Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Amash
Paul

NOT VOTING—19

Akin
Andrews
Cardoza
Cohen
Costello
Duncan (SC)
Filner
Fincher
Gallegly
Gowdy
Latham
Lewis (GA)
Marchant
Marino
McIntyre
Napolitano
Pitts
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 1½ minutes remaining.

□ 1512

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 157, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. DUNCAN of South Carolina. Madam Speaker, on rollcall No. 157 I was meeting with students from Clemson University concerning Pell Grant funding during the vote for the Lena Horne Recognition Act. I support recognizing the achievements of Ms. Horne and would have voted in favor of this Act. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, April 17, 2012, I was absent during rollcall vote No. 157 due to a family health emergency. Had I been present, I would have voted "yea" on the Motion to Suspend the Rules and Pass H.R. 1815, the Lena Horne Recognition Act.

SPORTSMEN'S HERITAGE ACT OF 2012

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill, H.R. 4089.

The SPEAKER pro tempore (Mr. REICHERT). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 614 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4089.

The Chair appoints the gentlewoman from Missouri (Mrs. EMERSON) to preside over the Committee of the Whole.

□ 1515

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 4089, the Sportsmen's Heritage Act of 2012.

This legislation protects the traditional right of American sportsmen to hunt and fish from arbitrary and unjustified bureaucratic restrictions and limitations. It will remove government roadblocks to these activities on certain public lands and guard against new regulations that threaten hunting and fishing.

This is a bipartisan bill, Madam Chairman. It has the bipartisan sponsorship of the Republican and Democrat chairs of the Congressional Sportsmen's Caucus, Mr. MILLER of Florida and Mr. ROSS of Arkansas, as well as the caucus' vice chairs, Mr. LATTA of Ohio and Mr. SHULER of North Carolina. This bill also has the broad support of America's recreational fishing, hunting, shooting, and wildlife conservation community.

At the appropriate time, I will include two letters, one from over 35 sportsmen's organizations and one from the Association of Fish and Wildlife Agencies, for the RECORD.

There are four titles to this legislation, and each reflects stand-alone bills sponsored by individual Members of the House. Mr. BENISHEK of Michigan, Mr. FLAKE of Arizona, Mr. YOUNG of Alaska, and Mr. MILLER of Florida all deserve credit for leadership on these important sportsmen issues. Their four bills were assembled in this package to be among the first pro-sportsmen bills considered and, I hope, passed by the House this year. I expect and anticipate further action on additional legislation in the months ahead.

This legislation is an affirmative declaration that Americans' ability to fish and hunt is not arbitrarily subject to limitation by the whim of Federal bureaucrats. It makes clear that public lands are "open until closed" to such recreational activities, and it makes absolutely clear, Madam Chairman, that the EPA does not have the authority to regulate ammunition and fishing tackle. This bill is not a solution in search of a problem, but regrettably, bureaucratic threats to hunting, fishing, and recreational shooting are very real, thus the need for this legislation.

Title I of this bill protects sportsmen from arbitrary Federal efforts to block hunting and fishing on public lands managed by the U.S. Forest Service and the Bureau of Land Management, or the BLM.

□ 1520

It requires that these activities be supported and facilitated, but—this is very important, Madam Chairman—it does not prioritize hunting and fishing over other multiple uses.

The vast majority of our Nation's public lands are to be open and available for multiple uses, but, regrettably, there are agency personnel and land managers who attempt to control these lands as personal fiefdoms and prevent legitimate uses and activities, including hunting and fishing. In addition, activist groups bring lawsuits to limit these activities; and in the worst situations, bureaucrats willingly roll over to such lawsuits as a convenient way to limit the use of these facilities. This bill will protect against such lawsuits and the ensuing costly paperwork associated with them.

Title II of the bill directly addresses the sudden attempt last year by the Obama administration's Bureau of Land Management to limit target shooting on certain lands. An agency spokesman was cited in a news article saying that their proposed ban was being enacted in response to urbanites who "freak out" when they hear shooting and that the restriction wasn't rooted in public safety but, rather, to reduce "social conflict." This proposed ban echos the Obama administration's attempt to impose a new classification of wildlands on Federal property in an attempt to unilaterally establish de facto wilderness.

Madam Chairman, I want to remind my colleagues once again that only Congress has the authority to establish wilderness areas.

Just as with the wildlands proposal, public outcry against the BLM's attempt to limit target and recreational shooting forced Interior Secretary Salazar to retreat from this effort, and rightfully so. However, at any point—say, right after the November election—the administration could again attempt such a ban on such activities. This is exactly why this legislation is necessary, because it would clearly provide that any closure must be specifically and publicly justified and be for reasons of national security, public safety, or to comply with Federal or State laws.

Title III of the bill would allow for the importation of certain legally taken hunting trophies from Canada that, through no fault of the sportsmen, have become trapped in a bureaucratic limbo. This is focused squarely on resolving existing situations ensnarled in red tape and does not open the door to unlimited future imports.

Finally, title IV of the bill is in response to perhaps the greatest bureaucratic threat posed, and that threat comes in the form of the Environmental Protection Agency, or EPA. In 1976, Congress barred the EPA from regulating firearms and ammunition. However, this has not stopped attempts to try and circumvent the law with the argument that EPA may not be able to regulate ammunition, but it can regulate components of ammunition and components of fishing tackle.

Regulating components of ammunition and fishing tackle would be a massive power grab by the EPA despite a clear lack of legal authority. Has that stopped the EPA under this administration? Sadly, it hasn't.

The EPA is an unfettered agency with an appetite for greater regulations that result in a greater stranglehold of our economy and how Americans are allowed to live their lives. But, unfortunately, the EPA is not without its allies.

In March, over 100 activist antihunting and environmental groups petitioned the EPA to ban the use of lead in hunting and fishing components. This is an overt attempt to end-run a law that has been on the books for nearly 40 years.

This legislation that the House will vote on today reiterates and clarifies existing law, leaving no question that the EPA does not have the authority to regulate ammunition and fishing tackle.

Madam Chairman, hunting, fishing, and recreational shooting are longstanding American traditions that deserve protection, which is exactly what this underlying legislation does, the Sportsmen's Heritage Act of 2012. This is why the bill has received strong bipartisan support and the endorsement of dozens of sporting and wildlife organizations.

I again want to commend the sponsors for their work and encourage all of my colleagues to support and vote for this legislation. I also want to thank Chairman UPTON of the Energy and Commerce Committee and Chairman LUCAS of the Agriculture Committee for their cooperation and assistance in helping to expedite consideration of this bill. At the appropriate time, I will again insert into the RECORD an exchange of letters between me and those chairmen regarding this legislation.

With that, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 8. 2012.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN HASTINGS: I am writing concerning H.R. 4089, the ''Sportsmen's Heritage Act of 2012,'' which was ordered reported from your committee on February 29, 2012. I wanted to notify you that, although it received a referral on the bill, the Committee on Energy and Commerce will forgo action on H.R. 4089 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4089, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 8, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4089, the Sportsmen's Heritage Act of 2012. As you know, the Committee on Natural Resources reported the bill by a bipartisan vote of 27 to 16 on February 29, 2012. I recognize and appreciate your desire to facilitate the consideration of this legislation by the House of Representatives, and accordingly, understand that the Committee on Energy and Commerce will forgo action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by forgoing consideration of H.R. 4089 at this time, the Committee on Energy and Commerce does not waive any jurisdiction over Title IV of the bill or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration of H.R. 4089, to memorialize our understanding.

Thank you for your cooperation and support.

Sincerely,

DOC HASTINGS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 8, 2012.

Hon. FRANK LUCAS,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: On February 29, 2012, the Committee on Natural Resources ordered reported H.R. 4089, the Sportsmen's Heritage Act of 2012, by a bipartisan vote of 27 to 16. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture and the Committee on Energy and Commerce.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

DOC HASTINGS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, April 10, 2012.

Hon. DOC HASTINGS,
Chairman on Natural Resources, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter dated March 8, 2012, I am writing regarding H.R. 4089, the Sportsmen's Heritage Act of 2012, which contains provisions within the jurisdiction of the Committee on Agriculture.

Our two Committees have a history of working cooperatively on matters that generally concern the jurisdiction of both Committees. In order to permit floor consideration of this bill, the Committee on Agriculture will forgo action with the understanding that it does not prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration on the House floor.

Sincerely,

FRANK D. LUCAS
Chairman.

ASSOCIATION OF FISH &
WILDLIFE AGENCIES,
Washington, DC, April 16, 2012.

DEAR CHAIRMAN HASTINGS: I write to reflect the support of the Association of Fish and Wildlife Agencies for HR 4089 with the changes as reflected in the Manager's Amendment to the Rules Committee Print from Mr. Hastings of Washington. As you know, the Association represents the collective perspectives of the state fish and wildlife agencies, and all 50 state agencies are members. We appreciate the work of Committee Members and staff in concluding the perfecting language as reflected in the Manager's Amendment. We also appreciate the enhanced opportunities for recreational fishing, hunting and shooting that will be realized as a result of the bill upon enactment.

We respectfully urge you to oppose any potential floor amendments that would threaten either state fish and wildlife agency authority, or jeopardize the Pittman-Robertson

and Dingell-Johnson laws, the most successful conservation funding models of user-pay/public benefits for fish and wildlife conservation and hunting, fishing and shooting sports.

As we celebrate the 75th Anniversary of the Wildlife and Sportfish Restoration Funds (Pittman-Robertson and Dingell-Johnson), it reminds us of the need to recommit ourselves to protecting the integrity of these funds and the conservation decisions using these funds that are best made at the state and local levels with the input of the hunting, angling and shooting community. State/local decision making is one of the foundational tenets of the North American Model of Wildlife Conservation, and the sportsmen's funding of fish and wildlife conservation through license dollars and Pittman-Robertson and Dingell-Johnson excise taxes apportioned to the states is the most successful conservation program in the world.

Thank you for your consideration of the Association's perspectives.

Sincerely,

JONATHAN W. GASSETT, PH.D.,
President, Association of Fish & Wildlife Agencies and Commissioner, Kentucky Department of Fish & Wildlife Resources.

APRIL 12, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, Longworth H.O.B., Washington, DC.
Hon. ERIC CANTOR,
House Majority Leader, Cannon Building, Washington, DC.
Hon. NANCY PELOSI,
House Minority Leader, Cannon H.O.B., Washington, DC.

DEAR SPEAKER BOEHNER, MAJORITY LEADER CANTOR, AND MINORITY LEADER PELOSI: The undersigned organizations from the recreational fishing, hunting, shooting, and wildlife conservation community would like to bring to your attention our support for H.R. 4089, the Sportsmen's Heritage Act of 2012. This legislation is basically comprised of several of the approximately eight sportsmen's priority bills being championed by the bipartisan Congressional Sportsmen's Caucus. Additionally, in these fiscal times, none of the provisions of H.R. 4089 score or contain any authorization for funding. We understand that not all of the eight sportsmen's priority bills are included within this Act; however, we appreciate the need to quickly move this legislation as it currently stands.

H.R. 4089 is essential to recognizing the importance of and facilitating the expansion and enhancement of hunting and recreational fishing and shooting. H.R. 4089 is a compilation of four different bills (H.R. 2834, H.R. 3440, H.R. 991, and H.R. 1558) that promote and advance our hunting and recreational fishing and shooting heritage. Summarily, the bill includes language that:

Requires hunting and recreational shooting and fishing to be recognized activities on all Forest Service and Bureau of Land Management lands;

Protects recreational shooting on National Monuments under the jurisdiction of the Bureau of Land Management;

Amends the Marine Mammal Protection Act to allow hunters who legally harvested polar bears in Canada prior to its listing under the Endangered Species Act to purchase permits in order to transport their trophies into the U.S.; and

Clarifies that the Environmental Protection Agency does not have the jurisdiction to regulate traditional ammunition with lead components and lead fishing tackle.

