

APRIL 10, 2012

RULES COMMITTEE PRINT 112-19
TEXT OF H.R. 4089, SPORTSMAN'S HERITAGE ACT
OF 2012

[Showing the text of H.R. 4089 as ordered reported by the
Committee on Natural Resources]

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Sportsmen’s Heritage Act of 2012”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND
OPPORTUNITIES**

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Definition.

Sec. 104. Recreational fishing, hunting, and shooting.

TITLE II—RECREATIONAL SHOOTING PROTECTION

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Recreational shooting.

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS

Sec. 301. Short title.

Sec. 302. Permits for importation of polar bear trophies taken in sport hunts
in Canada.

**TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING
PROTECTION**

Sec. 401. Short title.

Sec. 402. Modification of definition.

1 **TITLE I—RECREATIONAL FISH-**
2 **ING AND HUNTING HERITAGE**
3 **AND OPPORTUNITIES**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Recreational Fishing
6 and Hunting Heritage and Opportunities Act”.

7 **SEC. 102. FINDINGS.**

8 Congress finds that—

9 (1) recreational fishing and hunting are impor-
10 tant and traditional activities in which millions of
11 Americans participate;

12 (2) recreational anglers and hunters have been
13 and continue to be among the foremost supporters
14 of sound fish and wildlife management and conserva-
15 tion in the United States;

16 (3) recreational fishing and hunting are envi-
17 ronmentally acceptable and beneficial activities that
18 occur and can be provided on Federal public lands
19 and waters without adverse effects on other uses or
20 users;

21 (4) recreational anglers, hunters, and sporting
22 organizations provide direct assistance to fish and
23 wildlife managers and enforcement officers of the
24 Federal Government as well as State and local gov-

1 ernments by investing volunteer time and effort to
2 fish and wildlife conservation;

3 (5) recreational anglers, hunters, and the asso-
4 ciated industries have generated billions of dollars of
5 critical funding for fish and wildlife conservation, re-
6 search, and management by providing revenues from
7 purchases of fishing and hunting licenses, permits,
8 and stamps, as well as excise taxes on fishing, hunt-
9 ing, and shooting equipment that have generated bil-
10 lions of dollars of critical funding for fish and wild-
11 life conservation, research, and management;

12 (6) recreational shooting is also an important
13 and traditional activity in which millions of Ameri-
14 cans participate, safe recreational shooting is a valid
15 use of Federal public lands, and participation in rec-
16 reational shooting helps recruit and retain hunters
17 and contributes to wildlife conservation;

18 (7) opportunities to recreationally fish, hunt,
19 and shoot are declining, which depresses participa-
20 tion in these traditional activities, and depressed
21 participation adversely impacts fish and wildlife con-
22 servation and funding for important conservation ef-
23 forts; and

24 (8) the public interest would be served, and our
25 citizens' fish and wildlife resources benefitted, by ac-

1 tion to ensure that opportunities are facilitated to
2 engage in fishing and hunting on Federal public
3 land as recognized by Executive Order 12962, relat-
4 ing to recreational fisheries, and Executive Order
5 13443, relating to facilitation of hunting heritage
6 and wildlife conservation.

7 **SEC. 103. DEFINITION.**

8 In this title:

9 (1) FEDERAL PUBLIC LAND.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), the term “Federal public
12 land” means any land or water that is—

13 (i) owned by the United States; and

14 (ii) managed by a Federal agency (in-
15 cluding the Department of the Interior and
16 the Forest Service) for purposes that in-
17 clude the conservation of natural resources.

18 (B) EXCLUSION.—The term “Federal pub-
19 lic land” does not include any land or water
20 held in trust for the benefit of Indians or other
21 Native Americans.

22 (2) HUNTING.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term “hunting” means

1 use of a firearm, bow, or other authorized
2 means in the lawful—

3 (i) pursuit, shooting, capture, collec-
4 tion, trapping, or killing of wildlife; or

5 (ii) attempt to pursue, shoot, capture,
6 collect, trap, or kill wildlife.

7 (B) EXCLUSION.—The term “hunting”
8 does not include the use of skilled volunteers to
9 cull excess animals (as defined by other Federal
10 law, including laws applicable to the National
11 Park System).

12 (3) RECREATIONAL FISHING.—The term “rec-
13 reational fishing” means the lawful—

14 (A) pursuit, capture, collection, or killing
15 of fish; or

16 (B) attempt to capture, collect, or kill fish.

