraph (1), the definitions provided in section 551 of this title apply to this section.

(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].

(2) If a party other than the United States is dissatisfied with a determination of fees and other expenses made under subsection (a), that party may, within 30 days after the determination is made, appeal the determination to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. The court’s determination on any appeal heard under this paragraph shall be based solely on the factual record made before the agency. The court may modify the determination of fees and other expenses only if the court finds that the failure to make an award of fees and other expenses, or

the calculation of the amount of the award, was unsupported by substantial evidence.

(d) Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency by appropriation or otherwise.

[(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) The Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:*

*(1) The case name and number of the adversary adjudication, 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, as such party is identified in the order or other agency document making the award.*

*(5) The amount of the award.*

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

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

*(g) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States, no later than 60 days following the Chairman's request, all information requested by the Chairman to comply with the requirements of subsections (e) and (f).*

[(f)] *(h) 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.*

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## TITLE 28, UNITED STATES CODE

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## PART VI—PARTICULAR PROCEEDINGS

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## CHAPTER 161—UNITED STATES AS PARTY GENERALLY

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### **§ 2412. Costs and fees**

(a)(1) Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title, but not including the fees and expenses of attorneys, may be awarded to the prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. A judgment for costs when taxed against the United States shall, in an amount established by statute, court rule, or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by such party in the litigation.

(2) A judgment for costs, when awarded in favor of the United States in an action brought by the United States, may include an amount equal to the filing fee prescribed under section 1914(a) of this title. The preceding sentence shall not be construed as requiring the United States to pay any filing fee.

(b) Unless expressly prohibited by statute, a court may award reasonable fees and expenses of attorneys, in addition to the costs which may be awarded pursuant to subsection (a), to the prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. The United States shall be liable for such fees and expenses to the same extent that any other party would be liable under the common law or under the terms of any statute which specifically provides for such an award.

(c)(1) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for costs pursuant to subsection (a) shall be paid as provided in sections 2414 and 2517 of this title and shall be in addition to any relief provided in the judgment.

(2) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for fees and expenses of attorneys pursuant to subsection (b) shall be paid as provided in sections 2414 and 2517 of this title, except that if the basis for the award is a finding that the United States acted in bad faith, then the award shall be paid by any agency found to have acted in bad faith and shall be in addition to any relief provided in the judgment.

(d)(1)(A) Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

(B) A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this subsection, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual

time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought.

(C) The court, in its discretion, may reduce the amount to be awarded pursuant to this subsection, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

(D) If, in a civil action brought by the United States or a proceeding for judicial review of an adversary adjudication described in section 504(a)(4) of title 5, the demand by the United States is substantially in excess of the judgment finally obtained by the United States and is unreasonable when compared with such judgment, under the facts and circumstances of the case, the court shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust. Fees and expenses awarded under this subparagraph shall be paid only as a consequence of appropriations provided in advance.

(2) For the purposes of this subsection—

(A) “fees and other expenses” includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party’s case, and reasonable attorney fees (The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States; and (ii) attorney fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.);

(B) “party” means (i) an individual whose net worth did not exceed \$2,000,000 at the time the civil action was filed, or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed \$7,000,000 at the time the civil action was filed, and which had not more than 500 employees at the time the civil action was filed; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association or for purposes of subsection (d)(1)(D), a small entity as defined in section 601 of title 5;

(C) “United States” includes any agency and any official of the United States acting in his or her official capacity;

(D) “position of the United States” means, in addition to the position taken by the United States in the civil action, the action or failure to act by the agency upon which the civil action is based; except that fees and expenses may not be awarded to a party for any portion of the litigation in which the party has unreasonably protracted the proceedings;

(E) “civil action brought by or against the United States” includes an appeal by a party, other than the United States, from a decision of a contracting officer rendered pursuant to a disputes clause in a contract with the Government or pursuant to chapter 71 of title 41;

(F) “court” includes the United States Court of Federal Claims and the United States Court of Appeals for Veterans Claims;

(G) “final judgment” means a judgment that is final and not appealable, and includes an order of settlement;

(H) “prevailing party”, in the case of eminent domain proceedings, means a party who obtains a final judgment (other than by settlement), exclusive of interest, the amount of which is at least as close to the highest valuation of the property involved that is attested to at trial on behalf of the property owner as it is to the highest valuation of the property involved that is attested to at trial on behalf of the Government; and

(I) “demand” means the express demand of the United States which led to the adversary adjudication, but shall not include a recitation of the maximum statutory penalty (i) in the complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount.

(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.

(4) Fees and other expenses awarded under this subsection to a party shall be paid by any agency over which the party prevails from any funds made available to the agency by appropriation or otherwise.

(5) *The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:*

*(A) The case name and number.*

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

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

*(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.*

*(6) The online searchable database described in paragraph (5) may not reveal any information the disclosure of which is prohibited by law or court order.*

*(7) 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, no later than 60 days following the Chairman's request, all information requested by the Chairman to comply with the requirements of paragraphs (5) and (6).*

*(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 1986 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).*

*(f) If the United States appeals an award of costs or fees and other expenses made against the United States under this section and the award is affirmed in whole or in part, interest shall be paid on the amount of the award as affirmed. Such interest shall be computed at the rate determined under section 1961(a) of this title, and shall run from the date of the award through the day before the date of the mandate of affirmance.*

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## TITLE 18, UNITED STATES CODE

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## PART I—CRIMES

\* \* \* \* \*

## CHAPTER 44—FIREARMS

Sec.

921. Definitions.

\* \* \* \* \*

926A. Interstate transportation of [firearms] *firearms or ammunition.*

\* \* \* \* \*

### § 921. Definitions

(a) As used in this chapter—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term “State” includes the Dis-



trict of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as [particularly suitable for sporting] *suitable for lawful purposes*) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use [solely] for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(9) The term “importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term “licensed importer” means any such person licensed under the provisions of this chapter.

(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter.

(11) The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter.

(12) The term “pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

(13) The term “collector” means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term “licensed collector” means any such person licensed under the provisions of this chapter.

(14) The term “indictment” includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(15) The term “fugitive from justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by re-

placing the barrel, bolt, breechblock, or any combination thereof.

(17)(A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(B) The term “armor piercing ammunition” means—

(i) a projectile or projectile core which **may be used** *is designed and intended by the manufacturer or importer for use in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or*

(ii) a full jacketed projectile larger than .22 caliber designed and intended *by the manufacturer or importer* for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

(C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which **the Attorney General finds is primarily intended to be used for sporting purposes** *is primarily intended by the manufacturer or importer to be used in a rifle or shotgun, a handgun projectile that is designed and intended by the manufacturer or importer to be used for hunting, recreational, or competitive shooting, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.*

(18) The term “Attorney General” means the Attorney General of the United States

(19) The term “published ordinance” means a published law of any political subdivision of a State which the Attorney General determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Attorney General, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

(20) The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(21) The term “engaged in the business” means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

(D) as applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

(22) The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: Provided, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(23) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

[(24) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.]

