

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3590) TO PROTECT
AND ENHANCE OPPORTUNITIES FOR RECREATIONAL HUNTING, FISH-
ING, AND SHOOTING, AND FOR OTHER PURPOSES

FEBRUARY 3, 2014.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 470]

The Committee on Rules, having had under consideration House Resolution 470, by a record vote of 9 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3590, the Sportsmen's Heritage And Recreational Enhancement Act of 2013 (SHARE Act of 2013), under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 105

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #21, offered by Rep. Holt (NJ) and Rep. Thompson (CA) and Rep. Reichert (WA) and Rep. Veasey (TX) and Rep. Fitzpatrick (PA) and Rep. Dingell (MI) and Rep. McGovern (MA) and Rep. Gibson (NY) and Rep. Kirkpatrick (AZ) and Rep. Coble (NC) and Rep. Butterfield (NC) and Rep. Gerlach (PA), which reauthorizes the Land and Water Conservation Fund (LWCF) for five years. The LWCF uses revenues from oil and gas leasing on the Outer Continental Shelf to help preserve, develop and ensure access to outdoor recreation resources. Defeated: 2–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen	Nay		
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 106

Motion by Ms. Foxx to report the rule. Adopted: 9–2

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter
Mr. Bishop of Utah	Yea	Mr. McGovern	Nay
Mr. Cole	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea	Mr. Polis
Mr. Nugent	Yea		
Mr. Webster	Yea		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Hastings, Doc (WA): MANAGER'S Makes technical, clarifying and conforming changes to the Committee Print. (10 minutes)

2. Hanna (NY): Requires a report on economic impacts of the Act. The report would include any expected increases in recreational hunting, fishing, shooting, and conservation activities; an estimate of jobs created to support such activities; an estimate of wages re-

lated to these jobs; and estimate of anticipated new local, State, and Federal revenue. (10 minutes)

3. Castro (TX): Ensures that women and minority groups, as appropriate, are included for membership on the Wildlife and Hunting Heritage Conservation Council Advisory Committee. (10 minutes)

4. Gallego (TX): Adds veterans service organizations to the list of discretionary members of the Wildlife and Hunting Heritage Conservation Council Advisory Committee. Many organizations, including the VA, include outdoor activities to help wounded veterans in their rehabilitation efforts. (10 minutes)

5. Broun (GA): Requires that hunting, trapping, netting and fishing activities be included as land use in all land management plans to the extent that these activities are not clearly inconsistent with the purposes for which the Federal land is managed. (10 minutes)

6. Ellison (MN): Strikes the National Environmental Policy Act waivers in the bill. (10 minutes)

7. Smith, Jason (MO): Preserves current motorized vessel management in the Ozark National Scenic Riverways, a National Park in Southeast Missouri. (10 minutes)

8. Crawford (AR): Allows the State office of the Cooperative Extension System of the Department of Agriculture and State department of fish and wildlife to determine regular agricultural practices for purposes of federal hunting guidelines. (10 minutes)

9. Fleming (LA): Restores hunting access to the Kisatchie National Forest for deer hunting with dogs. Includes private property protections. (10 minutes)

10. Holt (NJ), Connolly (VA), Lowenthal (CA), Van Hollen (MD), Langevin (RI), Cartwright (PA), Ellison (MN), Blumenauer (OR), Grijalva (AZ), Shea-Porter (NH), Capps (CA), Quigley (IL), Delaney (MD), Davis, Susan (CA), Matsui (CA): Promotes the Secretary of the Interior's authority to consider climate change when making decisions related to recreation and conservation on public lands. (10 minutes)

11. Kildee (MI): Maintains access to National Forest System lands for snowmobilers while a winter Travel Management Rule for National Forests is finalized. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, lines 5 and 6, strike "of 2013".

Page 13, line 10, strike "of 2013".

Page 15, line 2, strike "of 2013".

Page 15, line 7, strike "of 2013".

Page 22, line 12, strike "of 2013".

Page 27, strike lines 13 and 14 and redesignate the remaining clauses accordingly.

Page 29, line 20, strike "shall" and insert "may".

Page 32, line 13, strike "Effective" and all that follows through line 19, and insert the following: "Upon publication of the first notice required under section 8(c) of the Wildlife and Hunting Heritage Conservation Council formed in furtherance of section 441 of the Revised Statutes (43 U.S.C. 1457), 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 is hereby abolished.”

Page 41, lines 17 and 18, strike “this determination” and insert “the provision of opportunities for hunting, fishing, and recreational shooting under the authority of this title”.

