[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. ______

To provide for the preservation of sportsmen’s heritage and enhance recreation opportunities on Federal land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DUNCAN of South Carolina introduced the following bill; which was referred to the Committee on

A BILL

To provide for the preservation of sportsmen’s heritage and enhance recreation opportunities on Federal land, and for other purposes.

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

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Sportsmen’s Heritage and Recreational Enhancement Act” or the “SHARE” Act.

4 SEC. 2. TABLE OF CONTENTS.

5 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. 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—WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE

Sec. 401. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

TITLE V—RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Recreational fishing, hunting, and shooting.

TITLE VI—FARMER AND HUNTER PROTECTION ACT

Sec. 601. Short title.
Sec. 602. Baiting of migratory game birds.

TITLE VII—TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

Sec. 701. Short title.
Sec. 702. Bowhunting opportunity and wildlife stewardship.

TITLE VIII—RESPECT FOR TREATIES AND RIGHTS

Sec. 801. Respect for treaties and rights.

TITLE IX—STATE APPROVAL OF FISHING RESTRICTION

Sec. 901. State or territorial approval of restriction of recreational or commercial fishing access to certain state or territorial waters.

TITLE X—OPEN BOOK ON EQUAL ACCESS TO JUSTICE

Sec. 1001. Short title.
Sec. 1002. Modification of equal access to justice provisions.
TITLE XI—GOOD SAMARITAN SEARCH AND RECOVERY

Sec. 1101. Short title.
Sec. 1102. Expedited access to certain Federal land.

TITLE XII—INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION

Sec. 1201. Interstate transportation of firearms or ammunition.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Withdrawal of existing rule regarding hunting and trapping in Alaska.

TITLE XIV—POLAR BEAR CONSERVATION AND FAIRNESS ACT

Sec. 1401. Short title.
Sec. 1402. Permits for importation of polar bear trophies taken in sport hunts in Canada.

TITLE XV—NORTH AMERICAN WETLANDS CONSERVATION EXTENSION

Sec. 1501. Short title.
Sec. 1502. Authorization of appropriations.
Sec. 1503. Limitation on expenditures for fee title acquisition.
Sec. 1504. Enhanced report on expenditures.

TITLE XVI—GRAY WOLVES

Sec. 1601. Reissuance of final rule regarding gray wolves in the Western Great Lakes.
Sec. 1602. Reissuance of final rule regarding gray wolves in Wyoming.

TITLE XVII—HEARING PROTECTION

Sec. 1701. Short title.
Sec. 1702. Equal treatment of silencers and firearms.
Sec. 1703. Treatment of certain silencers.
Sec. 1704. Preemption of certain State laws in relation to firearm silencers.
Sec. 1705. Destruction of records.
Sec. 1706. Amendments to title 18, United States Code.
Sec. 1707. Imposition of tax on firearm silencers or firearm mufflers.

TITLE XVIII—LAWFUL PURPOSE AND SELF-DEFENSE

Sec. 1801. Short title.
Sec. 1802. Elimination of authority to reclassify popular rifle ammunition as "armor piercing ammunition".
Sec. 1803. 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. 1804. Protection of shotguns, shotgun shells, and large caliber rifles from arbitrary classification as "destructive devices".
Sec. 1805. Broadening of the temporary interstate transfer provision to allow temporary transfers for all lawful purposes rather than just for "sporting purposes".
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.”.

(e) 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.”;

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 perform-
ance 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 enact-
ment 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 compli-
ance with the law of the State in which the water
resources development project is located.

TITLE IV—WILDLIFE AND HUNT-
ING HERITAGE CONSERVA-
TION COUNCIL ADVISORY
COMMITTEE

SEC. 401. WILDLIFE AND HUNTING HERITAGE CONSERVA-
TION COUNCIL ADVISORY COMMITTEE.

