

# Union Calendar No. 496

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4790

[Report No. 106-838]

To recognize hunting heritage and provide opportunities for continued hunting on public lands.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2000

Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, Mr. PICKERING, Mr. GREEN of Wisconsin, Mr. THUNE, and Mr. HANSEN) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 12, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 29, 2000]

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## A BILL

To recognize hunting heritage and provide opportunities for continued hunting on public lands.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Hunting Heritage Pro-*  
3 *tection Act”.*

4 **SEC. 2. FINDINGS.**

5 *The Congress finds the following:*

6 *(1) Recreational hunting is an important and*  
7 *traditional recreational activity in which 14,000,000*  
8 *Americans 16 years of age and older participate.*

9 *(2) Hunters have been and continue to be among*  
10 *the foremost supporters of sound wildlife management*  
11 *and conservation practices in the United States.*

12 *(3) Persons who hunt and organizations related*  
13 *to hunting provide direct assistance to wildlife man-*  
14 *agers and enforcement officers of Federal, State, and*  
15 *local governments.*

16 *(4) Purchases of hunting licenses, permits, and*  
17 *stamps and excise taxes on goods used by hunters*  
18 *have generated billions of dollars for wildlife con-*  
19 *servation, research, and management.*

20 *(5) Recreational hunting is an essential compo-*  
21 *nent of effective wildlife management, in that it is an*  
22 *important tool for reducing conflicts between people*  
23 *and wildlife and provides incentives for the conserva-*  
24 *tion of wildlife and habitats and ecosystems on which*  
25 *wildlife depends.*

1           (6) *Each State has established at least one agency*  
2           *staffed by professionally trained wildlife manage-*  
3           *ment personnel, that has legal authority to manage*  
4           *the wildlife in the State.*

5           (7) *Recreational hunting is an environmentally*  
6           *acceptable activity that occurs and can be provided*  
7           *for on Federal public lands without adverse effects on*  
8           *other uses of that land and water.*

9   **SEC. 3. RECREATIONAL HUNTING.**

10          (a) *IN GENERAL.*—*Subject to valid existing rights,*  
11          *Federal public lands shall be open to access and use for*  
12          *recreational hunting except—*

13                 (1) *as limited by the Federal agency with re-*  
14                 *sponsibility for Federal public lands—*

15                         (A) *for reasons of national security;*

16                         (B) *for reasons of public safety; or*

17                         (C) *for reasons authorized in applicable*  
18                         *Federal statutes as reasons for closure; and*

19                 (2) *as recreational hunting is limited by the*  
20                 *State in which the Federal public lands are located.*

21          (b) *MANAGEMENT.*—*The head of each Federal agency*  
22          *with authority to manage a natural resource or Federal*  
23          *public lands on which a natural resource depends shall ex-*  
24          *ercise that authority, consistent with subsection (a), in a*  
25          *manner so as to support, promote, and enhance recreational*

1 *hunting opportunities, to the extent authorized under State*  
2 *law and regulation and in accordance with applicable Fed-*  
3 *eral law.*

4 *(c) NO NET LOSS.—*

5 *(1) IN GENERAL.—Federal land management de-*  
6 *isions and actions should, to the greatest extent prac-*  
7 *ticable, result in no net loss of land area available for*  
8 *hunting opportunities on Federal public lands.*

9 *(2) ANNUAL REPORT.—Not later than October 1*  
10 *of each year, the head of each Federal agency with*  
11 *authority to manage Federal public lands on which*  
12 *recreational hunting occurs shall submit to the Com-*  
13 *mittee on Resources of the House of Representatives*  
14 *and the Committee on Energy and Natural Resources*  
15 *of the Senate a report describing—*

16 *(A) areas administered by the agency that*  
17 *have been closed during the previous year to rec-*  
18 *reational hunting and the reasons for such clo-*  
19 *sure; and*

20 *(B) areas administered by the agency that*  
21 *were open to recreational hunting to compensate*  
22 *for those areas described under subparagraph*  
23 *(A).*

24 *(d) AREAS NOT AFFECTED.—Nothing in this Act shall*  
25 *be construed to compel the opening to recreational hunting*

