

105TH CONGRESS
1ST SESSION

H. R. 1719

To protect and enhance sportsmen's opportunities and enhance wildlife
conservation.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mr. CUNNINGHAM (for himself, Mr. TANNER, Mr. YOUNG of Alaska, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. SMITH of Oregon, Mr. POMBO, Mr. GOODE, Mr. HILL, Mr. BARCIA, Mr. JOHN, and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Resources

A BILL

To protect and enhance sportsmen's opportunities and
enhance wildlife conservation.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sportsmen’s Bill of
5 Rights Act”.

6 **SEC. 2. FINDINGS; POLICY.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) Fishing is an important and traditional rec-
2 reational activity in which 36,000,000 Americans 16
3 years old and older participate.

4 (2) Hunting is an important and traditional
5 recreational activity in which 14,000,000 Americans
6 16 years old and older participate.

7 (3) Survey data from a recent comprehensive 3-
8 year study entitled “Factors Related to Hunting and
9 Fishing Participation in the United States” suggest
10 that an overwhelming majority of Americans ap-
11 proved of fishing and hunting.

12 (4) Anglers and hunters have been and continue
13 to be among the foremost supporters of sound wild-
14 life management and conservation practices in the
15 United States.

16 (5) Persons who hunt or fish and organizations
17 related to those activities provide direct assistance to
18 wildlife managers and enforcement officers of Fed-
19 eral, State, and local governments.

20 (6) Funds raised through license, permit, and
21 stamp purchases, as well as through excise taxes on
22 goods used by anglers and hunters, have generated
23 more than \$6,000,000,000 for wildlife research and
24 management.

1 (7) Fishing and hunting are essential compo-
2 nents of effective wildlife management, in that they
3 tend to reduce conflicts between people and wildlife
4 and provide incentives for the conservation of wild-
5 life and habitats and ecosystems on which wildlife
6 depends.

7 (8) Each State has established one or more
8 agencies staffed by professionally trained fish and
9 wildlife management personnel, has legal authority
10 to manage the fish and wildlife found within the
11 State, and carries out sound programs of fish and
12 wildlife management.

13 (b) POLICY.—It is the policy of the United States
14 that in performing duties under Federal law, all Federal
15 agencies that have authority to manage a natural resource
16 or the Federal public land and water on which a natural
17 resource depends shall exercise the authority, consistent
18 with section 3(e), in a manner so as to support, promote,
19 and enhance hunting and fishing opportunities to the ex-
20 tent permitted under State law and regulation and in ac-
21 cordance with applicable Federal law.

1 **SEC. 3. TAKING OF FISH AND WILDLIFE ON FEDERAL PUB-**
2 **LIC LANDS.**

3 (a) IN GENERAL.—Federal public land and water
4 shall be open to access and use for fishing and hunting
5 except—

6 (1) as limited by the State in which the Federal
7 public land or water is located; or

8 (2) as limited by the Federal agency responsible
9 for the Federal public land or water—

10 (A) for reasons of national security;

11 (B) for reasons of public safety; or

12 (C) for reasons specifically authorized in
13 applicable statutes.

14 (b) LIMITATIONS ON TERMS OF FEDERAL CLOSURE
15 TO FISHING OR HUNTING.—

16 (1) LIMITATION ON DURATION.—Any closure of
17 Federal public land or water to fishing or hunting
18 may continue in effect only during the period in
19 which the specific circumstances for which the clo-
20 sure is established exist.

21 (2) RULE OF CONSTRUCTION.—Any authority
22 of a Federal agency to close particular land or water
23 to hunting or fishing shall not be construed as au-
24 thority to protect or manage fish or wildlife.

25 (c) CERTAIN FEDERAL PUBLIC LAND AND WATER
26 ADMINISTERED BY THE NATIONAL PARK SERVICE.—

1 Nothing in this Act shall compel the opening to hunting
2 or fishing of national parks or national monuments admin-
3 istered by the National Park Service.

4 (d) NO PRIORITY.—This section does not require a
5 Federal agency to give preference to fishing or hunting
6 over other uses of Federal public land or water or land
7 or water management priorities established in Federal
8 law.

9 (e) AUTHORITY OF THE STATES.—

10 (1) IN GENERAL.—Nothing in this Act impairs
11 the primacy of State authority in regulating the tak-
12 ing of fish and wildlife on land or water within the
13 State, including Federal public land or water.

14 (2) FEDERAL AUTHORITY.—Except as expressly
15 provided by Act of Congress, the authority of a Fed-
16 eral agency regarding the taking of fish and wildlife
17 on Federal public land or water managed by the
18 Federal agency shall be no greater than the rights
19 of a private owner of land or water.

20 **SEC. 4. PROTECTION OF THE INTEGRITY OF THE SPORTS-**
21 **MEN'S TRUST ACCOUNTS.**

22 (a) FEDERAL AID IN WILDLIFE RESTORATION
23 ACT.—The Act entitled “An Act to provide that the Unit-
24 ed States shall aid the States in wildlife-restoration
25 projects, and for other purposes”, approved September 2,

1 1937 (16 U.S.C. 669 et seq.; commonly known as the Fed-
2 eral Aid in Wildlife Restoration Act), is amended—

3 (1) by striking “Secretary of Agriculture” each
4 place it appears and inserting “Secretary of the In-
5 terior”; and

6 (2) in section 4 by adding at the end the follow-
7 ing:

8 “(c) The amount of funding made available to the
9 Secretary of the Interior for expenses under this section
10 shall not be available for use as a supplement to decreased
11 funding for any other expense under the authority of the
12 Secretary of the Interior.”.