*(24)(A) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including the “keystone part” of such a device.*

*(B) The term “keystone part” means, with respect to a firearm silencer or firearm muffler, an externally visible part of a firearm silencer or firearm muffler, without which a device capable of silencing, muffling, or diminishing the report of a portable firearm cannot be assembled, but the term does not include any interchangeable parts designed to mount a firearm silencer or firearm muffler to a portable firearm.*

(25) The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(26) The term “school” means a school which provides elementary or secondary education, as determined under State law.

(27) The term “motor vehicle” has the meaning given such term in section 13102 of title 49, United States Code.

(28) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(29) The term “handgun” means—

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

(32) The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

(33)(A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal, State, or Tribal law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(34) The term “secure gun storage or safety device” means—

(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

(35) The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

## **§ 922. Unlawful acts**

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person

other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any fire arm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor

resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful **[sporting]** purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

**[(7) for any person to manufacture or import armor piercing ammunition, unless—**

**[(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;**

**[(B) the manufacture of such ammunition is for the purpose of exportation; or**

**[(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;]**

*(7) for any person to manufacture or import armor piercing ammunition, unless the manufacture or importation of the ammunition—*

*(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;*

*(B) is for the purpose of exportation; or*

*(C) is for the purpose of testing or experimentation, and has been authorized by the Attorney General;*

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) is for the purpose of exportation; or

(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful **[sporting]** purposes.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a **[shotgun or rifle]** *shotgun, rifle, firearm silencer*



or *firearm muffler*, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any **[rifle or shotgun]** *shotgun, rifle, firearm silencer or firearm muffler* to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful **[sporting]** purposes;

(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Attorney General.

(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

(1) the transferee submits to the transferor a sworn statement in the following form:

“Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case

of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are — — — — —

— — — Signature — — — — — Date — — — — —” and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee’s place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such

person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) has been convicted in any court of a misdemeanor crime of domestic violence.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

(f)(1) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment transportation, or receipt thereof would be in violation of the provisions of this chapter.

(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearms or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing

or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

(l) Except as provided in section [925(d) of this chapter] 925, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term “firearm” does not include the frame or receiver of any such weapon;

(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Attorney General, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors: Provided, however, That at the close of such 12-month period, and

at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a “Security Exemplar” which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

(4) The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.

(q)(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves--even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the

safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

- (i) on private property not part of school grounds;
- (ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;
- (iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
- (iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

[(r) It shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3) of this chapter as not being particularly suitable for or readily adaptable to sporting purposes except that this subsection shall not apply to—

[(1) the assembly of any such rifle or shotgun for sale or distribution by a licensed manufacturer to the United States or any department or agency thereof or to any State or any department, agency, or political subdivision thereof; or

[(2) the assembly of any such rifle or shotgun for the purposes of testing or experimentation authorized by the Attorney General.]

(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun (other than the return of a handgun to the person from whom it was received) to an individual who is not licensed under section 923, unless—

(A) after the most recent proposal of such transfer by the transferee—

(i) the transferor has—

(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

(II) verified the identity of the transferee by examining the identification document presented;

(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the



chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

(C)(i) the transferee has presented to the transferor a permit that—

(I) allows the transferee to possess or acquire a handgun; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

(E) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(F) on application of the transferor, the Attorney General has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

(B) a statement that the transferee—

(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, and has not been convicted in any court of a misdemeanor crime of domestic violence;

(ii) is not a fugitive from justice;

(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

(v) is not an alien who—

(I) is illegally or unlawfully in the United States; or

(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

(C) the date the statement is made; and

(D) notice that the transferee intends to obtain a handgun from the transferor.

(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—

(A) the chief law enforcement officer of the place of business of the transferor; and

(B) the chief law enforcement officer of the place of residence of the transferee.

(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

(8) For purposes of this subsection, the term “chief law enforcement officer” means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

(9) The Attorney General shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.

(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d) of this title) of the transferee containing a photograph of the transferee.

(2) If receipt of a firearm would not violate subsection (g) or (n) or State law, the system shall—

(A) assign a unique identification number to the transfer;

(B) provide the licensee with the number; and

(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

(A)(i) such other person has presented to the licensee a permit that—

(I) allows such other person to possess or acquire a firearm; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

(B) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(C) on application of the transferor, the Attorney General has certified that compliance with paragraph (1)(A) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term “juvenile” means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NON-IMMIGRANT VISAS

(1) DEFINITIONS In this subsection—

(A) the term “alien” has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term “nonimmigrant visa” has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

(B) an official representative of a foreign government who is—

(i) accredited to the United States Government or the Government’s mission to an international organization having its headquarters in the United States; or

(ii) en route to or from another country to which that alien is accredited;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER

(A) CONDITIONS FOR WAIVER Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) PETITION Each petition under subparagraph (B) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

(C) APPROVAL OF PETITION The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

(i) would be in the interests of justice; and

(ii) would not jeopardize the public safety.

(z) SECURE GUN STORAGE OR SAFETY DEVICE

(1) IN GENERAL Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

(2) EXCEPTIONS Paragraph (1) shall not apply to—

(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

(B) the transfer to, or possession by, a rail police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

(3) LIABILITY FOR USE

(A) IN GENERAL Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a qualified civil liability action.

(B) PROSPECTIVE ACTIONS A qualified civil liability action may not be brought in any Federal or State court.

(C) DEFINED TERM As used in this paragraph, the term “qualified civil liability action”—

(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

### § 923. Licensing

(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Attorney General shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

(1) If the applicant is a manufacturer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

(B) of firearms other than destructive devices, a fee of \$50 per year; or



(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

(2) If the applicant is an importer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

(3) If the applicant is a dealer—

(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

(B) who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility as the Attorney General shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Attorney General shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license. Nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: Provided, That no other recordkeeping shall be required.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or as-

sociation) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (n) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time;

(F) the applicant certifies that—

(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

(iii) that the applicant has sent or delivered a form to be prescribed by the Attorney General, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license; and

(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).

(2) The Attorney General must approve or deny an application for a license within the 60-day period beginning on the date it is received. If the Attorney General fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Attorney General to act. If the Attorney General approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Attorney General may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Attorney General under this chapter or fails to have secure gun storage or safety devices

available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device). The Attorney General may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Attorney General stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

(2) If the Attorney General denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Attorney General shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Attorney General decides not to reverse his decision to deny an application or revoke a license, the Attorney General shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Attorney General was not authorized to deny the application or to revoke the license, the court shall order the Attorney General to take such action as may be necessary to comply with the judgment of the court.