17 (4) RECREATIONAL SHOOTING.—The term
18 “recreational shooting” means any form of sport,
19 training, competition, or pastime, whether formal or
20 informal, that involves the discharge of a rifle, hand-
21 gun, or shotgun, or the use of a bow and arrow.

22 **SEC. 104. RECREATIONAL FISHING, HUNTING, AND SHOOT-**
23 **ING.**

24 (a) IN GENERAL.—Subject to valid existing rights
25 and subsection (g), and cooperation with the respective

1 State and fish and wildlife agency, Federal public land
2 management officials shall exercise their authority under
3 existing law, including provisions regarding land use plan-
4 ning, to facilitate use of and access to Federal public lands
5 and waters for fishing, sport hunting, and recreational
6 shooting except as limited by—

7 (1) statutory authority that authorizes action or
8 withholding action for reasons of national security,
9 public safety, or resource conservation;

10 (2) any other Federal statute that specifically
11 precludes recreational fishing, hunting, or shooting
12 on specific Federal public lands, waters, or units
13 thereof; and

14 (3) discretionary limitations on recreational
15 fishing, hunting, and shooting determined to be nec-
16 essary and reasonable as supported by the best sci-
17 entific evidence and advanced through a transparent
18 public process.

19 (b) MANAGEMENT.—Consistent with subsection (a),
20 the head of each Federal public land management agency
21 shall exercise its land management discretion—

22 (1) in a manner that supports and facilitates
23 recreational fishing, hunting, and shooting opportu-
24 nities;

1 (2) to the extent authorized under applicable
2 State law; and

3 (3) in accordance with applicable Federal law.

4 (c) PLANNING.—

5 (1) EFFECTS OF PLANS AND ACTIVITIES.—

6 (A) EVALUATION OF EFFECTS ON OPPOR-
7 TUNITIES TO ENGAGE IN RECREATIONAL FISH-
8 ING, HUNTING, OR SHOOTING.—Federal public
9 land planning documents, including land re-
10 sources management plans, resource manage-
11 ment plans, travel management plans, general
12 management plans, and comprehensive con-
13 servation plans, shall include a specific evalua-
14 tion of the effects of such plans on opportuni-
15 ties to engage in recreational fishing, hunting,
16 or shooting.

17 (B) NOT MAJOR FEDERAL ACTION.—No
18 action taken under this title, or under section
19 4 of the National Wildlife Refuge System Ad-
20 ministration Act of 1966 (16 U.S.C. 668dd), ei-
21 ther individually or cumulatively with other ac-
22 tions involving Federal public lands, shall be
23 considered to be a major Federal action signifi-
24 cantly affecting the quality of the human envi-
25 ronment, and no additional identification, anal-

1 ysis, or consideration of environmental effects,
2 including cumulative effects, is necessary or re-
3 quired.

4 (C) OTHER ACTIVITY NOT CONSIDERED.—
5 The fact that recreational fishing, hunting, or
6 shooting occurs on adjacent or nearby public or
7 private lands shall not be considered in deter-
8 mining which Federal public lands are open for
9 these activities or for setting levels of use for
10 these activities.

11 (2) USE OF VOLUNTEERS.—If hunting is pro-
12 hibited by law, all Federal public land planning doc-
13 uments of listed in paragraph (1)(A) of an agency
14 shall, after appropriate coordination with State fish
15 and wildlife agency, allow the participation of skilled
16 volunteers in the culling and other management of
17 wildlife populations on Federal public lands unless
18 the head of the agency demonstrates, based on the
19 best scientific data available or applicable Federal
20 statutes, why skilled volunteers shall not be used to
21 control overpopulations of wildlife on the land that
22 is the subject of the planning documents.

23 (d) BUREAU OF LAND MANAGEMENT AND FOREST
24 SERVICE LANDS.—

1 (1) LANDS OPEN.—Lands under the jurisdic-
2 tion of the Bureau of Land Management and the
3 Forest Service, including lands designated as wilder-
4 ness or administratively classified as wilderness eligi-
5 ble or suitable and primitive or semi-primitive areas
6 but excluding lands on the Outer Continental Shelf,
7 shall be open to recreational fishing, hunting, and
8 shooting unless the managing Federal agency acts to
9 close lands to such activity. Lands may be subject
10 to closures or restrictions if determined by the head
11 of the agency to be necessary and reasonable and
12 supported by facts and evidence, for purposes includ-
13 ing resource conservation, public safety, energy or
14 mineral production, energy generation or trans-
15 mission infrastructure, water supply facilities, pro-
16 tection of other permittees, protection of private
17 property rights or interests, national security, or
18 compliance with other law. The head of the agency
19 shall publish public notice of such closure or restric-
20 tion before it is effective, unless the closure or re-
21 striction is mandated by other law.