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

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

“(a) Establishment.—There is hereby established
the Wildlife and Hunting Heritage Conservation Council
Advisory Committee (in this section referred to as the ‘Ad-
visory Committee’) to advise the Secretaries of the Interior
and Agriculture on wildlife and habitat conservation,
hunting, and recreational shooting.
“(b) CONTINUANCE AND ABOLISHMENT OF EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL.—The Wildlife and Hunting Heritage Conservation Council established pursuant to section 441 of the Revised Statutes (43 U.S.C. 1457), section 2 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts applicable to specific bureaus of the Department of the Interior—

“(1) shall continue until the date of the first meeting of the Wildlife and Hunting Heritage Conservation Council established by subsection (a); and

“(2) is hereby abolished effective on that date.

“(c) DUTIES OF THE ADVISORY COMMITTEE.—The Advisory Committee shall advise the Secretaries with regard to—

“(1) implementation of Executive Order No. 13443: Facilitation of Hunting Heritage and Wildlife Conservation, which directs Federal agencies ‘to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat’;

“(2) policies or programs to conserve and restore wetlands, agricultural lands, grasslands, forest, and rangeland habitats;
“(3) policies or programs to promote opportunities and access to hunting and shooting sports on Federal lands;

“(4) policies or programs to recruit and retain new hunters and shooters;

“(5) policies or programs that increase public awareness of the importance of wildlife conservation and the social and economic benefits of hunting and shooting; and

“(6) policies or programs that encourage coordination among the public, the hunting and shooting sports community, wildlife conservation groups, and States, tribes, and the Federal Government.

“(d) MEMBERSHIP.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—The Advisory Committee shall consist of no more than 14 discretionary members and 8 ex officio members.

“(B) EX OFFICIO MEMBERS.—The ex officio members are—

“(i) the Director of the United States Fish and Wildlife Service or a designated representative of the Director;
“(ii) the Director of the Bureau of Land Management or a designated representative of the Director;

“(iii) the Director of the National Park Service or a designated representative of the Director;

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

“(v) the Chief of the Natural Resources Conservation Service or a designated representative of the Chief;

“(vi) the Administrator of the Farm Service Agency or a designated representative of the Administrator;

“(vii) the Executive Director of the Association of Fish and Wildlife Agencies; and

“(viii) the Administrator of the Small Business Administration or designated representative.

“(C) DISCRETIONARY MEMBERS.—The discretionary members shall be appointed jointly by the Secretaries and at least one discretionary member shall be from each of the following:

“(i) State fish and wildlife agencies.
“(ii) Game bird hunting organizations.

“(iii) Wildlife conservation organizations.

“(iv) Big game hunting organizations.

“(v) Waterfowl hunting organizations.

“(vi) The tourism, outfitter, or guiding industry.

“(vii) The firearms or ammunition manufacturing industry.

“(viii) The hunting or shooting equipment retail industry.

“(ix) Tribal resource management organizations.

“(x) The agriculture industry.

“(xi) The ranching industry.

“(xii) Veterans service organization.

“(D) ELIGIBILITY.—Before appointing the discretionary members, the Secretaries shall determine whether each individual nominated for appointment to the Advisory Committee, and the organization each individual represents, actively support and promote sustainable-use hunting, wildlife conservation, and recreational
shooting and shall only appoint such individuals that meet this determination.

“(2) TERMS.—

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

“(B) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed—

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

“(ii) 4 members shall be appointed for a term of 3 years; and

“(iii) 4 members shall be appointed for a term of 2 years.

“(3) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a discretionary member of the Advisory Committee while serving as an officer or employee of the Federal Government.

“(4) VACANCY AND REMOVAL.—

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

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

“(5) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

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

“(7) PAY AND EXPENSES.—Members of the Advisory Committee shall serve without pay for such service, but each member of the Advisory Committee may be reimbursed for travel and lodging incurred through attending meetings of the Advisory Committee approved subgroup meetings in the same amounts and under the same conditions as Federal employees (in accordance with section 5703 of title 5, United States Code).
“(8) MEETINGS.—

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

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

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

“(D) SUBGROUPS.—The Advisory Committee may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups may not conduct business without the direction of the Advisory Committee and must report in full to the Advisory Committee.

