

HR 3668

SHARE Act

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

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Sponsor

Name: Rep. Duncan, Jeff [R-SC-3]

Party: Republican • **State:** SC • **Chamber:** House

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Scott, Austin [R-GA-8]	R · GA		Sep 1, 2017
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Sep 1, 2017
Rep. Carter, John R. [R-TX-31]	R · TX		Sep 6, 2017
Rep. Green, Gene [D-TX-29]	D · TX		Sep 7, 2017
Rep. Sessions, Pete [R-TX-32]	R · TX		Sep 14, 2017

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Discharged From	Sep 18, 2017
Energy and Commerce Committee	House	Referred to	Sep 8, 2017
Judiciary Committee	House	Discharged From	Sep 18, 2017
Natural Resources Committee	House	Referred to	Sep 5, 2017
Natural Resources Committee	House	Hearings By (subcommittee)	Sep 12, 2017
Transportation and Infrastructure Committee	House	Referred to	Sep 5, 2017
Transportation and Infrastructure Committee	House	Referred to	Sep 5, 2017
Ways and Means Committee	House	Discharged From	Sep 18, 2017

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

Bill	Relationship	Last Action
115 S 593	Related bill	Nov 15, 2018: By Senator Barrasso from Committee on Environment and Public Works filed written report. Report No. 115-372. Additional views filed.
115 HR 224	Related bill	Jun 12, 2018: Placed on the Union Calendar, Calendar No. 570.
115 HR 788	Related bill	May 29, 2018: Placed on the Union Calendar, Calendar No. 546.
115 HR 4489	Related bill	May 22, 2018: Referred to the Subcommittee on Environment.
115 S 1181	Related bill	Apr 11, 2018: Placed on Senate Legislative Calendar under General Orders. Calendar No. 373.
115 HR 5133	Related bill	Apr 9, 2018: Placed on the Union Calendar, Calendar No. 478.
115 HR 5269	Related bill	Mar 14, 2018: Referred to the House Committee on Natural Resources.
115 S 2185	Related bill	Dec 4, 2017: Read twice and referred to the Committee on Energy and Natural Resources.
115 HR 4319	Related bill	Nov 13, 2017: Referred to the Subcommittee on Highways and Transit.
115 HR 3139	Related bill	Jul 24, 2017: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
115 HR 3005	Related bill	Jul 5, 2017: Referred to the Subcommittee on Federal Lands.
115 S 1505	Related bill	Jun 29, 2017: Read twice and referred to the Committee on Finance.
115 HR 2620	Related bill	Jun 26, 2017: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
115 HR 1944	Related bill	Apr 24, 2017: Referred to the Subcommittee on Conservation and Forestry.
115 S 618	Related bill	Mar 14, 2017: Read twice and referred to the Committee on the Judiciary.
115 S 478	Related bill	Mar 1, 2017: Read twice and referred to the Committee on Environment and Public Works.
115 HR 1033	Related bill	Feb 28, 2017: Received in the Senate.
115 S 378	Related bill	Feb 14, 2017: Read twice and referred to the Committee on the Judiciary.
115 HR 358	Related bill	Feb 6, 2017: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
115 HR 367	Related bill	Feb 6, 2017: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
115 S 164	Related bill	Jan 17, 2017: Read twice and referred to the Committee on Environment and Public Works.
115 S 80	Related bill	Jan 10, 2017: Read twice and referred to the Committee on Environment and Public Works.
115 S 59	Related bill	Jan 9, 2017: Read twice and referred to the Committee on Finance.

Sportsmen's Heritage and Recreational Enhancement Act or the SHARE Act

This bill revises existing programs and establishes new programs to expand access to, and opportunities for, hunting, fishing, and recreational shooting on federal lands.

TITLE I--FISHING PROTECTION ACT

Fishing Protection Act

(Sec. 102) Sport fishing equipment and its components (such as lead sinkers) are exempt from regulation of chemical substances under the Toxic Substances Control Act.

(Sec. 103) The Departments of the Interior and of Agriculture (USDA) may not regulate the use of ammunition or fishing tackle based on their lead content if such use complies with state law.

TITLE II--TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

Target Practice and Marksmanship Training Support Act

(Sec. 203) The bill amends the Pittman-Robertson Wildlife Restoration Act to increase the proportion of: (1) funding that states may use for public target ranges, and (2) the federal share of costs for public target ranges. A public target range is a specific location that is identified for recreational shooting.