(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter or of rules or regulations prescribed under this chapter, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Attorney General shall be absolutely barred from denying or revoking any license granted under this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Attorney General more than one year after the filing of the indictment or information.

(g)(1)(A) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Attorney

General may by regulations prescribe. Such importers, manufacturers, and dealers shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section. The Attorney General, when he has reasonable cause to believe a violation of this chapter has occurred and that evidence thereof may be found on such premises, may, upon demonstrating such cause before a Federal magistrate judge and securing from such magistrate judge a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector, or any licensed importer or manufacturer of ammunition, for the purpose of inspecting or examining—

- (i) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under this chapter or rules or regulations under this chapter, and

- (ii) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises.

(B) The Attorney General may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant—

- (i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

- (ii) for ensuring compliance with the record keeping requirements of this chapter—

- (I) not more than once during any 12-month period; or

- (II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee.; or

- (iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(C) The Attorney General may inspect the inventory and records of a licensed collector without such reasonable cause or warrant—

- (i) for ensuring compliance with the record keeping requirements of this chapter not more than once during any twelve-month period; or

- (ii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(D) At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Attorney General designated for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Attorney General seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Attorney General may make available to any Federal, State, or

local law enforcement agency any information which he may obtain by reason of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition, and he may provide information to the extent such information may be contained in the records required to be maintained by this chapter, when so requested by any Federal, State, or local law enforcement agency.

(2) Each licensed collector shall maintain in a bound volume the nature of which the Attorney General may by regulations prescribe, records of the receipt, sale, or other disposition of firearms. Such records shall include the name and address of any person to whom the collector sells or otherwise disposes of a firearm. Such collector shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section.

(3)(A) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Attorney General and forwarded to the office specified thereon and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place, not later than the close of business on the day that the multiple sale or other disposition occurs.

(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.

(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to the Attorney General. However, where State law or local ordinance requires the delivery of records to other responsible authority, the Attorney General may arrange for the delivery of such records to such other responsible authority.

(5)(A) Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by

the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Attorney General in such letter may specify.

(B) The Attorney General may authorize such record information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter. A licensee may use an alternate method of reporting if the licensee describes the proposed alternate method of reporting and the need therefor in a letter application submitted to the Attorney General, and the Attorney General approves such alternate method of reporting.

(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Attorney General and to the appropriate local authorities.

(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Attorney General for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Attorney General may require. The Attorney General shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.

(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

(i) ~~[(Licensed)]~~*(1) In the case of a firearm other than a firearm silencer or firearm muffler, licensed* In the case of a firearm other than a firearm silencer or firearm muffler, licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

*(2) In the case of a firearm silencer or firearm muffler, licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the keystone part of the firearm silencer or firearm muffler, in such manner as the Attorney General shall by regulations prescribe, each firearm silencer or firearm muffler imported or manufactured by such importer or manufacturer, except that, if a firearm silencer or firearm muffler does not have a clearly identifiable keystone part or has multiple keystone parts, licensed importers or licensed manufacturers shall submit a request for a marking variance to the Attorney General. The Attorney General shall grant such a request except on showing good cause that marking the firearm silencer or firearm muffler as requested would not further the purposes of this chapter.*

(j) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Attorney General, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory or records under this chapter by the Attorney General at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Attorney General to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct "curios or relics" firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.

(k) Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Attorney General by regulation. The Attorney General shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor piercing ammunition as defined in section 921(a)(17)(B).

(l) The Attorney General shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

\* \* \* \* \*

## **§ 925. Exceptions: Relief from disabilities**

(a)(1) The provisions of this chapter, except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10 before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition [determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.] *intended for the lawful personal use of such member or club.*

(4) When established to the satisfaction of the Attorney General to be consistent with the provisions of this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), and other applicable Federal and State laws and published ordinances, the Attorney General may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is [(A) determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the] *intended for the lawful personal use of such member.*

(5) For the purpose of paragraph (3) of this subsection, the term "United States" means each of the several States and the District of Columbia.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

(c) A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Attorney General may grant such relief if it is established to his satisfaction



that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Any person whose application for relief from disabilities is denied by the Attorney General may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter, shall not be barred by such disability from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Attorney General grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

[(d) The Attorney General shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

[(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

[(2) is an unserviceable firearm, other than a machinegun as defined in section 5845(b) of the Internal Revenue Code of 1986 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

[(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1986 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms, except in any case where the Attorney General has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

[(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Attorney General shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

[(e) Notwithstanding any other provision of this title, the Attorney General shall authorize the importation of, by any licensed importer, the following:

[(1) All rifles and shotguns listed as curios or relics by the Attorney General pursuant to section 921(a)(13), and

[(2) All handguns, listed as curios or relics by the Attorney General pursuant to section 921(a)(13), provided that such handguns are generally recognized as particularly suitable for or readily adaptable to sporting purposes.

[(f) The Attorney General shall not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p).]

*(d)(1) Within 30 days after the Attorney General receives an application therefor, the Attorney General shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if—*

*(A) the firearm or ammunition is being imported or brought in for scientific, research, testing, or experimentation purposes;*

*(B) the firearm is an unserviceable firearm (other than a machine gun as defined in section 5845(b) of the Internal Revenue Code of 1986 that is readily restorable to firing condition) imported or brought in as a curio or museum piece;*

*(C) the firearm is not a firearm as defined in section 5845(a) of the Internal Revenue Code of 1986;*

*(D) the ammunition is not armor piercing ammunition (as defined in section 921(a)(17)(B) of this title), unless subparagraph (A), (E), (F), or (G) applies;*

*(E) the firearm or ammunition is being imported or brought in for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;*

*(F) the firearm or ammunition is being imported or brought in for the purpose of exportation;*

*(G) the firearm or ammunition was previously taken out of the United States or a possession thereof by the person who is bringing in the firearm or ammunition; or*

*(H) the firearm is a firearm defined as curio or relic by the Attorney General under section 921(a)(13) of this title.*

*(2) Within 30 days after the Attorney General receives an application therefor, the Attorney General shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of the firearm or ammunition will be allowed under this subsection.*

*(3) The Attorney General shall not authorize, under this subsection, the importation of any firearm the importation of which is prohibited by section 922(p).*

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#### **[§ 926A. Interstate transportation of firearms**

**[Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.]**

**§926A. Interstate transportation of firearms or ammunition**

(a) Notwithstanding any provision of any law, rule, or regulation of a State or any political subdivision thereof:

(1) A person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation, the firearm is unloaded, and—

(A) if the transportation is by motor vehicle, the firearm is—

(i) not directly accessible from the passenger compartment of the vehicle;

(ii) in a locked container other than the glove compartment or console; or

(iii) secured by a secure gun storage or safety device;

or

(B) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device.