13 (b) FEDERAL AID IN FISH RESTORATION ACT.—Sec-
14 tion 4 of the Act entitled “An Act to provide that the Unit-
15 ed States shall aid the States in fish restoration and man-
16 agement projects, and for other purposes”, approved Au-
17 gust 9, 1950 (16 U.S.C. 777e; commonly known as the
18 Federal Aid in Fish Restoration Act), is amended by add-
19 ing at the end the following:

20 “(f) The amount of funding made available to the
21 Secretary of the Interior for expenses under this section
22 shall not be available for use as a supplement to decreased
23 funding for any other expense under the authority of the
24 Secretary of the Interior.”.

1 **SEC. 5. EVALUATION OF WILDLIFE MANAGEMENT EFFECTS.**

2 (a) STATEMENT.—No Federal agency action that
3 may significantly diminish opportunities or access to en-
4 gage in fishing or hunting on Federal public land or water
5 shall be effective until the agency prepares a detailed
6 statement evaluating the effect of the action on fishing
7 and hunting.

8 (b) NOTICE AND HEARING.—Before taking an action
9 described in subsection (a), a Federal agency shall—

10 (1) provide notice of the proposed agency action
11 to the appropriate State agency responsible for the
12 conduct or oversight of fish and wildlife manage-
13 ment; and

14 (2) conduct a public hearing in the vicinity of
15 the proposed action.

16 (c) JUDICIAL REVIEW.—An individual or entity that
17 may be adversely affected by a loss of fishing or hunting
18 opportunities on Federal public land or water as a result
19 of an agency action described in subsection (a) may bring
20 a civil action in a United States district court for review
21 of the adequacy of the statement required in subsection
22 (a).

23 (d) EMERGENCIES.—Nothing in this section pre-
24 cludes an agency from exercising statutory authority to
25 close Federal public land or water in an emergency or
26 other exigent circumstances.

1 (e) EFFECT ON OTHER LAW.—Nothing in this sec-
2 tion affects or has application to the Migratory Bird Trea-
3 ty Act (16 U.S.C. 703 et seq.) or the Magnuson-Stevens
4 Fishery Conservation and Management Act (16 U.S.C.
5 1801 et seq.).

6 **SEC. 6. CIVIL ACTIONS.**

7 (a) INTERVENTION.—A person interested in partici-
8 pating in fishing or hunting shall be entitled to intervene
9 as a matter of right in a civil action brought under any
10 other Federal law relating to the use of any Federal public
11 land or water in which the plaintiff seeks an order that
12 would require the use (or nonuse) of the land or water
13 in such a manner as to impair access to or use of the
14 land or water for the purpose of fishing or hunting as re-
15 quired by this Act.

16 (b) CONSIDERATION OF INTERESTS.—If an interve-
17 nor under subsection (a) shows that the application of an-
18 other Federal law as sought by the plaintiff would be likely
19 to impair access to or use of the Federal public land or
20 water for the purpose of fishing or hunting as required
21 by this Act, the court shall not grant the relief sought
22 unless the plaintiff shows that the interest intended to be
23 advanced by the other Federal law clearly outweighs the
24 interest of protecting access to and use of Federal public
25 land or water for fishing and hunting.

1 (c) STATE DEEMED INDISPENSABLE PARTY.—In any
2 civil action brought in any United States district court
3 under any other Federal law relating to the use of any
4 Federal public land or water, a State is deemed an indis-
5 pensable party if management by the State of fish and
6 resident wildlife, including hunting and fishing, would be
7 curtailed or if opportunities provided by the State for
8 hunting and fishing would be reduced or eliminated by a
9 grant of preliminary or final relief.

10 **SEC. 7. STANDING TO BRING A CIVIL ACTION.**

11 An individual who is licensed by a State to engage
12 in fishing or hunting, or an organization representing the
13 interests of such individuals, may bring a civil action in
14 a United States district court to seek declaratory or in-
15 junctive relief regarding the implementation of any provi-
16 sion of this Act, including a declaration that a civil action
17 brought by another person may significantly disrupt or
18 eliminate opportunities for fishing or hunting and an in-
19 junction against the prosecution of the civil action.

20 **SEC. 8. DEFINITIONS.**

21 As used in this Act:

22 (1) HUNTING AND FISHING.—For any State,
23 the terms “hunting” and “fishing” include all means
24 and methods of taking fish and wildlife as author-
25 ized and regulated by the State agency responsible

1 for the conduct or oversight of fish and wildlife man-
2 agement.

3 (2) FEDERAL PUBLIC LAND OR WATER.—The
4 term “Federal public land or water”—

5 (A) except as provided in subparagraph
6 (B), means all lands and waters owned in fee
7 by the United States and all property interests
8 owned by the United States in land or water,
9 including easements, that are administered
10 by—

11 (i) the Secretary of the Interior
12 through the Bureau of Land Management,
13 the United States Fish and Wildlife Serv-
14 ice, the National Park Service, or the Bu-
15 reau of Reclamation;

16 (ii) the Secretary of Agriculture
17 through the United States Forest Service;
18 or

19 (iii) the Secretary of Defense through
20 the United States Army Corps of Engi-
21 neers or pursuant to the Sikes Act (16
22 U.S.C. 670a et seq.); and

23 (B) does not include any land or water, or
24 interest in land or water, that is part of a na-

- 1 tional park or national monument, administered
- 2 by the National Park Service.