Page 41, line 20, insert “, road construction or maintenance,” after “access”.

Page 41, lines 22 and 23, strike “, or permanent road construction or maintenance”.

Page 42, line 14, strike “such implementation” and insert “the provision of opportunities for hunting, fishing, and recreational shooting under the authority of this title”.

Page 42, line 16, strike “or permanent road construction or use” and insert “motorized recreational access, road construction or maintenance, or use that is not otherwise allowed under the Wilderness Act (16 U.S.C. 1131 et seq.)”.

Page 45, line 18, strike “head”.

At the end of the bill, add the following new title (and amend the table of contents accordingly):

TITLE IX—RESPECT FOR TREATIES AND RIGHTS

SEC. 901. 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.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANNA OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, before line 1, insert the following (and conform the table of contents accordingly):

SEC. 3. REPORT ON ECONOMIC IMPACT.

Not later than 12 months after the date of the enactment of this Act, the Secretary of Interior shall submit a report to Congress that assesses expected economic impacts of the Act. Such report shall 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 such activities described in paragraph (1), including in the supply, manufacturing, distribution, and retail sectors;
- (3) an estimate of wages related to jobs described in paragraph (2); and
- (4) an estimate of anticipated new local, State, and Federal revenue related to jobs described in paragraph (2).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTRO OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, after line 18, insert the following:

“(xiii) Women’s hunting and fishing advocacy, outreach, or education organization.

“(xiv) Minority hunting and fishing advocacy, outreach, or education organization.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGO OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, after line 18, insert the following:

“(xiii) Veterans service organization.”

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, strike line 1 through page 45, line 24, and insert the following (conform the table of contents accordingly):

SEC. 804. HUNTING ON FEDERAL PUBLIC LAND.

(a) **PURPOSE.**—The purpose of this section is to require that hunting activities be a land use in all management plans for Federal public land to the extent that such use is not clearly incompatible with the purposes for which the Federal public land is managed.

(b) **HUNTING ALLOWED UNLESS INCOMPATIBLE.**—When developing or considering approval of a management plan (or any amendment to such a management plan) for Federal public land, the head of the agency with jurisdiction over such Federal public land shall ensure that hunting activities are allowed as a use of such Federal public land to the extent that such use is not clearly incompatible with the purposes for which the Federal public land is managed.

(c) **PROHIBITING OR RESTRICTING HUNTING.**—

(1) **REASONS SET FORTH IN MANAGEMENT PLAN.**—If hunting activities are not allowed or are restricted on Federal public land, the head of the agency with jurisdiction over such Federal public land shall set forth in the management plan for that Federal public land the specific reason that hunting activities are not allowed or are restricted.

(2) **RESTRICTION CLARIFIED.**—For the purposes of this subsection—

(A) allowing contract or quota thinning of wildlife shall not constitute allowing unrestricted hunting; and

(B) a fee charged by any entity related to hunting activities on Federal public land that is in excess of that needed to recoup costs of management of the Federal public land shall be deemed to be a restriction on hunting.

(d) **SHOOTING RANGES.**—

(1) **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—

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

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

(2) **LIMITATION ON LIABILITY.**—Any designation under paragraph (1)(B) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of prop-

erty or personal injury or death caused by any activity occurring at or on such designated lands.

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

(f) **FEES.**—Fees charged related to hunting activities on Federal public land shall be—

(1) retained by the head of the agency with jurisdiction over such Federal public land to offset costs directly related to management of hunting on the Federal public land upon which hunting activities related to the fee are conducted; and

(2) limited to what the Secretary reasonably estimates to be necessary to offset costs directly related to management of hunting on the Federal public land upon which hunting activities related to the fee are conducted.

(g) **DEFINITIONS.**—In this section—

(1) 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) the term “hunting” means hunting, trapping, netting, and fishing; and

(3) the term “management plan” means a management plan, management contract, or other comprehensive plan or agreement for the management or use of Federal public land.

(h) **APPLICABILITY.**—This section shall apply to all management plans developed, approved, or amended after the date of the enactment of this section.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 38, strike line 20 through page 39, line 6.

Page 39, line 7, strike “(3)” and insert “(2)”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, line 22, strike “Nothing” and insert “Except as provided by subsection (l), nothing”.