(2) A person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation, the ammunition is not loaded into a firearm, and—

(A) if the transportation is by motor vehicle, the ammunition is—

(i) not directly accessible from the passenger compartment of the vehicle; or

(ii) is in a locked container other than the glove compartment or console; or

(B) if the transportation is by other means, the ammunition is in a locked container.

(b) In subsection (a), the term “transport” includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport.

(c)(1) A person who is transporting a firearm or ammunition may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms, unless there is probable cause to believe that the person is doing so in a manner not provided for in subsection (a).

(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsection (a).

(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney’s fee.

(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, section 926B or 926C, under color of any statute, ordinance, regulation, custom, or usage of any State or

*any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages and other appropriate relief.*

*(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney's fee.*

\* \* \* \* \*

#### **§ 927. Effect on State law**

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. *Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that imposes a tax, other than a generally applicable sales or use tax, on making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, or imposes a marking, recordkeeping or registration requirement with respect to such a firearm silencer, shall have no force or effect.*

\* \* \* \* \*

### **MARINE MAMMAL PROTECTION ACT OF 1972**

\* \* \* \* \*

#### **TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS**

\* \* \* \* \*

##### **PERMITS**

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal. Permits for the incidental taking of marine mammals in the course of commercial fishing operations may only be issued as specifically provided for in sections 101(a)(5) or 306, or subsection (h) of this section.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species

or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c)(1) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to such taking or importation. Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;

(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and

(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

(D) If the Secretary—

(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A) (i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10).

(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in injury to a species, stock, or individual, or in loss of unique research opportunities.

(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

- (i) The species or stocks of marine mammals which may be harassed.
- (ii) The geographic location of the research.
- (iii) The period of time over which the research will be conducted.
- (iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.
- (v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general authorization, the Secretary shall issue a letter to the applicant confirming that the general authorization applies, or, if the proposed research is likely to result in the taking (including Level A harassment) of a marine mammal, shall notify the applicant that subparagraph (A) applies.

(4)(A) A permit may be issued for enhancing the survival or recovery of a species or stock only with respect to a species or stock for which the Secretary, after consultation with the Marine Mammal Commission and after notice and opportunity for public comment, has first determined that—

- (i) taking or importation is likely to contribute significantly to maintaining or increasing distribution or numbers necessary to ensure the survival or recovery of the species or stock; and
- (ii) taking or importation is consistent (I) with any conservation plan adopted by the Secretary under section 115(b) of this title or any recovery plan developed under section 4(f) of the Endangered Species Act of 1973 for the species or stock, or (II) if there is no conservation or recovery plan in place, with the Secretary's evaluation of actions required to enhance the survival or recovery of the species or stock in light to the factors that would be addressed in a conservation plan or a recovery plan.

(B) A permit issued in accordance with this paragraph may allow the captive maintenance of a marine mammal from a depleted species or stock only if the Secretary—

- (i) determines that captive maintenance is likely to contribute to the survival or recovery of the species or stock by maintaining a viable gene pool, increasing productivity, providing biological information, or establishing animal reserves;
- (ii) determines that the expected benefit to the affected species or stock outweighs the expected benefit of alternatives which do not require removal of animals from the wild; and
- (iii) requires that the marine mammal or its progeny be returned to the natural habitat of the species or stock as soon as feasible, consistent with the objectives of any applicable con-

servation plan or recovery plan, or of any evaluation by the Secretary under subparagraph (A).

The Secretary may allow the public display of such a marine mammal only if the Secretary determines that such display is incidental to the authorized maintenance and will not interfere with the attainment of the survival or recovery objectives.

(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada by the applicant. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level;

(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and

(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary until expended for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

(C)(i) The Secretary shall undertake a scientific review of the impact of permits issued under this paragraph on the polar bear population stocks in Canada within 2 years after the date of enactment of this paragraph. The Secretary shall provide an opportunity for public comment during the course of such review, and shall include a response to such public comment in the final report on such review.

(ii) The Secretary shall not issue permits under this paragraph after September 30, 1996, if the Secretary determines, based on the scientific review, that the issuance of permits under this paragraph is having a significant adverse impact on the polar bear population stocks in Canada. The Secretary may review such determination annually thereafter, in light of the best scientific information available, and shall complete the review not later than January 31 in any year a review is undertaken. The Secretary may issue permits under this paragraph whenever the Secretary determines, on the basis of such annual review, that the issuance of permits under this paragraph is not having a significant adverse impact on the polar bear population stocks in Canada.

[(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than



internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.】

*(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—*

*(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or*

*(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.*

*(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.*

*(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act.*

(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3); or

(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

(A) The name of the marine mammal or other identification.

(B) The sex of the marine mammal.

(C) The estimated or actual birth date of the marine mammal.

(D) The date of acquisition or disposition of the marine mammal by the permit holder.

(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

(F) If the marine mammal is transferred, the name of the recipient.

(G) A notation if the animal was acquired as the result of a stranding.

(H) The date of death of the marine mammal and the cause of death when determined.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of Title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title,

(B) in any case in which a violation of the terms and conditions of the permit is found, or

(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear population stocks are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear population stocks throughout their range.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

- (1) the time of the authorized or taking importation;
- (2) the period of any transit of such person or agent which is incident to such taking or importation; and
- (3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) GENERAL PERMITS.—

(1) Consistent with the regulations prescribed pursuant to section 103 of this title and to the requirements of section 101 of this title, the Secretary may issue an annual permit to a United States purse seine fishing vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

(2) Such annual permits for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 306 of this Act, subject to the regulations issued pursuant to section 303 of this Act.

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## NORTH AMERICAN WETLANDS CONSERVATION ACT

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**SEC. 6. CONDITIONS RELATING TO WETLANDS CONSERVATION PROJECTS.**

(a) PROJECTS IN THE UNITED STATES.—(1) Subject to the allocation requirements of section 8(a)(2) and the limitations on Federal contributions under section 8(b) of this Act, the Secretary shall assist in carrying out wetlands conservation projects in the United States, which have been approved by the Migratory Bird Conservation Commission, with the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act.

(2) Except as provided in paragraph (3), any lands or waters or interests therein acquired in whole or in part by the Secretary with the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, to carry out wetlands conservation projects shall be included in the National Wildlife Refuge System.

(3) In lieu of including in the National Wildlife Refuge System any lands or waters or interests therein acquired under this Act, the Secretary may, with the concurrence of the Migratory Bird Conservation Commission, grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act or convey any real property interest acquired in whole or in part with such funds without cost to a State or to another public agency or other entity upon a finding by the Secretary that the real property interests should not be included in the National Wildlife Refuge System: *Provided*, That any grant recipient shall have been so identified in the project description accompanying the recommendation from the Council and approved by the Migratory Bird Conservation Commission. The Secretary shall not convey any such interest to a State, another public agency or other entity unless the Secretary determines that such State, agency or other entity is committed to undertake the management of the property being transferred in accordance with the objectives of this Act, and the deed or other instrument of transfer contains provisions for the reversion of title to the property to the United States if such State, agency or other entity fails to manage the property in accordance with the objectives of this Act. Any real property interest conveyed pursuant to this paragraph shall be subject to such terms and conditions that will ensure that the interest will be administered for the long-term conservation and management of the wetland ecosystem and the fish and wildlife dependent thereon.