For cost-sharing purposes under such Act, any 1862, 1890, or 1994 institutions that are eligible to receive funding from a state under the firearm and bow hunter education and safety program shall be allowed to use the value of their land as an in-kind match for satisfying cost sharing requirements, regardless of any restrictions in law that would otherwise prohibit the use of that land for such purpose.

(Sec. 204) The bill shields the United States from any civil action or claim for money damages for injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is funded by the federal government or located on federal land, except to the extent provided under the Federal Tort Claims Act.

(Sec. 205) The bill urges the Forest Service and the Bureau of Land Management (BLM) to cooperate in carrying out waste removal and other activities on any federal land used as a public target range and to encourage continued use of that land for target practice or marksmanship training.

TITLE III--RECREATIONAL LANDS SELF-DEFENSE ACT

Recreational Lands Self-Defense Act

(Sec. 302) The U.S. Army Corps of Engineers may not prohibit individuals from possessing a firearm in public areas of a water resources development project.

TITLE IV--RECREATIONAL FISHING AND HUNTING HERITAGE OPPORTUNITIES ACT

Recreational Fishing and Hunting Heritage and Opportunities Act

(Sec. 403) Federal public land management officials must facilitate the use of, and access to, federal public lands for

recreational fishing, hunting, and shooting, subject to statutory and discretionary limitations.

Actions taken under this title or the National Wildlife Refuge System Administration Act of 1966 may not be considered to be a major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (NEPA).

The bill requires the BLM and Forest Service lands, excluding lands on the Outer Continental Shelf, to be open to recreational fishing, hunting, and shooting unless the managing agency acts to close such lands to such activities for purposes including resource conservation, public safety, energy production, water supply facilities, or national security.

Agency heads must use their authorities to lease their lands or permit use of their lands for shooting ranges, and designate specific lands for recreational shooting activities.

Agency heads who have authority to manage federal public land on which recreational fishing, hunting, or shooting occur must submit biennial reports on any such land that was closed to such an activity and the reason for closing it.

A permanent or temporary withdrawal, change of classification, or change of management status that closes or significantly restricts 640 or more contiguous acres of federal public land to recreational fishing or hunting or related activities shall take effect only if the head of the federal agency with jurisdiction over such land: (1) publishes notice of the withdrawal or change, (2) demonstrates that coordination has occurred with a state fish and wildlife agency, and (3) notifies Congress of the withdrawal or change. The aggregate or cumulative effect of separate withdrawals or changes that effectively closes or significantly restricts 1,280 or more acres of land or water is treated as a single withdrawal or change.

(Sec. 404) Interior must: (1) consider the use of volunteers to assist in carrying out wildlife management; (2) report to Congress on any public land closed to fishing, hunting, and recreational shooting during the preceding year and the reason for the closure; and (3) publish notice of a permanent or temporary withdrawal, change of classification or management status of public land that effectively closes or significantly restricts such lands for fishing, hunting, or recreational shooting, or related activities. Interior may make emergency closures of public land for safety or conservation reasons.

(Sec. 405) Interior must withdraw the final rule entitled, "Alaska; Hunting and Trapping in National Preserves," published on October 23, 2015, and shall not issue a substantially similar rule.

TITLE V--FARMER AND HUNTER PROTECTION ACT

Hunter and Farmer Protection Act

(Sec. 502) The bill amends the Migratory Bird Treaty Act to revise standards for determining what constitutes baiting for purposes of the prohibition on taking migratory game birds.

In the case of waterfowl, cranes, and coots, a baited area includes a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices. An area is not considered to be a baited area if it: (1) has been treated with a normal agricultural practice, (2) has standing crops that have not been manipulated, or (3) has standing crops that have been or are flooded.

TITLE VI--TRANSPORTING BOWS ACROSS NATIONAL PARK SERVICE LANDS

Hunter Access Corridors Act

(Sec. 602) The National Park Service (NPS) may not prohibit individuals from transporting bows and crossbows if certain requirements are met.

The NPS may establish hunter access corridors. Actions taken to establish such corridors may not be considered to be a major federal action significantly affecting the quality of the human environment under the NEPA.