1 *of national parks or national monuments administered by*  
2 *the National Park Service.*

3 (e) *NO PRIORITY.*—*This section does not require a*  
4 *Federal agency to give preference to hunting over other uses*  
5 *of Federal public lands, or over land or water management*  
6 *priorities established in Federal law.*

7 (f) *AUTHORITY OF THE STATES.*—

8 (1) *SAVINGS.*—*Nothing in this Act shall be con-*  
9 *strued as affecting the authority, jurisdiction, or re-*  
10 *sponsibility of the several States to manage, control,*  
11 *or regulate fish and resident wildlife under State law*  
12 *or regulations on land or water within a State, in-*  
13 *cluding Federal public lands, nor as impliedly pre-*  
14 *empting such State authority.*

15 (2) *FEDERAL LICENSES.*—*Nothing in this Act*  
16 *shall be construed as authorizing the head of any Fed-*  
17 *eral agency, or any official of such an agency, to re-*  
18 *quire licenses or permits to hunt, fish or trap on*  
19 *lands or waters within a State, including on Federal*  
20 *public lands.*

21 (3) *STATE RIGHT OF ACTION.*—*Any State ag-*  
22 *grieved by the failure of the head of a Federal agency*  
23 *or an official thereof to comply with this subsection*  
24 *may file a civil action in the United States District*  
25 *Court for the district in which the alleged act in vio-*

1 *lation of this subsection occurred or is occurring to*  
2 *enjoin permanently such act. The court may grant*  
3 *preliminary injunctive relief in any such action if the*  
4 *granting of such relief is appropriate under the facts*  
5 *on which such action is based. A State which is a*  
6 *prevailing party in an action pursuant to this para-*  
7 *graph shall be awarded its costs and attorneys' fees.*

8 **SEC. 4. NATIONAL RECREATIONAL HUNTING COORDINA-**  
9 **TION COUNCIL.**

10 (a) **ESTABLISHMENT.**—There is hereby established a  
11 National Recreational Hunting Coordination Council (in  
12 this Act referred to as the “Council”).

13 (b) **RECREATIONAL HUNTING RESOURCES CON-**  
14 **SERVATION PLAN.**—

15 (1) **IN GENERAL.**—The Council, in cooperation  
16 with Federal agencies, States, and tribes, and the  
17 hunting community, shall develop a comprehensive  
18 recreational hunting and wildlife resource conserva-  
19 tion plan.

20 (2) **CONTENTS.**—The plan shall—

21 (A) recommend short- and long-term ac-  
22 tions to be carried out by the Federal agencies  
23 identified in the plan to conserve and restore  
24 wildlife habitat in a manner so as to support,  
25 promote, facilitate, and enhance recreational

1 hunting opportunities on Federal public lands;  
2 and

3 (B) include—

4 (i) a review and evaluation of Federal  
5 policies that affect recreational hunting op-  
6 portunities on Federal public lands;

7 (ii) recommendations to ensure that  
8 Federal agencies consider the social and  
9 economic values of healthy wildlife habitat  
10 and recreational hunting in land manage-  
11 ment decisions;

12 (iii) recommended actions to be taken  
13 by Federal agencies to facilitate and pro-  
14 mote hunting access to appropriate Fed-  
15 eral public lands;

16 *(iv) recommended actions to facilitate*  
17 *the transfer of the latest resource informa-*  
18 *tion and management technologies to wild-*  
19 *life managers and the public to assist in the*  
20 *conservation and management of wildlife*  
21 *and the promotion of hunting opportunities*  
22 *on Federal public lands;*

23 *(v) recommendations for improving*  
24 *Federal agency cooperation with States,*

1                    *tribes, wildlife conservation groups, and the*  
2                    *hunting community;*

3                    *(vi) measurable objectives of efforts to*  
4                    *conserve and restore wildlife habitats that*  
5                    *support viable and healthy wildlife re-*  
6                    *sources that may be hunted;*

7                    *(vii) a comprehensive mechanism to*  
8                    *evaluate the attainment of the objectives de-*  
9                    *scribed in clause (vi); and*

10                   *(viii) an evaluation of the need for a*  
11                   *permanent National Recreational Hunting*  
12                   *Coordination Council.*