(b) PROJECTS IN CANADA OR MEXICO.—Subject to the allocation requirements of section 8(a)(1) and the limitations on Federal contributions under section 8(b) of this Act, the Secretary shall grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, to public agencies and other entities for the purpose of assisting such entities and individuals in carrying out wetlands conservation projects in Canada or Mexico that have been approved by the Migratory Bird Conservation Commission: *Provided*, That the grant recipient shall have been so identified in the project description accompanying the recommendation from the Council and approved by Migratory Bird Conservation Commission. The Secretary may only grant or otherwise pro-

vide Federal funds if the grant is subject to the terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such Federal funds will be administered for the long-term conservation and management of such wetland ecosystem and the fish and wildlife dependent thereon. Real property and interests in real property acquired pursuant to this subsection shall not become part of the National Wildlife Refuge System. Acquisitions of real property and interests in real property carried out pursuant to this subsection shall not be subject to any provision of Federal law governing acquisitions of property for inclusion in the National Wildlife Refuge System.

(c) *LIMITATION ON EXPENDITURES FOR PURCHASE OF LAND.*—Amounts appropriated under this Act may not be used by the Secretary to purchase land that will be administered by the United States.

#### **SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.**

(a) AID IN WILDLIFE RESTORATION.—(1) [Amendatory—omitted]

(2) [Amendatory—omitted]

(3) The amendments made by this subsection of this Act take effect October 1, 1989.

(b) MIGRATORY BIRD FINES, PENALTIES, FORFEITURES.—The sums received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines, or from forfeitures of property are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act. This subsection shall not be construed to require the sale of instrumentalities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act [not to exceed—

[(1) \$55,000,000 for fiscal year 2003;

[(2) \$60,000,000 for fiscal year 2004;

[(3) \$65,000,000 for fiscal year 2005;

[(4) \$70,000,000 for fiscal year 2006; and

[(5) \$75,000,000 for each of fiscal years 2008 through 2012.]  
not to exceed \$50,000,000 for each of fiscal years 2018 through 2022.

(d) AVAILABILITY OF FUNDS.—Sums made available under this section shall be available until expended.

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#### **SEC. 10. REPORT TO CONGRESS.**

The Secretary shall report to the appropriate Committees on the implementation of this Act. The report shall include—

(1) a biennial assessment of—

(A) the estimated number of acres of wetlands and habitat for waterfowl and other migratory birds that were restored, protected, or enhanced during such two-year period by Federal, State, and local agencies and other entities in the United States, Canada, and Mexico;

(B) trends in the population size and distribution of North American migratory birds;

(C) the status of efforts to establish agreements with nations in the Western Hemisphere pursuant to section 16; and

(D) wetlands conservation projects funded under this Act, listed and identified by type, conservation mechanism (such as acquisition, easement, or lease), location, and duration; and

[(2) an annual assessment of the status of wetlands conservation projects, including an accounting of expenditures by Federal, State, and other United States entities, and expenditures by Canadian and Mexican sources to carry out these projects.]

*(2) an annual assessment of the status of wetlands conservation projects, including an accounting of—*

*(A) expenditures by Federal, State, and other United States entities;*

*(B) expenditures made for fee-simple acquisition of Federal lands in the United States; and*

*(C) expenditures by Canadian and Mexican sources to carry out wetland projects funded under this Act.*

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## INTERNAL REVENUE CODE OF 1986

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## Subtitle D—Miscellaneous Excise Taxes

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## CHAPTER 32—MANUFACTURERS EXCISE TAXES

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## Subchapter D—Recreational Equipment

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## PART III—FIREARMS

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### SEC. 4181. IMPOSITION OF TAX.

There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles a tax equivalent to the specified percent of the price for which so sold:

Articles taxable at 10 percent—

Pistols.

Revolvers.

*Firearm silencers or firearm mufflers.*

Articles taxable at 11 percent—

Firearms ([other than pistols and revolvers] *other than articles taxable at 10 percent under this section*).

Shells, and cartridges.

*For purposes of this part, the terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm.*

**SEC. 4182. EXEMPTIONS.**

(a) **MACHINE GUNS AND SHORT BARRELLED FIREARMS.**—The tax imposed by section 4181 shall not apply to any firearm on which the tax provided by section 5811 has been paid.

(b) **SALES TO DEFENSE DEPARTMENT.**—No [firearms, pistols, revolvers, shells, and cartridges] *articles described in section 4181 and purchased with funds appropriated for the military department shall be subject to any tax imposed on the sale or transfer of such articles.*

(c) Small manufacturers, etc.

(1) **IN GENERAL.**—The tax imposed by section 4181 shall not apply to any pistol, revolver, [or firearm] *firearm, firearm silencer, or firearm muffler*, described in such section if manufactured, produced, or imported by a person who manufactures, produces, and imports less than an aggregate of 50 of such articles during the calendar year.

(2) **CONTROLLED GROUPS.**—All persons treated as a single employer for purposes of subsection (a) or (b) of section 52 shall be treated as one person for purposes of paragraph (1).

(d) **RECORDS.**—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts for the aforesaid types of ammunition.

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## **Subtitle E—Alcohol, Tobacco, and Certain Other Excise Taxes**

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## **CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS**

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### **Subchapter B—General Provisions and Exemptions**

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### **PART I—GENERAL PROVISIONS**

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**SEC. 5841. REGISTRATION OF FIREARMS.**

(a) **CENTRAL REGISTRY.**—The Secretary shall maintain a central registry of all firearms in the United States which are not in the



possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

- (1) identification of the firearm;
- (2) date of registration; and
- (3) identification and address of person entitled to possession of the firearm.

(b) **BY WHOM REGISTERED.**—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

(c) **HOW REGISTERED.**—Each manufacturer shall notify the Secretary of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

(d) **FIREARMS REGISTERED ON EFFECTIVE DATE OF THIS ACT.**—A person shown as possessing a firearm by the records maintained by the Secretary pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

(e) **PROOF OF REGISTRATION.**—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary upon request.

(f) **FIREARM SILENCERS.**—*A person acquiring or possessing a firearm silencer in accordance with chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act with respect to such silencer.*

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#### **SEC. 5845. DEFINITIONS.**

For the purpose of this chapter—

(a) **FIREARM.**—The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; [(7) any silencer (as defined in section 921 of title 18, United States Code); and (8)] and (7) a destructive device. The term “firearm” shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector’s item and is not likely to be used as a weapon.