TITLE VII--RESPECT FOR TREATIES AND RIGHTS

(Sec. 701) This bill may not be construed to affect any treaty or other right of a federally recognized Indian tribe.

TITLE VIII--STATE APPROVAL OF FISHING RESTRICTION

(Sec. 801) Interior and the National Oceanic and Atmospheric Administration must obtain approval from the relevant fish and wildlife management agency of a state or territory before restricting fishing access to state or territorial marine waters (including coastal waters and estuaries) or Great Lakes waters that are within the jurisdiction of the NPS or the Office of National Marine Sanctuaries.

TITLE IX--OPEN BOOK ON EQUAL ACCESS TO JUSTICE

Open Book on Equal Access to Justice Act

The bill amends the Equal Access to Justice Act and the federal judicial code to require the Administrative Conference of the United States to create an online searchable database that contains specified information with respect to the amount of fees and other expenses awarded to nonfederal entities when they prevail against the United States in certain administrative proceedings and civil actions.

TITLE X--GOOD SAMARITAN SEARCH AND RECOVERY

Good Samaritan Search and Recovery Act

(Sec. 1002) This bill directs Interior and USDA to implement a process to provide expedited access to federal land to conduct good Samaritan search-and-recovery missions, which are searches for one or more missing individuals believed to be deceased at the time that the search is initiated.

The bill sets forth procedures for the approval or denial of requests made by eligible organizations or individuals to carry out a good Samaritan search-and-recovery mission.

Interior and USDA must develop search-and-recovery focused partnerships with search-and-recovery organizations to coordinate good Samaritan search-and-recovery missions, and expedite and accelerate mission efforts for finding missing individuals.

TITLE XI--INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION

(Sec. 1101) This bill amends the federal criminal code to permit an individual to transport a firearm between two states where it is legal to possess, carry, or transport firearms. The firearm must be unloaded and securely stored during transport.

A firearm transported by means other than a motor vehicle (e.g., air) must be secured in a locked container or a gun

storage or safety device.

Individuals may also transport ammunition between two states where it is legal to possess, carry, or transport ammunition. Ammunition transported by motor vehicle must be inaccessible from the vehicle's passenger compartment or in a locked container other than the glove compartment or console. Ammunition transported by other means must be secured in a locked container.

Individuals may not be arrested or detained for violation of any state or local law or regulation related to the possession, transportation, or carrying of firearms or ammunition unless there is probable cause to believe that the individual failed to securely store them during transport.

When a person asserts compliance with this title as a defense in a criminal proceeding: (1) the prosecution must bear the burden of proving, beyond a reasonable doubt, that the person's conduct did not satisfy federal requirements; and (2) the court must award the prevailing defendant a reasonable attorney's fee.

The bill authorizes a person who is deprived of a right, privilege or immunity secured by federal firearms provisions to bring an action for damages and other appropriate relief.

TITLE XII--POLAR BEAR CONSERVATION AND FAIRNESS ACT

Polar Bear Conservation and Fairness Act

(Sec. 1202) The bill amends the Marine Mammal Protection Act of 1972 to require Interior to issue permits to allow a hunter to import polar bear parts (other than internal organs) if the bear was legally harvested in Canada from an approved population before the May 15, 2008, designation of the polar bear as a depleted species or population stock, including listed as endangered or threatened.

TITLE XIII--NORTH AMERICAN WETLANDS CONSERVATION EXTENSION

North American Wetlands Conservation Extension Act

(Sec. 1302) The bill amends the North American Wetlands Conservation Act to extend the authorization for Interior to carry out certain wetlands conservation projects through FY2022.

(Sec. 1303) Funds appropriated under such Act may not be used by Interior for the purchase of land to be administered by the federal government. Such limitation shall be inapplicable to any specific land acquisition required by contract or other agreement that was entered into before this bill's enactment.

(Sec. 1304) Interior must include in the annual assessment of the status of such projects an accounting of the expenditures made for fee simple acquisition of federal lands.

TITLE XIV--GRAY WOLVES

(Sec. 1401) Interior must reissue: (1) the final rule published on December 28, 2011, that removed the gray wolf in the Western Great Lakes Distinct Population Segment from the List of Endangered and Threatened Wildlife and that removed the designation of critical habitat for that wolf in Minnesota and Michigan; and (2) the final rule published on September 10, 2012, that removed the gray wolf in Wyoming from the list and removed the Yellowstone Experimental Population Area that was established to facilitate reintroduction of the wolf. Reissued rules are not subject to judicial review.