Specifically, H.R. 4089 is composed of the following titles:

TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES. After acknowledging that ''recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States'' and defining hunting and recreational fishing as ''environmentally acceptable and beneficial activities,'' Title I would require the Bureau of Land Management and Forest Service to keep their lands open to hunting, recreational fishing, and shooting and facilitate the use of and access to Federal public lands and waters for these activities, pursuant to reasonable exceptions. Access to areas to participate in these activities is one of the top reasons cited as to why sportsmen stop participating in their sports. We support and endorse the perfecting language designed to address potential unintended consequences, as reflected in the amended H.R. 2834 as reported out of the House Natural Resources Committee.

TITLE II—RECREATIONAL SHOOTING PROTECTION. This portion of the bill protects the ability of Americans to enjoy recreational shooting on public lands. Specifically, this portion of the bill says, ''Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting.'' Therefore, if a Federal land agency needs to close a portion of land to recreational shooting they are required to ''submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction'' and to meet other criteria designed to keep all available lands open to sportsmen and recreational shooters. This portion of H.R. 4089 also instructs Federal land managers to manage lands ''in a manner that supports, promotes and enhances recreational shooting opportunities. . . .''

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS. This portion of the legislation permits the importation of polar bear trophies taken legally by hunters in Canada through an amendment to the Marine Mammal Protection Act. If this bill were to be enacted, up to $41,000 would be generated for polar bear conservation and research which would aid in future polar bear conservation efforts.

TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING PROTECTION. This portion of the legislation amends the Toxic Substances Control Act to exclude traditional ammunition with lead components and lead fishing tackle from regulation by the Environmental Protection Agency. Title IV covers a variety of hunting and fishing components that will be exempt because they are subject to a Federal excise tax which serves as a revenue source for conservation efforts at the state level. There is no scientific evidence to suggest the lead contained in ammunition and fishing tackle is having an adverse impact at the population or ecosystem level, and a ban on lead in sporting equipment would unduly burden both industry and sportsmen alike.

The enactment of H.R. 4089 is an important step in the advancement of America's sporting heritage. We urge you to support H.R. 4089. With your support, we can help overcome the obstacles facing sportsmen and women today and further the sportsmen tradition so that it can be handed down for generations to come.

Thank you for your consideration and we look forward to working with you to enact H.R. 4089.

Sincerely,

American Sportfishing Association, Archery Trade Association, Boone and Crockett Club, Bowhunting Preservation Alliance, Campfire Club of America, Catch-A-Dream Foundation, Center for Coastal Conservation, Coastal Conservation Association, Congressional Sportsmen's Foundation, Conservation Force, Dallas Safari Club, Delta Waterfowl Foundation, Ducks Unlimited, Houston Safari Club, International Game Fish Association, International Hunter Education Association, Masters of Foxhounds Association, Mule Deer Foundation, National Rifle Association.

National Shooting Sports Foundation, National Trappers Association, National Wild Turkey Federation, North American Bear Foundation, North American Grouse Partnership, Pheasants Forever, Pope and Young Club, Quail Forever, Quality Deer Management Association, Rocky Mountain Elk Foundation, Ruffed Grouse Society, Safari Club International, Shimano, Texas Wildlife Association, The Bass Federation, U.S. Sportsmen's Alliance, Wild Sheep Foundation, Wildlife Forever, Wildlife Management Institute.

Mr. GRIJALVA. Madam Chairman, I rise in strong opposition to H.R. 4089 and yield myself such time as I may consume.

This legislation is completely unnecessary. If enacted, it would actually harm hunting and fishing on our public lands.

Today, April 17, 2012, nearly 85 percent of Federal lands are open for hunting, fishing, and recreational shooting. These activities have always been an essential part of Federal land management, and they always will be.

Yes, hunting and shooting are facing ever increasing pressures from development, from pollution and habitat destruction. Areas that were once fertile and open hunting grounds are now condominiums or strip malls.

The reality is that Federal public lands and Federal land managers are the last bastion of a hunting tradition many have enjoyed for generations. While so much private property is closed to hunters, the Federal lands remain open.

But instead of recognizing the value of these lands and the expertise of these dedicated land managers, instead of recognizing the complexity of balancing the competing demands of our public lands, supporters of this bill accuse local land management professionals of opposing hunting and claim that officials here in Washington and we here in the Capitol know best how to manage wildlife thousands and thousands of miles away. The legislation and its supporters are wrong on every count.

As part of the analysis of H.R. 4089 by the Congressional Budget Office, CBO found that hunting, fishing, and recreational shooting are allowed on most Federal lands under current law. The problem this bill claims to solve actually does not exist. What's worse, this

bill is not designed to improve the quality of our public lands or our public recreation, rather, it is another in a string of legislative proposals put forth by the majority intended to devalue and degrade our public resources.

Since the beginning of this Congress, Republicans have pushed for unlimited oil and gas development on Federal lands, even waiving important environmental assessments designed to make sure energy development doesn't destroy wildlife and surrounding communities.

Republicans have rejected efforts to put safeguards on offshore drilling to protect important coastal ecosystems.

Republicans have fought to sell Federal lands on the cheap or just give them away.

Republicans have tried to cut off funding for new habitat through the Land and Water Conservation Fund; they support dams and other development in and along wild and scenic recoveries; they even push for uranium mining near the Grand Canyon in my beloved State of Arizona.

Supporters of this bill will claim to love wildlife, but they attack wildlife habitats every chance they get.

At every turn, we've argued that our parks, forests, and monuments are important for recreation, for wildlife, and for water. We have argued against these development proposals because we believe that these lands provide economic benefits to the surrounding communities.

For supporters of this legislation to come to this floor and claim they have seen the light, that all of a sudden they realize Federal public lands are valuable, is not credible.

This bill is not intended to save Federal lands or to support Federal land managers. This bill is designed to wrap them in red tape, place obstacles in their path, and intimidate them by making them seek permission from agency heads in Washington before they can do their jobs.

This bill is about scoring political points with outside groups, even if it means harming our precious public resources.

Not only is H.R. 4089 bad policy, it is an expensive piece of legislation. Again, according to the nonpartisan Congressional Budget Office, forcing the Federal land management agencies to scrap decades of careful planning and then forcing them to redraft all of these current plans according to the dictates of politicians here in Washington will ultimately cost $12 million.

□ 1530

On a day when the majority has voted to deem the Ryan budget in place, a budget we are told is necessary, even though it will devastate our seniors, our students, our families, our environment, the majority is asking the House to vote for $12 million in new spending that is both unnecessary and harmful.

Hunting and fishing and recreational shooting are commonplace on Federal lands. The only step this Congress could take to endanger these activities is to pass H.R. 4089.

With that, Madam Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 4 minutes to the author of one of those pieces of legislation, the chairman of the Veterans' Affairs Committee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank Chairman HASTINGS for yielding, Subcommittee Chairman BISHOP and all the members of the Natural Resources Committee for their help and support in bringing this piece of legislation to the floor.

I also want to take this time to say thank you to the entire sportsmen's community, which has worked very hard to solidify the support here in Congress, including Congressmen BENISHEK, FLAKE, YOUNG, and BROUN, and my counterparts in the Congressional Sportsmen's Caucus leadership, Congressmen ROSS, LATTA, and SHULER.

I would be remiss not to recognize the efforts of the individuals who have diligently worked together with the sportsmen's community to help advance this very bipartisan package of legislation.

I agree with my friends on the other side of the aisle that hunting, fishing, and other wildlife-dependent activities have always and should be continued on our public lands. What this legislation does is protects sportsmen's rights. It protects sportsmen's rights that preserves our Nation's heritage; and among the provisions in this legislation, it prevents the EPA from expanding TSCA to regulate traditional ammunition and fishing tackle.

Those in opposition may suggest it is the majority's belief that lead shot, bullets, and other projectiles, propellants, and primers should not be regulated by anyone at all. But as you heard just a moment ago by the chairman of the full committee, State fish and wildlife agencies are authorized to manage most of the States' fish and wildlife activities and, therefore, closely monitor and address any local concerns about lead-based ammunition.

Some will also falsely claim that there is significant danger to wildlife populations. With very limited exceptions, there is simply no sound evidence that the use of traditional ammunition is causing harm to wildlife or their populations. Others incorrectly claim that traditional ammunition was a threat to human health. In fact, according to the CDC, there has never, never been a case where lead poisoning has been traced to wild-game meat.

Succumbing to the anti-hunting and anti-fishing groups at the expense of the taxpayer and sportsmen, it will be detrimental to the countless manufacturing facilities of sportsmen and recreational industry. It will destroy thousands of jobs and hurt wildlife conservation funding and efforts.

It is the very ammunition, the firearms and the fishing tackle, along with sportsmen and -women that are footing the bill to manage, to protect, and create the habitat for the species that the very anti-hunting and -angling interests claim that they are trying to save. That is why the sportsmen's conservation organizations and the State fish and game agencies have united with industry and Second Amendment interests to get behind this piece of legislation.

While there is still much work to be done to ensure that sportsmen's rights continue to be protected, H.R. 4089 addresses some of the sportsmen's communities' most pressing concerns, and I urge passage of this important piece of legislation.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN), who is a member of the Natural Resources Committee.

Mr. BROUN of Georgia. Thank you, Mr. Chairman.

I rise today in support of H.R. 4089, the Sportsmen's Heritage Act of 2012, a bill that will protect hunting and fishing on public lands and preserve the use of traditional ammunition and fishing tackle.

I am an avid hunter and sportsman. In fact, I'm a life member of Safari Club International and my life member number is 17. I began coming to Washington, D.C., as a volunteer advocate for hunting and fishing rights and for gun owners' rights and responsible conservation. I'm also honored to be a life member of the National Rifle Association. I know the importance of ensuring that our hunters' and our anglers' rights are protected, as well as ensuring the sustainability of wildlife.

This legislation is a compilation of four pro-hunting, -shooting, and -fishing bills offered by my friends JEFF MILLER of Florida, DON YOUNG of Alaska, JEFF FLAKE of Arizona, and Dr. DAN BENISHEK of Michigan. I commend all of them for their great work on this issue. I am also pleased to say that I cosponsored all of their legislation.

Of note, I would like to personally thank Dr. BENISHEK for allowing me to amend his portion of the bill, the Recreational Fishing and Hunting Heritage Opportunities Act, that we marked up in our Natural Resources Committee.

In this Congress, as I have done in the past two Congresses, I introduced H.R. 1444, legislation that would require that hunting activities be considered as a land use in all management plans for Federal land. My amendment was complementary to Mr. BENISHEK's legislation, and it is included in this legislation that we are voting on today.

Sportsmen devote their time, their money, and their efforts towards ensuring that our Nation's fish and wildlife are sustainable for all Americans to

enjoy. In return, I urge my colleagues to support the Sportsmen's Heritage Act so that future generations can continue to hunt, fish, and enjoy God-given natural resources.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. BROUN of Georgia. I urge my colleagues to support the Sportsmen's Heritage Act so that future generations can continue to hunt, fish, and enjoy the God-given natural resources that were bestowed upon this country.

Mr. GRIJALVA. Madam Chair, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I yield 2 minutes to the gentleman from Michigan, Dr. BENISHEK, who is also a sponsor of one of the pieces of legislation that's part of this legislation.

Mr. BENISHEK. Madam Chairman, I come before the House today as a cosponsor and a strong supporter of the Sportsmen's Heritage Act.

I thank my good friend, Chairman MILLER, for introducing it, and I'm particularly pleased that title I of the bill contains the Recreational Fishing and Hunting Heritage Opportunities Act, a bill I introduced last September.