(b) **MACHINEGUN.**—The term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) **RIFLE.**—The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) **SHOTGUN.**—The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) **ANY OTHER WEAPON.**—The term “any other weapon” means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) **DESTRUCTIVE DEVICE.**—The term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally **recognized as particularly suitable for sporting purposes**; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus

ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to [use solely for sporting purposes] *use for sporting purposes*.

(g) **ANTIQUE FIREARM.**—The term “antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(h) **UNSERVICEABLE FIREARM.**—The term “unserviceable firearm” means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(i) **MAKE.**—The term “make”, and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

(j) **TRANSFER.**—The term “transfer” and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

(k) **DEALER.**—The term “dealer” means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

(l) **IMPORTER.**—The term “importer” means any person who is engaged in the business of importing or bringing firearms into the United States.

(m) **MANUFACTURER.**—The term “manufacturer” means any person who is engaged in the business of manufacturing firearms.

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## **FEDERAL LAND TRANSACTION FACILITATION ACT**

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## **TITLE II—FEDERAL LAND TRANSACTION FACILITATION**

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### **SEC. 203. DEFINITIONS.**

In this title:

(1) **EXCEPTIONAL RESOURCE.**—The term “exceptional resource” means a resource of scientific, natural, historic, [cultural, or] *cultural, recreational access and use, or other recreational value* that has been documented by a Federal, State, or local governmental authority, and for which there is a com-

elling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) **FEDERALLY DESIGNATED AREA.**—The term “federally designated area” means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that [on the date of enactment of this Act was] *is* within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) **INHOLDING.**—The term “inholding” means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) **PUBLIC LAND.**—The term “public land” means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

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#### **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).] *section 206—*

(1) *to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);*

(2) *not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and*  
 (3) *to maintain the database referred to in paragraph (2).*

(b) **SALE OF PUBLIC LAND.—**

(1) **IN GENERAL.**—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) **EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.**—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) **REPORT IN PUBLIC LAND STATISTICS.**—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) **TERMINATION OF AUTHORITY.**—The authority provided under this section shall terminate [11] 22 years after the date of enactment of this Act.

**SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.**

(a) **DEPOSIT OF PROCEEDS.**—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the “Federal Land Disposal Account”.

(b) **AVAILABILITY.**—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) **USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—**

[(1) **IN GENERAL.**—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.]

(1) **USE OF FUNDS.—**

(A) **IN GENERAL.**—*Funds in the Federal Land Disposal Account shall be expended, subject to appropriation, in accordance with this subsection.*

(B) **PURPOSES.**—*Except as authorized under paragraph (2), funds in the Federal Land Disposal Account shall be used for one or more of the following purposes:*

(i) *To purchase lands or interests therein that are otherwise authorized by law to be acquired and are one or more of the following:*

(I) *Inholdings.*

(II) *Adjacent to federally designated areas and contain exceptional resources.*

(III) *Provide opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities.*

(IV) *Likely to aid in the performance of deferred maintenance or the reduction of operation and maintenance costs or other deferred costs.*

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

(2) FUND ALLOCATION.—

[(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

[(i) inholdings; and

[(ii) adjacent to federally designated areas and contain exceptional resources.]

[(B)] (A) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

[(C)] (B) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

[(D)] (C) SAME STATE [PURCHASES] LAND PURCHASES AND PERFORMANCE OF DEFERRED MAINTENANCE ACTIVITIES.—Of the amounts not used under [subparagraph (C)] subparagraph (B), not less than 80 percent shall be expended within the State in which the funds were generated *for the activities outlined in paragraph (1)*. Any remaining funds may be expended in any other State.

(D) *Any funds made available under subparagraph (C) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.*

(3) PRIORITY.—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

(B) *the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;*

[(B)] (C) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

[(C)] (D) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) BASIS OF SALE.—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substance or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under chapter 2003 of title 54, United States Code.

(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.]

*(2) any remaining balance in the account shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).*

#### SEC. 207. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This title shall not apply to land eligible for sale under—

(1) Public Law [96-568] 96-586 (commonly known as the “Santini-Burton Act”) (94 Stat. 3381)[; or];

(2) the Southern Nevada Public Land Management Act of 1998 (*Public Law 105-263*; 112 Stat. 2343)[.];

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

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

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

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

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

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

(c) EXCHANGES.—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

## FEDERAL LANDS RECREATION ENHANCEMENT ACT

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### DIVISION J—OTHER MATTERS

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## TITLE VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

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### SEC. 803. RECREATION FEE AUTHORITY.

(a) AUTHORITY OF SECRETARY.—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) BASIS FOR RECREATION FEES.—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:



(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88–657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House–Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees

are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area.

(2) A National Volcanic Monument.

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

(4) An area—

(A) that provides significant opportunities for outdoor recreation;

(B) that has substantial Federal investments;

(C) where fees can be efficiently collected; and

(D) that contains all of the following amenities:

(i) Designated developed parking.

(ii) A permanent toilet facility.

(iii) A permanent trash receptacle.

(iv) Interpretive sign, exhibit, or kiosk.

(v) Picnic tables.

(vi) Security services.

(g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

(A) Use of developed campgrounds that provide at least a majority of the following:

- (i) Tent or trailer spaces.
- (ii) Picnic tables.
- (iii) Drinking water.
- (iv) Access roads.
- (v) The collection of the fee by an employee or agent of the Federal land management agency.
- (vi) Reasonable visitor protection.
- (vii) Refuse containers.
- (viii) Toilet facilities.
- (ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations.

(F) Participation in an enhanced interpretive program or special tour.

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

- (i) Bathhouse with showers and flush toilets.
- (ii) Refuse containers.
- (iii) Picnic areas.
- (iv) Paved parking.
- (v) Attendants, including lifeguards.
- (vi) Floats encompassing the swimming area.
- (vii) Swimming deck.

[(h) SPECIAL RECREATION PERMIT FEE.—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.]

(h) *SPECIAL RECREATION PERMIT AND FEE.*—

(1) *IN GENERAL.*—*The Secretary may—*

(A) *issue a special recreation permit for Federal recreational lands and waters; and*

(B) *charge a special recreation permit fee in connection with the issuance of the permit.*

(2) *SPECIAL RECREATION PERMITS.*—*The Secretary may issue special recreation permits in the following circumstances:*

(A) *For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.*

(B) *To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.*

(C) *To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.*

(3) *REDUCTION IN FEDERAL COSTS AND DUPLICATION OF ANALYSIS.*—

(A) *IN GENERAL.*—*The issuance of a new special recreation permit for activities under paragraph (2) shall be categorically excluded from further analysis and documentation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the proposed use is the same as or similar to a previously authorized use and the Secretary determines that such issuance does not have significant environmental effects based upon application of the extraordinary circumstances procedures established by the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

(B) *DEFINITION.*—*For the purposes of this paragraph, the term “similar” means—*

(i) *substantially similar in type, nature, and scope; and*

(ii) *will not result in significant new impacts.*

(4) *RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.*—*An entity that pays a special recreation permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88–657 (16 U.S.C. 537).*

\* \* \* \* \*

ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE

**U.S. House of Representatives**  
Committee on Natural Resources  
Washington, DC 20515

RAUL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
DEAN/DIPLATIC STAFF DIRECTOR

September 13, 2017

The Honorable Kevin Brady  
Chairman  
Committee on Ways and Means  
1102 Longworth HOB  
Washington, DC 20515

Dear Mr. Chairman:

On September 13, 2017, the Committee on Natural Resources ordered favorably reported H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement Act. This bill was additionally referred to the Committee on Ways and Means.