“(9) QUORUM.—Nine members of the Advisory Committee shall constitute a quorum.
“(e) **EXPENSES.**—The expenses of the Advisory Committee that the Secretaries determine to be reasonable and appropriate shall be paid by the Secretaries.

“(f) **ADMINISTRATIVE SUPPORT, TECHNICAL SERVICES, AND ADVICE.**—A designated Federal Officer shall be jointly appointed by the Secretaries to provide to the Advisory Committee the administrative support, technical services, and advice that the Secretaries determine to be reasonable and appropriate.

“(g) **ANNUAL REPORT.**—

“(1) **REQUIRED.**—Not later than September 30 of each year, the Advisory Committee shall submit a report to the Secretaries, the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If circumstances arise in which the Advisory Committee cannot meet the September 30 deadline in any year, the Secretaries shall advise the Chairpersons of each such Committee of the reasons for such delay and the date on which the submission of the report is anticipated.

“(2) **CONTENTS.**—The report required by paragraph (1) shall describe—
“(A) the activities of the Advisory Committee during the preceding year;

“(B) the reports and recommendations made by the Advisory Committee to the Secretaries during the preceding year; and

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

“(h) Federal Advisory Committee Act.—The Advisory Committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).”.

TITLE V—RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

SEC. 501. SHORT TITLE.

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

SEC. 502. 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—
21
(A) the Secretary of the Interior and Director of the Bureau of Land Management regarding Bureau of Land Management lands and waters; and

(B) the Secretary of Agriculture and 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. 503. 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 eval-
uation 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 Na-
tional Wildlife Refuge System Administration Act of
1966 (16 U.S.C. 668dd), either individually or cu-
mulatively with other actions involving Federal pub-
lic 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 envi-
ronment, and no additional identification, analysis,
or consideration of environmental effects, including
cumulative effects, is necessary or required with re-
spect to such an action.

(3) **Other Activity Not Considered.**—Fed-
eral public land management officials are not re-
quired to consider the existence or availability of rec-
reational fishing, hunting, or shooting opportunities
on adjacent or nearby public or private lands in the
planning for or determination of which Federal pub-
lic lands are open for these activities or in the set-
ting 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 con-
observation 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 adminis-
tration of the wilderness area, provided that this de-
termination shall not authorize or facilitate com-
modity development, use, or extraction, motorized
recreational access or use that is not otherwise al-
lowed under the Wilderness Act (16 U.S.C. 1131 et
seq.), or permanent road construction or mainte-
nance within designated wilderness areas.

(2) APPLICATION OF WILDERNESS ACT.—Provi-
sions of the Wilderness Act (16 U.S.C. 1131 et
seq.), stipulating that wilderness purposes are “with-
in and supplemental to” the purposes of the under-
lying Federal land unit are reaffirmed. When seek-
ing to carry out fish and wildlife conservation pro-
grams and projects or provide fish and wildlife de-
pendent recreation opportunities on designated wil-
derness areas, the head of each Federal agency shall
implement these supplemental purposes so as to fa-
cilitate, enhance, or both, but not to impede the un-
derlying 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 title 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 sub-
mit 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 pre-
ceding year; and

(2) the reason for the closure.

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

(1) IN GENERAL.—Other than closures estab-
lished or prescribed by land planning actions re-
ferred to in subsection (d) or emergency closures de-
scribed in paragraph (3) of this subsection, a perma-
nent or temporary withdrawal, change of classifica-
tion, 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 responsi-
bility 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.).

**TITLE VI—FARMER AND HUNTER PROTECTION ACT**

**SEC. 601. SHORT TITLE.**

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

**SEC. 602. 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 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, 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 In-
terior may promulgate regulations to implement this
subsection.”.

