

113TH CONGRESS }  
2d 1st Session } HOUSE OF REPRESENTATIVES { REPORT  
113-

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SPORTSMEN'S HERITAGE AND RECREATIONAL  
ENHANCEMENT ACT

~~NOVEMBER --, 2013.~~ Ordered to be printed

January --, 2014

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

together with

*Dissenting* VIEWS

[To accompany H.R. 2799]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2799) to 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, recreational shooting, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

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

"SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVATION 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 'Advisory Committee') to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.

“(b) 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 recreational 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.

“(c) MEMBERSHIP.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—The Advisory Committee shall consist of no more than 16 discretionary members and 7 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; and

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

“(C) DISCRETIONARY MEMBERS.—The discretionary members shall be appointed jointly by the Secretaries from at least one of 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) The tourism, outfitter, or guiding industry.

“(vi) The firearms or ammunition manufacturing industry.

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

“(viii) Tribal resource management organizations.

“(ix) The agriculture industry.

“(x) The ranching industry.

“(xi) Waterfowl hunting organizations.

“(D) ELIGIBILITY.—Prior to the appointment of the discretionary members, the Secretaries shall determine that all individuals 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.

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

“(iii) 5 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 manner 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.

“(d) EXPENSES.—The expenses of the Advisory Committee that the Secretaries determine to be reasonable and appropriate shall be paid by the Secretaries.

“(e) 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.

“(f) 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.

“(g) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

“(h) ABOLISHMENT OF THE EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.—Effective on the date of the enactment of this Act, 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.”.

## **PURPOSE OF THE BILL**

The purpose of H.R. 2799 is to 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.

## **BACKGROUND AND NEED FOR LEGISLATION**

On August 17, 2007, President George W. Bush signed Executive Order 13443, Facilitation of Hunting Heritage and Wildlife Conservation. The order directs federal agencies to “facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.”

On February 4, 2012, Secretary of the Interior Ken Salazar and Secretary of Agriculture Tom Vilsack announced the creation of a new Wildlife and Hunting Heritage Conservation Council. This Council was administratively established under the authorities of the Fish and Wildlife Act of 1956, the Federal Land Policy and Management Act of 1976, the National Forest Management Act of 1976, the National Wildlife Refuge System Improvement Act of 1997 and Executive Order 13443. It is comprised of 18 discretionary members and six ex officio members (the Association of Fish and Wildlife Agencies, Farm Service Agency, Natural Resources Conservation Service, the Bureau of Land Management, the U. S. Fish and Wildlife Service and the U. S. Forest Service). The discretionary members are appointed by the Secretaries of the Interior and Agriculture to serve three-year terms. The Council meets twice a year, the members serve without pay but may be reimbursed for travel and per diem, the annual operating costs are estimated at \$300,000 per year, their meetings are open to the public under the terms of the Federal Advisory Committee Act and their duties are strictly advisory.

No council member may have a direct financial interest in an agreement, claim, contract, lease, or engage in litigation with the Departments of the Interior or Agriculture. In addition, individuals currently registered as a federal lobbyist may not be appointed to serve on the Council. The Council held its inaugural meeting on October 4-5, 2010, in Washington, D.C. At the recent meeting on September 17-18, 2013, the agenda included discussions about wildlife health and disease, the Farm Bill, the Sportsmen’s Act, and wild horses and burros on public lands.

H. R. 2799 would statutorily establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee whose duties would include implementing Executive Order 13443 and providing advice to the Secretaries of the Interior and Agriculture on policies to conserve agricultural lands, forest lands, grasslands, rangelands and wetlands; to promote opportunities to hunt on federal lands; to recruit new hunters and shooters; to increase public awareness of the importance of wildlife conservation; and encourage coordination among the hunting and shooting sports community with the states, tribes and federal government.