Madam Chairman, my northern Michigan district is blessed with abundant natural resources, including three Federal forests. Like many in the First District, I have enjoyed hunting and fishing since I was a child. These are memories I have cherished for a lifetime, and I want to ensure that northern Michigan's children and grandchildren will be able to enjoy the same.

Today's bipartisan bill is not some sweeping or radical piece of legislation. It simply confirms that sportsmen will be able to access Federal lands to enjoy fishing, hunting, and recreational shooting. These pursuits are part of the tradition of American public land use, but regrettably they are threatened by animal rights and environmental groups that seek to end that tradition.

Like many in this House, I believe these traditions are something to be celebrated and protected. Whether it's trout fishing in May, deer hunting in November, or just shooting clays with some friends, every person in this country has a right to enjoy these lands.

Madam Chairman, let us make clear today that hunting, fishing, and recreational shooting on Federal lands must be protected. Let us make sure that when our grandchildren pick up their fishing rod or firearm for their first time and head out into America's great outdoors, they have the same rights and privileges that we have always known.

I invite all my colleagues to visit northern Michigan this summer for some of the best trout fishing in America or visit this October or November for some grouse and deer hunting.

Mr. GRIJALVA. Madam Chair, just to make sure that the record is clear, as I mentioned, much of our public lands—and CBO mentioned that as well—are open to hunting, fishing, and recreational shooting.

□ 1540

I think it's important to see how that translates into acreage:

BLM lands, 245 million acres, 95 percent open;

Park Service, 84 million acres, 70 percent open;

Fish and Wildlife, 150 million acres, 57 percent open;

Forest Service, 193 million acres, 95 percent open.

The real threat to access to our public lands for hunters, anglers, and recreational shooting is the privatization of these very important public resources, degraded habitat due to lack of funding, and development that disrupts habitat and water quality.

The majority frequently laments that Federal lands dominate the West and are robbing local communities of important resources. They have promoted taking these same lands and giving it to the States, liquidating others, and intensely developing what is left. If that is the pattern of land management that the majority seeks for our public lands, then hunters, anglers, recreational and people that enjoy our open spaces and public lands will be more endangered by that public policy than by a problem that this bill attempts to address that doesn't exist.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 1 minute to the gentleman from Arizona, somebody who has worked on this legislation, Mr. GOSAR.

Mr. GOSAR. Thank you, Mr. Chairman.

Madam Chair, I rise in support of the Sportsmen's Heritage Act of 2012. I have lived in rural America my entire life, where hunting, fishing, and sport shooting are more than just hobbies—they are a way of life.

Unfortunately, in Arizona, where the Federal Government administers nearly 50 percent of our land, recreational activities are being restricted by ill-advised land management decisions. BLM has shut down nearly 72,000 acres in Agua Fria and is targeting 600,000 more at the Sonoran Desert and the Ironwood Forest National Monument.

The bill we are considering today removes government roadblocks to these activities and guards against new regulations that threaten to block or limit access to hunting and fishing. Our way of life should not be infringed upon because of the prejudices of bureaucrats who do not understand the lifestyles of sportsmen in rural America.

I urge my colleagues to protect jobs, economic growth, and the traditional right of American sportsmen to hunt and fish. Vote ''yes'' on H.R. 4089, the Sportsmen's Heritage Act.

Mr. GRIJALVA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself such time as I may consume.

Let me touch a bit on an issue that was brought up as to the cost of this legislation—cost that I acknowledge was scored by the Congressional Budget Office. I have to say, sometimes we have differences with those agencies. I guess that's understandable. But they suggest that there is a cost associated with this bill. Let me kind of walk through some points of this bill that I hope will point out: How can there be a cost associated with it?

Because, first of all, this bill does not create a new program. New programs would be associated with cost. This does not create a new program. It does not authorize any new spending. So because it doesn't authorize spending, how can there be a cost associated with it? It does not authorize any new personnel. So if we don't add any new personnel, how can there be a cost associated with it? Further, the bill restricts the ability of Federal land managers to oppose restrictions. Well, if they do less, one would say, logically, how could there be a cost associated with it?

I think what the reason is—and sometimes we point fingers here too much, but I mentioned in my opening statement that the Department of the Interior had some problems with this legislation, and maybe they had some problems and said that there would be new activities for people that work for them and, therefore, there would be a cost.

Let me reiterate: it doesn't create a new program. It does not authorize new spending, doesn't hire anybody. Under current law, they are required to do what they are required to do. How could that possibly cost more money? But yet that is what the CBO scored, and there's absolutely nothing we can do because that's their score.

But I will tell you, Madam Chairman, for the record, I highly doubt that if one were to walk their way through the restrictions that I have here and apply it to any other legislation, I would have to think that there would be no costs associated with that legislation. And I think that is probably the case, when you really get down to it, on this legislation.

With that, I reserve the balance of my time.

Mr. GRIJALVA. May I inquire as to how much time is remaining?

The CHAIR. The gentleman from Arizona has 23 minutes remaining, and the gentleman from Washington has 11½ minutes remaining.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 3 minutes to another gentleman that has authored legislation that is part of the title of this legislation, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Thank you, Mr. Chairman, for yielding.

I rise in support of H.R. 4089, the Sportsmen's Heritage Act.

I have appreciated the opportunity and have helped with the introduction of legislation that will protect and enhance opportunities for recreational hunting, fishing, and shooting. I am proud that the Recreational Shooting Protection Act, legislation that I introduced earlier this year, is a critical measure towards protecting the rights of recreational shooters and is included in the bill that we're debating today.

As I stand here, the Bureau of Land Management is actively working to ban recreational shooting in both the Sonoran Desert and Ironwood Forest National Monument in Arizona. That's more than 600,000 acres of taxpayer-supported public lands that, if the administration had its druthers, would be closed to recreational shooting in my State of Arizona alone.

Don't be confused; this isn't just an Arizona issue. In 2010 alone, the agency unilaterally closed more than 400,000 acres across three States to recreational shooting. Just as troubling as the closures themselves is the process by which they're coming about. The mechanism for these closures is just bureaucratic fiat.

Too often, the BLM seems quick to point to the action of some bad actors and just as quick to ignore that many recreational shooting enthusiasts responsibly use their Federal lands and the existing laws already on the books that make disreputable actions illegal already. Whether it's closing a million acres of Federal lands to do mining, investigating costly pollution controls for a new power plant, trying to require costly modifications to pools, or locking up recreational shooting areas, you would think that the administration's arms at some point would get tired from overreaching.

As a remedy in the shooting areas, the Recreational Shooting Protection Act portion of the bill would require congressional approval for existing and future recreational shooting restrictions on BLM-managed national monument lands. It would also direct the BLM to manage national monument lands in a manner that enhances recreational shooting opportunities. I should say that that really is the instructions that the agencies are under now, yet they're continuing to carry forward with these actions.

For generations, the Federal Government has recognized recreational shooting as a traditional and legitimate activity on public lands. Nowhere is this more relevant than in the Western States, like Arizona, where communities are often and literally surrounded by Federal lands.

To be clear, all this provision advocates is an additional layer of supervision and oversight of the process. It does not prevent the closure of BLM lands to recreational shooting, it does not unconditionally reverse existing closures, and it does not grant recreational shooters carte blanche on national monument lands. It also does not authorized any new spending.

I believe the Recreational Shooting Protection Act affords Congress the necessary oversight to prevent unnecessary recreational shooting bans, and I urge its adoption.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. FLAKE. Thank you.

I should mention that as a diverse package of critical natural resource bills, the Sportsmen's Heritage Act is poised to protect and enhance opportunities for sportsmen across the Nation. I urge its passage.

Again, I thank the chairman for bringing this forward, and those who've worked on the broader piece of legislation. It's a good piece of legislation. It ought to be passed.

□ 1550

Mr. GRIJALVA. Madam Chairman, my State and my colleague's, Congressman FLAKE's, State, and my district are both blessed with Federal lands, both Forest Service Bureau of Land Management areas. The debate over access for shooting has been fierce for many, many years. We've had closures of some areas because shooting activities, in particular, using saguaro cactuses as targets, was impacting the lands, and the ironwood, which is an endangered bosque that is one of the few left in our Nation and certainly in the Southwest.

These processes by which communities go through an arbitrary, cookie-cutter approach at the national level in terms of recreational shooting robs the local community of their ability to impact and their ability to be able to negotiate compromise and draw consensus on appropriate shooting ranges and sites.

I would suggest that here in Washington, D.C., whether it's Congress or the officials here in Washington making those decisions for Arizona, for our respective districts, that the reaction from the public will not be a good one insofar as they have been robbed of the opportunity to find a workable solution for all the parties involved.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 2 minutes to a vice chairman of the bipartisan Sportsmen's Caucus, Mr. LATTA, from Ohio.

Mr. LATTA. I thank the gentleman.

Madam Chairman, I rise today in support of H.R. 4089, the Sportsmen's Heritage Act of 2012. This important legislation for sportsmen and -women protect their rights to hunt and fish while limiting restrictions in regards to these activities. As a lifelong hunter and Ohio hunter education instructor and current vice chairman of the Congressional Sportsmen's Caucus, these issues are not only important to me but to my constituents, as well as individuals across this Nation.

I strongly support H.R. 4089 and will discuss a provision of the bill relating to the importance of having access to public lands for our sportsmen and -women. This portion of the bill would ensure that Federal land management agencies, primarily the Forest Service and the Bureau of Land Management, act to protect and foster hunting, fishing, and shooting traditions on Federal public lands by directing these Federal agencies to exercise their land management discretion to facilitate sportsmen's and -women's activities.

One of my priorities has been to ensure our youth have the opportunities to access to become involved in hunting, fishing, and other shooting sports. One of the main reasons cited as to why sportsmen and -women stop participating in these activities is the limitation and access of land. By having more access to Federal lands, it helps current users and facilitates that next generation of hunters, anglers, and shooters.

In my home State of Ohio, only 3 percent of the land is publicly owned, whereas in some of our Western States, the majority of the land is publicly owned, as just mentioned by my friend. For example, in Nevada, approximately 80 percent of the land is Federal land, and in Wyoming, it's almost 50 percent. Again, if these lands in these States with large tracts of Federal lands are restricted, hunters and recreational fishermen and -women will not be able to participate in those outdoor activities. And, again, it will impede our youth from being able to participate in the future because, again, they rely on those adults to get them out.

I strongly urge my colleagues to support H.R. 4089, and I thank the gentleman.

Mr. GRIJALVA. If I may, if I could inquire from Chairman HASTINGS as to anymore speakers. I am prepared to close.

Mr. HASTINGS of Washington. I thank the gentleman. I am prepared to close, and so if he wishes to close, then I will close on my side.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Dams, derricks, distress sales—that has been the agenda of the majority until today regarding our public lands. Today, an epiphany. We need to protect wildlife habitat, water quality and access for hunters, fishermen, anglers, and recreational shooting. Promoting more hunting and fishing activities on Federal land involves ensuring the habitat is protected, acquiring new lands to expand existing habitats, funding wildlife and habitat management and continuing to ensure that our parks, forests, monuments, and wildlife areas remain in public hands.

So if we're going to have a discussion about access for a very wide and broad issue of hunting and fishing on our public lands, we should do that, have a

serious discussion. I invite the majority to enter into that, a serious discussion about the funding for fish and wildlife habitat, a serious discussion of land acquisition to increase access and availability for hunters and fishermen and clean water programs that would ensure that that habitat is protected.

Hunting and fishing are under attack, but they're under attack from privatization and development, not from Federal land managers.

This bill says that top-down Washington knows best, knows the best management and that that is the way to go. We support letting local land managers and local communities do their job. You can't say you trust CBO when you like the score and don't trust CBO when you don't like the score. A vote for this bill is a vote to spend $12 million. It's that simple. A vote for this bill is to continue the philosophy of dams, derricks, and distress sales of our public lands under the guise—under the guise—of solving a problem for hunters and fishermen in this country that does not exist on the public lands.