22 (2) SHOOTING RANGES.—

23 (A) IN GENERAL.—The head of each Fed-
24 eral agency—

1 (i) may lease its lands for shooting
2 ranges; and

3 (ii) may designate specific lands for
4 recreational shooting activities.

5 (B) LIMITATION ON LIABILITY.—Any des-
6 ignation under subparagraph (A)(ii) shall not
7 subject the United States to any civil action or
8 claim for monetary damages for injury or loss
9 of property or personal injury or death caused
10 by any activity occurring at or on such des-
11 ignated lands.

12 (e) NECESSITY IN WILDERNESS AREAS.—

13 (1) The provision of opportunities for hunting,
14 fishing and recreational shooting, and the conserva-
15 tion of fish and wildlife to provide sustainable use
16 recreational opportunities on designated wilderness
17 areas on Federal public lands shall constitute meas-
18 ures necessary to meet the minimum requirements
19 for the administration of the wilderness area.

20 (2) The “within and supplemental to” Wilder-
21 ness purposes, as provided in Public Law 88–577,
22 section 4(c), means that any requirements imposed
23 by that Act shall be implemented only insofar as
24 they facilitate or enhance the original or primary
25 purpose or purposes for which the Federal public

1 lands or Federal public land unit was established
2 and do not materially interfere with or hinder such
3 purpose or purposes.

4 (f) ANNUAL REPORT.—

5 (1) IN GENERAL.—Not later than October 1 of
6 each year, the head of each Federal agency who has
7 authority to manage Federal public land on which
8 fishing, hunting, or recreational shooting occurs
9 shall publish in the Federal Register and submit to
10 the Committee on Natural Resources of the House
11 of Representatives and the Committee on Energy
12 and Natural Resources of the Senate a report that
13 describes—

14 (A) any Federal public land administered
15 by the agency head that was closed to rec-
16 reational fishing, sport hunting, or shooting at
17 any time during the preceding year; and

18 (B) the reason for the closure.

19 (2) CLOSURES OR SIGNIFICANT RESTRICTIONS
20 OF 640 OR MORE ACRES.—

21 (A) IN GENERAL.—Other than closures
22 under subsection (c), the withdrawal, any
23 change of classification, or any change of man-
24 agement status that effectively closes or signifi-
25 cantly restricts 640 or more contiguous acres of

1 Federal public land or water to access or use
2 for fishing or hunting or activities related to
3 fishing and hunting (or both) shall take effect
4 only if, before the date of withdrawal or change,
5 the head of the Federal agency that has juris-
6 diction over the Federal public land or water—

7 (i) publishes notice of the closure,
8 withdrawal, or significant restriction;

9 (ii) demonstrates that coordination
10 has occurred with a State fish and wildlife
11 agency; and

12 (iii) submits to the Committee on
13 Natural Resources of the House of Rep-
14 resentatives and the Committee on Energy
15 and Natural Resources of the Senate writ-
16 ten notice of the withdrawal, change, or
17 significant restriction.

18 (B) AGGREGATE OR CUMULATIVE EF-
19 FECTS.—If the aggregate or cumulative effect
20 of small closures or significant restrictions af-
21 fects 640 or more acres, such small closures or
22 significant restrictions shall be subject to these
23 requirements.

24 (g) AREAS NOT AFFECTED.—Nothing in this title re-
25 quires the opening of national park or national monu-

1 ments under the jurisdiction of the National Park Service
2 to hunting or recreational shooting.

3 (h) NO PRIORITY.—Nothing in this title requires a
4 Federal agency to give preference to recreational fishing,
5 hunting, or shooting over other uses of Federal public land
6 or over land or water management priorities established
7 by Federal law.

8 (i) CONSULTATION WITH COUNCILS.—In fulfilling
9 the duties set forth in this title, the heads of Federal agen-
10 cies shall consult with respective advisory councils as es-
11 tablished in Executive Orders 12962 and 13443.

12 (j) AUTHORITY OF THE STATES.—

13 (1) IN GENERAL.—Nothing in this title shall be
14 construed as interfering with, diminishing, or con-
15 flicting with the authority, jurisdiction, or responsi-
16 bility of any State to manage, control, or regulate
17 fish and wildlife under State law (including regula-
18 tions) on land or water within the State, including
19 on Federal public land.

