



## H.R. 2406 — SHARE Act (Rep. Wittman, R-VA)

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### FLOOR SCHEDULE:

Scheduled for consideration on February 26, 2016, under a [structured rule](#).

### TOPLINE SUMMARY:

[H.R. 2406](#), the Sportsmen's Heritage and Recreational Enhancement Act of 2015, would amend and establish laws regarding hunting and other outdoor activity on federal land.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would cost \$24 million over the 2016-2020 period and \$1 million after 2020, assuming appropriation of the authorized and necessary amounts. Because CBO estimates that enacting the bill would affect direct spending, pay-as-you-go procedures apply.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

H.R. 2406 would require the Secretary of the Interior to submit a report to Congress that assesses the bill's expected economic impacts to include: (1) a review of any expected increases in recreational hunting, fishing, shooting, and conservation activities; (2) an estimate of any jobs created in each industry expected to support activities described in the bill; (3) an estimate of wages related to those jobs; and (4) an estimate of anticipated new local, state, and federal revenue related to the creation of those jobs.

A title-by-title summary of H.R. 2406 follows below:

#### **Title I: Hunting, Fishing, and Recreational Shooting Protection Act**

Title I would exempt components of firearms and ammunition as well as sport fishing equipment, including shot, bullets and other projectiles, propellants, and primers from requirements of the [Toxic Substances Control Act](#). Title I would additionally prohibit the Departments of the Interior and Agriculture from regulating the use of ammunition cartridges, ammunition components, or fishing tackle based on the lead content, if the components are in compliance with existing state laws. The limitation would not apply to

the National Park Service (NPS), nor the U.S. Fish and Wildlife Service. Title I contains similar language to [S. 225](#) introduced in the Senate on January 21, 2015.

## **Title II: Target Practice and Marksmanship Training Support Act**

Title II would define the term “public target range” to mean 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, rifle, pistol, or shotgun shooting. Title II would allow for a state to cover up to 90% of the cost of acquiring land for expanding or constructing a public target range, and would allow 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 II would stipulate that 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 would be considered to be the exercise of a discretionary function. Title II contains similar language to [S. 992](#) introduced in the Senate on April 16, 2015.

## **Title III: Polar Bear Conservation and Fairness Act of 2015**

Title III would direct the Secretary of the Interior to expeditiously 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 a person who: (1) who submits proof that the polar bear was legally harvested by the person before February 18, 1997; or (2) who has submitted proof that the polar bear was legally harvested by the person before May 15, 2008. This title contains similar language to [H.R. 327](#) introduced in the House on January 13, 2015.

## **Title IV: Recreational Lands Self-Defense Act of 2015**

Title IV would forbid the Secretary of the Army from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm, at a water resources development project if: (1) the individual is not otherwise prohibited by law from possessing the firearm; and (2) the possession of the firearm is in compliance with the state’s law in which the water resources development project is located. This title contains similar language to [H.R. 578](#) introduced in the House on January 28, 2015.

## **Title V: Wildlife and Hunting Heritage Conservation Council Advisory Committee**

Title V would establish 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. Title V would further abolish the already-existing Wildlife and Hunting Heritage Conservation Council. The advisory committee would be comprised of up to 16 discretionary members and seven ex officio members. The expenses of the advisory committee would be paid by the Secretaries of the Interior and of Agriculture if deemed appropriate and reasonable. The title contains similar language to [H.R. 2399](#), introduced in the House on May 18, 2015.

## **Title VI: Recreational Fishing and Hunting Heritage and Opportunities Act**

Title VI would direct federal land management officials to exercise authority under existing law to facilitate the use of and access to federal lands for fishing, hunting, and recreational shooting. Access to the lands could be limited by federal statutes enforcing national security, public safety or resource conservation concerns. Access could be additionally limited if certain hunting or fishing activities would be precluded by existing federal statutes, or if discretionary limitations exist on fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

Planning documents that apply to federal lands, including resource and travel management plans, as well as general management plans, would include a specific evaluation of the effects of each of the plans on opportunities to engage in fishing, hunting, or recreational shooting. The Secretary of the Interior would be required to integrate wildlife-dependent recreational uses into proposed or existing regulations, plans, or other activities relating to how the National Wildlife Refuge System are managed.

Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas and National Monuments, but excluding lands on the Outer Continental Shelf, would be open to fishing, hunting, and recreational shooting unless the managing federal agency acts to close lands to such activity. The head of each federal agency would be directed to use his or her authorities to: (1) lease or permit use of lands under the jurisdiction of the agency for recreational shooting ranges; and (2) designate specific lands under their jurisdiction for recreational shooting activities.

The Secretary of the Interior would be directed to consider the use of volunteers from the hunting community as agents to assist in carrying out wildlife management, when planning wildlife management involving reducing the size of a wildlife population on public land. Title VI contains similar language to [H.R. 1825](#), introduced in the 113<sup>th</sup> Congress.

#### **Title VII: Farmer and Hunter Protection Act**

Title VII would prohibit a person from knowingly taking any migratory game bird on or over any baited area. This title would prohibit a person from placing bait on or adjacent to an area for the purpose of taking any migratory game bird. The Secretary of the Interior would be authorized to promulgate regulation regarding this directive. The title contains similar language to [H.R. 1099](#), introduced in the House on February 26, 2015.

#### **Title VIII: Transporting Bows across National Park Service Lands**

Title VIII would prohibit the Director of the National Park Service from requiring a permit for, or enforcing any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any National Park System unit if: (1) an individual traversing a park is not otherwise prohibited by law from possessing the bows and crossbows; (2) the bows or crossbows are not ready for immediate use throughout the transportation period; (3) the possession of the bows and crossbows is in compliance with the law of the state where the park is located; (4) the individual possesses a valid hunting license; (5) the individual is traversing the system unit en route to a hunting access corridor; (6) the individual is traversing the system unit in compliance with any other applicable regulations or policies; or (7) the bows or crossbows are not ready for immediate use and remain inside a vehicle. The Director of the National Park Service may establish hunter access corridors across system units that are used to access public land that is open to hunting.

#### **Title IX: Federal Land Transaction Facilitation Act Reauthorization of 2015**

Title IX would reauthorize a program to complete appraisals and satisfy of other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans. This title would direct the Department of the Interior to: (1) establish and maintain a database containing a comprehensive list of all of the public land identified for disposal, and (2) make such database available to the public online.

This title would additionally allow a state to use any funds made available from the [Federal Land Disposal Account](#) for same-state purchases that are not obligated or expended by the end of the fourth fiscal year after the sale or exchange of the land that generated such funds. The title would require any remaining

balance in the Federal Land Disposal Account to be deposited into the Treasury and used for deficit reduction. Title IX contains similar language to [H.R. 1651](#), introduced in the House on March 26, 2015.

### **Title X: African Elephant Conservation and Legal Ivory Possession Act of 2015**

Title X would allow ivory to be imported or exported under the [African Elephant Conservation Act](#) (AECA) and the [Endangered Species Act of 1973](#) (ESA) if: (1) the raw ivory or worked ivory is solely for a museum; (2) it was lawfully importable into the United States on February 24, 2014, regardless of when it was acquired; or (3) the worked ivory was previously lawfully possessed in the United States.

This title would allow the Department of the Interior, in consultation with the Department of State to station one U.S. Fish and Wildlife Service law enforcement officer in the primary U.S. diplomatic or consular post in each African country that has significant population of African elephants to assist local wildlife rangers in protecting the elephants and facilitating the apprehension of individuals who illegally kill them or assist in killing them. When the Secretary of the Interior finds that a country, directly or indirectly, is a significant transit or destination point for illegal ivory trade, the Secretary would be directed to certify such fact to the President.

Nothing in the title would be construed to prohibit the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory, or any product containing African elephant ivory that has been lawfully imported or crafted in the United States. This title would not prohibit any citizen from importing a sport-hunted African elephant if the country in which the elephant was taken had an elephant population on [Appendix II of Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) at the time the trophy elephant was taken. This title would reauthorize the African Elephant Conservation Act through FY2020. Title X contains language similar to [H.R. 697](#), introduced in the House on February 3, 2015.

### **Title XI: Respect for Treaties and Rights**

Title XI stipulates that nothing in the bill would be construed to affect or modify any treaty or other right of any federally recognized Indian tribe.