13                   *(3) INTEGRATION.—To the extent practicable, the*  
14                   *Council in developing such plan shall integrate it*  
15                   *with existing plans and programs to reduce duplica-*  
16                   *tion of efforts.*

17                   *(4) SUBMISSION OF PLAN.—Not later than 18*  
18                   *months after the date of enactment of this Act, the*  
19                   *Council shall publish a draft plan in the Federal Reg-*  
20                   *ister and provide opportunity for public review and*  
21                   *comment. Not later than 3 years after the date of en-*  
22                   *actment, the Council shall revise and update as nec-*  
23                   *essary the draft plan and submit a final plan to the*  
24                   *Committee on Resources of the House of Representa-*



1 *tives and the Committee on Energy and Natural Re-*  
2 *sources of the Senate, and the President.*

3 *(c) MEMBERSHIP.—*

4 *(1) NUMBER AND APPOINTMENT.—The Council*  
5 *shall consist of 11 members appointed as follows:*

6 *(A) 1 member appointed by the Secretary of*  
7 *the Interior.*

8 *(B) 1 member appointed by the Secretary of*  
9 *Agriculture.*

10 *(C) 1 member appointed by the Secretary of*  
11 *Defense.*

12 *(D) 1 member appointed by the Speaker of*  
13 *the House of Representatives.*

14 *(E) 1 member appointed by the minority*  
15 *leader of the House of Representatives.*

16 *(F) 1 member appointed by the majority*  
17 *leader of the Senate.*

18 *(G) 1 member appointed by the minority*  
19 *leader of the Senate.*

20 *(H) 2 members appointed by the President*  
21 *from among the directors of State fish and wild-*  
22 *life agencies.*

23 *(I) 2 members appointed by the President to*  
24 *represent recreational hunters.*

1           (2) *VACANCIES.*—*A vacancy in the Council shall*  
2 *be filled in the manner in which the original appoint-*  
3 *ment was made.*

4           (3) *PAY.*—*Each member shall serve without pay.*

5           (4) *TRAVEL EXPENSES.*—*Each member shall re-*  
6 *ceive travel expenses, including per diem in lieu of*  
7 *subsistence, in accordance with sections 5702 and*  
8 *5703 of title 5, United States Code.*

9           (5) *CHAIRPERSON.*—*The members of the Council*  
10 *shall elect a Chairperson of the Council from among*  
11 *its members.*

12        (d) *POWERS OF COUNCIL.*—

13           (1) *HEARINGS AND SESSIONS.*—*The Council*  
14 *may, for the purpose of carrying out this Act, hold*  
15 *hearings, sit and act at times and places, take testi-*  
16 *mony, and receive evidence as the Council considers*  
17 *appropriate.*

18           (2) *POWERS OF MEMBERS AND AGENTS.*—*Any*  
19 *member or agency of the Council may, if authorized*  
20 *by the Council, take any action which the Council is*  
21 *authorized to take by this subsection.*

22        (e) *TERMINATION.*—*The Council shall terminate upon*  
23 *the earlier of the date of submission of the final plan under*  
24 *subsection (b) or 3 years after the date of the enactment*  
25 *of this Act.*

1           (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
2 *authorized to be appropriated to the Secretary of the Inte-*  
3 *rior \$250,000 for each of fiscal years 2001 through 2003*  
4 *to support the Council established under this section.*

5           (g) *EFFECTIVE DATE.*—*This section shall become effec-*  
6 *tive January 20, 2001.*

7 **SEC. 5. DEFINITIONS.**

8           *In this Act:*

9                   (1) *HUNTING.*—*The term “hunting” means the*  
10 *lawful pursuit, hunting, trapping, shooting, capture,*  
11 *collection, or killing of wildlife or the attempt to pur-*  
12 *sue, hunt, trap, shoot, capture, collect, or kill wildlife.*

13                   (2) *FEDERAL PUBLIC LANDS.*—*The term “Fed-*  
14 *eral public lands” means any land or water the title*  
15 *to which is in the United States after the date of en-*  
16 *actment of this Act.*

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SEPTEMBER 12, 2000

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