TITLE XV--HEARING PROTECTION

Hearing Protection Act

(Sec. 1502) This bill amends the Internal Revenue Code to: (1) eliminate the \$200 transfer tax on firearm silencers, and (2) treat any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer.

(Sec. 1504) The bill provides that no force or effect shall be given to a law of a state or a state's subdivision that imposes: (1) a tax, other than a generally applicable sales or use tax, on the making, transferring, using, possessing, or transporting of a firearm silencer affecting interstate or foreign commerce; or (2) a marking, recordkeeping, or registration requirement concerning such a silencer.

(Sec. 1505) The Department of Justice (DOJ) must destroy: (1) any registration of a firearm silencer maintained in the National Firearms Registration and Transfer Record, (2) any application filed for the transfer and registration of a firearm that identifies the transferee of a silencer, and (3) any application for the making of a firearm that identifies the maker of a silencer.

(Sec. 1506) The bill amends the federal criminal code to: (1) redefine "firearm silencer" and "firearm muffler" as any device for silencing, muffling, or diminishing the report of a portable firearm, including the keystone part of such a device; and (2) define "keystone part" as an externally visible part of a firearm silencer or firearm muffler, without which a device capable of silencing, muffling, or diminishing the report of a portable firearm cannot be assembled, but not including any interchangeable parts designed to mount a silencer or muffler to such a firearm.

The bill permits licensed importers, manufacturers, dealers, and collectors to sell or deliver a firearm silencer or firearm muffler to: (1) an individual whom the licensee knows or has reasonable cause to believe is younger than 21 years old; and (2) a resident of a state other than a state in which the licensee's place of business is located, subject to specified requirements under current law.

Licensed importers and manufacturers must identify by a serial number engraved or cast on the keystone part of each firearm silencer or firearm muffler imported or manufactured by that importer or manufacturer, except for silencers and mufflers that do not have a clearly identifiable keystone part or has multiple keystone parts, in which cases the importers or manufacturers of those types of silencers or mufflers must submit a request for a marking variance to DOJ. DOJ shall grant such a request except upon showing good cause that marking the silencer or firearm would not further the purposes of federal firearms provisions.

(Sec. 1507) The bill amends the Internal Revenue Code to impose a tax equal to 10% of the price for which a firearm silencer or firearm muffler (any device for silencing, muffling, or diminishing the report of a portable firearm) is sold by a manufacturer, producer, or importer.

TITLE XVI--LAWFUL PURPOSE AND SELF-DEFENSE

Lawful Purpose and Self Defense Act

(Sec. 1602) The bill amends the federal criminal code to modify the definition of "armor piercing ammunition" for purposes of federal firearms provisions to: (1) include a projectile that is designed and intended by the manufacturer or importer for use in a handgun (currently, a projectile that may be used in a handgun); (2) repeal the exclusion of a projectile that the Department of Justice (DOJ) finds is primarily intended for sporting purposes; and (3) exclude a

projectile that is primarily intended by the manufacturer or importer to be used in a rifle or shotgun and a handgun projectile that is designed and intended by the manufacturer or importer to be used for hunting, recreational, or competitive shooting.

(Sec. 1603) The bill modifies a prohibition on the manufacture or importation of armor piercing ammunition to permit the importation of such ammunition for certain federal and state use and for the purpose of exportation (currently permits only the manufacture of such ammunition for such use and purpose).

The bill increases the exceptions allowable concerning the prohibition on the knowing importation or bringing into the United States or having any possession thereof of any firearm or ammunition, or the knowing receipt of any firearm or ammunition that has been imported or brought into the United States or any possession thereof in violation of federal firearm provisions.

The bill repeals a prohibition on assembling from imported parts a semiautomatic rifle or shotgun that is identical to one prohibited from importation as not being suitable for or readily adaptable to sporting purposes.

The bill repeals the condition that in order for a licensed importer, manufacturer, or dealer to be permitted to ship to a member of the U.S. Armed Forces on active duty outside the United States or to clubs whose entire membership is composed of such members, and for such members or clubs to be permitted to receive, a firearm or ammunition intended for the lawful personal use of such members or club, the firearm or ammunition must be determined by DOJ to be generally recognized as particularly suitable for sporting purposes.