20 (2) FEDERAL LICENSES.—Nothing in this title
21 authorizes the head of a Federal agency head to re-
22 quire a license or permit to fish, hunt, or trap on
23 land or water in a State, including on Federal public
24 land in the States, except that this paragraph shall
25 not affect the Migratory Bird Stamp requirement set

1 forth in the Migratory Bird Hunting and Conserva-
2 tion Stamp Act (16 U.S.C. 718 et seq.).

3 **TITLE II—RECREATIONAL**
4 **SHOOTING PROTECTION**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Recreational Shooting
7 Protection Act”.

8 **SEC. 202. DEFINITIONS.**

9 In this title:

10 (1) **DIRECTOR.**—The term “Director” means
11 the Director of the Bureau of Land Management.

12 (2) **NATIONAL MONUMENT LAND.**—The term
13 “National Monument land” has the meaning given
14 that term in the Act of June 8, 1908 (commonly
15 known as the “Antiquities Act”; 16 U.S.C. 431 et
16 seq.).

17 (3) **RECREATIONAL SHOOTING.**—The term
18 “recreational shooting” includes any form of sport,
19 training, competition, or pastime, whether formal or
20 informal, that involves the discharge of a rifle, hand-
21 gun, or shotgun, or the use of a bow and arrow.

22 **SEC. 203. RECREATIONAL SHOOTING.**

23 (a) **IN GENERAL.**—Subject to valid existing rights,
24 National Monument land under the jurisdiction of the Bu-
25 reau of Land Management shall be open to access and

1 use for recreational shooting, except such closures and re-
2 strictions determined by the Director to be necessary and
3 reasonable and supported by facts and evidence for one
4 or more of the following:

5 (1) Reasons of national security.

6 (2) Reasons of public safety.

7 (3) To comply with an applicable Federal stat-
8 ute.

9 (4) To comply with a law (including regula-
10 tions) of the State in which the National Monument
11 land is located that is applicable to recreational
12 shooting.

13 (b) NOTICE; REPORT.—

14 (1) REQUIREMENT.—Except as set forth in
15 paragraph (2)(B), before a restriction or closure
16 under subsection (a) is made effective, the Director
17 shall—

18 (A) publish public notice of such closure or
19 restriction in a newspaper of general circulation
20 in the area where the closure or restriction will
21 be carried out; and

22 (B) submit to Congress a report detailing
23 the location and extent of, and evidence justi-
24 fying, such a closure or restriction.

1 (2) TIMING.—The Director shall issue the no-
2 tice and report required under paragraph (1)—

3 (A) before the closure if practicable with-
4 out risking national security or public safety;
5 and

6 (B) in cases where such issuance is not
7 practicable for reasons of national security or
8 public safety, not later than 30 days after the
9 closure.

10 (c) CESSATION OF CLOSURE OR RESTRICTION.—A
11 closure or restriction under paragraph (1) or (2) of sub-
12 section (a) shall cease to be effective—

13 (1) effective on the day after the last day of the
14 six-month period beginning on the date on which the
15 Director submitted the report to Congress under
16 subsection (b)(2) regarding the closure or restric-
17 tion, unless the closure or restriction has been ap-
18 proved by Federal law; and

19 (2) 30 days after the date of the enactment of
20 a Federal law disapproving the closure or restriction.

21 (d) MANAGEMENT.—Consistent with subsection (a),
22 the Director shall manage National Monument land under
23 the jurisdiction of the Bureau of Land Management—

24 (1) in a manner that supports, promotes, and
25 enhances recreational shooting opportunities;

1 (2) to the extent authorized under State law
2 (including regulations); and
3 (3) in accordance with applicable Federal law
4 (including regulations).

5 (e) LIMITATION ON DUPLICATIVE CLOSURES OR RE-
6 STRICTIONS.—Unless supported by criteria under sub-
7 section (a) as a result of a change in circumstances, the
8 Director may not issue a closure or restriction under sub-
9 section (a) that is substantially similar to closure or re-
10 striction previously issued that was not approved by Fed-
11 eral law.

12 (f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RE-
13 STRICTIONS.—On the date that is six months after the
14 date of the enactment of this Act, this title shall apply
15 to closures and restrictions in place on the date of the
16 enactment of this title that relate to access and use for
17 recreational shooting on National Monument land under
18 the jurisdiction of the Bureau of Land Management.

