
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4089) TO
PROTECT AND ENHANCE OPPORTUNITIES FOR
RECREATIONAL HUNTING, FISHING 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.]

The Committee on Rules, having had under consideration House Resolution____, 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 reconciliation 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.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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 Rep. 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, Raul (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

**AMENDMENT TO THE RULES COMMITTEE PRINT
TO H.R. 4089
OFFERED BY MR. HASTINGS OF WASHINGTON**

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:

- 1 (iii) the training of hunting dogs, in-
- 2 cluding 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:

1 (C) OTHER ACTIVITY NOT CONSIDERED.—
2 Federal public land management officials are
3 not required to consider the existence or avail-
4 ability of recreational fishing, hunting, or shoot-
5 ing opportunities on adjacent or nearby public
6 or private lands in the planning for or deter-
7 mination of which Federal public lands are
8 open for these activities or in the setting of lev-
9 els of use for these activities on Federal public
10 lands, unless the combination or coordination of
11 such opportunities would enhance the rec-
12 reational fishing, hunting, or shooting opportu-
13 nities available to the public.

Page 8, line 13, strike “of” the first place it ap-
pears.

Page 8, line 15, strike “agency” and insert “agen-
cies”

Page 9, line 3, after “Forest Service, including” in-
sert “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:

1 (A) IN GENERAL.—The head of each Fed-
2 eral agency shall use his or her authorities in
3 a manner consistent with this Act and other ap-
4 plicable law, to—

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

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

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

11 (e) NECESSITY IN WILDERNESS AREAS AND “WITH-
12 IN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.—

13 (1) MINIMUM REQUIREMENTS FOR ADMINIS-
14 TRATION.—The provision of opportunities for hunt-
15 ing, fishing and recreational shooting, and the con-
16 servation of fish and wildlife to provide sustainable
17 use recreational opportunities on designated wilder-
18 ness areas on Federal public lands shall constitute
19 measures necessary to meet the minimum require-
20 ments for the administration of the wilderness area.

21 (2) The term “within and supplemental to”
22 Wilderness purposes in section 4(a) of Public Law
23 88–577, means that any requirements imposed by

1 that Act shall be implemented only insofar as they
2 do not prevent Federal public land management offi-
3 cials and State fish and wildlife officials from car-
4 rying out their wildlife conservation responsibilities
5 or providing recreational opportunities on the Fed-
6 eral public lands subject to a wilderness designation.

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

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

11 (f) REPORT.—Not later than October 1 of every other
12 year, beginning with the second October 1 after the date
13 of the enactment of this Act, the head of each Federal
14 agency who has

Page 11, line 9, strike “publish in the Federal Reg-
ister and”.

Page 11, lines 14 through 18, redesignate subpara-
graphs (A) and (B) as paragraphs (1) and (2), respec-
tively (and conform the margins accordingly).

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

1 (g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF
2 640 OR MORE ACRES.—

3 (1) IN GENERAL.—Other than closures estab-
4 lished or prescribed by land planning actions re-
5 ferred to in subsection (d) or emergency closures de-
6 scribed in paragraph (3) of this subsection, a perma-
7 nent or temporary withdrawal, change of classifica-
8 tion, or change of management status of Federal
9 public land that effectively closes or significantly re-
10 stricts 640 or more contiguous acres of Federal pub-
11 lic land to access or use for fishing or hunting or ac-
12 tivities related to fishing and hunting (or both) shall
13 take effect only if, before the date of withdrawal or
14 change, the head of the Federal agency that has ju-
15 risdiction over the Federal public land—

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

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

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

1 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If
2 the aggregate or cumulative effect of separate with-
3 drawals or changes effectively closes or significantly
4 restricts 1280 or more acres of land or water, such
5 withdrawals and changes shall be treated as a single
6 withdrawal or change for purposes of paragraph (1).

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

Page 12, after line 23, insert the following:

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

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

Page 18, after line 18, insert the following:

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



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

2R

**AMENDMENT OFFERED BY MR. HOLT OF NEW
JERSEY TO RULES COMMITTEE PRINT OF
H.R. 4089, AS REPORTED**

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

- 1 (g) AREAS NOT AFFECTED.—Nothing in this title re-
2 quires the opening to hunting or recreational shooting
3 of—
4 (1) a national park or national monument
5 under the jurisdiction of the National Park Service;
6 or
7 (2) a unit of the National Park System (that is
8 not a national park or national monument) unless
9 specifically provided by statute that such unit be
10 open to hunting or recreational shooting.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4089
OFFERED BY MR. GRIJALVA OF ARIZONA**

Page 14, after line 2, insert the following:

1 SEC. 105. APPLICABILITY CONDITION.

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

Page 18, after line 18, insert the following:

6 SEC. 204. APPLICABILITY CONDITION.

7 This title shall be in effect and apply only when less
8 than 75 percent of Federal public land (as defined section
9 103) is available for hunting, fishing, or recreation shoot-
10 ing, 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

F:\LMS\H4089_001.XML

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4089
OFFERED BY MR. PETERS OF MICHIGAN**

Strike title III.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 4089
OFFERED BY MR. FLEMING OF LOUISIANA**

At the end of the bill, insert the following:

1 **TITLE V—HUNTING IN**
2 **KISATCHIE NATIONAL FOREST**

3 **SEC. 501. HUNTING IN KISATCHIE NATIONAL FOREST.**

4 (a) IN GENERAL.—Consistent with the Act of June
5 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may
6 not restrict the use of dogs in deer hunting activities in
7 Kisatchie National Forest, unless such restrictions—