TITLE VII—TRANSPORTING
BOWS ACROSS NATIONAL
PARK SERVICE LANDS

SEC. 701. SHORT TITLE.

This title may be cited as the “Hunter Access Cor-
rridors Act”.

SEC. 702. 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 lo-
cated; 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 sub-
section (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 sub-
section limits the authority of the Director to en-
force laws (including regulations) prohibiting hunt-
ing or the taking of wildlife in any System unit.

“(c) ESTABLISHMENT OF HUNTER ACCESS COR-
RIDORS.—
“(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 Di-
rector 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 trans-
porting legally taken game through individual
hunter access corridors.

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

“(A) provide registration boxes to be lo-
cated at the trailhead of each hunter access cor-
rider for self-registration;

“(B) provide a process for online self-reg-
istration; and

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

“(7) CONSULTATION WITH STATES.—The Di-
rector shall consult with each applicable State wild-
life 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 VIII—RESPECT FOR TREATIES AND RIGHTS

SEC. 801. 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 IX—STATE APPROVAL OF FISHING RESTRICTION

SEC. 901. 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 X—OPEN BOOK ON EQUAL ACCESS TO JUSTICE

SEC. 1001. SHORT TITLE.

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

SEC. 1002. 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 (i); and

(3) by striking subsection (e) and inserting the following:

“(e)(1) 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 to the Congress, not later than March 31 of each year through the 6th calendar year beginning after the initial report under this subsection is submitted, on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this

June 6, 2017 (5:54 p.m.)
section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online.

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

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

“(f) The Chairman of the Administrative Conference shall create and maintain, during the period beginning on the date the initial report under subsection (e) is submitted and ending one year after the date on which the final report under that subsection is submitted, 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.

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

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

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:
“(5)(A) The Chairman of the Administrative Conference of the United States shall submit to the Congress, not later than March 31 of each year through the 6th calendar year beginning after the initial report under this paragraph is submitted, a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online.

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

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

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

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

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

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

“(6) The Chairman of the Administrative Conference shall create and maintain, during the period beginning on the date the initial report under paragraph (5) is submitted and ending one year after the date on which the final report under that paragraph is submitted, online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

“(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.

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

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

(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) **Initial Reports.**—The first reports required by section 504(e) of title 5, United States Code, and section 2412(d)(5) of title 28, United States Code, shall be submitted not later than March 31 of the calendar year following the first calendar year in which a fiscal year begins after the date of the enactment of this Act.

(3) **Online Databases.**—The online databases required by section 504(f) of title 5, United States Code, and section 2412(d)(6) 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 the date on which the first reports under section 504(e) of title 5, United States Code, and section 2412(d)(5) of title 28, United States Code, are required to be submitted under paragraph (2) of this subsection.
TITLE XI—GOOD SAMARITAN
SEARCH AND RECOVERY

SEC. 1101. SHORT TITLE.

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

SEC. 1102. 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 1 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 re-
quest from an eligible organization or individual to
carry out a good Samaritan search-and-recovery mis-

sion under this section, the Secretary shall notify the
eligible organization or individual of—

(A) the reason for the denial of the re-
quest; and

(B) any actions that the eligible organiza-
tion or individual can take to meet the require-
ments 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 XII—INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION

SEC. 1201. 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;

(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 XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. WITHDRAWAL OF EXISTING RULE REGARDING HUNTING AND TRAPPING IN ALASKA.

The Director of the National Park Service shall withdraw the final rule entitled “Alaska; Hunting and Trapping in National Preserves” (80 Fed. Reg. 64325 (October 23, 2015)) by not later than 30 days after the date of the enactment of this Act, and shall not issue a rule that is substantially similar to that rule.

TITLE XIV—POLAR BEAR CONSERVATION AND FAIRNESS ACT

SEC. 1401. SHORT TITLE.