19 (g) ANNUAL REPORT.—Not later than October 1 of
20 each year, the Director shall submit to the Committee on
21 Natural Resources of the House of Representatives and
22 the Committee on Energy and Natural Resources of the
23 Senate a report that describes—

24 (1) any National Monument land under the ju-
25 risdiction of the Bureau of Land Management that

1 was closed to recreational shooting or on which rec-
2 reational shooting was restricted at any time during
3 the preceding year; and

4 (2) the reason for the closure.

5 (h) NO PRIORITY.—Nothing in this title requires the
6 Director to give preference to recreational shooting over
7 other uses of Federal public land or over land or water
8 management priorities established by Federal law.

9 (i) AUTHORITY OF THE STATES.—

10 (1) SAVINGS.—Nothing in this title affects the
11 authority, jurisdiction, or responsibility of a State to
12 manage, control, or regulate fish and wildlife under
13 State law (including regulations) on land or water in
14 the State, including Federal public land.

15 (2) FEDERAL LICENSES.—Nothing in this title
16 authorizes the Director to require a license for rec-
17 reational shooting on land or water in a State, in-
18 cluding on Federal public land in the State.

19 **TITLE III—POLAR BEAR**
20 **CONSERVATION AND FAIRNESS**

21 **SEC. 301. SHORT TITLE.**

22 This title may be cited as the “Polar Bear Conserva-
23 tion and Fairness Act of 2012”.

1 **SEC. 302. PERMITS FOR IMPORTATION OF POLAR BEAR**
2 **TROPHIES TAKEN IN SPORT HUNTS IN CAN-**
3 **ADA.**

4 Section 104(c)(5)(D) of the Marine Mammal Protec-
5 tion Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended
6 to read as follows:

7 “(D)(i) The Secretary of the Interior shall, ex-
8 peditiously after the expiration of the applicable 30-
9 day period under subsection (d)(2), issue a permit
10 for the importation of any polar bear part (other
11 than an internal organ) from a polar bear taken in
12 a sport hunt in Canada to any person—

13 “(I) who submits, with the permit applica-
14 tion, proof that the polar bear was legally har-
15 vested by the person before February 18, 1997;
16 or

17 “(II) who has submitted, in support of a
18 permit application submitted before May 15,
19 2008, proof that the polar bear was legally har-
20 vested by the person before May 15, 2008, from
21 a polar bear population from which a sport-
22 hunted trophy could be imported before that
23 date in accordance with section 18.30(i) of title
24 50, Code of Federal Regulations.

25 “(ii) The Secretary shall issue permits under
26 clause (i)(I) without regard to subparagraphs (A)

1 and (C)(ii) of this paragraph, subsection (d)(3), and
2 sections 101 and 102. Sections 101(a)(3)(B) and
3 102(b)(3) shall not apply to the importation of any
4 polar bear part authorized by a permit issued under
5 clause (i)(I). This clause shall not apply to polar
6 bear parts that were imported before June 12, 1997.

7 “(iii) The Secretary shall issue permits under
8 clause (i)(II) without regard to subparagraph (C)(ii)
9 of this paragraph or subsection (d)(3). Sections
10 101(a)(3)(B) and 102(b)(3) shall not apply to the
11 importation of any polar bear part authorized by a
12 permit issued under clause (i)(II). This clause shall
13 not apply to polar bear parts that were imported be-
14 fore the date of enactment of the Polar Bear Con-
15 servation and Fairness Act of 2012.”

16 **TITLE IV—HUNTING, FISHING,**
17 **AND RECREATIONAL SHOOT-**
18 **ING PROTECTION**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “Hunting, Fishing, and
21 Recreational Shooting Protection Act”.

22 **SEC. 402. MODIFICATION OF DEFINITION.**

23 Section 3(2)(B) of the Toxic Substances Control Act
24 (15 U.S.C. 2602(2)(B)) is amended—

1 (1) in clause (v), by striking “, and” and insert-
2 ing “, or any component of any such article includ-
3 ing, without limitation, shot, bullets and other pro-
4 jectiles, propellants, and primers,”;

5 (2) in clause (vi) by striking the period at the
6 end and inserting “, and”; and

7 (3) by inserting after clause (vi) the following:

8 “(vii) any sport fishing equipment (as
9 such term is defined in subsection (a) of
10 section 4162 of the Internal Revenue Code
11 of 1986) the sale of which is subject to the
12 tax imposed by section 4161(a) of such
13 Code (determined without regard to any
14 exemptions from such tax as provided by
15 section 4162 or 4221 or any other provi-
16 sion of such Code), and sport fishing
17 equipment components.”.

