

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4089) TO PROTECT
AND ENHANCE OPPORTUNITIES FOR RECREATIONAL HUNTING, FISH-
ING AND SHOOTING, AND FOR OTHER PURPOSES

APRIL 16, 2012.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 614]

The Committee on Rules, having had under consideration House Resolution 614, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4089, the Sportsmen's Heritage Act of 2012, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of Rules Committee Print 112-19 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute made in order as original text. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2(a) of the resolution provides that the House-passed budget resolution (H. Con. Res. 112) shall have force and effect until the adoption of a conference report on the budget resolution. Finally, Section 2(b) of the resolution provides that the reconcili-

ation directives, provided in the House-passed budget resolution, to the Committee on Agriculture be decreased by \$490 million and the directives to the Committee on Financial Services be increased by \$490 million for the period of fiscal years 2012 and 2013.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 208

Motion by Mr. Hastings of Florida to report an open rule. Defeated: 2–8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Mr. Hastings of Florida	Yea
Ms. Foxx	Nay	Mr. Polis	Yea
Mr. Bishop of Utah	Nay		
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 209

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #10, offered by Representative Connolly (VA), which would clarify that state “Stand Your Ground Laws” do not supersede federal public safety laws. Defeated: 2–8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Mr. Hastings of Florida	Yea
Ms. Foxx	Nay	Mr. Polis	Yea
Mr. Bishop of Utah	Nay		
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Hastings, Doc (WA): Manager’s Amendment—Would add shooting ranges to the list of valid uses of public land and clarifies

the term “wilderness areas” by adding “including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas.” Would state that the protection given to hunting in wilderness areas is not intended to permit motorized recreation or mineral extraction and reduces the reporting requirements. Would address technical conflicts between Title I and Title II over certain Bureau of Land Management land and would make several technical changes. (10 minutes)

2. Holt (NJ): Would make a technical correction to clarify that all units of the National Park System, not just National Parks and National Monuments, are exempt from Title I. National Park System units currently open for hunting or recreational shooting would not be affected. (10 minutes)

3. Grijalva, Raúl (AZ): Would make the new restrictions on managing hunting, fishing and recreational shooting effective only if the amount of land available for those purposes falls below 75% of all federal public lands. (10 minutes)

4. Peters (MI): Would strike a provision in the underlying bill allowing the importation of endangered polar bear trophies from Canada by hunters who killed the bears despite warnings that importation of the bears would likely be illegal. (10 minutes)

5. Fleming (LA): Would prohibit the Forest Service from banning hunters with dogs during deer season on Kisatchie National Forest. (10 minutes)

6. Bishop, Tim (NY): Would allow for recreational fishing of Atlantic Striped Bass in the Block Island Sound transit zone. (10 minutes)

7. Heinrich (NM): Would preserve hunting, fishing and recreational shooting in wilderness areas by specifying that the underlying bill will not allow development and motorized recreation in wilderness. (10 minutes)

8. Foxx (NC): Would require Presidential monument designations provided for under the Antiquities Act to be approved by the state legislatures and governors where the proposed monument is located. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 15, after “of Federal public lands,” insert “including the establishment of safe and convenient shooting ranges on such lands,”.

Page 5, line 4, strike “; or” and insert a semicolon.

Page 5, line 6, strike the period and insert “; or”.

Page 5, after line 6, insert the following:

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

Page 6, line 5, strike “and waters” and insert “, including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas,”.

Page 7, line 20, after “(16 U.S.C. 668dd),” insert “as amended by the National Wildlife Refuge System Improvement Act of 1997,”.

Page 8, strike lines 4 through 10 and insert the following:

(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.

Page 8, line 13, strike “of” the first place it appears.

Page 8, line 15, strike “agency” and insert “agencies”

Page 9, line 3, after “Forest Service, including” insert “Wilderness Areas, Wilderness Study Areas.”

Page 9, beginning at line 18, strike “The head” and all that follows through line 21.

Page 9, strike lines 23 through page 10, line 4 and insert the following:

(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.

Page 10, strike line 12 and all that follows through page 11, line 3, and insert the following:

(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.

Page 11, strike line 4 and all that follows through line 6, and insert the following:

(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

Page 11, line 9, strike “publish in the Federal Register and”.

Page 11, lines 14 through 18, redesignate subparagraphs (A) and (B) as paragraphs (1) and (2), respectively (and conform the margins accordingly).

Page 11, strike line 19 and all that follows through page 12, line 23, and insert the following (and redesignate the subsequent subsections accordingly):

(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 jurisdiction over the Federal public land—

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

(B) demonstrates that coordination has occurred 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 Resources of the Senate written notice of the withdrawal or change, respectively.

(2) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals 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 closures 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.

Page 12, after line 23, insert the following:

(3) NATIONAL WILDLIFE REFUGE SYSTEM.—Nothing in this Act is intended to amend or modify the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except as expressly provided herein.

Page 13, line 22, after “license” insert “, fee,”.

Page 18, after line 18, insert the following:

(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.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, strike line 24 and all that follows through page 13, line 2 and insert the following:

(g) AREAS NOT AFFECTED.—Nothing in this title requires the opening to hunting or recreational shooting of—

(1) a national park or national monument under the jurisdiction of the National Park Service; or

(2) a unit of the National Park System (that is not a national park or national monument) unless specifically provided by statute that such unit be open to hunting or recreational shooting.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, after line 2, insert the following:

SEC. 105. APPLICABILITY CONDITION.

This title shall be in effect and apply only when less than 75 percent of Federal public land is available for hunting, fishing, or recreation shooting, as determined by the Secretary of the Interior.

Page 18, after line 18, insert the following:

SEC. 204. APPLICABILITY CONDITION.

This title shall be in effect and apply only when less than 75 percent of Federal public land (as defined section 103) is available for hunting, fishing, or recreation shooting, as determined by the Secretary of the Interior.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike title III.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLEMING OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert the following:

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.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

TITLE V—RECREATIONAL FISHING FOR ATLANTIC STRIPED BASS IN THE BLOCK ISLAND SOUND TRANSIT ZONE

SEC. 501. RECREATIONAL FISHING FOR ATLANTIC STRIPED BASS IN THE BLOCK ISLAND SOUND TRANSIT ZONE.

(a) IN GENERAL.—Except as provided in subsection (a), the Secretary shall not prohibit fishing for Atlantic Striped Bass in the Block Island Sound transit zone.

(b) EXCEPTION.—This subsection does not limit the authority of the Secretary to establish seasonal or other temporary limitations on fishing that are specifically necessary for the conservation and management of Atlantic striped bass.

(c) BLOCK ISLAND SOUND TRANSIT ZONE DEFINED.—In this subsection the term “Block Island Sound transit zone” means the area of the exclusive economic zone within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, New York, and Block Island Southeast Light, Block Island, Rhode Island; and west of a line connecting Point Judith Light, Point Judith, Rhode Island, and Block Island Southeast Light, Block Island, Rhode Island.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEINRICH OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE V—ACTIVITIES WITHIN WILDERNESS OR LAND MANAGED AS WILDERNESS

SEC. 501. ACTIVITIES WITHIN WILDERNESS OR LAND MANAGED AS WILDERNESS.

Nothing in this Act shall be construed to allow oil and gas development, mining, logging, or motorized activity on Federal public land (as defined in section 103) designated or managed as wilderness.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE V—DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS

SEC. 501. DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the Governor and the legislature of each State within the boundaries of the proposed national monument have approved 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 appropriate review period (determined by the Secretary of the Interior) providing for public input.”