Four out of five acres is available for hunting and fishing on our public lands. I would suggest that that is not just a question of being enough; that is about access and opportunity on our public lands for those activities. Let's not jeopardize them.

Vote ''no'' on H.R. 4089, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself the balance of the time.

The CHAIR. The gentleman is recognized for up to 6 minutes.

Mr. HASTINGS of Washington. Let's go back and set the stage for why this legislation is needed, and let's understand that public lands were designated for multiple use which, of course, means recreation and, of course, commercial activity, unless Congress says otherwise. And the most obvious example of where Congress says otherwise is in wilderness designations. But even then, in wilderness designations, there are certain activities. But Federal lands were designed to be multiple use.

The reason for this legislation is because we are finding arbitrary decisions on the ground not for the exceptions that Congress looked at that would restrict land activity. The gentleman from Arizona (Mr. FLAKE) pointed that out very well with his portion of this bill.

Some of the restrictions make perfectly good sense if one were to look at it hopefully logically, and sometimes we miss that point when we debate here on the floor. One of the reasons is for reasons of national security. If there should be restrictions on public lands for national security, nobody, I think, would argue with that. If there should be restrictions on public lands for public health, nobody would argue with that. Forest fires or wildfires come to mind in that situation—or if they are contrary to applicable Federal statutes. All of those things make sense.

But let's not lose the underlying principle of public lands, that they should be for multiple use. And what this legislation simply does is reiterates, reiterates that hunting and fishing have their portion—not higher, not lower—but have their portion on use for public lands. That's what the whole intent of this legislation is.

We hear my friends on the other side of the aisle saying this is becoming top down; and yet when you look at the concerns that Members have had trying to offer amendments where they're trying to get more flexibility, you can't have it both ways. This simply reiterates what are the national standards. It should be multiple use, but particularly in this case as it relates to hunting and fishing.

With that, I urge adoption of the legislation, and I yield back the balance of my time.

Mr. VAN HOLLEN. Madam Chair, this so-called "Sportsmen's Heritage Act" is an amalgam of four separate bills that have more to do with undermining conservation laws than hunting, fishing or recreational shooting.

Like many Americans and most Members of this House, I don't have a problem with hunting, fishing or recreational shooting on federal land where appropriate. As a practical matter, over 75% of all federal lands are already open to hunting and fishing—and more than 85% of all national monuments are open for recreational shooting. But as a matter of common sense, these recreational activities need to be balanced against the health and safety of other park users and uses, as well as the proper management of wildlife and wildfire risk. And at the end of the day, these kinds of decisions are best made by local land managers, not an agency head in Washington, D.C.

This legislation is further encumbered by a regulatory earmark benefitting an estimated 41 trophy hunters at the expense of our endangered species laws, and a provision banning the EPA from doing something it has already publicly said it isn't going to do.

Accordingly, I urge a no vote.

Mr. RYAN of Wisconsin. Madam Chair, as an avid outdoorsman and member of the bipartisan Congressional Sportsmen's Caucus, I am grateful for the opportunity to voice my support for H.R. 4089, the Sportsmen's Heritage Act. This legislation clarifies federal policies for the management of sporting activities on public lands and protects opportunities for recreational hunting, fishing, and shooting. I commend the House Committee on Natural Resources for their commitment to preserving the legacy of conservation and upholding Second Amendment rights, and I urge my colleagues to vote in favor of this important legislation.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–19. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Sportsmen's Heritage Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Definition.
Sec. 104. Recreational fishing, hunting, and shooting.

TITLE II—RECREATIONAL SHOOTING PROTECTION

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Recreational shooting.

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS

Sec. 301. Short title.
Sec. 302. Permits for importation of polar bear trophies taken in sport hunts in Canada.

TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING PROTECTION

Sec. 401. Short title.
Sec. 402. Modification of definition.

TITLE I—RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES

SEC. 101. SHORT TITLE.

This title may be cited as the ''Recreational Fishing and Hunting Heritage and Opportunities Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate, safe recreational shooting is a valid use of Federal public lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(7) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and

wildlife conservation and funding for important conservation efforts; and

(8) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order 12962, relating to recreational fisheries, and Executive Order 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 103. DEFINITION.

In this title:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term ''Federal public land'' does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law, including laws applicable to the National Park System).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means the lawful—

(A) pursuit, capture, collection, or killing of fish; or

(B) attempt to capture, collect, or kill fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 104. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands and waters for fishing, sport hunting, and recreational shooting except as limited by—

(1) statutory authority that authorizes action or withholding 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, waters, or units thereof; and

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this title, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—The fact that recreational fishing, hunting, or shooting occurs on adjacent or nearby public or private lands shall not be considered in determining which Federal public lands are open for these activities or for setting levels of use for these activities.

(2) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning documents of listed in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agency, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public lands unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal statutes, why skilled volunteers shall not be used to control overpopulations of wildlife on the land that is the subject of the planning documents.

(d) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law. The head of the agency shall publish public notice of such closure or restriction before it is effective, unless the closure or restriction is mandated by other law.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency—

(i) may lease its lands for shooting ranges; and

(ii) may designate specific lands for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS.—

(1) The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The ''within and supplemental to'' Wilderness purposes, as provided in Public Law 88–577, section 4(c), means that any requirements imposed by that Act shall be implemented only insofar as they facilitate or enhance the original or primary purpose or purposes for which the Federal public lands or Federal public land unit was established and do not materially interfere with or hinder such purpose or purposes.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than October 1 of each year, the head of each Federal agency who has authority to manage Federal public land on which fishing, hunting, or recreational shooting occurs shall publish in the Federal Register and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(B) the reason for the closure.

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

(A) IN GENERAL.—Other than closures under subsection (c), the withdrawal, any change of classification, or any change of management status that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land or water to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land or water—

(i) publishes notice of the closure, withdrawal, or significant restriction;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal, change, or significant restriction.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of small closures or significant restrictions affects 640 or more acres, such small closures or significant restrictions shall be subject to these requirements.

(g) AREAS NOT AFFECTED.—Nothing in this title requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting.

(h) NO PRIORITY.—Nothing in this title requires a Federal agency to give preference to recreational fishing, hunting, or shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(i) CONSULTATION WITH COUNCILS.—In fulfilling the duties set forth in this title, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Orders 12962 and 13443.

(j) AUTHORITY OF THE STATES.—

(1) IN GENERAL.—Nothing in this title shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) FEDERAL LICENSES.—Nothing in this title authorizes the head of a Federal agency head to require a license or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

TITLE II—RECREATIONAL SHOOTING PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Recreational Shooting Protection Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Land Management.

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

(3) RECREATIONAL SHOOTING.—The term ''recreational shooting'' includes any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 203. RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting, except such closures and restrictions determined by the Director to be necessary and reasonable and supported by facts and evidence for one or more of the following:

(1) Reasons of national security.

(2) Reasons of public safety.

(3) To comply with an applicable Federal statute.

(4) To comply with a law (including regulations) of the State in which the National Monument land is located that is applicable to recreational shooting.

(b) NOTICE; REPORT.—

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

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

(B) submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction.

(2) TIMING.—The Director shall issue the notice and report required under paragraph (1)—

(A) before the closure if practicable without risking national security or public safety; and

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

(c) CESSATION OF CLOSURE OR RESTRICTION.—A closure or restriction under paragraph (1) or (2) of subsection (a) shall cease to be effective—

(1) effective on the day after the last day of the six-month period beginning on the date on which the Director submitted the report to Congress under subsection (b)(2) regarding the closure or restriction, unless the closure or restriction has been approved by Federal law; and

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

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

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

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

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

(e) LIMITATION ON DUPLICATIVE CLOSURES OR RESTRICTIONS.—Unless supported by criteria under subsection (a) as a result of a change in circumstances, the Director may not issue a closure or restriction under subsection (a) that is substantially similar to closure or restriction previously issued that was not approved by Federal law.

(f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RESTRICTIONS.—On the date that is six months after the date of the enactment of this Act, this title shall apply to closures and restrictions in place on the date of the enactment of this title that relate to access and use for recreational shooting on National Monument land under the jurisdiction of the Bureau of Land Management.

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

(1) any National Monument land under the jurisdiction of the Bureau of Land Management that was closed to recreational shooting or on which recreational shooting was restricted at any time during the preceding year; and

(2) the reason for the closure.

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

(i) AUTHORITY OF THE STATES.—

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

(2) FEDERAL LICENSES.—Nothing in this title authorizes the Director to require a license for recreational shooting on land or water in a State, including on Federal public land in the State.

TITLE III—POLAR BEAR CONSERVATION AND FAIRNESS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Polar Bear Conservation and Fairness Act of 2012''.

SEC. 302. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), 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—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2012.''.

TITLE IV—HUNTING, FISHING, AND RECREATIONAL SHOOTING PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Hunting, Fishing, and Recreational Shooting Protection Act''.

SEC. 402. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–444. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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.

□ 1600

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–444.

Mr. HASTINGS of Washington. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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:

(iii) the training of hunting dogs, including 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:

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not 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 these activities or in the setting of levels of use for these activities on Federal public lands, unless the

combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

Page 8, line 13, strike ''of'' the first place it appears.

Page 8, line 15, strike ''agency'' and insert ''agencies''

Page 9, line 3, after ''Forest Service, including'' insert ''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:

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

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

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

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

(e) NECESSITY IN WILDERNESS AREAS AND ''WITHIN AND SUPPLEMENTAL TO'' WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

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

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

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

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

Page 11, line 9, strike ''publish in the Federal Register and''.

Page 11, lines 14 through 18, redesignate subparagraphs (A) and (B) as paragraphs (1) and (2), respectively (and conform the margins accordingly).

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

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

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

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

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

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

(3) EMERGENCY CLOSURES.—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. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

Page 12, after line 23, insert the following:

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

Page 13, line 22, after ''license'' insert '', fee,''.

Page 18, after line 18, insert the following:

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

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, this manager's amendment is a noncontroversial amendment to H.R. 4089 that makes several technical, clarifying, and harmonizing changes to the bill. It adds to the bill amendments that were adopted by the Natural Resources Committee when it considered several of the individual bills that are now separate titles of the Sportsmen's Heritage Act.

In addition, although I believe the original bill never allowed extractive commercial activity or motorized travel in wilderness areas, this amendment adds language that will say so explicitly.

Finally, the amendment reduces the administrative tasks faced by the agencies with regard to the format and frequency of public notice and congressional reporting requirements.

I ask for your support for this amendment, and with that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, we do not object to this dab of lipstick on H.R. 4089.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The Acting CHAIR (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–444.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

(g) AREAS NOT AFFECTED.—Nothing in this title requires the opening to hunting or recreational shooting of—

(1) a national park or national monument under the jurisdiction of the National Park Service; or

(2) a unit of the National Park System (that is not a national park or national monument) unless specifically provided by statute that such unit be open to hunting or recreational shooting.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, H.R. 4089 deems all Federal land open for hunting and recreational shooting unless a closure is made by the head of the agency here in Washington. The authors of the legislation intended to exempt from the bill lands under the jurisdiction of the National Park Service. I'm sure, I have it on good authority from them, from the authors, that this was their intention. However, as written, the bill only exempts national parks and national monuments. My amendment is a simple, technical correction that ensures all units of the National Park Service are included in the exemption.

The exemption language in title I is, I believe, unintentionally broad and not clear. The National Park System includes units that have a variety of designations—national seashores, national scenic trails, national battle fields, among others. The National Park System has units in urban areas, in rural areas, in suburban communities, in the East, in the West, in the center of our country.