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

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

12 (b) PRIOR RESTRICTIONS VOID.—Any restrictions re-
13 garding the use of dogs in deer hunting activities in
14 Kisatchie National Forest in force on the date of the en-
15 actment of this Act shall be void and have no force or
16 effect.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4089
OFFERED BY MR. BISHOP OF NEW YORK**

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

1 **TITLE V—RECREATIONAL FISH-**
2 **ING FOR ATLANTIC STRIPED**
3 **BASS IN THE BLOCK ISLAND**
4 **SOUND TRANSIT ZONE**

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

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

11 (b) EXCEPTION.—This subsection does not limit the
12 authority of the Secretary to establish seasonal or other
13 temporary limitations on fishing that are specifically nec-
14 essary for the conservation and management of Atlantic
15 striped bass.

16 (c) BLOCK ISLAND SOUND TRANSIT ZONE DE-
17 FINED.—In this subsection the term “Block Island Sound
18 transit zone” means the area of the exclusive economic
19 zone within Block Island Sound, north of a line connecting

1 Montauk Light, Montauk Point, New York, and Block Is-
2 land Southeast Light, Block Island, Rhode Island; and
3 west of a line connecting Point Judith Light, Point Ju-
4 dith, Rhode Island, and Block Island Southeast Light,
5 Block Island, Rhode Island.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4089
OFFERED BY MR. HEINRICH OF NEW MEXICO**

At the end of the bill, add the following:

1 **TITLE V—ACTIVITIES WITHIN**
2 **WILDERNESS OR LAND MAN-**
3 **AGED AS WILDERNESS**

4 **SEC. 501. ACTIVITIES WITHIN WILDERNESS OR LAND MAN-**
5 **AGED AS WILDERNESS.**

6 Nothing in this Act shall be construed to allow oil
7 and gas development, mining, logging, or motorized activ-
8 ity on Federal public land (as defined in section 103) des-
9 ignated or managed as wilderness.



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

8/2

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4089
OFFERED BY MS. FOXX OF NORTH CAROLINA**

At the end of the bill, add the following:

1 **TITLE V—DESIGNATION OF AND**
2 **RESTRICTIONS ON NATIONAL**
3 **MONUMENTS**

4 **SEC. 501. DESIGNATION OF AND RESTRICTIONS ON NA-**
5 **TIONAL MONUMENTS.**

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

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



House Calendar No. _____

112TH CONGRESS
2^D SESSION

H. RES. _____

Report No. 112-_____

Providing for consideration of the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2012

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing for consideration of the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 2(b) of
3 rule XVIII, declare the House resolved into the Committee
4 of the Whole House on the state of the Union for consider-
5 ation of the bill (H.R. 4089) to protect and enhance op-
6 portunities for recreational hunting, fishing and shooting.

1 The first reading of the bill shall be dispensed with. All
2 points of order against consideration of the bill are waived.
3 General debate shall be confined to the bill and shall not
4 exceed one hour equally divided and controlled by the chair
5 and ranking minority member of the Committee on Nat-
6 ural Resources. After general debate the bill shall be con-
7 sidered for amendment under the five-minute rule. In lieu
8 of the amendment in the nature of a substitute rec-
9 ommended by the Committee on Natural Resources now
10 printed in the bill, it shall be in order to consider as an
11 original bill for the purpose of amendment under the five-
12 minute rule an amendment in the nature of a substitute
13 consisting of the text of Rules Committee Print 112-19.
14 That amendment in the nature of a substitute shall be
15 considered as read. All points of order against that amend-
16 ment in the nature of a substitute are waived. No amend-
17 ment to that amendment in the nature of a substitute
18 shall be in order except those printed in the report of the
19 Committee on Rules accompanying this resolution. Each
20 such amendment may be offered only in the order printed
21 in the report, may be offered only by a Member designated
22 in the report, shall be considered as read, shall be debat-
23 able for the time specified in the report equally divided
24 and controlled by the proponent and an opponent, shall
25 not be subject to amendment, and shall not be subject to

1 a demand for division of the question in the House or in
2 the Committee of the Whole. All points of order against
3 such amendments are waived. At the conclusion of consid-
4 eration of the bill for amendment the Committee shall rise
5 and report the bill to the House with such amendments
6 as may have been adopted. Any Member may demand a
7 separate vote in the House on any amendment adopted
8 in the Committee of the Whole to the bill or to the amend-
9 ment in the nature of a substitute made in order as origi-
10 nal text. The previous question shall be considered as or-
11 dered on the bill and amendments thereto to final passage
12 without intervening motion except one motion to recommit
13 with or without instructions.

14 SEC. 2. (a) Pending the adoption of a concurrent res-
15 olution on the budget for fiscal year 2013, the provisions
16 of House Concurrent Resolution 112, as adopted by the
17 House, shall have force and effect in the House as though
18 Congress has adopted such concurrent resolution (with the
19 modifications specified in subsection (b)).

20 (b) In section 201(b) of House Concurrent Resolution
21 112, as adopted by the House, the following amounts shall
22 apply:

23 (1) \$7,710,000,000 (in lieu of \$8,200,000,000) for
24 the period of fiscal years 2012 and 2013 with respect to
25 the Committee on Agriculture; and

1 (2) \$3,490,000,000 (in lieu of \$3,000,000,000) for
2 the period of fiscal years 2012 and 2013 with respect to
3 the Committee on Financial Services.