



Legislative Bulletin..... February 4, 2014

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H.R. 3590 – SHARE Act of 2013 and amendments

H.R. 3590 – SHARE Act of 2013 (Latta, R-OH)

Order of Business: The bill is scheduled to be considered on February 4, 2014, under a structured rule, H.Res. 470. The rule provides for the consideration of H.R. 3590 in the Committee of the Whole House on the state of the Union. The rule waives all points of order against the bill, and provides for one hour of equally divided general debate. After general debate, the bill shall be considered for amendment under the five-minute rule. The rule makes in order those amendments that are summarized below in this document. The rule waives all points of order against the amendments. After amendment debate, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered, and the rule provides for one motion to recommit with or without instructions. The rule can be [read here](#).

Summary: H.R. 3590 is a combination of eight bills, each is summarized below.

Title I – Hunting, Fishing and Recreational Shooting Protection Act

This text is similar to H.R. 322, introduced by Rep. Miller (R-FL).

The title amends the Toxic Substances Control Act to exclude from the definition of “chemical substance” any component of shot, bullets and other projectiles, propellants, primers, and any sport fishing equipment.

The EPA’s authority to regulate these products is diminished by excluding them from the definition of a “chemical substance.”

Title II – Target Practice and Marksmanship Training Support Act

This text is similar to H.R. 2463, introduced by Rep. Hunter (R-CA).

The legislation amends U.S. Code to define a “public target range” as a specific location that:

- Is identified by a governmental agency for recreational shooting;
- Is open to the public;
- May be supervised; and
- May accommodate archery or rifle, pistol, or shotgun shooting.

The legislation allows for a state to cover up to 90% of the cost of acquiring land for expanding or constructing a public target range. The legislation also allows for states to allocate up to 10% of funding allocated for Firearm and Bow Hunter Education and Safety Program grants to cover the cost of acquiring land for, or expanding or constructing a public target range.

Title III – Public Lands Filming

This text is similar to H.R. 2798, introduced by Rep. Latta (R-OH).

The legislation addresses permits for small film crews (under 6 people) who film on federal land and waterways. The Secretary is directed to require a permit from these film crews, and the legislation sets an annual fee of \$200 for the permit.

Title IV – Polar Bear Conservation and Fairness Act

This text is similar to H.R. 1818, introduced by Rep. Young (R-AK).

Under certain conditions, the Secretary of the Interior shall issue permits for the importation of any polar bear part (other than an internal organ) from a polar bear killed in a hunt in Canada.

The permit will be given to the individual who submits an application, so long as there is proof that the polar bear was legally killed by the person:

- Before February 18, 1997; or
- In cases where the individual submitted the permit application before May 15, 2008¹, and they can prove the polar bear was legally killed before May 15, 2008.

Title V – Permanent Electronic Duck Stamp Act

This text is similar to H.R. 1206, introduced by Rep. Wittman (R-VA).

The legislation would allow the Secretary of the Interior (through the U.S. Fish and Wildlife Service) to authorize any state to issue electronic duck stamps. These stamps are necessary in order to hunt migratory waterfowl. The legislation contains criteria to be included in a state's application to the Secretary in order to issue electronic stamps.

These stamps shall be valid for up to 45 days, in order to allow time for the actual stamp to be delivered.

The Secretary reserves the right to terminate a state's ability to issue electronic stamps if the state violates any terms of the application. The state may also terminate their authority if they so choose.

This title is similar to H.R. 1206, which passed the House on June 3, 2013, by a [roll call vote of 401-0](#). The RSC Legislative Bulletin for H.R. 1206 can be [viewed here](#).

Title VI – Access to Water Resources Development Projects Act

¹ The polar bear was listed as “threatened” under the Endangered Species Act on May 15, 2008. <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A01J>

This text is similar to H.R. 2046, introduced by Rep. Gibbs (R-OH).

Under current law, the possession of loaded firearms, ammunition, or other weapons are prohibited at water resources development projects that are administered by the Secretary of the Army. This legislation prohibits the Secretary of the Army from enforcing these regulations on any individual that would otherwise be allowed to carry the firearm, subject to state law.

Title VII – Wildlife and Hunting Heritage Conservation Council Advisory Committee

This text is similar to H.R. 2799, introduced by Rep. Latta (R-OH).

The legislation establishes the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting. This Committee shall have up to 16 discretionary members and seven ex officio members. Ex Officio members shall include the Director of the Fish and Wildlife Service, Director of the Bureau of Land Management, and others. Discretionary members shall include individuals from state fish and wildlife agencies, big game hunting organizations, the firearms or ammunition manufacturing industry, and others.

