

112TH CONGRESS
1ST SESSION

H. R. 3440

To provide for certain oversight and approval on any decisions to close National Monument land under the jurisdiction of the Bureau of Land Management to recreational shooting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2011

Mr. FLAKE (for himself, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. AKIN, Mr. POMPEO, Mr. BROUN of Georgia, Mr. HUNTER, Mr. FARENTHOLD, Mr. GALLEGLY, Mr. HULTGREN, and Mr. WALSH of Illinois) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for certain oversight and approval on any decisions to close National Monument land under the jurisdiction of the Bureau of Land Management to recreational shooting, and for other purposes.

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 “Recreational Shooting
5 Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the Bureau of Land Management.

3 (2) NATIONAL MONUMENT LAND.—The term
4 “National Monument land” has the meaning given
5 that term in the Act of June 8, 1908 (commonly
6 known as the “Antiquities Act”; 16 U.S.C. 431 et
7 seq.).

8 (3) RECREATIONAL SHOOTING.—The term
9 “recreational shooting” includes any form of sport,
10 training, competition, or pastime, whether formal or
11 informal, that involves the discharge of a rifle, hand-
12 gun, or shotgun, or the use of a bow and arrow.

13 **SEC. 3. RECREATIONAL SHOOTING.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 National Monument land under the jurisdiction of the Bu-
16 reau of Land Management shall be open to access and
17 use for recreational shooting, except such closures and re-
18 strictions determined by the Director to be necessary and
19 reasonable and supported by facts and evidence for one
20 or more of the following:

21 (1) Reasons of national security.

22 (2) Reasons of public safety.

23 (3) To comply with an applicable Federal stat-
24 ute.

25 (b) NOTICE; REPORT.—

1 (1) REQUIREMENT.—Except as set forth in
2 paragraph (2)(B), before a restriction or closure
3 under subsection (a) is made effective, the Director
4 shall—

5 (A) publish public notice of such closure or
6 restriction in a newspaper of general circulation
7 in the area where the closure or restriction will
8 be carried out; and

9 (B) submit to Congress a report detailing
10 the location and extent of, and evidence justi-
11 fying, such a closure or restriction.

12 (2) TIMING.—The Director shall issue the no-
13 tice and report required under paragraph (1)—

14 (A) before the closure if practicable with-
15 out risking national security or public safety;
16 and

17 (B) in cases where such issuance is not
18 practicable for reasons of national security or
19 public safety, not later than 30 days after the
20 closure.

21 (c) CESSATION OF CLOSURE OR RESTRICTION.—A
22 closure or restriction under paragraph (1) or (2) of sub-
23 section (a) shall cease to be effective—

24 (1) effective on the day after the last day of the
25 six-month period beginning on the date on which the

1 Director submitted the report to Congress under
2 subsection (b)(2) regarding the closure or restric-
3 tion, unless the closure or restriction has been ap-
4 proved by Federal law; and

5 (2) 30 days after the date of the enactment of
6 a Federal law disapproving the closure or restriction.

7 (d) MANAGEMENT.—Consistent with subsection (a),
8 the Director shall manage National Monument land under
9 the jurisdiction of the Bureau of Land Management—

10 (1) in a manner that supports, promotes, and
11 enhances recreational shooting opportunities;

12 (2) to the extent authorized under State law
13 (including regulations); and

14 (3) in accordance with applicable Federal law
15 (including regulations).

16 (e) LIMITATION ON DUPLICATIVE CLOSURES OR RE-
17 STRICTIONS.—Director may not issue a closure or restric-
18 tion under subsection (a) that is substantially similar to
19 closure or restriction previously issued that was not ap-
20 proved by Federal law.

21 (f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RE-
22 STRICTIONS.—On the date that is six months after the
23 date of the enactment of this Act, this Act shall apply to
24 closures and restrictions in place on the date of the enact-
25 ment of this Act that relate to access and use for rec-

1 recreational shooting on National Monument land under the
2 jurisdiction of the Bureau of Land Management.

3 (g) ANNUAL REPORT.—Not later than October 1 of
4 each year, the Director shall submit to the Committee on
5 Natural Resources of the House of Representatives and
6 the Committee on Energy and Natural Resources of the
7 Senate a report that describes—

8 (1) any National Monument land under the ju-
9 risdiction of the Bureau of Land Management that
10 was closed to recreational shooting or on which rec-
11 reational shooting was restricted at any time during
12 the preceding year; and

13 (2) the reason for the closure.

14 (h) NO PRIORITY.—Nothing in this Act requires the
15 Director to give preference to recreational shooting over
16 other uses of Federal public land or over land or water
17 management priorities established by Federal law.

18 (i) AUTHORITY OF THE STATES.—

19 (1) SAVINGS.—Nothing in this Act affects the
20 authority, jurisdiction, or responsibility of a State to
21 manage, control, or regulate fish and wildlife under
22 State law (including regulations) on land or water in
23 the State, including Federal public land.

24 (2) FEDERAL LICENSES.—Nothing in this Act
25 authorizes the Director to require a license for rec-

- 1 reational shooting on land or water in a State, in-
- 2 cluding on Federal public land in the State.

○