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

---
SEC. 1402. 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 XV—NORTH AMERICAN WETLANDS CONSERVATION EXTENSION

SEC. 1501. SHORT TITLE.

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

SEC. 1502. 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
and inserting “not to exceed $33,500,000 for each of fiscal years 2018 through 2020.”.

SEC. 1503. LIMITATION ON EXPENDITURES FOR FEE TITLE ACQUISITION.

(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 LAND ACQUISITION.—Amounts appropriated under the authority of this Act may not be used by the Secretary to acquire fee title to land on behalf of 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. 1504. 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 XVI—GRAY WOLVES

SEC. 1601. REISSUANCE OF FINAL RULE REGARDING GRAY WOLVES IN THE WESTERN GREAT LAKES.

Before the end of the 60-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall reissue the final rule published on December 28, 2011 (76 Fed. Reg. 81666), without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance shall not be subject to judicial review.

SEC. 1602. REISSUANCE OF FINAL RULE REGARDING GRAY WOLVES IN WYOMING.

Before the end of the 60-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall reissue the final rule published on September 10, 2012 (77 Fed. Reg. 55530), without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance shall not be subject to judicial review.
TITLE XVII—HEARING PROTECTION

SEC. 1701. SHORT TITLE.
This title may be cited as the “Hearing Protection Act”.

SEC. 1702. 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 take effect on the date of the enactment of this Act and, in the case of section 5811 of the Internal Revenue Code of 1986, shall apply to transfers on or after such date.

(c) Credit to Purchaser for Transfer Taxes Paid Before Date of Enactment.—
(1) In General.—There shall be allowed as a credit against tax imposed by subtitle A of the Internal Revenue Code of 1986 for the taxable year which includes the date of the enactment of this Act an amount equal to $200 for each silencer (within the meaning of section 5845(a) of the Internal Revenue Code of 1986 before amendment by this Act)
acquired by the taxpayer in a taxable transfer after October 22, 2015, and before the date of the enactment of this Act.

(2) TAXABLE TRANSFER.—For purposes of this subsection, the term “taxable transfer” means a transfer to which section 5811 of the Internal Revenue Code of 1986 applied.

(3) TREATMENT AS REFUNDABLE CREDIT.—The credit allowed under paragraph (1)—

(A) shall be treated for purposes of the Internal Revenue Code of 1986 as a credit allowed under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(B) shall be treated for purposes of section 1324 of title 31, United States Code, as a credit provision of the Internal Revenue Code of 1986 referred to in subsection (b)(2) of such section.

SEC. 1703. 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 (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.”.

SEC. 1704. 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, recordkeeping or registration requirement with respect to such a firearm silencer, shall have no force or effect.”.

SEC. 1705. 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 sec-
tion 5822 of the Internal Revenue Code of 1986 that identifies the maker of a silencer.

SEC. 1706. 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 1st 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 keystones 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. 1707. 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 as defined in section 921(a)(24) of title 18, United States Code.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 4181 of such Code is amended by striking “pistols and revolvers” and inserting “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”.

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

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.
TITLE XVIII—LAWFUL PURPOSE
AND SELF-DEFENSE

SECTION 1801. SHORT TITLE.
This Act may be cited as the “Lawful Purpose and
Self Defense Act”.

SEC. 1802. 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”; and
(2) in subparagraph (B)(ii), by inserting “by
the manufacturer or importer” before “for use”; and
(3) in subparagraph (C), by striking “the At-
torney 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 de-
dsigned and intended by the manufacturer or im-
porter to be used for hunting, recreational, or com-
petitive shooting”.

June 6, 2017 (5:54 p.m.)
SEC. 1803. 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. 1804. 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 National Firearms Act 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 1st sentence, by striking “particularly suitable for sporting” and inserting “suitable for lawful”; and

(2) in the 2nd sentence, by striking “solely”.
SEC. 1805. 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”.

June 6, 2017 (5:54 p.m.)