The bill: (1) allows DOJ to authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the Armed Forces who is on active duty outside of the United States (or a member who has been on active duty outside of the United States within 60 days immediately preceding the transportation, shipment, receipt, or importation) of any firearm or ammunition that is intended for the lawful personal use of such member (currently, for the personal use of such member); and (2) repeals the requirement that any firearm or ammunition authorized to be transported, shipped, received, or imported into the United States to the place of residence of such a member which has been determined by DOJ to be generally recognized as particularly suitable for sporting purposes, or has been determined by DOD to be a type of firearm normally classified as a war souvenir.

The bill includes among the categories of firearms or ammunition that may be authorized for importation into the United States by DOJ, within 30 days after receiving an application therefor: (1) ammunition that is not armor piercing ammunition; (2) a firearm or ammunition that is being brought in for the use of a federal, state, or local government agency; and (3) a firearm or ammunition that is being imported for the purpose of exportation.

(Sec. 1604) The bill amends the National Firearms Act to modify the definition of "destructive device" to exclude: (1) a shotgun or shotgun shell which the Department of the Treasury finds is generally recognized as particularly suitable for lawful (currently, sporting) purposes; and (2) an antique or a rifle which the owner intends to use for (currently, solely for) sporting purposes.

The bill amends the federal criminal code to modify the definition of "destructive device" to exclude: (1) a shotgun or a shotgun shell which DOJ finds is generally recognized as suitable for lawful purposes (currently, as particularly suitable for sporting purposes); and (2) a rifle which the owner intends to use (currently, use solely) for sporting, recreational, or cultural purposes.

(Sec. 1605) The bill authorizes the temporary interstate transfer of a firearm for lawful (currently, sporting) purposes.

TITLE XVII--FEDERAL LAND TRANSACTION FACILITATION ACT REAUTHORIZATION (FLTFA)

Federal Land Transaction Facilitation Act Reauthorization

(Sec. 1702) The bill amends the Federal Land Transaction Facilitation Act , including by extending through July 25, 2022, the authority of Interior to sell or exchange certain public land and use the proceeds from those sales for one or more of the following:

- to purchase land or interests that are inholdings (currently), adjacent to federally designated areas and contain exceptional resources (currently), provide opportunities for hunting recreational fishing, recreational shooting, and other recreational activities, or likely to aid in performing deferred maintenance or reducing operation and maintenance costs or other deferred costs; or
- to perform deferred maintenance or other maintenance activities that enhance opportunities for recreational access.

Certain funds made available to a state for such activities which are not obligated or expended by the end of the fourth full fiscal year after the sale or exchange of the land that generated such funds may be expended in any state.

Interior must establish and maintain a public database containing a comprehensive list of all public land identified for disposal.

The procedure to prioritize the acquisition of inholdings and nonfederal lands containing exceptional resources as provided under such Act must also consider the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities.

Upon the termination of the activities with respect to the sale or exchange of public land under such Act, any balance remaining in the Federal Land Disposal Account must be deposited in the Treasury to be used for deficit reduction, except, when in a year in which there is no federal budget deficit, such balance shall be used for reducing the federal debt.

TITLE XVIII--FILM CREWS

(Sec. 1801) The bill provides special rules to expand access to federal land and waterways for film crews of five people or fewer.

The fee for the conduct of commercial filming activities or similar projects in a unit of the National Park System must be sufficient to cover the cost of a film permit and other administrative and personnel costs.

For commercial film crews of five persons or fewer that conduct such activities or projects on federal land and waters administered by Interior or USDA, the department concerned must:

- assess an annual fee sufficient to cover the administrative cost of the issuing of a permit for the conduct of such activities, but not greater than \$200; and
- require a permit which shall be valid for such activities that occur in areas designated for use by the public during public hours on all federal land and waterways administered by that department for a one-year period beginning on date of permit's issuance.

The bill states that the fee for still photography crews of five persons or fewer must not be more than \$200.

Interior and USDA may not consider subject matter or content as a criterion for the issuance or denial of a permit under this bill.

