

Committee on Natural Resources

Rob Bishop Chairman
Markup Memorandum

August 31, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff— Chris Esparza
Subcommittee on Federal Lands (x6-7736)

Markup: **H.R. 6013 (Rep. Rob Bishop)**, To amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal closing date for duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes.
September 5, 2018, 10:15 AM; 1324 Longworth House Office Building

H.R. 6013, “Migratory Bird Framework and Hunting Opportunities for Veterans Act”

Summary of the Bill

H.R. 6013, introduced by Rep. Rob Bishop (R-UT-01), amends the Migratory Bird Treaty Act to establish January 31 as the federal closing date for duck hunting season, and establish special duck hunting days for youths, veterans, and active military personnel.

Cosponsors

Rep. Jack Bergman [R-MI-01]
Rep. Trent Kelly [R-MS-01]

Background

The Secretary of the Interior is authorized to determine when duck hunting can take place in the United States under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).¹ That responsibility has been delegated to the U.S. Fish and Wildlife Service (USFWS).² Each year, USFWS issues proposed regulations establishing outside dates, season lengths, and bag limits.³ Following that announcement, the four North American Flyway Councils (Atlantic, Central, Mississippi and Pacific), which are comprised of representatives from each State within the flyway of migratory birds,⁴ submit comments and recommendations.⁵

Once the federal regulations are final, States set their own regulations within the overall framework set by USFWS. For example, in recent years federal regulations have provided that

¹ 16 U.S.C. 704.

² 50 C.F.R. 20.

³ 50 C.F.R. 20.22.

⁴ The U.S. Fish and Wildlife Service and its partners manage migratory birds based largely on routes the birds follow as they migrate between nesting and wintering areas.

⁵ Flyways, Greater Sage-Grouse | Species Information (2018), <https://www.fws.gov/birds/management/flyways.php>.

State wildlife agencies in all four flyways can allow the hunting of ducks “between the Saturday nearest September 24 and the last Sunday in January.”⁶ Federal regulations also set a maximum number of days that States can allow duck hunting within this timeframe.⁷

This bill establishes January 31 as the closing date for duck hunting instead of “the last Sunday in January” to provide greater certainty to States. This bill will not increase the number of days or bag limit – rather, it will provide a specific end date for States to work with when determining their individual hunting seasons. This will alleviate the confusion experienced when the last Sunday in January might fall on the 25th in some years and the 31st in other years.

The Committee held a hearing on this legislation on July 17, 2018. Senator Cindy Hyde-Smith (R-MS) has introduced similar legislation (S. 2942) in the Senate.

Major Provisions of H.R. 5171

- Designates January 31 of each year as the federal closing date of the hunting season for ducks, mergansers, and coots.
- Establishes special hunting days for youths, veterans and active military personnel during the first weekend in February.
- Prohibits the Secretary of the Interior from decreasing the length of the hunting season or bag limit beyond the limits prescribed for the 2017-2018 hunting season.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration’s position is currently unknown.

Anticipated Amendments

Rep. Rob Bishop will offer an amendment to establish January 31 as the closing date for duck season while allowing the States to establish an earlier date. It also provides States the choice of whether and when to offer a special 2-day hunt for youths, veterans, and active military personnel, and clarifies that any special hunting days are to be in addition to the regular season. It also removes the provision establishing a minimum season length and bag limits to address the concern of undermining the science-based harvest management process.

[Effect on Current Law \(Ramsever\)](#)

⁶ <https://www.federalregister.gov/documents/2018/02/02/2018-02112/migratory-bird-hunting-proposed-frameworks-for-migratory-bird-hunting-regulations>

⁷ *Id.*