And without this amendment, H.R. 4089 could potentially open for hunting the Paterson, New Jersey, Great Falls National Historic Park in the heart of Paterson, the third-largest city in my State. The bill could, as written, potentially allow hunting within Antietam or Manassas National Battlefields.

All units of the National Park System, like our national battlefields and military parks, are sacred ground and should be reserved for solemn contemplation of the sacrifices of our ancestors. My amendment would ensure

that the policies of the National Park Service involving firearms in areas controlled by the National Park Service stay in place.

Now, some have suggested that the historic battle reenactments constitute recreational shooting, and this, my amendment, would, they say, prevent reenacting on battlefields. Maybe my good friend from Utah doesn't know the National Park Service policy.

It's important to note that current National Park Service policy, right now, prohibits ''battle reenactments and demonstrations of battle tactics that involve exchanges of fire between opposing lines or any other form of simulated warfare.'' I'm not aware of any problems that this sensible policy has caused.

It's important to note that there are National Park System units like Lake Roosevelt National Recreation Area in Washington State, I say to my friend, the chairman, or Craters of the Moon National Preserve in Idaho that allow hunting and recreational shooting. My amendment would not affect those policies. The hunting and recreational shooting could continue in those places.

I just want to emphasize, this is a technical amendment. I'm not getting at the merits for or against the bill overall. But should this bill proceed, it would be a big mistake to say that the hunting, the recreational shooting could take place in Gettysburg and Chincoteague and any number of other places that aren't intended.

Let's ensure that, in the hurry to open all Federal lands to hunting and recreational shooting, we don't carelessly open up to gunfire consecrated grounds like the Civil War battlefields, like the parks and beaches and forests of our national recreation areas.

I urge my colleagues to support this technical correction to the bill, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, the Holt amendment uses a blunderbuss and not a rifle to address the complex issue of the programs in national parks that involve shooting. This issue goes beyond sport or subsistence hunting, which are currently allowed in some park units.

In addition to national parks that allow traditional forms of hunting, the National Park Service has a historic weapons program that would be silenced, contrary to what my good friend and the author of this amendment, Mr. HOLT, says.

In 2011, more than 600 national parks participated in some form of historic weapons demonstrations. From cannons to flintlocks, the Park Service says this program is ''undeniably popular with visitors'' and drew just less than a million visitors to various national parks around the country last year.

At Fort Vancouver National Park in Oregon and Washington, for example, both rangers and volunteers regularly fire muskets and cannons to demonstrate the historic role these weapons played in the history of the site.

One of the most popular public participation events in many parks involves the reenactment of historic battles. Thousands of reenactors participate. They use their own historically accurate weapons and costumes to recreate, on location, the great battles that took place at our Civil War sites. For many of those who participate or come to watch, these educational passions are the favorite of the national park events.

It was on this week, 237 years ago, that General Thomas Gage, the Royal Governor in Boston, sent his troops to confiscate the patriot weapons at Lexington and Concord. And at the Minuteman National Historic Park today, a living history event is conducted in which volunteers are permitted to bring reproductions of the flintlock muskets, pistols, and percussion cap weapons their ancestors used during the first battle for our independence.

At a time when the National Park Service is running a multibillion dollar maintenance backlog, the Holt amendment will disarm it of its real draw. So I urge my colleagues to oppose the amendment and to allow the Park Service to continue the tradition of educating visitors about our proud American history.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, may I ask the remaining time?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. HOLT. My amendment simply ensures that nothing in this act would force hunting in the National Park Service. I really don't understand what the chairman is talking about here, because where it is allowed, it would be allowed. Where it's not allowed, it would not be allowed. It is policy of the National Park Service not to allow reenactment of battles.

□ 1610

The battle reenactments and demonstrations of battle tactics that involve exchanges of fire between opposing lines, the taking of casualties, hand-to-hand combat, et cetera, are prohibited in all parks. Park Service employees can conduct demonstrations as part of their living history program. That's done now. It would be continued under this.

What this says is, under this legislation, were it to become law, a person who wants to hunt in Gettysburg Park can't do that unless the National Park Service policy allows it. That's all this says. It extends it to all facilities of the National Park Service, not just what was specified in the bill parks and monuments.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

I beg to differ. I understand where my good friend from New Jersey is coming from. I'm sure that's what his intent is, but that's not what his amendment says. His amendment says that that activity has to be provided by statute at each facility, and that's simply not the case. We haven't done that. We blanket authority give that to the National Park System to carry on what is classified as pastimes, that sort of activity. He prohibits that unless it's provided by statute. He did not offer an amendment to say we should statutize every one of those at every one of the sites. That's the flaw in the amendment. It was brought up in Rules yesterday, and yet the amendment wasn't corrected and so here we are.

Now, I understand what he's trying to do, but the amendment does not say that. So I urge defeat of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–444.

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 2, insert the following:

SEC. 105. APPLICABILITY CONDITION.

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

Page 18, after line 18, insert the following:

SEC. 204. APPLICABILITY CONDITION.

This title shall be in effect and apply only when less than 75 percent of Federal public land (as defined section 103) is available for hunting, fishing, or recreation shooting, as determined by the Secretary of the Interior.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, the purpose of my amendment is to emphasize the point that nearly 85 percent of

all public lands are already open for hunting, fishing, and recreational shooting. Whether we are talking about Fish and Wildlife Service, Bureau of Land Management—including national monuments—National Park Service lands, or Forest Service lands, in each and every case the majority are open for hunting, fishing, and recreational shooting.

My amendment would only trigger the provisions in title I and II of this legislation if less than 75 percent of Federal public lands are open for hunting, fishing, and recreational shooting. I can't think of any other use that occurs on 75 percent of our public lands.

I understand that some individuals are upset about some specific court decision or specific local closures, but we need to keep things in perspective. Right now, more than 4 out of 5 acres are open for hunting, fishing, and recreational shooting. Given that, do we really need Federal employees in D.C. making decisions about which lands to close or, worse yet, have Congress make that decision?

My State and my district are both blessed with Federal lands. Debates occur all the time about shooting ranges, and they have been very fierce, as I mentioned earlier. Local land managers have worked with local groups and communities to come up with solutions, including providing access on other Federal lands. Unless we see significant closures across the landscape, I think we should allow local managers to make local decisions based on local input.

The problem this bill claims to solve does not exist, but this amendment would allow the provisions of the bill to kick in if this problem ever actually developed.

I would urge support of my amendment, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, last year, the Bureau of Land Management decided that it would close a lot of the land it manages to shooting sports. The agency never explained why it wanted to do this, but one BLM official was quoted in a news article as stating, ''It's not a safety issue; it's a social conflict issue.'' He elaborated by saying that urbanites ''freak out'' when they hear shooting.

Now, after a public outcry on this, the Interior Secretary had to send out an order telling BLM to stand down on this regulation, but the question is really: For how long?

There is nothing that prevents the Obama administration from changing its mind—say, immediately after the November election—and again seeking to arbitrarily limit shooting sports. That's why this bill is necessary, to prevent such an arbitrary action by bureaucrats to limit recreational shooting, fishing, and hunting without justification.

The amendment by the ranking member of the Subcommittee on National Parks, Forests and Public Lands is even more arbitrary. While the amendment is drafted to appear reasonable, it is most certainly not. The devil is in the clever details. It appears to permit fishing, hunting, and recreational shooting, but in reality the amendment nullifies the actual purpose of the underlying bill to protect these activities.

First, one needs to understand that you could fit a lot of eastern States in a small fraction of our land that is BLM land. BLM controls 253 million acres of land, more than one-eighth all the land in the United States.

Second, the term ''public land'' used in this amendment has an expansive meeting. Legally, public land means more than national forest and BLM land. It also includes the Outer Continental Shelf. So, under this amendment, as long as fishing is allowed in any part of the ocean, no actual land need to be open to hunting; in other words, the 20 percent requirement could be satisfied in the Outer Continental Shelf.

Who hunts in the Outer Continental Shelf, Mr. Chairman?

Again, the bill we are considering today is about public land open to American people for outdoor recreation. That is a good goal. This amendment tries to hijack the bill by sending it 180 degrees from the intent of the underlying legislation.

So I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, the argument that nothing to do with hunting and shooting has happened yet but there may be a secret plan to do so after the election, that's as preposterous as it is ridiculous. The problem does not exist, and this bill would do real harm.

The example that my good friend, the chairman, used about urban encroachment and development speaks to the point that we have been trying to make in this legislation, that the greatest threat to hunting and fishing and recreational shooting is exactly that—development, privatization, and unregulated extraction—as we were talking about around the Grand Canyon and uranium mining. Those threats to our public lands are the threats and the trends and the public policy that is being promoted by the majority that will limit and deny access to public lands to hunters, fishermen, and recreational shooters.

Right now, as we stand, BLM, 245 million acres, 95 percent open to those activities; Park Service, 84 million acres, 70 percent open to those activities; fish and Wildlife, 150 million acres, 50 percent open to those activities; Forest Service, 193 million acres, 95 percent open to those activities, ''those activities'' being hunting, fishing, and recreational shooting.

If we want to protect access and protect the opportunities for hunters and fishermen in our public lands, I would urge the approval of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, my good friend from Arizona said that suggesting in my argument that there could be a change in direction after the November election—and I'll paraphrase. He said that's preposterous. It may be. But I would just remind my colleagues that in a situation here several weeks back when it was not supposed to be recorded, our President was talking to the President of Russia.

□ 1620

This was recorded on an open mike when he was talking to the President, and again I'll paraphrase. He said, After the election, I'll have more flexibility on missile defense.

Now, on that issue, keep in mind, he had already given up the missile defense in Eastern Europe. Why would he want to have more flexibility for the defense of our country? The issue there is flexibility. And the issue is, if the President is going to use flexibility in that context, couldn't you apply the same flexibility to something that he has already done this year that has been reversed?

So I don't think it is preposterous. The flexibility issue, I believe, is going to be an issue that is going to be talked about a lot between now and November, and it could apply to a great deal of policies that we could be considering in this House. This is one of them because the administration has already said that these activities should make BLM lands off limits to target shooting. I don't know why that same principle could not be applied if the President has more flexibility after the election.

So I urge the defeat of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–444.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title III.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. I yield myself such time as I may consume.

I rise today to support my amendment, which strikes a bailout that was slipped into this bill for 41 wealthy sport hunters who want to import polar bear trophies taken during hunts in Canada.

Polar bears were listed as threatened in May of 2008 by the Bush administration's Fish and Wildlife Service, which prohibited their importation as trophies. This protection was not implemented overnight. Trophy hunters were warned. They were warned by Federal agencies and hunting associations for more than a year that the final listing would cut off imports immediately. The Hunting Report told its readers in 2007:

The bottom line is, no American hunter should be putting hard, non-returnable money down on a polar bear hunt at this point.

These individuals knowingly assumed the risk that their trophies might not be approved for importation, and they decided to hunt and to kill these beautiful, threatened creatures anyway.

While it is too late to save these bears, passing this bill creates a perverse incentive for trophy hunters to rush to hunt any species soon to be protected under the Endangered Species Act because their friends in Congress will simply bail them out after the fact. We cannot allow that, and that's why I encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I strongly oppose this amendment.

I am deeply surprised the gentleman from Michigan would, in fact, propose the amendment. He has one of these bears from his State, and a lot of hunters are not wealthy. This is a legal activity in Canada. They hunted these bears prior to 2008 and even prior to 2007. These are dead bears, and they are sitting in Canada. When the hunters hunted legally, the Canadian Government gave them the proper authority to do so, and it helped the native villages. Right now, there are more bears in Canada than there ever has been in history.