### **Title XII: Interest on Obligations held in the Wildlife Restoration Fund**

Title XII would amend [Pittman-Robertson Wildlife Restoration Act](#), and delay by ten years to 2026, the date after which interest from the wildlife conservation and restoration fund is available for distribution. Title XII contains similar language to [S. 722](#) introduced in the Senate on March 11, 2015 and [H.R. 2345](#).

### **Title XIII: Permits for Film Crews of Five People or Less**

Title XIII would provide commercial film crews of 5 persons or fewer access to film in areas designated for public use during public hours on federal land and waterways. The Secretary of the Interior would require a permit and assess an annual fee of \$200 for commercial filming activities or similar projects on federal land and waterways, for any film crew of 5 persons or fewer.

### **Title XIV: State Approval of Fishing Restriction**

Title XIV would direct the Secretary of the Interior and the Secretary of Commerce to not restrict recreational or commercial fishing access to any state marine waters within the jurisdiction of the National Park Service or the Office of National Marine Sanctuaries, unless those restrictions are developed in coordination with, and approved by, the state's fish and wildlife management agency.

### **Title XV: Hunting and Recreational Fishing within Certain National Forests**

Title XV would prohibit the Secretary of Agriculture or Chief of the Forest Service from establishing policies and directives that restrict the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities.

#### **Title XVI: Grand Canyon Bison Management Act**

Title XVI would require the Secretary of the Interior to publish a management plan to reduce, through humane lethal culling by skilled public volunteers and by other nonlethal means, the population of bison in the Grand Canyon National Park, deemed detrimental to the use of the park. The title contains similar language to [H.R. 1443](#), introduced in the House on March, 18, 2015.

The House report (H. Rept. 114-377) accompanying H.R. 2406 can be found [here](#). A one-page release and a summary from the House Committee on Natural Resources can be found [here](#) and [here](#) respectively. A similar bill (H.R. 3590) was passed in the 113<sup>th</sup> Congress by a [268 – 154](#) vote. The RSC's legislative bulletin for H.R. 3590 can be found [here](#).

#### **AMENDMENTS MADE IN ORDER:**

- 1) (13) [Wittman](#) (R-VA) (Manager's Amendment): would strike title XII regarding the allotment of interest from the Wildlife Restoration Fund. The amendment would insert language from [H.R. 3279](#) which passed the House on November 30, 2015 by voice vote as a new title XVII. The updated title XVII would amend the Equal Access to Justice Act and the federal judicial code to require the Chairman of the United States Administrative Conference to report to Congress on an annual basis on the fees and expenses awarded to prevailing parties in certain administrative proceedings and civil action court cases to which the United States is a party to a suit. The RSC's legislative bulletin for the House-passed H.R. 3279 can be found [here](#). The amendment would additionally make several technical and conforming corrections. **The [NRA](#) has key voted in favor of this amendment.**
- 2) (15) [Beyer](#) (D-VA): would prohibit an individual who is prohibited from purchasing a firearm under [section 922\(g\) of title 18, United States Code](#), from using a public target range. **The [NRA](#) has key voted no on this amendment.**
- 3) (32) [Jackson Lee](#) (D-TX): would strike title III regarding the Polar Bear Conservation and Fairness Act of 2015. **The [NRA](#) has key voted no on this amendment.**
- 4) (34) [Bustos](#) (D-IL): would require that the Administrator of the Small Business Administration or designated representative be a member of the Wildlife and Hunting Heritage Conservation Council Advisory Committee, thus amending title V.
- 5) (47) [Smith, Jason](#) (R-MO): would require that closures of hunter access corridors be clearly marked with signs and dates of closures, and not include gates, chains, walls, or other barriers on the hunter access corridor.
- 6) (17) [Meng](#) (D-NY): would allow multiple officers from the U.S. Fish and Wildlife Service to be placed in a U.S. diplomatic or consular post in an African country with a significant population of African elephants in order to assist local wildlife rangers in the protection of such elephants.
- 7) (26) [Huffman](#) (D-CA): would require the Government Accountability Office to conduct a study examining the effects of a ban of the trade in of fossilized ivory from mammoths and mastodons on the illegal importation and trade of African and Asian elephant ivory within the United States, with the exception of importation or trade related to museum exhibitions or scientific research.



