

## HR 4089

Sportsmen's Heritage Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Public Lands and Natural Resources

**Introduced:** Feb 27, 2012

**Current Status:** Received in the Senate.

**Latest Action:** Received in the Senate. (Apr 18, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/4089>

### Sponsor

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**Name:** Rep. Miller, Jeff [R-FL-1]

**Party:** Republican • **State:** FL • **Chamber:** House

Cosponsors (27 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Benishek, Dan [R-MI-1]	R · MI		Feb 27, 2012
Rep. Boren, Dan [D-OK-2]	D · OK		Feb 27, 2012
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Feb 27, 2012
Rep. Latta, Robert E. [R-OH-5]	R · OH		Feb 27, 2012
Rep. Ross, Mike [D-AR-4]	D · AR		Feb 27, 2012
Rep. Shuler, Heath [D-NC-11]	D · NC		Feb 27, 2012
Rep. Young, Don [R-AK-At Large]	R · AK		Feb 27, 2012
Rep. Duncan, Jeff [R-SC-3]	R · SC		Feb 29, 2012
Rep. Altmire, Jason [D-PA-4]	D · PA		Mar 5, 2012
Rep. Farenthold, Blake [R-TX-27]	R · TX		Mar 5, 2012
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Mar 5, 2012
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Mar 5, 2012
Rep. Kline, John [R-MN-2]	R · MN		Mar 8, 2012
Rep. Austria, Steve [R-OH-7]	R · OH		Mar 9, 2012
Rep. Rehberg, Denny [R-MT-At Large]	R · MT		Mar 9, 2012
Rep. Schweikert, David [R-AZ-5]	R · AZ		Mar 9, 2012
Rep. Broun, Paul C. [R-GA-10]	R · GA		Mar 19, 2012
Rep. Coffman, Mike [R-CO-6]	R · CO		Mar 19, 2012
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Mar 19, 2012
Rep. Hanna, Richard L. [R-NY-24]	R · NY		Mar 19, 2012
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Mar 19, 2012
Rep. Kissell, Larry [D-NC-8]	D · NC		Mar 19, 2012
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Mar 19, 2012
Rep. Quayle, Benjamin [R-AZ-3]	R · AZ		Mar 19, 2012
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Mar 22, 2012
Rep. Hunter, Duncan D. [R-CA-52]	R · CA		Mar 26, 2012
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Mar 29, 2012

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Discharged From	Apr 13, 2012
Energy and Commerce Committee	House	Discharged From	Apr 13, 2012
Natural Resources Committee	House	Reported By	Apr 13, 2012

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

## Related Bills

Bill	Relationship	Last Action
<a href="#">112 HR 2834</a>	Related bill	<b>Jul 19, 2012:</b> Placed on the Union Calendar, Calendar No. 442.
<a href="#">112 HRES 614</a>	Procedurally related	<b>Apr 17, 2012:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">112 S 2066</a>	Related bill	<b>Feb 2, 2012:</b> Read twice and referred to the Committee on Energy and Natural Resources.
<a href="#">112 HR 3440</a>	Related bill	<b>Jan 24, 2012:</b> Subcommittee Hearings Held.
<a href="#">112 HR 991</a>	Related bill	<b>Dec 1, 2011:</b> Placed on the Union Calendar, Calendar No. 208.
<a href="#">112 S 1066</a>	Related bill	<b>May 25, 2011:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.
<a href="#">112 S 838</a>	Related bill	<b>Apr 14, 2011:</b> Read twice and referred to the Committee on Environment and Public Works.

**Sportsmen's Heritage Act of 2012 - Title I: Recreational Fishing and Hunting Heritage and Opportunities -**

**Recreational Fishing and Hunting Heritage and Opportunities Act - (Sec. 104)** Requires federal public land management officials to facilitate the 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 or withholds 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 or waters; and (3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable.

Requires the heads of federal public land management agencies to exercise their discretion in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities, to the extent authorized under applicable state law.

Requires public land planning documents to include specific evaluations of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

Prohibits actions taken under this Act or actions concerning the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 from being considered to be a major federal action significantly affecting the quality of the human environment.

Prohibits federal public land management officials from being 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 such activities or in the setting of levels of use for such activities, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

Sets forth provisions concerning the use of volunteers in culling or managing wildlife populations on public land if hunting is prohibited on such land.