Interior and USDA shall not require persons who hold commercial use authorizations or special recreation permits to obtain an additional permit or pay an additional fee for commercial filming or still photography if: (1) the filming or photography conducted is incidental to the permitted activity that is the subject of the authorization or permit, and (2) the holder of the authorization or permit is an individual or small business concern.

News gathering may not be considered a commercial activity.

TITLE XIX--RESPECT FOR STATE WILDLIFE MANAGEMENT AUTHORITY

(Sec. 1903) Interior and USDA must prioritize coordination and cooperation with state fish and wildlife agencies and local governments to recognize and fully utilize state and local government fish and wildlife data and analyses (unless the state of such agencies or the local government determines that such data is proprietary or protected from disclosure under state law) as a primary source for informing land and resource management plans, land use plans, comprehensive conservation plans, project planning and implementation, and related natural resource policies and decisions.

Federal agencies must: (1) evaluate and use existing analysis of data on fish and wildlife populations prepared by state or local governments, and (2) share federal data on these populations with fish and wildlife managers and local governments.

TITLE XX--GRAND CANYON BISON MANAGEMENT ACT

Grand Canyon Bison Management Act

(Sec. 2003) Interior must publish a management plan to reduce, through humane lethal culling by skilled public volunteers and other nonlethal means, the population of bison in the Grand Canyon National Park in Arizona that Interior determines are detrimental to the uses of the park.

Those volunteers may remove a full bison harvested from the park.

Interior must coordinate with and obtain written approval from the Arizona Game and Fish Commission regarding the development and implementation of the management plan.

TITLE XXI--GUIDES AND OUTFITTERS

Guides and Outfitters Act or the GO Act

(Sec. 2102) This bill amends the Federal Lands Recreation Enhancement Act to specify the circumstances in which the Department of Agriculture (USDA), with respect to the Forest Service, or the the Department of the Interior, with respect to any other federal land management agency, may issue and charge a fee for special recreation permits for federal recreational lands and waters.

Interior and USDA may issue special recreation permits:

- for specialized individual and group use of federal facilities and federal recreational lands and waters;
- to recreation service providers who conduct outfitting, guiding, and other recreation services on such lands and waters; and

to recreation service providers who conduct recreation or competitive events, which may involve incidental sales on such lands and waters.

The bill categorically excludes the issuance of new permits for such activities from undergoing further analysis and documentation under the NEPA if the proposed use is the same as or similar to a previously authorized use and such issuance does not have significant environmental effects based upon the application of NEPA's extraordinary circumstances procedures.

Each entity that pays a special recreation permit fee shall not be subject to a road cost-sharing fee or a fee to use highways and roads that are open for private, noncommercial use within the boundaries of any federal recreational lands or waters.

(Sec. 2103) Interior and USDA may issue a joint permit for activities that require special recreation permits for the use of lands managed by both the Forest Service and the BLM.

(Sec. 2104) Interior and USDA shall: (1) publish guidelines for establishing recreation permit fees; and (2) provide appropriate deductions from gross revenues used as a basis for such fees for revenue from goods, services, and activities furnished by a recreation service provider that is outside of the federal recreational lands and waters and for fees to be paid by permit holders to furnish services on other federal lands if separate permits are issued for a single event or trip.

Fees charged by Interior and USDA for the issuance of a special recreation permit must not exceed 3% of the recreational service provider's annual gross revenue for the activities authorized by the permit on federal lands, plus the applicable revenue additions and minus the applicable revenue exclusions or a similar flat fee per person.

(Sec. 2105) Revenues from special recreation permits issued to recreation service providers shall be held in special accounts for each unit or area for which such revenues are collected, shall remain available until expended, and shall be used only: (1) to partially offset administrative costs, (2) to improve and streamline the permitting process, and (3) for related recreation infrastructure and other purposes to support recreation activities at the site for which use is authorized under the permit.

Permit fees may not be used for biological monitoring on federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(Sec. 2106) In reviewing and adjusting allocations for priority use permits, USDA shall allocate to the holder of a permit for special use of lands and water managed by the Forest Service a level of use not less than the highest amount of actual annual use over the reviewed period plus 25%, capped at the amount of use allocated when the permit was issued unless additional capacity is available. Use reviews may be waived during specified periods, such as when circumstances prevented the use of the assigned capacity.