Hunting is a vital process of the management of game, and these people included two wounded veterans. They were in Iraq, in that heated area, and the one dream they had when they got back was to be able to go and hunt a polar bear. I can understand that. They shot their trophies legally and with the blessing of the Canadian Government and the local province, and then they expected to be able to return those bears, those hides—and yes, even sometimes the bodies—back home for the proper display of their hunts. To say now you can't import something when a bear was declared threatened by, yes, the Bush administration—and wrongfully so—the bears are not threatened. There are more bears now than there were in 1964. I'm probably the only individual on this floor who had ever shot a polar bear in '64, and I'm certainly not rich.

I am suggesting that this amendment is ill-placed, poorly thought out, and improper. I want those people who did things legally by the nation of our neighbors and blessed by the province to be able to bring those trophies back home, as they have the right to do. Yet the act of a Secretary of the Interior took that away from them arbitrarily.

I reserve the balance of my time.

Mr. PETERS. I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I rise in strong support of the Peters amendment. Without this amendment, the bill will undermine the protections currently in place for wild species under the Endangered Species Act and under the Marine Mammal Protection Act.

In this case, the hunters who chose to kill these polar bears knew they were taking a risk. They had good information that polar bears would be listed as an endangered, threatened species under the Endangered Species Act, and they acted contrary to it. They were repeatedly warned by Federal agencies and hunting associations that the final listing would cut off imports immediately, and they had well over a year's notice. Despite this knowledge, hunters still chose to shoot and kill polar bears at a time when the species faced severe hardship and when legal protections were imminent.

We should not encourage a small group of people to take conscious risks and then turn around and ask Congress for relief. If we pass this bill without the Peters amendment, we are, in effect, telling hunters that, when species are likely candidates for the endangered or threatened lists, kill them as soon as you can, and then Congress will give you special treatment and exempt you from the law.

I urge my colleagues to vote ''yes'' on the Peters amendment. Don't destroy the long-term conservation efforts for the special interests of a few trophy hunters who are hoping for home decor and bragging rights. I will strongly oppose the underlying bill.

Mr. YOUNG of Alaska. I am surprised by my good friend from California. He has a lot of polar bears in California. It's really amazing to me. He doesn't know squat about the population of polar bears. Then to imply that these are rich people who are going to hunt, now isn't that class warfare? It's exactly a Democrat position, the idea that now this is wrong when they did it legally. These bears weren't all killed in 2008, and they weren't all warned in 2008. I want to see the documentation of that. You know there's no documentation. That's the same propaganda you get out of the same groups of people that are anti-gun and anti-hunting.

Yes, step up to the plate. That's what you are. I know that. Yet to take that right away from an American citizen, especially from a wounded veteran—two of them—is wrong. It is wrong when this is legally taking species arbitrarily by a Secretary of the Interior who is saying now they're threatened. By the way, the administration does not oppose this bill. That's amazing. The Fish and Wildlife Service actually supports this bill now because we made some changes that they wanted, and we gave them, specifically recognizing that it does not encourage hunting.

I reserve the balance of my time.

Mr. PETERS. I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Notwithstanding the statement of my very good friend from Alaska, I rise in support of Mr. PETERS's amendment. It would remove a provision that would allow for the importation of polar bears killed in Canada, but the provision only benefits 41 big game hunters who shot bears in Canada prior to their listing as a species threatened with extinction.

□ 1630

These hunters were on notice that the trophies would likely not be allowed into the United States, but rushed to hunt the bears anyway. Now they're asking for Congress to bail them out by creating an exemption in the law so they can bring their trophies into the country.

It's not about the number of polar bears. It is about the underlying principle that decisions related to the protection of threatened and endangered animals should be based upon science and subject to consistent enforcement, not dependent upon the whims of Congress. Polar bears are already threatened, and the last thing they need is more trophy hunters chasing them down and shooting them. But that's exactly what will happen if this Congress demonstrates that it is fully willing to retroactively change the law in this manner to accommodate the wishes of a very small minority. It's only 41 big-game hunters but we're changing the law on their account?

The U.S. Fish and Wildlife Service and a Federal court have rejected previous requests to import trophies after 2008. That should be the final word on the subject.

I encourage my colleagues to vote ''yes'' on the Peters amendment.

The Acting CHAIR. The time of the gentleman from Michigan has expired. The gentleman from Alaska has 1½ minutes remaining.

Mr. YOUNG of Alaska. The gentleman from Virginia has lots of polar bears in Virginia. I know it's springtime, but I don't think there's many polar bears in Virginia.

It's strange that all three of them have said endangered species. This has nothing to do with endangered species. This is about marine mammals. Endangered species, in fact, are still imported to the United States. Hartmann's mountain zebras, yes; the African elephants, yes. We can still import those. This has to do with marine mammals.

I really can't understand because the government warns you—it's not against the law, but they warn you and you better follow it because we're warning you. That's not law. These people may have been notified there's a possibility, but they hunted under existing law, under existing permits and paid for. To take that away from them—I don't care if it's one person or 500 people or 41 people. When the law is followed and we don't follow through with it, then shame on us. These people did what was right, and legally. Now you're trying to take that right away from them.

I urge a strong resounding ''no'' on this amendment and vote for the people of America to have a right under the Constitution as long as they follow the law to do something that's correct and they've done that. They did everything by the law and to say now to have an amendment and say you don't have a right when they followed it correctly is shame on you.

The Acting CHAIR. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. FLEMING

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–444.

Mr. FLEMING. Mr. Chairman, I have an amendment that has been made in order.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, insert the following:

TITLE V—HUNTING IN KISATCHIE NATIONAL FOREST

SEC. 501. HUNTING IN KISATCHIE NATIONAL FOREST.

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

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

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

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from Louisiana (Mr. FLEMING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. FLEMING. Mr. Chairman, I yield myself such time as I may consume.

My amendment today maintains the State of Louisiana's ability to regulate hunting within its borders. In a decision announced March 1, 2012, the Forest Service Regional Forester located way over in Atlanta, Georgia, went over the heads of the Louisiana Wildlife and Fisheries Commission to forever prohibit the use of dogs to hunt deer in Kisatchie National Forest.

Deer hunting has a long and important cultural history within the State of Louisiana. When French settlers first came to Louisiana in the 18th century, Louisiana was covered by thickets and dense timber. Most of these settlers had companion dogs with them, but the most treasured were the deerhounds. The use of dogs would help the hunter drive the deer out of the forest because deer were so plentiful and provided exciting races that provided sound nourishment.

Hunting in many forms has been for decades, and continues to be, a compatible activity on the 600,000-acre Kisatchie National Forest. Oddly enough, the Regional Forester does not prohibit the use of dogs for hunting raccoon, squirrel, rabbit, and game birds.

In 2011, the Kisatchie dog deer season was only 9 days and only applies to certain ranger districts. According to communication with the Forest Service, seven southern States allow hunting on national forests within their borders. They include Alabama, Arkansas, Florida, Mississippi, North Carolina, South Carolina; but in this case, not Louisiana. However, this is the first time the Forest Service has issued a ban on dog deer hunting, or hunting deer with dogs, within a specific State.

According to the Forest Service itself, they indicate that revenue generated on dog deer hunting, including expenses to care for dogs, contributes to approximately 18 to 29 direct jobs and results in roughly $890,000 to $1.4 million of income. By their own assessment, it is likely that some economic benefits will be lost depending on whether hunting with dogs for deer leave the area to pursue the sport elsewhere. Now this is about to kill even more jobs in Louisiana.

I would also like to emphasize that the State of Louisiana, the NRA, and the Safari Club all support my amendment; and I urge support of this amendment.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FLEMING. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding and for his talk and discussion about the long history and strong local support for this traditional form of hunting in his State.

The primary purpose of this legislation is to limit unjustified Federal bureaucratic limitations and restrictions on hunting and fishing in public lands. The circumstances that he has detailed demonstrate that his amendment fits squarely within the spirit of this bill, and I therefore support the amendment.

It is important to recognize that it is the authority of States to regulate hunting and fishing. Individual Federal agency personnel should not be substituting their opinion for the laws of the State.

Mr. Chairman, I commend the gentleman and I urge adoption of the amendment.

Mr. FLEMING. Mr. Chair, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the Fleming amendment.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman.

There are a few points that I really believe need to be made. The decision to eliminate dog deer hunting in this forest was made only after more than half a dozen public meetings, a comment period that resulted in a 1,000 comments which were thoroughly reviewed. In fact, the policy has been amended in response to those specific local concerns.

The justification for this policy is not only to prevent trespassing, though this is one reason it is necessary. The forest has a checkerboard pattern of non-Federal lands mixed in with Federal lands. Dog deer hunting results in deer running over long distances and hunters pursuing them and at times discharging firearms on the run. In an area with private homes, the Forest Service determined that this was simply too dangerous.

The Forest Service has collected input from local residents and not hunters who fear for their safety during dog deer hunting season. To be clear, while the decision was ultimately approved by the region in Atlanta, the policy was developed by the local Forest Service staff who work on the forest.

Lastly, this amendment is redundant and wasteful because a rule already in place meets the requirements of the proposed amendment. The current rule already covers the smallest portion of forest possible because with the checkerboard lands the rule must cover the entire forest to be effective.

While public safety is the primary justification for this rule, preventing trespass is another reason for the rule and why it was put in place.

□ 1640

The Fleming amendment would throw out the current rule and then require a new rule that meets the exact same requirements. This is redundant, a waste of time and money.

Finally, according to the Forest Service, the State of Louisiana already prohibits dog deer hunting on State lands, so this is simply consistent with State policy. This amendment should be defeated.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Louisiana has 1¾ minutes remaining.

Mr. FLEMING. Thank you, Mr. Chairman.

I would like to respond to some of the statements that were made.

I received a petition of thousands of hunters from Louisiana and several States who wanted this to continue. The State, not the Federal Government, is in the best position to make this determination. By October 6, 2009, the Forest Service had received 1,237 responses to its 2009 request for comments. Of these, 320 agreed with the proposed prohibition, but 917 were against it. That's a 77 percent majority of these respondents who were actually from central Louisiana where this Kisatchie National Forest exists. During October 2011, the Forest Service received over 1,300 more comments on the original proposal and environmental analysis. All but five letters—all but five letters, Mr. Chairman—were opposed to the proposed prohibition.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, with that, I will close. The contradiction is very important.

The majority talks about local control, local control. In this instance, you have the State of Louisiana that has prevented this, that has prohibited this type of hunting on its lands, and that is a local decision to be honored, but it is okay to honor that decision, but on Federal lands we want to make an exception and set a precedent.

I would suggest that the contradiction in this amendment merits its defeat.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Louisiana has 45 seconds remaining.

Mr. FLEMING. I just want to respond, again, the people of Louisiana, the State of Louisiana has full support of doing away with this prohibition. This was a decision made by somebody in Atlanta, a Federal person, that has to do with what is really a local issue. This is a tradition that goes back 300 years, and I think it's pretty obvious that the people of Louisiana support the continuance of hunting deer with dogs.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. FLEMING).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–444.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

TITLE V—RECREATIONAL FISHING FOR ATLANTIC STRIPED BASS IN THE BLOCK ISLAND SOUND TRANSIT ZONE

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

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

(b) EXCEPTION.—This subsection does not limit the authority of the Secretary to establish seasonal or other temporary limitations on fishing that are specifically necessary for the conservation and management of Atlantic striped bass.

(c) BLOCK ISLAND SOUND TRANSIT ZONE DEFINED.—In this subsection the term ''Block Island Sound transit zone'' means the area of the exclusive economic zone within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, New York, and Block Island Southeast Light, Block Island, Rhode Island; and west of a line connecting Point Judith Light, Point Judith, Rhode Island, and Block Island Southeast Light, Block Island, Rhode Island.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

The purpose of my amendment is straightforward. It opens an area off the coast of my congressional district to recreational striped bass fishing. Striped bass is a popular game fish in New York, and it has long been an important catch for recreational fishermen.

