H. R. 4089

AN ACT

To protect and enhance opportunities for recreational hunting, fishing and shooting.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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. 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.

TITLE V—HUNTING IN KISATCHIE NATIONAL FOREST


TITLE VI—DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS

Sec. 601. Designation of and restrictions on national monuments.
TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES

SEC. 101. SHORT TITLE.
This title may be cited as the “Recreational Fishing and Hunting Heritage and Opportunities Act”.

SEC. 102. FINDINGS.
Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local gov-
ernments by investing volunteer time and effort to
fish and wildlife conservation;

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

(6) recreational shooting is also an important
and traditional activity in which millions of Ameri-
cans participate, safe recreational shooting is a valid
use of Federal public lands, including the establish-
ment of safe and convenient shooting ranges on such
lands, and participation in recreational shooting
helps recruit and retain hunters and contributes to
wildlife conservation;

(7) opportunities to recreationally fish, hunt,
and shoot are declining, which depresses participa-
tion in these traditional activities, and depressed
participation adversely impacts fish and wildlife con-
servation and funding for important conservation ef-
forts; and
the public interest would be served, and our citizens’ fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

**SEC. 103. DEFINITION.**

In this title:

(1) **Federal public land.**—

(A) **In general.**—Except as provided in subparagraph (B), the term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) **Exclusion.**—The term “Federal public land” does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) **Hunting.**—
(A) IN GENERAL.—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or

(iii) the training of hunting dogs, including field trials.

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

(3) RECREATIONAL FISHING.—The term “recreational fishing” means the lawful—

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

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

(4) RECREATIONAL SHOOTING.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.
SEC. 104. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) In General.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands, including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, sport hunting, and recreational shooting except as limited by—

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

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

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.
(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

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

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this title, or under section 4 of the National Wildlife Refuge System Ad-
ministration Act of 1966 (16 U.S.C. 668dd), as amended by the National Wildlife Refuge System Improvement Act of 1997, either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

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

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

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes includ-
ing resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.
(e) Necessity in Wilderness Areas and "Within and Supplemental to" Wilderness Purposes.—

(1) Minimum requirements for administration.—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The term "within and supplemental to" Wilderness purposes in section 4(a) of Public Law 88–577, means that any requirements imposed by that Act shall be implemented only insofar as they do not prevent Federal public land management officials and State fish and wildlife officials from carrying out their wildlife conservation responsibilities or providing recreational opportunities on the Federal public lands subject to a wilderness designation.

(3) Paragraphs (1) and (2) are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.

(f) Report.—Not later than October 1 of every other year, beginning with the second October 1 after the date
of the enactment of this Act, the head of each Federal agency who has authority to manage Federal public land on which fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(2) the reason for the closure.

(g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or
change, the head of the Federal agency that has juris-
diction over the Federal public land—

(A) publishes appropriate notice of the
withdrawal or change, respectively;

(B) demonstrates that coordination has oc-
curred with a State fish and wildlife agency;
and

(C) submits to the Committee on Natural
Resources of the House of Representatives and
the Committee on Energy and Natural Re-
sources of the Senate written notice of the with-
drawal or change, respectively.

(2) Aggregate or Cumulative Effects.—If
the aggregate or cumulative effect of separate with-
drawals or changes effectively closes or significantly
restricts 1280 or more acres of land or water, such
withdrawals and changes shall be treated as a single
withdrawal or change for purposes of paragraph (1).

(3) Emergency Closures.—Nothing in this
Act prohibits a Federal land management agency
from establishing or implementing emergency clo-
sures or restrictions of the smallest practicable area
to provide for public safety, resource conservation,
national security, or other purposes authorized by
law. Such an emergency closure shall terminate after
a reasonable period of time unless converted to a
permanent closure consistent with this Act.

(4) **National Wildlife Refuge System.**—
Nothing in this Act is intended to amend or modify
the provisions of the National Wildlife Refuge Sys-
tem Administration Act of 1966 (16 U.S.C. 668dd
et seq.), except as expressly provided herein.

(h) **Areas Not Affected.**—Nothing in this title re-
quires the opening of national park or national monu-
ments under the jurisdiction of the National Park Service
to hunting or recreational shooting.

(i) **No Priority.**—Nothing in this title requires a
Federal agency to give preference to recreational fishing,
hunting, or shooting over other uses of Federal public land
or over land or water management priorities established
by Federal law.