(Sec. 2107) USDA and Interior shall implement a program that: (1) authorizes temporary permits for new recreational uses of federal recreational lands and waters managed by the Forest Service or the BLM, and (2) provides for the conversions of such permits to long-term permits after two years of satisfactory operation.

(Sec. 2108) A permit holder prohibited by a state from indemnifying the federal government shall be considered to be in compliance with Interior and USDA indemnification requirements if the permit holder carries the required minimum amount of liability insurance coverage or is self-insured for the same minimum amount. Interior and USDA shall not

enforce policies that prohibit exculpatory agreements between recreation service providers and their customers for services provided under a special recreation permit.

(Sec. 2109) Interior and USDA shall streamline the processes for the issuance and renewal of outfitter and guide special use permits by: (1) shortening application processing times and minimizing application and administration costs; and (2) providing for the use of programmatic environmental assessments and categorical exclusions for environmental reviews for the issuance or renewal of outfitter and guide and similar recreation special use permits.

Interior and USDA shall provide for special recreation permit applications to be filled out and submitted online.

(Sec. 2110) USDA and Interior shall revise certain cost recovery fee regulations to reduce costs and minimize the burden of cost recovery on small businesses and the adverse impacts of cost recovery on jobs in the outfitting and guiding industry and on rural economies.

Regulations issued by Interior or USDA to establish fees to recover processing costs for recreation special use permit applications and monitoring costs for special use authorizations must include an exemption providing that at least the first 50 hours of work necessary in any one year to process and/or monitor such an application shall not be subject to cost recovery. The 50-hour per permit credit shall also apply to any monitoring fees on an annual basis during the permit term.

Interior and USDA may waive the recovery of costs for the processing of applications and renewals, on a categorical or case-by-case basis, if:

- such costs would impose a significant economic burden on small business;
- such cost recovery could threaten the ability of an applicant or permittee to provide, in a particular area, an outdoor recreational activity that is consistent with the public interest and with the applicable resource management plans; or
- prevailing economic conditions are unfavorable.

(Sec. 2111) USDA may grant one or more existing permit extensions for additional items for up to five years as necessary to allow completion of the renewal process and avoid the interruption of services under a special use permit for outfitting and guiding that authorizes priority use.

TITLE XXII--HUNTING AND RECREATIONAL FISHING WITHIN CERTAIN NATIONAL FORESTS

(Sec. 2202) USDA or the Forest Service may not establish policies, directives, or regulations restricting the type, season, or method of hunting or recreational fishing on lands within the NFS that are otherwise open to those activities and are consistent with the applicable forest plan.

Any such restrictions imposed by USDA or the Forest Service regarding hunting or recreational fishing on such NFS lands that are in force on this bill's enactment shall be void and have no force or effect.

This section is applicable only to: (1) the Kisatchie National Forest in Louisiana; (2) the De Soto National Forest in Mississippi; and (3) the Ozark National Forest, the St. Francis National Forest, and the Ouachita National Forest in the states of Arkansas and Oklahoma.

Actions Timeline

- **Sep 18, 2017:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 115-314, Part I.
- **Sep 18, 2017:** Committee on Agriculture discharged.
- **Sep 18, 2017:** Committee on the Judiciary discharged.
- **Sep 18, 2017:** Committee on Energy and Commerce discharged.
- **Sep 18, 2017:** Committee on Transportation discharged.
- **Sep 18, 2017:** Committee on Ways and Means discharged.
- **Sep 18, 2017:** Placed on the Union Calendar, Calendar No. 224.
- **Sep 13, 2017:** Committee Consideration and Mark-up Session Held.
- **Sep 13, 2017:** Ordered to be Reported (Amended) by the Yeas and Nays: 22 - 13.
- **Sep 12, 2017:** Subcommittee Hearings Held.
- **Sep 8, 2017:** Referred to the Subcommittee on Environment.
- **Sep 5, 2017:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **Sep 5, 2017:** Referred to the Subcommittee on Water Resources and Environment.
- **Sep 5, 2017:** Referred to the Subcommittee on Federal Lands.
- **Sep 5, 2017:** Referred to the Subcommittee on Water, Power and Oceans.
- **Sep 1, 2017:** Introduced in House
- **Sep 1, 2017:** Referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, the Judiciary, Energy and Commerce, Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.