The formation of an exclusive economic zone creates a small area of Federal water in the Block Island Sound between Montauk Point, Block Island, and Point Judith, Rhode Island. In most cases, when you hit the 3-mile point off the coast of the United States, you have nothing but Federal waters in front of you. This is not always the case for New York fishermen. Because of this geographic anomaly, when the ban on striped bass fishing in the EEZ went into effect, it closed off 60 percent of New York's traditional striped bass recreation areas from fishing, according to the Montauk Boatmen and Captains Association in my district.

The National Marine Fisheries Service recognized this unique area by designating it as a transit area where it was permissible for fishermen to possess striped bass on their boats as long as no fishing takes place while in the EEZ and the boat is in continuous transit.

My amendment goes one step further and opens this relatively small area to recreational fishing. Mindful of the need for reasonable conservation, my amendment also provides the ability to take necessary action for conservation purposes.

Fishermen and charter captains on Long Island know these waters better than anybody in Washington, D.C. Our friends on the other side of the aisle talk about government regulation stifling the economic recovery. After all, fishermen are job creators, both directly and indirectly. They hire crews, they have their boats maintained by mechanics, and they sell their catch to restaurants where Americans go out to eat.

I support fisheries management that is designed to promote robust health of fish stocks; but as the representative for the oldest fishing ports in New York State, I also support sensible efforts to ensure our fishermen can fish and earn their livelihood.

Opening this area would once again give recreational fishermen access to fruitful striped bass fishing grounds. Charter boats will benefit, as will the ports they depart from as people come to the east end of Long Island for great fishing. This will promote job growth and tourism, which is the goal of the underlying legislation.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BISHOP of New York. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

The Atlantic Striped Bass Conservation Act's authorization of appropriations expired at the end of fiscal year 2011. Our Fisheries Subcommittee intends to hold hearings on the reauthorization in this Congress. I think this would be the appropriate time and place to have the discussion which is the subject of your amendment.

I understand the gentleman's concern. Believe me, we have heard other concerns on the Atlantic striped bass. If the gentleman would withdraw his amendment, I can assure him that he will get a full hearing on the content of his amendment in our committee this year.

Mr. BISHOP of New York. I very much appreciate that offer, Mr. Chairman. Based on your assurance that this issue will receive a full hearing in your committee or in the appropriate subcommittee, I will ask unanimous consent to withdraw my amendment.

Mr. HASTINGS of Washington. If the gentleman will yield, I thank you very much, and we will work together on

this. This is a larger issue, and I certainly understand the gentleman's concerns.

Mr. BISHOP of New York. I appreciate that.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–444.

Mr. HEINRICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE V—ACTIVITIES WITHIN WILDERNESS OR LAND MANAGED AS WILDERNESS

SEC. 501. ACTIVITIES WITHIN WILDERNESS OR LAND MANAGED AS WILDERNESS.

Nothing in this Act shall be construed to allow oil and gas development, mining, logging, or motorized activity on Federal public land (as defined in section 103) designated or managed as wilderness.

The Acting CHAIR. Pursuant to House Resolution 614, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I yield myself such time as I may consume.

As an active sportsman, I am proud to introduce this amendment today. It's likely that you have heard claims from some of my colleagues across the aisle that the manager's amendment will resolve the concerns that I have raised today, thus making this amendment redundant or duplicative.

Mr. Chairman, that is simply not the case. While I appreciate the intent of my colleagues to resolve my concerns, their language is still far too vague and needs additional clarification. As an avid hunter, I strongly support increasing access to public lands for hunting and fishing, but we can achieve that goal without eliminating the very wilderness protections that have protected some of the best wildlife habitat and, I would add, some of the best backcountry hunting opportunities in our Nation.

The bill under consideration today would eliminate long-standing protections against logging, oil and gas drilling, and motor vehicle use in wilderness areas. It would create a loophole in the Wilderness Act for anything that would provide ''opportunities for hunting, fishing, and recreational shooting.''

Under the Wilderness Act, land managers are allowed to act in ways that are otherwise not allowed in wilderness areas if the action is necessary for ''the minimum requirements necessary'' for the administration of the area. In practice, the minimum requirements necessary language and standard means that land managers can use motorized vehicles, chainsaws, even helicopters in extreme emergencies, to fight fires, rescue stranded hikers, or remove downed trees from trails that threaten human safety.

This bill would extend that kind of exemption to any action that would ''provide an opportunity for hunting, fishing, and recreational shooting.'' This means that activities otherwise not allowed in a wilderness area, like motor vehicle use, would now have to be permitted if it could be used to facilitate everyday activities like hunting, fishing, and recreational shooting.

Now, the manager's amendment includes language intended to address these concerns by providing that these provisions ''are not intended to authorize or facilitate commodity development, use, or extraction, or motor recreational access or use.''

□ 1650

Whether or not that's the bill's intention, the language in the bill allows for that possibility, and saying that wasn't the intent doesn't change what the language allows.

In contrast, my amendment provides that nothing in this bill ''shall be construed to allow'' these otherwise prohibited activities in wilderness areas.

''Intended'' versus ''shall''; there's a very powerful legal difference. And sportsmen across the country recognize this difference and support my amendment. In the last few hours, I've heard from countless supporters in my own State, including the New Mexico Wildlife Federation; the New Mexico chapter of Backcountry Hunters and Anglers; Dona Ana County Associated Sportsmen; the High Desert Sportsmen; and the Sportsmen Concerned of Northeast New Mexico, just to name a few. And nationally, we've heard from groups like the Theodore Roosevelt Conservation Partnership and TU.

As the bill's sponsors say that they are not trying to create sweeping exemptions to the Wilderness Act, I have no doubt that they'll support my amendment, as it clearly eliminates these loopholes that were unintentionally included. As a back-country hunter, I know how valuable wilderness is to hunters and anglers, and I hope my colleagues will continue to support protecting wildlife habitat in wilderness areas and vote for my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, the section of the bill that applies to hunting and fishing was derived from the excellent bill offered by the gentleman from Michigan (Mr. BENISHEK).

I have noticed that whenever a new wilderness designation bill is introduced and a subcommittee hearing is held, the sponsor testifies that his or her bill will not reduce hunting because hunting is clearly permitted in wilderness areas. And they are right. Nevertheless, when an anti-hunting group went to court recently to block hunting in the wilderness section of a national forest in Michigan, the Forest Service had to waste a great deal of time and money justifying the hunting permitted there.

Similarly, anti-hunting groups have sought to use the National Environmental Policy Act, or NEPA, to entangle the land management agencies in NEPA's briar patch when the agencies allow hunting activity on public land.

Now I'm certain that many would agree that hunting and fishing on public land is not a new major Federal action that requires a full environmental impact statement. However, to protect sportsmen and to prevent the waste of resources that occurs when conservation dollars are diverted into defending against nuisance lawsuits, Dr. BENISHEK's provision gives clear statutory support to legitimacy of hunting on public land.

I believe from the beginning that the Benishek bill dealt only with hunting and fishing. It never authorized motorized travel or extractive industries, even though some environmental activist groups quickly made that accusation. But to allay any genuine concerns people may have, we worked closely with a wide variety of conservation groups and decided to include in the manager's amendment that was passed a provision that explicitly states that the relevant portions of the bill—and I quote from the amendment—''are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.''

With that very direct language I can honestly say that virtually every major conservation group that is not anti-hunting supports the bill. I don't have time to read the whole list, but it does include the NRA, the Safari Club, the bipartisan Congressional Sportsmen's Caucus, the U.S. Sportsmen's Alliance, Ducks Unlimited, the Theodore Roosevelt Conservation Partnership, and the Association of Fish and Wildlife Agencies.

I think H.R. 4089, as amended, now has the support of the entire range of sportsmen conservation groups, ranging from those considered conservative to those that are quite liberal, and do not believe that the wilderness section needs any additional changes as offered by the gentleman from New Mexico's amendment. Again, the concerns expressed by the gentleman from New Mexico in support of his amendment, in my view, are unfounded. This bill deals squarely with hunting and fishing, and does not authorize motorized travel or mining or other such activities in wilderness areas.

With that, I reserve the balance of my time.

Mr. HEINRICH. Mr. Chairman, at this time I would like to yield 2 minutes to my good friend and colleague and a sportsman from northern New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise in support of the Heinrich amendment. I want to thank my friend from New Mexico for offering this amendment to ensure protection of our wilderness areas.

Mr. Chairman, I'm from the western United States. I'm a supporter of the Second Amendment. I'm a hunter and a fisherman. My family raised sheep and cattle on allotments in the area where I was raised. Like many other States in the West, we New Mexicans value our access to public lands for hunting, fishing, shooting, and recreational enjoyment.

I want to make sure that everyone understands that I'm not opposed to everything in this bill, but I do have specific concerns with language that would create a loophole in the Wilderness Act. This loophole would undermine one of the defining laws that protects public lands and enables us to have pristine areas to hunt and fish—critical areas that should be preserved for future generations to enjoy. But this bill, as written, walks a dangerous line.

I had concerns in the committee markup of this bill, and today I reiterate these concerns—specifically, language in section 104(e), which opens up for interpretation to allow motorized vehicles in sensitive areas, completely undermining the effort to protect these lands. Although the majority has indicated that they have clarified this problem in the manager's amendment, a CRS memorandum issued on April 13, 2012, on section 104(e) of H.R. 4089 has confirmed my concern that section 104(e) ''could lead to motorized use and inappropriate commercial activities in congressionally designated wilderness areas.''

If the majority states through the manager's amendment that their intention is not to open up these areas for motorized vehicles, then let's make absolutely sure that this won't happen. I'm glad to see that they see that there's a problem as well, which they've attempted to address. But sadly, the loosely worded amendment won't accomplish that.

Let's work together to support the Heinrich amendment and make sure that we don't combine motorized vehicles with Second Amendment issues in our backyards. I think we can work together, Mr. Chairman.

The Acting CHAIR. The time of the gentleman from New Mexico has expired. The gentleman from Washington has 1½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

It appears that the argument here is that this language that we've drafted and passed in the manager's amendment is not strong enough. Let me read the appropriate words. In the gentleman from New Mexico's amendment, he focuses on the word ''shall,'' which, of course, is strong language. But he follows it with ''construed.'' Now that raises the question: Construed by whom?

Our language says very specifically that nothing in here is intended to authorize or facilitate any use regarding extraction. We say that is the intent of the law, very specifically. When you use the word ''construed,'' I dare say, Mr. Chairman, that you are opening this wide open to litigation, and maybe that is exactly what the gentleman intended.

By focusing on ''shall,'' he doesn't focus on the operative word, which is ''construed,'' because ''construed'' can be used by anybody outside in order to sue. We say very specifically, even though we didn't think extraction was part of this underlying legislation, but we say very specifically it's not intended to reinforce it. That was the reason that provision was in the manager's amendment.

So I urge my colleagues to defeat the Heinrich amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HEINRICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–444.

Ms. FOXX. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE V—DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS

SEC. 501. DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of such designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period (determined by the Secretary of the Interior) providing for public input.''.

The Acting CHAIR. Pursuant to House Resolution 614, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Thank you, Mr. Chairman.

As a supporter of H.R. 4089, I rise today to offer an amendment which would add another positive element to the underlying bill. As we all know, the Antiquities Act of 1906 authorized the President to designate national monuments on Federal lands that contain historical landmark structures or other objects of scientific interest. This authority has been used 129 times by Presidents of both parties to designate such national treasures as the Grand Canyon, Grand Teton, and the Statute of Liberty.

As someone who has enjoyed and appreciated some of the abundance of national and historic treasures throughout this great country, I greatly appreciate the importance of protecting these great blessings.

Currently, a National Monument designation allows for the President to impose unilaterally further restrictions on the use of Federal lands.