(j) **Consultation With Councils.**—In fulfilling
the duties set forth in this title, the heads of Federal agen-
cies shall consult with respective advisory councils as es-
tablished in Executive Order Nos. 12962 and 13443.

(k) **Authority of the States.**—

(1) **In General.**—Nothing in this title shall be
construed as interfering with, diminishing, or con-
flicting with the authority, jurisdiction, or responsi-
bility of any State to manage, control, or regulate
fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

   (2) **FEDERAL LICENSES.**—Nothing in this title authorizes the head of a Federal agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

**TITLE II—RECREATIONAL SHOOTING PROTECTION**

**SEC. 201. SHORT TITLE.**

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

**SEC. 202. DEFINITIONS.**

In this title:

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

   (2) **NATIONAL MONUMENT LAND.**—The term “National Monument land” has the meaning given that term in the Act of June 8, 1908 (commonly known as the “Antiquities Act”; 16 U.S.C. 431 et seq.).
(3) **RECREATIONAL SHOOTING.**—The term “recreational shooting” includes any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

**SEC. 203. RECREATIONAL SHOOTING.**

(a) **IN GENERAL.**—Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting, except such closures and restrictions determined by the Director to be necessary and reasonable and supported by facts and evidence for one or more of the following:

(1) Reasons of national security.

(2) Reasons of public safety.

(3) To comply with an applicable Federal statute.

(4) To comply with a law (including regulations) of the State in which the National Monument land is located that is applicable to recreational shooting.

(b) **NOTICE; REPORT.**—

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

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

(B) submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction.

(2) **Timing.**—The Director shall issue the notice and report required under paragraph (1)—

(A) before the closure if practicable without risking national security or public safety; and

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

(c) **Cessation of Closure or Restriction.**—A closure or restriction under paragraph (1) or (2) of subsection (a) shall cease to be effective—

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

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

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

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

(2) to the extent authorized under State law
(including regulations); and

(3) in accordance with applicable Federal law
(including regulations).

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

(f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RE-
STRICTIONS.—On the date that is 6 months after the date
of the enactment of this Act, this title shall apply to clo-
sures and restrictions in place on the date of the enact-
ment of this title that relate to access and use for rec-
reational shooting on National Monument land under the jurisdiction of the Bureau of Land Management.

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

(1) any National Monument land under the jurisdiction of the Bureau of Land Management that was closed to recreational shooting or on which recreational shooting was restricted at any time during the preceding year; and

(2) the reason for the closure.

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

(i) **AUTHORITY OF THE STATES.**—

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

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

(j) CONTROLLING PROVISIONS.—In any instance
when one or more provisions in title I and in this title
may be construed to apply in an inconsistent manner to
National Monument land, the provisions in this title shall
take precedence and apply.

TITLE III—POLAR BEAR
CONSERVATION AND FAIRNESS

SEC. 301. SHORT TITLE.

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

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

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

“(D)(i) The Secretary of the Interior shall, ex-
peditiously after the expiration of the applicable 30-
day period under subsection (d)(2), issue a permit
for the importation of any polar bear part (other
than an internal organ) from a polar bear taken in
a sport hunt in Canada to any person—
“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

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

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a
permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2012.”.

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

**SEC. 401. SHORT TITLE.**

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

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

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

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

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

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

“(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such
Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

TITLE V—HUNTING IN KISATCHIE NATIONAL FOREST

SEC. 501. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—Consistent with the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may not restrict the use of dogs in deer hunting activities in Kisatchie National Forest, unless such restrictions—

(1) apply to the smallest practicable portions of such unit; and

(2) are necessary to reduce or control trespass onto land adjacent to such unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.
TITLE VI—DESIGNATION OF AND
RESTRICTIONS ON NATIONAL
MONUMENTS

SEC. 601. DESIGNATION OF AND RESTRICTIONS ON NA-
TIONAL MONUMENTS.

(a) DESIGNATION.—No national monument des-
ignated by presidential proclamation shall be valid until
the Governor and the legislature of each State within the
boundaries of the proposed national monument have ap-
proved of such designation.

(b) RESTRICTIONS.—The Secretary of the Interior
shall not implement any restrictions on the public use of
a national monument until the expiration of an appro-
priate review period (determined by the Secretary of the
Interior) providing for public input.

Passed the House of Representatives April 17, 2012.

Attest:

Clerk.
AN ACT

To protect and enhance opportunities for recreational hunting, fishing and shooting.