Page 45, after line 24, insert the following:

(1) **MOTORIZED VESSELS IN THE OZARK NATIONAL SCENIC RIVERWAYS.**—The Secretary of the Interior—

(1) shall manage the Ozark National Scenic Riverways to allow the use of motorized vessels in a manner that is not more restrictive than the use restrictions in effect on November 21, 2013; and

(2) may manage the Ozark National Scenic Riverways to allow the use of motorized vessels in a manner that is less restrictive than the use restrictions in effect on November 21, 2013.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAWFORD
OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ —EXEMPTIONS FOR TAKING
MIGRATORY BIRDS ON CERTAIN AG-
RICULTURAL LAND**

SEC. 01. SHORT TITLE.

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

SEC. 02. EXEMPTIONS ON CERTAIN LAND.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) EXEMPTIONS ON CERTAIN LAND.—

“(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) an area in a State on which seed or grain has been scattered solely as the result of an agricultural planting, harvesting, or post-harvest manipulation practice, or a soil stabilization practice, that the head of the State office of the Cooperative Extension System of the Department of Agriculture has determined in accordance with paragraph (2) to be a normal practice in that State; and

“(B) is not otherwise a baited area.

“(2) STATE DETERMINATIONS.—

“(A) IN GENERAL.—The head of a State office of the Cooperative Extension System may make a determination for purposes of paragraph (1)(A)(iv) upon the request of the Secretary of the Interior.

“(B) REVISIONS.—The head of a State office of the Cooperative Extension System may revise a determination under subparagraph (A) as the head of a State office determines to be necessary to reflect changing agricultural practices.

“(C) CONCURRENCE REQUIRED.—A determination or revision under this paragraph shall not be effective for purposes of this subsection unless the head of the State department of fish and wildlife concurs therein.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLEMING OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 805. RESTRICTIONS ON HUNTING IN KISATCHIE NATIONAL FOREST.

(a) HUNTING IN KISATCHIE NATIONAL FOREST.—Consistent with the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may not restrict the use of dogs in deer hunting activities in Kisatchie National Forest, unless such restrictions—

(1) apply to the smallest practicable portions of such unit; and

(2) are necessary to reduce or control trespass onto land adjacent to such unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.

(c) ADJACENT LANDOWNERS.—Landowners whose property abuts a unit of the Kisatchie National Forest may petition the Secretary of Agriculture to restrict the use of dogs in deer hunting activities that take place on such unit which abut their property. If the Secretary of Agriculture receives a petition from an adjacent landowner, the Secretary, after notice and opportunity for a hearing, may impose restrictions on the use of dogs in deer hunting—

(1) limited to those units of the Kisatchie National Forest within 300 yards of the boundary of the petitioning landowner's property; and

(2) consistent with subsection (a).

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE IX—CLIMATE CHANGE

SEC. 901. AUTHORITY OF THE SECRETARY OF THE INTERIOR TO PLAN FOR A CHANGING CLIMATE.

Nothing in this Act limits the authority of the Secretary of the Interior to include climate change as a consideration in making decisions related to conservation and recreation on public lands.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILDEE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE IX—SENSE OF CONGRESS REGARDING SNOWMOBILES ON NATIONAL FOREST SYSTEM LANDS

SEC. 901. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The clear identification of roads, trails, and areas for motor vehicle use in each National Forest will improve management of National Forest System lands and protect these national treasures, enhance opportunities, and address access for motorized recreation experiences on National Forest System lands and preserve areas of opportunity in each National Forest for non-motorized travel and experiences.

(2) The sport of snowmobiling supports thousands of jobs across the country and provides a variety of enriching recreational opportunities for both families and individuals.

(3) In 2005, the Forest Service promulgated a Travel Management Rule that required travel management plans for off-road vehicles, with the exception of snowmobiles, on all lands managed by the Forest Service.

(4) Under the 2005 Travel Management Rule, the Department of Agriculture deemed that the use of snowmobiles on National Forest System lands presented a different set of management issues and environmental impacts on National Forest System lands than the use of other types of motor vehicles. Therefore, the final rule exempted snowmobiles from the mandatory designation scheme provided for under section 212.51 of title 36, Code of Federal Regulations, but retained the National Forest System's ability to allow, restrict or prohibit snowmobile travel, as appropriate, on a case-by-case basis.

(5) In 2013, the Ninth U.S. District Court of Idaho ruled in the case captioned as *Winter Wildlands Alliance v. US Forest Service*, Case No. 1:11-cv-00586-REB, ruled that the Forest Service must promulgate travel management rules that include snowmobiles. The Ninth U.S. District Court of Idaho required that the final rule be promulgated by September 14, 2014, barring no additional extension.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Forest Service should continue to allow snowmobiles access to National Forest System lands at the same levels as were allowed as of March 28, 2013, subject to closures for public health and safety at the discretion of the respective agencies, until a final travel management rule is promulgated for snowmobiles.