I ask that the Committee on Ways and Means not insist on its referral of the bill so that H.R. 3668 may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

September 14, 2017

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

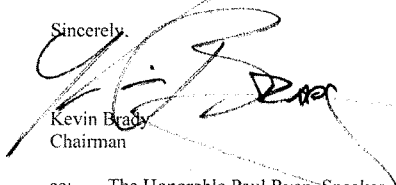
Dear Chairman Bishop,

Thank you for your letter concerning H.R. 3668, the "Sportsmen's Heritage and Recreational Enhancement Act." As you note, the Committee on Ways and Means received an additional referral on this bill.

I appreciate your willingness to work with my Committee on this legislation. In order to allow H.R. 3668 to move expeditiously to the House floor, I will forego formal action on the bill. The Committee on Ways and Means takes this action with our mutual understanding that we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would request that you include a copy of our letters in the *Congressional Record* during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,



Kevin Brady  
Chairman

cc: The Honorable Paul Ryan, Speaker  
The Honorable Richard Neal  
The Honorable Raul Grijalva  
Thomas Wickham, Jr., Parliamentarian

ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
CLERICAL STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

September 13, 2017

The Honorable K. Michael Conaway  
Chairman  
Committee on Agriculture  
1301 Longworth HOB  
Washington, DC 20515

Dear Mr. Chairman:

On September 13, 2017, the Committee on Natural Resources ordered favorably reported H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement Act. This bill was additionally referred to the Committee on Agriculture.

I ask that the Committee on Agriculture not insist on its referral of the bill so that H.R. 3668 may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

K. MICHAEL CONAWAY, TEXAS  
**CHAIRMAN**  
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 VICKY WATTELL, MISSOURI  
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 ROGER W. MARSHALL, KANSAS  
 DON HALL, NEBRASKA  
 JOHN J. FASO, NEW YORK  
 PAUL F. DUNN, FLORIDA  
 JODEY C. ARRINGTON, TEXAS

**U.S. House of Representatives**  
**Committee on Agriculture**  
 Room 1301, Longworth House Office Building  
 Washington, DC 20515-6001  
 (202) 226-2471

September 14, 2017

GLENN C. PETERSON, MINNESOTA  
 RANKING MEMBER BY AFFILIATION  
 DAVID SCOTT, GEORGIA  
 JIM COSTA, CALIFORNIA  
 FRANK J. WALKER, MINNESOTA  
 MARCO L. FORTI, OHIO  
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 HERMAN WATTS, TEXAS  
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 MICHAEL LEEBEN, GEORGIA  
 ANTON M. KUSTER, NEW HAMPSHIRE  
 BRADLEY M. HENRIKSEN, MINNESOTA  
 CHERRY BUSTING, ILLINOIS  
 SEAN PATRICK MALONEY, NEW YORK  
 STANLEY E. PLASKETT, VIRGIN ISLANDS  
 ALMA S. ADAMS, NORTH CAROLINA  
 DWIGHT CHAMBERS, PENNSYLVANIA  
 AL LAWSON, JR., FLORIDA  
 TOM O'HALLORAN, ARIZONA  
 JIMMY PANETTA, CALIFORNIA  
 DARRIN SOTO, FLORIDA  
 LISA BLUNT ROSENTHAL, DELAWARE

MAUREEN S. SCHULTZ  
 STAFF DIRECTOR  
 ARIANE SWAMPINS  
 MINORITY STAFF DIRECTOR

The Honorable Rob Bishop  
 Chairman  
 Committee on Natural Resources  
 1324 Longworth HOB  
 Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to review H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement Act. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 3668 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

  
 K. Michael Conaway  
 Chairman

cc: The Honorable Paul D. Ryan, Speaker  
 The Honorable Collin C. Peterson  
 The Honorable Raul Grijalva  
 The Honorable Thomas J. Wickham, Parliamentarian



ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
DEMOCRATIC STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

September 13, 2017

The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
2138 Rayburn HOB  
Washington, DC 20515

Dear Mr. Chairman:

On September 13, 2017, the Committee on Natural Resources ordered favorably reported H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement Act. This bill was additionally referred to the Committee on the Judiciary.

I ask that the Committee on the Judiciary not insist on its referral of the bill so that H.R. 3668 may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Judiciary represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

BOB GOODLATTE, Virginia  
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin  
J. AMAR S. SMITH, Texas  
STEVE CHABOT, Ohio  
DANIEL E. SISK, California  
STEVE KING, Iowa  
TRENT FRANKS, Arizona  
LOUIE GOMBERG, Texas  
JIM JORDAN, Ohio  
TED POE, Texas  
TOM MARINO, Pennsylvania  
TREY GOWDY, South Carolina  
PAUL R. LABRADOR, Idaho  
BLAKE FARENTHOLD, Texas  
DOLIS COLLINS, Georgia  
RON DESANTIS, Florida  
NEN BUCK, Colorado  
JOHN RATCLIFFE, Texas  
MARTHA ROBY, Alabama  
MATT GAITZ, Florida  
MIKE JOHNSON, Louisiana  
ANDY BIGGS, Arizona  
JOHN RUTHERFORD, Florida  
KAREN HANDEL, Georgia

ONE HUNDRED FIFTEENTH CONGRESS

## Congress of the United States House of Representatives

COMMITTEE ON THE JUDICIARY

2155 Rayburn House Office Building

Washington, DC 20515-4219

(202) 225-2851  
judiciary@hhs.house.gov

September 15, 2017

JOHN CONYERS, JR., Michigan  
RANKING MEMBER

JEFFREY M. ADLER, New York  
ZOE LOFGREN, California  
SHIRLEY JACKSON, Texas  
STEVE COHEN, Tennessee  
HENRY C. "HANK" JOHNSON, JR., Georgia  
TED CRUTCH, Florida  
LUCY GUTIERREZ, Illinois  
KAREN BASS, California  
CEDRIC L. ROMERO, Louisiana  
HAKEM C. JEFFRIES, New York  
DAVID CICILLINE, Rhode Island  
ERIC SWANWELL, California  
TED HILL, California  
JAMIE RASKIN, Maryland  
FRANCA JAYAPAL, Washington  
ROD SCHULDER, Illinois

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

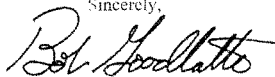
Dear Chairman Bishop,

I write with respect to H.R. 3668, "Sportsmen's Heritage and Recreational Enhancement Act." As a result of your having consulted with us on provisions within H.R. 3668 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3668 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 3668 and would ask that a copy of our exchange of letters on this matter be included in your committee report on this bill and in the *Congressional Record* during floor consideration of H.R. 3668.