The key differences between this measure and the existing Conservation Council are: a maximum of 16 rather than 18 discretionary members, and seven rather than six ex officio members by adding the Director of the National Park Service. The discretionary members shall

include at least one representative from a state fish and wildlife agency, game bird hunting organization, wildlife conservation organization, big game hunting organization, tourism, outfitter or guiding industry, firearms or ammunition manufacturing industry, the hunting and shooting equipment retail industry, tribal resources management organization, agriculture industry and ranching industry.

In addition, members would be appointed by the Secretaries for a term of four rather than three years, no officer or employee of the federal government can be named as a discretionary member, and the existing Advisory Committee is abolished.

During consideration of H. R. 2799, the Natural Resources Committee adopted an amendment by voice vote offered by Congressman John Fleming. The amendment increased the number of discretionary members by adding a representative of a waterfowl hunting organization and stipulating that non-governmental representatives may rather than shall be reimbursed for certain expenses such as travel and lodging to attend a Council meeting.

### **COMMITTEE ACTION**

H.R. 2799 was introduced on July 23, 2013, by Congressman Robert E. Latta (R-OH). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. The bill was also referred to the Committee on Agriculture. On August 2, 2013, the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on the bill. On October 30, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs was discharged by unanimous consent. Congressman John Fleming (R-LA) offered an amendment designated .001 to the bill; the amendment was adopted by voice vote. No further amendments were offered and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by voice vote.

### **COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS**

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

### **COMPLIANCE WITH HOUSE RULE XIII**

1. **Cost of Legislation.** Clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:



CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE

November 7, 2013

**H.R. 2799**

**Sportsmen's Heritage and Recreational Enhancement Act**

*As ordered reported by the House Committee on Natural Resources on October 30, 2013*

H.R. 2799 would establish a committee to advise the Secretaries of the Interior and Agriculture on issues related to wildlife conservation and hunting. The bill also would abolish the Wildlife and Hunting Heritage Conservation Council (WHHCC), an existing body that performs similar activities to those that would be performed by the committee established under the bill. CBO estimates that implementing the legislation would have no significant net impact on the federal budget. Enacting H.R. 2799 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Based on information provided by the U.S. Fish and Wildlife Service regarding the costs of administering the WHHCC, CBO estimates that administering the advisory committee established under the bill would cost roughly \$300,000 a year, assuming appropriation of the necessary amounts. Those funds would be used to hire a full-time employee to handle administrative duties for the committee and to reimburse members of the committee for travel and lodging expenses related to committee activities. CBO also estimates that any costs associated with administering the committee would be offset by reductions in spending subject to appropriation to fund activities of the WHHCC, which would be abolished under the bill.

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.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. **Section 308(a) of Congressional Budget Act.** As required by clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing the legislation would have no significant net impact on the federal budget.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of Rule XIII, the general performance goal or objective of this bill is to 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.

#### **EARMARK STATEMENT**

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of Rule XXI of the Rules of the House of Representatives.

#### **COMPLIANCE WITH PUBLIC LAW 104-4**

This bill contains no unfunded mandates.

#### **COMPLIANCE WITH H. RES. 5**

**Directed Rule Making.** The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

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

#### **FEDERAL ADVISORY COMMITTEE STATEMENT**

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies. This bill establishes by statute and modifies an advisory council created by executive action.

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

This bill is not intended to preempt any State, local or tribal law.

#### **CHANGES IN EXISTING LAW**

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

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics):

## FISH AND WILDLIFE COORDINATION ACT

\* \* \* \* \*

**SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVATION 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 “Advisory Committee”) to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.*

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## DISSENTING VIEWS

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JASON SMITH, MO

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

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DEMOCRATIC STAFF DIRECTOR

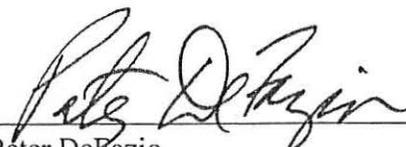
**DISSENTING VIEWS**

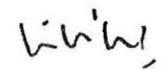
**H.R. 2799 - Sportsmen's Heritage and Recreational Enhancement (SHARE) Act**

H.R. 2799 would establish the Wildlife Hunting and Heritage Conservation Council Advisory Committee to serve as counsel to the Departments of the Interior and Agriculture on policies that benefit recreational hunting and wildlife resources. We have heard in testimony from the U.S. Fish and Wildlife Service that this Council already exists: President Obama established the Wildlife and Hunting Heritage Conservation Council by executive order in 2010.