- 8) (24) [Beyer](#) (D-VA): would strike language in title XIV requiring state approval for the Secretaries of the Interior and Commerce regarding federal fishing regulations in waters under the jurisdiction of the National Park Service and the Office of National Marine Sanctuaries.
- 9) (45) [Smith, Jason](#) (R-MO): would prohibit the Department of Agriculture and the National Forest Service from establishing policies and directives that restrict the type, season, or method of hunting or recreational fishing on lands additionally within the Mark Twain National Forest in the State of Missouri.
- 10) (44) [Newhouse](#) (R-WA): would require the Chief of the Forest Service to publish a notice in the Federal Register for the closure of any public road on Forest System lands, along with a justification for the closure.
- 11) (11) [Fleming](#) (R-LA): would direct the Forest Administrator to amend the applicable travel plan to allow utility terrain vehicles access on all roads nominated by the Secretary of Louisiana Wildlife and Fisheries in the Kisatchie National Forest, unless a safety risk is posed, in which case the Forest Administrator would be required to publish a notice in the Federal Register with a justification for the closure.
- 12) (12) [Griffith](#) (R-VA): would allow person who is not prohibited from possessing a firearm or ammunition, 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. The person would be permitted to transport the firearm or ammunition if it is by motor vehicle, and if the firearm is not directly accessible from the passenger compartment of the vehicle. **The [NRA](#) has key voted in favor of this amendment.**
- 13) (8) [Heck \(R-NV\), Hardy \(R-NV\), Amodei \(R-NV\)](#): would expedite access to federal lands for volunteer good Samaritan search and rescue groups to assist in recovering the remains of a deceased individual believed to be located on federal lands. The Secretaries of the Interior and Agriculture would be required to formulate a plan to do so, and would not require an eligible organization or individual to have liability insurance as a condition of accessing federal land. The amendment would add language from [H.R. 373](#), the Good Samaritan Search and Recovery Act.
- 14) (2) [Ribble \(R-WI\), Lummis \(R-WY\), Benishek \(R-MI\), Peterson \(D-MN\)](#): would require the Secretary of the Interior to reissue the final rule regarding gray wolves published on December 28, 2011 ([76 Fed. Reg. 81666](#)), without regard to any other provision of statute or regulation. The amendment would require the Secretary of the Interior to reissue the final rule published on September 10, 2012 ([77 Fed. Reg. 55530](#)). The amendment would effectively delist the gray wolf in the Western Great Lakes and Wyoming from the Endangered Species Act. **The [NRA](#) has key voted in favor of this amendment.**
- 15) (5) [Young, Don](#) (R-AK): would prohibit the Director of the United States Fish and Wildlife Service from issuing a final rule that preempts state management authority and that succeeds the proposed rule entitled “[Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska](#)”. The amendment would require the director to withdraw the final rule entitled “[Alaska: Hunting and Trapping in National Preserves](#)” not later than 30 days after the bill’s enactment. **The [NRA](#) has key voted in favor of this amendment.**
- 16) (43) [Huffman](#) (D-CA): would designate the Arctic National Wildlife Refuge in Alaska as wilderness and, therefore, as a component of the National Wilderness Preservation System, administered by the Secretary of the Interior.

- 17) (9) [Lowenthal](#) (D-CA): would allow the Department of the Interior to raise the price of the Migratory Bird Hunting and Conservation Stamp (“Duck Stamp”) by an amount not to exceed \$10 for a hunting year after notice and public comment, if the Secretary of the Interior determines the increase is commensurate with the level of inflation, and is approved unanimously by the [Migratory Bird Conservation Commission](#). **The [NRA](#) has key voted no on this amendment.**

#### **OUTSIDE GROUPS IN SUPPORT:**

- [Boating United](#)
- [National Rifle Association](#)
- A list of groups in support provided by the House Committee on Natural Resources can be found [here](#).

#### **OUTSIDE GROUPS IN OPPOSITION:**

- [The Humane Society of the United States](#)

#### **COMMITTEE ACTION:**

H.R. 2406 was introduced on May 19, 2015 and was referred to the House Committees on Natural Resources, Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure. On December 10, 2015, the bill was reported and amended the House Committee on Natural Resources.

#### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

#### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: “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.

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