Members shall be appointed by the Secretaries of the Interior and Agriculture and shall serve a max of three terms, with each term being four years. Members shall serve without pay but they may be reimbursed for travel and lodging incurred though the Committee’s meetings. The Committee shall meet at least twice annually and these meetings shall be open to the public.

Title VIII – Recreational Fishing and Hunting Heritage Opportunities Act

This text is similar to H.R. 1825, introduced by Rep. Benishek (R-MI).

The legislation directs public land management officials to exercise their authority to facilitate use of (and access to) federal public lands and waters for fishing, sport hunting, and recreational shooting. Access could be limited by federal statutes enforcing national security, public safety or resource conservation concerns. Additionally, access could be limited by any federal statute that prohibits these activities on specific federal public lands or waters. This would in effect establish an “open until closed” policy on lands managed by the U.S. Forest Service (FS) and Bureau of Land Management (BLM).

All public land planning documents (including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservations plans) are required to include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

The fact that recreational fishing, hunting, or shooting occurs on adjacent or nearby lands shall not be considered in determining which public lands are open for these activities or for setting levels of use for these activities.

Any change in classification or management status that effectively closes or significantly restricts 640 or more contiguous acres of federal public land or water shall take effect only if, before the date of change, the head of the agency publishes a notice of the closure, demonstrates

that coordination has occurred with a state fish and wildlife agency, and submits a written notice to the House Natural Resources Committee and the Senate Committee on Energy and Natural Resources. These requirements apply to small closures or restrictions that cumulatively affect 640 or more acres.

In the event that hunting is prohibited by law, all federal public land planning documents shall allow volunteers for purposes of culling, and other forms of population management.

Lands may be subject to closures or restrictions if determined by the agency to be “necessary and reasonable” for purposes of resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law.

Annually, by October 1, the head of each federal agency that manages public land on which fishing, hunting, or recreational shooting occurs is required to submit to the House Natural Resources Committee and the Senate Committee on Energy and Natural Resources, a report. The report will describe any federal public land that was closed to recreational fishing, sport hunting, or shooting, and the reason for the closure.

This title does not require the opening of a national park or national monument under the jurisdiction of the National Park Service to hunting or recreation shooting.

Nothing in this title shall interfere with the authority, or responsibility of a state to manage, or regulate fish and wildlife under state law (including regulations) on land or water, including on federal public land.

Amendments Made In Order:

Hastings (R-WA): The amendment makes several technical corrections to the bill. These technical changes include removing references to “2013” from the individual titles. The legislation also adds a new title to the bill. The new title states that nothing in this act, or its amendments, shall be construed to affect or modify any treaty or other right of any federally recognized Indian tribe. The text of the amendment can be [viewed here](#).

Hanna (R-NY): The amendment directs the Secretary of the Interior to, within 12 months after enactment, submit a report to Congress that assesses expected economic impacts of the legislation. The report shall include a review of any expected increases in recreational hunting, fishing, shooting, and conservation activities, an estimate of any jobs created in each industry expected to support these activities, as well as an estimate of anticipated new local, state, and federal revenue related to these jobs. The text of the amendment can be [viewed here](#).

Castro (D-TX): Title VII of the legislation establishes the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting. With respect to the Committee’s discretionary members, the amendment states that the Committee

should contain a member representing “women’s hunting and fishing advocacy,” and another member representing “minority hunting and fishing advocacy.” The text of the amendment can be [viewed here](#).

Gallego (D-TX): Title VII of the legislation establishes the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting. With respect to the Committee’s discretionary members, the amendment states that the Committee should contain a member representing a “veterans service organization.” The text of the amendment can be [viewed here](#).

Broun (R-GA): The amendment strikes and replaces language in the underlying bill (Title VIII) regarding recreational hunting on public lands. When developing a management plan on federal land, the amendment directs the agency head to ensure that hunting activities are allowed unless that use is clearly incompatible with the purposes managing the federal public land. This effectively creates an “open until closed” policy with respect to hunting on federal lands. The text of the amendment can be [viewed here](#).

Ellison (D-MN): The amendment strikes existing language in Title VIII. The underlying title states that it does not constitute a major federal action significantly affecting the quality of the human environment, and thereby it is exempt from the National Environmental Policy Act (NEPA) process. By striking this language, the amendment essentially applies NEPA to the title. The text of the amendment can be [viewed here](#).

Smith (R-MO): The amendment modifies TITLE VIII, Section 804, pertaining to recreational fishing, hunting and shooting. The base text provides a prohibiting clause that states, “Nothing in this title shall affect or modify management or use of units of the National Park System.” The amendment provides for an exception to that prohibition in the case of the Ozark National Scenic Riverways. Specifically, the amendment prevents the Secretary of the Interior from managing motorized vehicles in the Ozark National Scenic Riverways in a manner that is more restrictive than the current standard. According to the amendment sponsor, visitors to the park are currently allowed to use motorized vessels for fishing and gigging on the river, but the National Park Service has indicated that it intends to impose restrictions in the future. The text of the amendment can be [viewed here](#).