As the Fish and Wildlife Service mentioned in responding to a question for the record of the August 2 subcommittee hearing on this bill, the legislation dilutes the voice of hunters by dropping required representation from three hunting outreach and education groups, and sportsmen and women at-large, and replacing them with required representation from the firearms, ranching and agriculture industries. There are more than 50 Federal Advisory Councils that address agricultural and ranching issues, but the Council this bill seeks to replace is the only group that provides a voice solely for the hunting community.

In addition to stacking the deck against conservation and exempting the Council from the Federal Advisory Committee Act's transparency requirements, this bill would eliminate the flexibility this President or others in the future have to adjust the composition, structure, or function of the Committee to respond to the needs of hunting and conservation interests. For these reasons, we oppose H.R. 2799 as reported.

  
Peter DeFazio  
Ranking Member  
Committee on Natural Resources

  
Gregorio Kilili Camacho Sablan

**EXCHANGE OF LETTERS**

FRANK D. LUCAS, OKLAHOMA,  
CHAIRMAN

BOB GOODLATTE, VIRGINIA,  
VICE CHAIRMAN

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K. MICHAEL CONAWAY, TEXAS  
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BOB GIBBS, OHIO  
AUSTIN SCOTT, GEORGIA  
SCOTT R. TIPTON, COLORADO  
ERIC A. "RICK" CRAWFORD, ARKANSAS  
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SCOTT DESJARLAIS, TENNESSEE  
CHRISTOPHER P. GIBSON, NEW YORK  
VICKY HARTZLER, MISSOURI  
REID J. RIBBLE, WISCONSIN  
KRISTI L. NOEM, SOUTH DAKOTA  
DAN BENISHEK, MICHIGAN  
JEFF DENHAM, CALIFORNIA  
STEPHEN LEE FINCHER, TENNESSEE  
DOUG LAMALFA, CALIFORNIA  
RICHARD HUDSON, NORTH CAROLINA  
RODNEY DAVIS, ILLINOIS  
CHRIS COLLINS, NEW YORK  
TED S. YOHO, FLORIDA

# U.S. House of Representatives

## Committee on Agriculture

Room 1501, Longworth House Office Building

Washington, DC 20515-6001

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RANKING MINORITY MEMBER

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DAVID SCOTT, GEORGIA  
JIM COSTA, CALIFORNIA  
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KURT SCHRADER, OREGON  
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The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
1324 Longworth HOB  
Washington, D. C. 20515

Dear Chairman Hastings:

Thank you for the opportunity to review the relevant provisions of the text of H.R. 2799, the Sportsmen's Heritage And Recreational Enhancement (SHARE) Act.

As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 2799 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,



Frank D. Lucas  
Chairman

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U.S. House of Representatives  
Committee on Natural Resources  
Washington, DC 20515

January 23, 2014

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1301 Longworth HOB  
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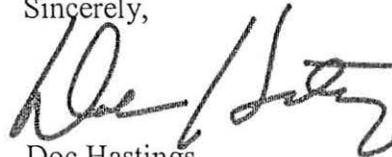
Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2799, the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act. As you know, the Committee on Natural Resources ordered reported the bill, as amended, on October 30, 2013. A copy of the amended bill text was forwarded to your staff. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 2799 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,



Doc Hastings  
Chairman

cc: The Honorable John A. Boehner, Speaker  
The Honorable Peter DeFazio  
The Honorable Collin C. Peterson  
Mr. Thomas J. Wickham, Parliamentarian