

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1815

To protect individuals engaged in a lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. BREWSTER (for himself, Mr. YOUNG of Alaska, Mr. ORTON, Mr. HASTERT, Mr. GILLMOR, Mr. SARPALIUS, Mr. MCHUGH, Mr. BARCIA, Mrs. VUCANOVICH, Mr. OXLEY, Mr. LAROCO, Mr. CUNNINGHAM, Mr. HUNTER, Mr. PETERSON of Minnesota, Mr. DINGELL, Mr. EMERSON, Mr. ZIMMER, Mr. SMITH of Oregon, Mr. PETE GEREN of Texas, Mr. BAKER of Louisiana, Mr. ROTH, Mr. SUNDQUIST, Mr. HANSEN, Mr. BONILLA, Mr. BOEHLERT, Mr. TANNER, Mr. SAXTON, Mr. DELAY, Mr. HOBSON, and Mr. MCINNIS) introduced the following bill; which was referred jointly to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture

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## A BILL

To protect individuals engaged in a lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Recreational Hunting  
3 Safety and Preservation Act of 1993”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) recreational hunting, when carried out pur-  
7 suant to law (as implemented by the regulations of  
8 Federal and State wildlife management agencies) is  
9 a necessary and beneficial element in the proper con-  
10 servation and management of healthy, abundant,  
11 and biologically diverse wildlife resources;

12 (2) recreational hunters (because of a generally  
13 demonstrated concern with the conservation of wild-  
14 life resources and preservation of habitat necessary  
15 for the breeding and maintenance of healthy wildlife  
16 populations, and through a familiarity with the re-  
17 sources gained from experience in the field) are a  
18 valuable asset in ensuring enlightened public input  
19 into decisions regarding management and mainte-  
20 nance programs for wildlife resources and habitat;

21 (3)(A) recreational hunting supports industries  
22 highly significant to the national economy through  
23 sales in interstate commerce of sporting goods; and

24 (B) the Federal excise taxes imposed on the  
25 sales provide a major source of funding for vital pro-  
26 grams of wildlife conservation and management;

1 (4) various persons are engaging in (and have  
2 announced an intent to continue to engage in) a va-  
3 riety of disruptive activities with the premeditated  
4 purpose of preventing and interfering with the con-  
5 duct of lawful recreational hunting on Federal lands,  
6 which activities—

7 (A) place both recreational hunters and the  
8 disruptive persons in imminent jeopardy of  
9 grave physical injury or death;

10 (B) disrupt the peaceful, lawful, and pru-  
11 dent conduct of wildlife population and habitat  
12 management programs by Federal and State  
13 wildlife management agencies; and

14 (C) ultimately may alter the planned pro-  
15 gram objectives, resulting in—

16 (i) undesirable patterns of activity  
17 within populations of wildlife;

18 (ii) the endangerment of the future vi-  
19 ability of wildlife species; and

20 (iii) damage to habitat values;

21 (5) Federal lands comprise important wildlife  
22 habitat resources that—

23 (A) support many large, diverse, and vital  
24 populations of wildlife; and

1 (B) offer significant opportunities for legal  
2 recreational hunting as an important manage-  
3 ment tool to ensure the future viability of the  
4 wildlife populations;

5 (6) it is the right of citizens of the United  
6 States freely to enjoy lawful recreational hunting on  
7 Federal lands in accordance with regulations pro-  
8 mulgated by Federal and State wildlife management  
9 agencies; and

10 (7) in many instances under current law, vague-  
11 ness and ambiguity exist regarding the application  
12 of State laws and enforcement activities relating  
13 to—

14 (A) the safety of hunters; and

15 (B) the legal rights of recreational hunters  
16 to participate peacefully in lawful hunts on  
17 Federal lands.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) FEDERAL LANDS.—The term “Federal  
21 lands” means—

22 (A) national forests;

23 (B) public lands;

24 (C) national parks; and

25 (D) wildlife refuges.