Crawford (R-AR): This amendment appends the base text with another Title providing for “Exemptions for Taking Migratory Birds on Certain Agricultural Land.” The text is similar to [S.1634](#) offered by Senator Mark Pryor (D-AR). The amendment allows the State office of the Cooperative Extension System of the Department of Agriculture and State Department of Fish and Wildlife to distinguish between normal agriculture practices and “baiting,” with respect to migratory birds. The amendment allows for the taking of migratory birds over land containing standing crops or flooded cropland. The text of the amendment can be [viewed here](#).

Fleming (R-LA): The amendment prohibits the Secretary of Agriculture from restricting the use of dogs in deer hunting activities in Kisatchie National Forest unless the Secretary applies restriction to the smallest practicable portions of the unit and those restrictions are necessary to

reduce or control trespassing on adjacent land. Any prior restrictions regarding the use of dogs in deer hunting on this national forest will be void and have no force or effect.

The amendment allows landowners with property adjacent to a unit of the Kisatchie National Forest to petition the Secretary to restrict the use of dogs in deer hunting activities that place on that unit. The text of the amendment can be [viewed here](#).

Holt (D-NJ), Connolly (D-VA), Lowenthal (D-CA), Van Hollen (D-MD), Langevin (D-RI), Cartwright (D-PA), Ellison (D-MN), Blumenauer (D-OR), Grijalva (D-AZ), Shea-Porter (D-NH), Capps (D-CA), Quigley (D-IL), Delaney (D-MD), Davis (D-CA), Matsui (D-CA): The amendment states that nothing in the legislation limits the authority of the Secretary of the Interior to include climate change as a consideration in making conservation and recreation decisions. The text of the amendment can be [viewed here](#).

Committee Action: H.R. 3590 was introduced on November 21, 2013, and was referred to the Natural Resources Committee, Agriculture Subcommittee on Conservation, Energy, and Forestry, Judiciary Subcommittee on Constitution and Civil Justice, Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, Transportation and Infrastructure Subcommittee on Water Resources and Environment, and the Energy and Commerce Subcommittee on Environment and the Economy.

Administration Position: The Administration opposes the legislation. The Statement of Administration Policy can be [viewed here](#).

Cost to Taxpayers: A comprehensive CBO score is unavailable. However, CBO scores are available for legislation similar to the titles of this bill.

Title I – A CBO score on H.R. 322 is unavailable.

Title II – CBO estimates that any such effects would be minimal over the 2014-2023 period. They also estimate that implementing the legislation would have no significant impact on discretionary spending. CBO’s report can be [viewed here](#).

Title III – CBO estimates that implementing H.R. 2798 would have no significant impact on discretionary spending. CBO’s report can be [viewed here](#).

Title IV - Based on information from the U.S. Fish and Wildlife Service, CBO estimates that processing and issuing the roughly 40 permits that would be affected by the legislation would have a negligible impact on the federal budget. CBO’s report can be [viewed here](#).

Title V - CBO estimates that enacting H.R. 1206 would affect direct spending and revenues; therefore, pay-as-you-go procedures apply. Under current law, amounts collected from the sale of duck stamps are deposited in the Migratory Bird Conservation Fund and are available to be spent without further appropriation for waterfowl conservation projects. CBO estimates that the net effects of enacting the bill would be insignificant for each year and over the 2014-2023

period because the legislation would not have a significant impact on the number of federal duck stamps purchased. CBO's report can be [viewed here](#).

Title VI – A CBO score on H.R. 2046 is unavailable.

Title VII – CBO estimates that administering the advisory committee established under the bill would cost roughly \$300,000 a year, assuming appropriation of the necessary amounts. CBO's report can be [viewed here](#).

Title VIII - CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Title VII is arguably an increase in the size and scope of the federal government. Other titles address the difficulty to access to federal lands, which is arguably a decrease in the size and scope of the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: A House Report detailing new state-government, local-government, or private-sector mandates is unavailable. However, CBO reports are available for legislation similar to the titles of this bill.

Title I – A CBO report on H.R. 322 is unavailable.

Title II – H.R. 2463 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act.

Title III – H.R. 2798 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

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Title VI – H.R. 1818 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Title V - H.R. 1206 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Title VI - A CBO report on H.R. 2046 is unavailable.

Title VII – H.R. 2799 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Title VIII - H.R. 1825 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Latta states, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3. The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States Amendment II. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Rep. Latta’s statement can be [viewed here](#).

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