□ 1700

Since State authorities are more aware of the local circumstances affecting land restrictions, I've offered a standalone bill, H.R. 302, the Preserve Land Freedom for Americans Act of 2011, which is the model for the amendment I'm now offering. This amendment provides for accountability to the process by requiring the approval of the legislatures and Governors of the States where monuments are proposed to be located.

With the Federal Government currently owning such a large percentage of land throughout the country, particularly in Western States, it's important to respect and allow State policymakers to weigh in on proposed Federal land restrictions within their borders.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Thank you.

I rise in strong opposition to the Foxx amendment and in strong support of National Monuments and the Antiquities Act.

Following in the footsteps of Teddy Roosevelt, who used the Antiquities Act to protect the Grand Canyon, and Franklin Roosevelt, who used it to protect the Grand Tetons, 16 Presidents—eight Republicans and eight Democrats—have used the Antiquities Act to designate approximately 130 national monuments. In more recent history, President George W. Bush used the Antiquities Act to designate the largest national monument in history. Most recently, President Obama used the act to preserve an enormously popular Fort Monroe in Virginia.

These special places might have been lost to development or destruction had the 59th Congress not authorized Presidents to use the Antiquities Act to

move quickly to protect Federal lands. And that is worth repeating: the Antiquities Act allows designation of national monuments on Federal land only. This land is already owned by the Federal Government, and the claim that there is some kind of land grab going on is totally false.

Our national monuments are valuable, popular tourism designations that serve as powerful economic engines. Headwaters Economics studied 17 large national monuments in 11 Western States and found positive impacts to the local economies and employment.

The Antiquities Act has served present and future generations well for more than a century, and there is no need for this amendment. National monuments do not harm private property rights, and they improve the quality of life in surrounding communities while saving historic, cultural, and scenic resources for our children and our grandchildren.

The Foxx amendment will hobble the Antiquities Act by giving States a veto over Federal designations on Federal land, and it would do so based on criticisms of the act and of national monuments that are patently false. The Foxx amendment should be defeated, and I reserve the balance of my time.

Ms. FOXX. Mr. Chairman, I now yield 40 seconds to the distinguished chairman of the committee, Mr. HASTINGS.

Mr. HASTINGS of Washington. I thank the gentlelady for yielding.

Unfortunately, the Antiquities Act is used more often than not to circumvent Congress' role in setting land-use policy or to foreclose any opportunity for anyone outside the White House to participate in whatever decision they make, including the affected States.

Unlike America in 1906 when the antiquities law was first enacted, we now have an elaborate set of other laws and regulations that require deliberative processes and procedures to be followed before any significant action affecting public lands can be taken.

I think the gentlelady's amendment would improve this process, and with that, I support it.

Mr. GRIJALVA. I yield the balance of my time to the gentleman from New Mexico (Mr. HEINRICH).

The Acting CHAIR. The gentleman from New Mexico is recognized for 2¾ minutes.

Mr. HEINRICH. Mr. Chairman, for more than a century, the Antiquities Act has given American Presidents the authority to protect some of our Nation's most important and threatened places. Across my State of New Mexico, we see the benefit of the Antiquities Act.

Bandelier National Monument, Carlsbad Caverns National Park, White Sands National Monument, and El Morro National Monument were all originally protected through the Antiquities Act.

Research done last year by the New Mexico Green Chamber of Commerce shows that New Mexico's 10 national monuments established through the Antiquities Act account for 1.3 million annual tourist visits and $54 million in annual tourist spending supporting over 1,000 New Mexico jobs. In the last few weeks, countless New Mexicans, including sportsmen like myself, have asked President Obama to designate a new national monument to protect the Organ Mountains outside of Las Cruces, New Mexico.

We are calling on our President to protect our vulnerable natural and cultural resources in southern New Mexico through the Antiquities Act. This amendment offered by my colleague from North Carolina would take that power away from the President and give State legislatures the power to make decisions about public lands that belong to all Americans.

The Antiquities Act was specifically designed to allow Presidents to respond quickly to protect places in the national interest. Had the Antiquities Act been written with the language of this amendment, the Grand Canyon could have been overrun by sprawl, ancient cliff dwellings and the Petrified Forest National Park might have been looted, and the Arches National Park wouldn't even exist.

An additional concern is that several State legislatures only meet for a limited number of days each year and can't respond to urgent threats to public lands. In my State, we only meet for 60 days in odd years and 30 days in even years.

The Foxx amendment would prevent archeological, cultural, and historical sites from receiving the urgent protections they need. It also doesn't recognize that the United States has vast areas of unincorporated territory that is not under the jurisdiction of any State legislature.

President George W. Bush used the Antiquities Act to protect lands and waters in unincorporated Federal areas, including the Marianas Trench Marine and Pacific Remote Islands Marine National Monuments.

National monuments should not be a partisan issue. After being signed into law by President Theodore Roosevelt, 16 Presidents of both parties—eight Republicans and eight Democrats—have used this act to protect federally owned lands and waters to better protect America's treasures for future generations. And by attaching this divisive issue to this bill, the chances of a Presidential veto are greatly increased. I hope that we would refrain from endangering the pro-sportsmen portions of this bill with controversial issues like this one. As an active sportsman, I strongly support the Antiquities Act, and I ask for a ''no'' vote on the amendment.

Ms. FOXX. Mr. Chairman, I yield 2 minutes to my distinguished colleague from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. The Antiquities Act, which allows the President to designate land, is a legislative function that the legislature gave to the executive branch in Teddy Roosevelt's time. Whether it is good or not, it is wrong for Congress to give its authority away to the executive branch. At the time, it was thought it would be okay because there were specific restrictions placed on it. You had to have a specific something geological, historical that you were going to preserve, it was in imminent danger, and it was going be on the smallest area possible in the debate that was going to be over a couple hundred acres.

The unfortunate thing is Presidents since that time have used this monument designation power for political purposes in areas quite bigger than that. The last monument that was created in my State was not a couple of hundred acres. It was bigger than the States of Connecticut, Delaware, and Rhode Island combined. It was done at 9 a.m. after the Governor of the State was told about it at 2 a.m., after having been told earlier that day that nothing was going to happen in this kind of an area.

Earlier this year, the Antiquities Act was used at Fort Monroe when the entire delegation and the local community were in favor of it. When ours was done, as well as many of the other Antiquity Act monuments were done, the local delegation was not in favor of it, and the Governor was not in favor of it. Everyone was not in favor of it. What the Foxx amendment tries to do is simply say, look, if you're going to keep this power with the President, at least get a check-and-balance system somewhere. Let's make sure that the local people, the State people are fine with this designation before the President does something arbitrarily, capriciously and, unfortunately too often, for political reason.

Keep the legislative power where it should be, with the legislature, but at least if you're not going to do that, at least put some kind of logical check and balance on the system.

The Acting CHAIR. The gentlewoman from North Carolina has 45 seconds remaining.

Ms. FOXX. Thank you, Mr. Chairman.

I want to thank my two colleagues who spoke on behalf of my amendment and tell them how much I appreciate their comments. And I want to say to my friends on the other side of the aisle, if designating an area as a national monument would be such a good idea, there shouldn't be any problem with gaining approval from the legislatures and the Governor, and it takes no power away from the President but allows the States to be part of the process.

I encourage my colleagues to support my amendment and yield back the balance of my time.

Mr. FARR. Mr. Chair, I rise in opposition to the Foxx Amendment that seeks to gut the Antiquities Act and add unnecessary bureaucracy.

The Antiquities Act is the best tool in the tool box for saving America's heritage—cultural and natural—to respect what our ancestors set aside for us and to inspire, educate, and enlighten future generations.

The Antiquities Act has a long bipartisan tradition. After being signed into law by President Theodore Roosevelt, sixteen presidents of both parties—8 Republicans and 8 Democrats—have used this Act to protect federally-owned lands and waters to better protect America's treasures for future generations.

The Antiquities Act protects our national heritage. Sites like the Statue of Liberty, the Grand Canyon, and the World War II Valor in the Pacific National Monument and in my Congressional District the Pinnacles National Monument have been protected through the Antiquities Act.

The Foxx Amendment seeks to gut the Antiquities Act. The Antiquities Act was specifically designed to allow presidents to respond quickly to protect places in the national interest.

Had the Antiquities Act been written with Rep. FOXX's language, the Grand Canyon would be overrun by sprawl, ancient cliff dwellings and the Petrified Forest National Park would have been looted, and Arches National Park wouldn't even exist.

The Foxx Amendment is poorly conceived. Several state legislatures only meet every other year and are ill-equipped to respond to urgent threats to public lands.

The Foxx Amendment would prevent archaeological, cultural and historical sites from receiving the urgent protections they need from looting, vandalism or other threats.

The Foxx Amendment also doesn't recognize that the United States has vast areas of unincorporated territory that is not under the jurisdiction of a state legislature.

President George W. Bush used the Antiquities Act to protect lands and waters in unincorporated federal areas including the Marianas Trench Marine and Pacific Remote Islands Marine National Monuments.

Stand up for our National Parks and our national heritage. Vote against the Foxx Amendment to H.R. 4089.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1753

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 o'clock and 53 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–446) on the resolution (H. Res. 619) providing for consideration of the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9, SMALL BUSINESS TAX CUT ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–447) on the resolution (H. Res. 620) providing for consideration of the bill (H.R. 9) to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses, which was referred to the House Calendar and ordered to be printed.

SPORTSMEN'S HERITAGE ACT OF 2012

The SPEAKER pro tempore. Pursuant to House Resolution 614 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4089.

Will the gentleman from Idaho (Mr. SIMPSON) kindly resume the chair.

□ 1755

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 8 printed in House Report 112–444 by the gentlewoman from North Carolina (Ms. FOXX) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–444 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOLT of New Jersey.

Amendment No. 3 by Mr. GRIJALVA of Arizona.

Amendment No. 4 by Mr. PETERS of Michigan.

Amendment No. 7 by Mr. HEINRICH of New Mexico.

Amendment No. 8 by Ms. FOXX of North Carolina.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 260, not voting 19, as follows:

[Roll No. 158]

AYES—152

Ackerman	Dold	Larsen (WA)
Baldwin	Doyle	Larson (CT)
Bass (CA)	Edwards	Lee (CA)
Becerra	Ellison	Levin
Berkley	Engel	Lewis (GA)
Berman	Eshoo	Lipinski
Bishop (NY)	Farr	Loebsack
Bonamici	Fattah	Lofgren, Zoe
Brady (PA)	Fudge	Lowey
Brown (FL)	Gerlach	Luján
Butterfield	Gonzalez	Lynch
Capps	Green, Al	Maloney
Capuano	Grijalva	Markey
Carnahan	Gutierrez	Matsui
Carney	Hahn	McCarthy (NY)
Carson (IN)	Hanabusa	McCollum
Castor (FL)	Hastings (FL)	McDermott
Chu	Heinrich	McNerney
Cicilline	Higgins	Meeks
Clarke (MI)	Himes	Miller (NC)
Clarke (NY)	Hinchey	Miller, George
Clay	Hinojosa	Moran
Cleaver	Hirono	Murphy (CT)
Clyburn	Holt	Nadler
Cohen	Honda	Neal
Connolly (VA)	Hoyer	Olver
Conyers	Israel	Pallone
Cooper	Jackson (IL)	Pascrell
Courtney	Jackson Lee (TX)	Pastor (AZ)
Crowley	Johnson (GA)	Paulsen
Cummings	Johnson (IL)	Pelosi
Davis (CA)	Johnson, E. B.	Peters
Davis (IL)	Kaptur	Pingree (ME)
DeFazio	Keating	Platts
DeLauro	Kildee	Polis
Deutch	Kucinich	Price (NC)
Dingell	Langevin	Quigley
Doggett		Reichert