1           (2) **LAWFUL HUNT.**—The term “lawful hunt”  
2 means an occasion when an individual is engaged in  
3 the taking or harvesting (or attempted taking or  
4 harvesting) through a legal means and during a  
5 specified legal season of a wildlife or fish, on Federal  
6 lands, which activity—

7           (A)(i) is authorized by or licensed under  
8 the law of the State in which it takes place; or

9           (ii) is regulated by game or fishing seasons  
10 established by the State in which it takes place;

11           (B) is not prohibited by a law of the  
12 United States; and

13           (C) does not infringe upon a right of an  
14 owner of private property.

15           (3) **NATIONAL FOREST.**—The term “national  
16 forest” means lands included in the National Forest  
17 System (as defined in section 11(a) of the Forest  
18 and Rangeland Renewable Resources Planning Act  
19 of 1974 (16 U.S.C. 1609(a))).

20           (4) **NATIONAL PARK.**—The term “national  
21 park” means lands and waters included in the na-  
22 tional park system (as defined in section 2(a) of the  
23 Act entitled “An Act to facilitate the management of  
24 the National Park System and miscellaneous areas  
25 administered in connection with that system, and for

1 other purposes”, approved August 8, 1953 (16  
2 U.S.C. 1c(a)).

3 (5) PUBLIC LANDS.—The term “public lands”  
4 has the same meaning as is provided in section  
5 103(e) of the Federal Land Policy and Management  
6 Act of 1976 (43 U.S.C. 1702(e)).

7 (6) SECRETARY.—The term “Secretary”  
8 means—

9 (A) the Secretary of Agriculture with re-  
10 spect to national forests; and

11 (B) the Secretary of the Interior with re-  
12 spect to—

13 (i) public lands;

14 (ii) national parks; and

15 (iii) wildlife refuges.

16 (7) WILDLIFE REFUGE.—The term “wildlife  
17 refuge” means lands and waters included in the Na-  
18 tional Wildlife Refuge System (as established by sec-  
19 tion 4 of the National Wildlife Refuge System Ad-  
20 ministration Act of 1966 (16 U.S.C. 668dd)).

21 **SEC. 4. OBSTRUCTION OF A LAWFUL HUNT.**

22 (a) VIOLATION.—It is unlawful for a person know-  
23 ingly and with the intent of obstructing, impeding, or  
24 interfering with a lawful hunt by an individual to—

1           (1) obstruct, impede, or otherwise interfere with  
2 a lawful hunt by an individual;

3           (2) scare, herd, harass, decoy, or otherwise  
4 engage in activities designed to affect wildlife on  
5 Federal lands;

6           (3) engage in activities that prevent or impede  
7 the reasonable and usual means of access by those  
8 individuals who intend to participate in a lawful  
9 hunt, whether the activities occur on Federal lands  
10 or upon a public or private road, highway, path,  
11 trail, or other normal route of access to Federal  
12 lands;

13           (4) take or abuse property, equipment, or hunt-  
14 ing dogs being used in conjunction with a lawful  
15 hunt; or

16           (5) enter onto Federal lands, travel in inter-  
17 state commerce, use the United States mails or an  
18 instrumentality of interstate telephonic or electronic  
19 communications, or transport or cause to be trans-  
20 ported in interstate commerce a material or item, to  
21 further—

22                   (A) a scheme or effort to obstruct, impede,  
23 or otherwise interfere with a lawful hunt; or

24                   (B) the efforts of another person to ob-  
25 struct, impede, or interfere with a lawful hunt.

1 (b) MULTIPLE VIOLATIONS.—The Secretary may  
2 consider participation by a person in more than one of  
3 the activities described in this section to constitute mul-  
4 tiple violations.

5 **SEC. 5. CIVIL PENALTIES.**

6 (a) IN GENERAL.—A person who engages in an activ-  
7 ity described in section 4 shall be assessed a civil penalty  
8 of not less than \$500, and not more than \$5,000, for each  
9 violation.

10 (b) VIOLATION INVOLVING FORCE OR VIOLENCE.—  
11 Upon a determination by a court that the activity involved  
12 the use of force or violence, or the threatened use of force  
13 or violence, against the person or property of another per-  
14 son, a person who engages in an activity described in sec-  
15 tion 4 shall be assessed a civil penalty of not less than  
16 \$1,000, and not more than \$10,000, for each violation.