Sincerely,



Bob Goodlatte  
Chairman

cc: The Honorable John Conyers, Jr.  
The Honorable Raúl Grijalva  
The Honorable Paul Ryan, Speaker  
The Honorable Thomas Wickham, Jr., Parliamentarian

ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

HAUL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
DEANCRATIC STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

September 13, 2017

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and Infrastructure  
2251 Rayburn HOB  
Washington, DC 20515

Dear Mr. Chairman:

On September 13, 2017, the Committee on Natural Resources ordered favorably reported H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement Act. This bill was additionally referred to the Committee on Transportation and Infrastructure.

I ask that the Committee on Transportation and Infrastructure not insist on its referral of the bill so that H.R. 3668 may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Ranking Member

September 15, 2017

Matthew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Bishop:

Thank you for your letter concerning H.R. 3668, the *Sportsmen's Heritage And Recreational Enhancement Act*. As noted, the Committee on Transportation and Infrastructure received an additional referral on this legislation.

In order to expedite floor consideration of H.R. 3668, the Committee on Transportation and Infrastructure agrees to forgo action on this bill. However, as you noted, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Thank you for your cooperation on this matter and for agreeing to place a copy of this letter and your response acknowledging our jurisdictional interest into the bill report and the *Congressional Record* during consideration of the measure on the House floor.

Sincerely,

Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Raúl M. Grijalva  
Mr. Thomas J. Wickham, Jr., Parliamentarian

ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

RAUL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
LEGISLATIVE STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

September 13, 2017

The Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn HOB  
Washington, DC 20515

Dear Mr. Chairman:

On September 13, 2017, the Committee on Natural Resources ordered favorably reported H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement Act. This bill was additionally referred to the Committee on Energy and Commerce.

I ask that the Committee on Energy and Commerce not insist on its referral of the bill so that H.R. 3668 may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

September 18, 2017

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515


Dear Chairman Bishop:

Thank you for your letter concerning H.R. 3668, Sportsmen's Heritage and Recreational Enhancement Act.

I agree to forgo action on H.R. 3668 so that the bill may be scheduled for Floor consideration. This action is taken with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way diminished or altered and that the Committee reserves the right to seek the appointment of conferees to any House-Senate conference involving this or similar legislation.

Finally, I appreciate your inclusion of our exchange of letters in to the Congressional Record during consideration of the bill on the Floor.

Sincerely,



Greg Walden  
Chairman

## DISSENTING VIEWS

Increasing opportunities for hunters, anglers, and other outdoor enthusiasts has always been, and remains, a top priority for Committee Democrats. Unfortunately, the various iterations of the so-called “sportsmen’s bill” Republicans have produced since taking control of the House have failed to provide those opportunities. Instead, they have advanced an anti-conservation agenda that is at odds with our principles and the tradition of bipartisan work on legislation designed to benefit American landscapes, wildlife, and the sporting community. H.R. 3668 carries on this disappointing trend, and also adds new provisions outside the Committee’s jurisdiction that would deliver big legislative wins to the gun lobby at the expense of public safety.

Several of the proposals in H.R. 3668 are non-controversial, but the bill also includes provisions that would undermine the Endangered Species Act, the Wilderness Act, the National Environmental Policy Act and other conservation laws. Further, H.R. 3668 has a number of troubling titles that are outside the jurisdiction of the Natural Resources Committee. Language to deregulate the sale and transfer of silencers, block regulation of armor-piercing ammunition, and preempt state and local gun safety laws have no place in a bill designed to enhance outdoor opportunities.

David Chipman, a former ATF special agent with a 25 year career in public safety, stated at the Federal Lands Subcommittee hearing on September 12 that this bill should be considered in a “criminal justice based forum because of the threats to public safety.” We urge the Judiciary Committee to exercise its authority to hold hearings on this bill, and note that the Ranking Member of that Committee has formally made such a request.

While focusing on the agenda of the National Rifle Association, Committee Republicans ignore effective programs that are popular with the vast majority of hunters, anglers, and other outdoor enthusiasts. This bill excludes reauthorization of the Land and Water Conservation Fund, the National Fish and Wildlife Foundation, and the Multinational Species Conservation Fund. It also cripples the North American Wetlands Conservation Act by prohibiting land acquisition and includes harmful titles dealing with importation of polar bear trophies, hunting birds under bait, use of firearms at Army Corp of Engineers facilities, and toxic substances contained in ammunition and fishing tackle.

Ranking Member Grijalva (D-AZ) offered an amendment to permanently reauthorize the Land and Water Conservation Fund, but it was rejected with all but one Committee Republican voting against the amendment. Representative Tsongas (D-MA) offered an amendment that would have clarified that nothing in the bill limits the Secretary of the Interior’s authority to consider climate change in decision-making related to conservation and recreation

on Federal land, which all Committee Republicans, except one voted down.

Other amendments offered by Democrats were rejected on party line votes. Energy and Mineral Resources Subcommittee Ranking Member Lowenthal (D-CA) offered an amendment to strike a provision in the bill that gives states veto authority over federal fishing rules in National Parks and National Marine Sanctuaries. Representative Gomez (D-CA) offered an amendment to strike provisions in the bill that would have weakened Wilderness Act protections. Representative Beyer (D-VA) offered an amendment to prevent further attacks on grey wolf populations, which only inhabit five percent of their historic range.

With their failure to include key reauthorizations, address legitimate conservation priorities, and remove extreme provisions that undermine bedrock conservation laws and threaten public safety, Committee Republicans have once again pushed a controversial bill through committee that will not become law.

Once again, House Republicans are sacrificing the interests of hunters and anglers to the extremist demands of the National Rifle Association.

RAÚL M. GRIJALVA,  
*Ranking Member, Committee  
on Natural Resources.*

NANETTE DIAZ BARRAGÁN.

JARED HUFFMAN.

NIKI TSONGAS.

ALAN LOWENTHAL.

DARREN SOTO.

GRACE F. NAPOLITANO.

JIMMY GOMEZ.

A. DONALD MCEACHIN.

COLLEEN HANABUSA.

WM. LACY CLAY.

ANTHONY G. BROWN.

DONALD S. BEYER, Jr.

MADELEINE Z. BORDALLO.

