

109TH CONGRESS
2D SESSION

H. R. 5287

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2006

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Resources

A BILL

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

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 “Hunting Heritage Pro-
5 tection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) recreational hunting is an important and
9 traditional recreational activity in which 13,000,000

1 people in the United States 16 years of age and
2 older participate;

3 (2) hunters have been and continue to be
4 among the foremost supporters of sound wildlife
5 management and conservation practices in the
6 United States;

7 (3) persons who hunt and organizations relating
8 to hunting provide direct assistance to wildlife man-
9 agers and enforcement officers of the Federal Gov-
10 ernment and State and local governments;

11 (4) purchases of hunting licenses, permits, and
12 stamps and excise taxes on goods used by hunters
13 have generated billions of dollars for wildlife con-
14 servation, research, and management;

15 (5) recreational hunting is an essential compo-
16 nent of effective wildlife management by—

17 (A) reducing conflicts between people and
18 wildlife; and

19 (B) providing incentives for the conserva-
20 tion of—

21 (i) wildlife; and

22 (ii) habitats and ecosystems on which
23 wildlife depend;

24 (6) each State has established at least 1 agency
25 staffed by professionally trained wildlife manage-

1 ment personnel that has legal authority to manage
2 the wildlife in the State; and

3 (7) recreational hunting is an environmentally
4 acceptable activity that occurs and can be provided
5 for on Federal public land without adverse effects on
6 other uses of the land.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) AGENCY HEAD.—The term “agency head”
10 means the head of any Federal agency that has au-
11 thority to manage a natural resource or Federal
12 public land on which a natural resource depends.

13 (2) FEDERAL PUBLIC LAND.—

14 (A) IN GENERAL.—The term “Federal
15 public land” means any land or water that is—

16 (i) publicly accessible;

17 (ii) owned by the United States; and

18 (iii) managed by an executive agency
19 for purposes that include the conservation
20 of natural resources.

21 (B) EXCLUSION.—The term “Federal pub-
22 lic land” does not include any land held in trust
23 for the benefit of an Indian tribe or member of
24 an Indian tribe.

1 (3) HUNTING.—The term “hunting” means the
2 lawful—

3 (A) pursuit, trapping, shooting, capture,
4 collection, or killing of wildlife; or

5 (B) attempt to pursue, trap, shoot, cap-
6 ture, collect, or kill wildlife.

7 **SEC. 4. RECREATIONAL HUNTING.**

8 (a) IN GENERAL.—Subject to valid existing rights,
9 Federal public land shall be open to access and use for
10 recreational hunting except as limited by—

11 (1) the agency head with jurisdiction over the
12 Federal public land—

13 (A) for reasons of national security;

14 (B) for reasons of public safety; or

15 (C) for any other reasons for closure au-
16 thorized by applicable Federal law; and

17 (2) any law (including regulations) of the State
18 in which the Federal public land is located that is
19 applicable to recreational hunting.

20 (b) MANAGEMENT.—Consistent with subsection (a),
21 each agency head shall manage Federal public land under
22 the jurisdiction of the agency head—

23 (1) in a manner that supports, promotes, and
24 enhances recreational hunting 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 (c) NO NET LOSS.—

6 (1) IN GENERAL.—Federal public land manage-
7 ment decisions and actions should, to the maximum
8 extent practicable, result in no net loss of land area
9 available for hunting opportunities on Federal public
10 land.

11 (2) ANNUAL REPORT.—Not later than October
12 1 of each year, each agency head with authority to
13 manage Federal public land on which recreational
14 hunting occurs shall submit to the Committee on
15 Resources of the House of Representatives and the
16 Committee on Energy and Natural Resources of the
17 Senate a report that describes—

18 (A)(i) any Federal public land adminis-
19 tered by the agency head that was closed to rec-
20 reational hunting at any time during the pre-
21 ceding year; and

22 (ii) the reason for the closure; and

23 (B) areas administered by the agency head
24 that were opened to recreational hunting to

1 compensate for the closure of the areas de-
2 scribed in subparagraph (A)(i).

3 (3) CLOSURES OF 5,000 OR MORE ACRES.—The
4 withdrawal, change of classification, or change of
5 management status that effectively closes 5,000 or
6 more acres of Federal public land to access or use
7 for recreational hunting shall take effect only if, be-
8 fore the date of withdrawal or change, the agency
9 head that has jurisdiction over the Federal public
10 land submits to the Committee on Resources of the
11 House of Representatives and the Committee on En-
12 ergy and Natural Resources of the Senate written
13 notice of the withdrawal or change.

14 (d) AREAS NOT AFFECTED.—Nothing in this Act
15 compels the opening to recreational hunting of national
16 parks or national monuments under the jurisdiction of the
17 Secretary of the Interior.

18 (e) NO PRIORITY.—Nothing in this Act requires a
19 Federal agency to give preference to hunting over other
20 uses of Federal public land or over land or water manage-
21 ment priorities established by Federal law.

22 (f) AUTHORITY OF THE STATES.—

23 (1) SAVINGS.—Nothing in this Act affects the
24 authority, jurisdiction, or responsibility of a State to
25 manage, control, or regulate fish and wildlife under

1 State law (including regulations) on land or water in
2 the State, including Federal public land.

3 (2) FEDERAL LICENSES.—Nothing in this Act
4 authorizes an agency head to require a license or
5 permit to hunt, fish, or trap on land or water in a
6 State, including on Federal public land in the State.

7 (3) STATE RIGHT OF ACTION.—

8 (A) IN GENERAL.—Any State aggrieved by
9 the failure of an agency head or employee to
10 comply with this Act may bring a civil action in
11 the United States District Court for the district
12 in which the failure occurs for a permanent in-
13 junction.

14 (B) PRELIMINARY INJUNCTION.—If the
15 district court determines, based on the facts,
16 that a preliminary injunction is appropriate, the
17 district court may grant a preliminary injunc-
18 tion.

19 (C) COURT COSTS.—If the district court
20 issues an injunction under this paragraph or
21 otherwise finds in favor of the State, the dis-
22 trict court shall award to the State any reason-
23 able costs of bringing the civil action (including
24 an attorney's fee).

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