17 (c) RELATIONSHIP TO OTHER PENALTIES.—The  
18 penalties established by this section shall be in addition  
19 to other criminal or civil penalties that may be levied  
20 against the person as a result of an activity in violation  
21 of section 4.

22 (d) PROCEDURE.—

23 (1) COMPLAINTS FROM GOVERNMENT  
24 AGENTS.—Upon receipt of a written complaint from  
25 an officer, employee, or agent of the Forest Service,

1 Bureau of Land Management, National Park Serv-  
2 ice, United States Fish and Wildlife Service, or  
3 other Federal agency that a person violated section  
4 4, the Secretary shall—

5 (A) forward the complaint to the United  
6 States Attorney for the Federal judicial district  
7 in which the violation is alleged to have oc-  
8 curred; and

9 (B) request the Attorney General of the  
10 United States to institute a civil action for the  
11 imposition and collection of the civil penalty  
12 specified in subsection (a) or (b).

13 (2) COMPLAINTS FROM INDIVIDUALS.—Upon  
14 receipt of a sworn affidavit from an individual and  
15 a determination by the Secretary that the statement  
16 contains sufficient factual data to create a reason-  
17 able belief that a violation of section 4 has occurred,  
18 the Secretary shall—

19 (A) forward a complaint to the United  
20 States Attorney for the Federal judicial district  
21 in which the violation is alleged to have oc-  
22 curred; and

23 (B) request the Attorney General of the  
24 United States to institute a civil action for the

1           imposition and collection of the civil penalty  
2           specified in subsection (a) or (b).

3           (e) USE OF PENALTY MONEY COLLECTED.—After  
4           deduction of costs attributable to collection, money col-  
5           lected from penalties shall be—

6           (1) deposited into the trust fund established  
7           pursuant to the Act entitled “An Act to provide that  
8           the United States shall aid the States in wildlife-res-  
9           toration projects, and for other purposes”, approved  
10          September 2, 1937 (16 U.S.C. 669) (commonly  
11          known as the “Pitman-Robertson Wildlife Restora-  
12          tion Act”), to support the activities authorized by  
13          such Act and undertaken by State wildlife manage-  
14          ment agencies; or

15          (2) used in such other manner as the Secretary  
16          determines will enhance the funding and implemen-  
17          tation of—

18                 (A) the North American Waterfowl Man-  
19                 agement Plan signed by the Secretary of the In-  
20                 terior and the Minister of Environment for  
21                 Canada in May 1986; or

22                 (B) a similar program that the Secretary  
23                 determines will enhance wildlife management—

24                         (i) on Federal lands; or

1                   (ii) on private or State-owned lands  
2                   when the efforts will also provide a benefit  
3                   to wildlife management objectives on Fed-  
4                   eral lands.

5 **SEC. 6. OTHER RELIEF.**

6           (a) INJUNCTIVE RELIEF.—Injunctive relief against a  
7 violation of section 4 may be sought by—

8                   (1) the head of a State agency with jurisdiction  
9                   over fish or wildlife management;

10                   (2) the Attorney General of the United States;  
11                   or

12                   (3) any person who is or would be adversely af-  
13                   fected by the violation, or a hunting or sportsman’s  
14                   organization to which the person belongs.

15           (b) DAMAGES AND ATTORNEY’S FEES.—Any person  
16 who is or would be adversely affected by a violation of  
17 section 4, or a hunting or sportsman’s organization to  
18 which the person belongs, may bring a civil action to re-  
19 cover—

20                   (1) actual and punitive damages; and

21                   (2) reasonable attorney’s fees.

22 **SEC. 7. RELATIONSHIP TO STATE AND LOCAL LAW AND**  
23 **CIVIL ACTIONS.**

24           (a) LAW OR ORDINANCE.—This Act is not intended  
25 to preempt a State law or local ordinance that provides

1 for civil or criminal penalties for a person who obstructs  
2 or otherwise interferes with a lawful hunt.

3 (b) CIVIL ACTION.—The bringing of an action pursu-  
4 ant to this Act shall not prevent an independent action  
5 against a person under a State law or local ordinance.

6 **SEC. 8. REGULATIONS.**

7 The Secretary may issue such regulations as are nec-  
8 essary to carry out this Act.

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