Requires Bureau of Land Management (BLM) and Forest Service lands, excluding lands on the Outer Continental Shelf, to be open to recreational fishing, hunting, and shooting unless the managing agency acts to close such lands to such activity for purposes of resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection or private property rights or interests, national security, or compliance with other law.

Requires the heads of federal agencies to use their authorities consistently with this Act to: (1) lease their lands or permit use of their lands for shooting ranges, and (2) designate specific lands for recreational shooting activities. Prohibits such designation from subjecting the United States to any civil action or claim for damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated land.

Declares that the provision of opportunities for hunting, fishing, recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on federal public lands constitutes the measures necessary to meet the minimum requirements for the administration of such areas.

Provides that any requirements imposed by the Wilderness 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.

Requires biennial reports on closures of federal public lands to recreational fishing, sport hunting, or shooting. Sets forth requirements for a permanent or temporary withdrawal, change of classification, or change of management status that effectively closes or significantly restricts 640 or more contiguous acres of federal public lands for fishing or hunting or related activities. Treats separate withdrawals or changes, the aggregate or cumulative effect of which effectively closes or significantly restricts 1280 or more acres of land or water, as a single withdrawal or change for purposes of such requirements.

Provides that 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. Requires such an emergency closure to terminate after a reasonable period unless converted to a permanent closure consistent with this Act.

**Title II: Recreational Shooting Protection** - Recreational Shooting Protection Act - (Sec. 203) Requires national monument land under BLM's jurisdiction to be open to access and use for recreational shooting, except as limited by the Director of BLM for reasons of national security or public safety or to comply with an applicable federal or state law. Prohibits the issuance of closures or restrictions on such land that are substantially similar to closures or restrictions that were previously issued and not approved by federal law, unless, as a result of a change in circumstances, such closures or restrictions are supported by such reasons.

Requires the Director, before a restriction or closure may become effective, to: (1) publish public notice of the closure or restriction in a newspaper of general circulation in the area where it will be carried out; and (2) report to Congress on the location and extent of, and evidence justifying, such closure or restriction. Ends such a closure or restriction: (1) six months after the Director submits such report, unless the closure or restriction has been approved by federal law; or (2) 30 days after the enactment of a federal law disapproving it.

Requires management of BLM national monument land: (1) in a manner that supports, promotes, and enhances recreational shooting opportunities; (2) to the extent authorized under state law; and (3) in accordance with applicable federal law.

Requires the Director to report on BLM national monument land that was closed to recreational shooting or on which recreational shooting was restricted.

Provides that nothing in this title authorizes the Director to require a license, fee, or permit for recreational shooting on land or water in a state, including on federal public land in the state.

Requires provisions in the Recreational Fishing and Hunting Heritage and Opportunities Act and the Recreational Shooting Protection Act to take precedence and apply in any instance when such provisions may be construed to apply in an inconsistent manner to national monument land.

**Title III: Polar Bear Conservation and Fairness** - Polar Bear Conservation and Fairness Act of 2012 - (Sec. 302)

Amends the Marine Mammal Protection Act of 1972 to direct the Secretary of the Interior to 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: (1) who submits proof that the polar bear was legally harvested before February 18, 1997; or (2) who has submitted, in support of an application submitted before May 15, 2008, proof that the bear was legally harvested before

such date from a polar bear population from which a sport-hunted trophy could be imported before such date. (Polar bears were listed as a threatened species by the Department of the Interior on May 14, 2008.)

**Title IV: Hunting, Fishing, and Recreational Shooting Protection** - Hunting, Fishing, and Recreational Shooting Protection Act - (Sec. 402) Amends the Toxic Substances Control Act (TSCA) to exclude from the definition of "chemical substance" for purposes of such Act: (1) any component of any pistol, revolver, firearm, shell, or cartridge the sale of which is subject to federal excise tax, including shot, bullets and other projectiles, propellants, and primers; and (2) any sport fishing equipment the sale of which is subject to federal excise tax and sport fishing equipment components.

**Title V: Hunting in Kisatchie National Forest** - Prohibits the Secretary of Agriculture (USDA) from restricting the use of dogs in deer hunting activities within the Kisatchie National Forest in Louisiana unless those restrictions apply to the smallest practicable parts of such Forest and are necessary to reduce or control of trespassing onto adjacent land. Nullifies any existing restrictions on the use of dogs for deer hunting in such Forest.

**Title VI: Designation of and Restrictions on National Monuments** - Prohibits a national monument designated by presidential proclamation from being valid until each state within the boundaries of the proposed national monument has approved of such designation.

Prohibits the Secretary of the Interior from implementing any restrictions on the public use of a national monument until the expiration of an appropriate review period providing for public input.

## Actions Timeline

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- **Apr 18, 2012:** Received in the Senate.
- **Apr 17, 2012:** Rule H. Res. 614 passed House.
- **Apr 17, 2012:** Considered under the provisions of rule H. Res. 614. (consideration: CR H1873-1891)
- **Apr 17, 2012:** Rule provides for consideration of H.R. 4089 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-19. Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution with modifications specified in this resolution.
- **Apr 17, 2012:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 614 and Rule XVIII.
- **Apr 17, 2012:** The Speaker designated the Honorable Jo Ann Emerson to act as Chairwoman of the Committee.
- **Apr 17, 2012:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4089.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (WA) amendment No. 1.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Holt amendment No. 2.
- **Apr 17, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Holt amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Holt demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Grijalva amendment No. 3.
- **Apr 17, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Grijalva amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Grijalva demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Peters amendment No. 4.
- **Apr 17, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Peters amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Peters demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Fleming amendment No. 5.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Bishop (NY) amendment No. 6.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Heinrich amendment No. 7.
- **Apr 17, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Heinrich amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Heinrich demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 17, 2012:** DEBATE - Pursuant to the provisions of H. Res. 614, the Committee of the Whole proceeded with 10 minutes of debate on the Foxx amendment No. 8.
- **Apr 17, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Foxx amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Grijalva demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

- **Apr 17, 2012:** Mr. Hastings (WA) moved that the Committee rise.
- **Apr 17, 2012:** On motion that the Committee rise Agreed to by voice vote.
- **Apr 17, 2012:** Committee of the Whole House on the state of the Union rises leaving H.R. 4089 as unfinished business.
- **Apr 17, 2012:** Considered as unfinished business. (consideration: CR H1891-1897)
- **Apr 17, 2012:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Apr 17, 2012:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Apr 17, 2012:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4089.
- **Apr 17, 2012:** The previous question was ordered pursuant to the rule. (consideration: CR H1895; text: CR H1895)
- **Apr 17, 2012:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H1879-1881)
- **Apr 17, 2012:** Mr. Tierney moved to recommit with instructions to Natural Resources. (consideration: CR H1895)
- **Apr 17, 2012:** DEBATE - The House proceeded with 10 minutes of debate on the Tierney motion to recommit with instructions, pending reservation of a point of order. The instructions contained in the motion seek to report the same back to the House forthwith with an amendment to authorize funds for the Commodities Futures Trading Commission to effectively enforce oversight of the oil market to combat speculation, and market manipulation. It would also prohibit Members from engaging in hunting or fishing trips on Federal land paid for by registered lobbyists. Subsequently, the reservation of a point of order was removed.
- **Apr 17, 2012:** The previous question on the motion to recommit with instructions was ordered pursuant to the rule. (consideration: CR H1896)
- **Apr 17, 2012:** On motion to recommit with instructions Failed by recorded vote: 160 - 261 (Roll no. 163). (consideration: CR H1896)
- **Apr 17, 2012:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 274 - 146 (Roll no. 164).
- **Apr 17, 2012:** On passage Passed by the Yeas and Nays: 274 - 146 (Roll no. 164).
- **Apr 17, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 16, 2012:** Rules Committee Resolution H. Res. 614 Reported to House. Rule provides for consideration of H.R. 4089 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-19. Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution with modifications specified in this resolution.
- **Apr 13, 2012:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 112-426, Part I.
- **Apr 13, 2012:** Committee on Agriculture discharged.
- **Apr 13, 2012:** Committee on Energy and Commerce discharged.
- **Apr 13, 2012:** Placed on the Union Calendar, Calendar No. 293.
- **Feb 29, 2012:** Committee Consideration and Mark-up Session Held.
- **Feb 29, 2012:** Ordered to be Reported (Amended) by the Yeas and Nays: 27 - 16.
- **Feb 27, 2012:** Introduced in House
- **Feb 27, 2012:** Referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.