

SPORTSMEN'S HERITAGE ACT OF 2012

APRIL 13, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4089]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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 permit-

tees, 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 (in-

cluding 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 Direc-

tor 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”;

(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.”.

PURPOSE OF THE BILL

The purpose of H.R. 4089, as ordered reported, is to protect and enhance opportunities for recreational hunting, fishing and shooting.

BACKGROUND AND NEED FOR LEGISLATION

The Sportsmen’s Heritage Act of 2012 (H.R. 4089), clarifies federal authorities and policies for the management of hunting and fishing on public lands. It provides additional protections for continued public access to public land for the purpose of recreational fishing, hunting, and shooting sports on U.S. Forest Service (FS) and Bureau of Land Management (BLM) lands and allows the importation of certain trophies that were legally obtained. The bill also protects the use of traditional ammunition and fishing tackle from new Environmental Protection Agency (EPA) regulation. H.R. 4089 is derived from four separate bills that are among the hunting and fishing community’s highest legislative priorities.

The provisions of Title I of H.R. 4089 require federal land managers to support and facilitate public use and access for hunting, fishing and recreational shooting and create an “open until closed” management regime for these activities on FS and BLM land, but does not give these uses priority over other multiple uses. It requires an evaluation of the impact on hunting, fishing and recreational shooting into all land and resource planning and eliminates redundancies in environmental review of hunting, fishing and recreational shooting opportunities. The bill restates, in unambiguous language, Congress’s consistent position that BLM and FS lands designated as wilderness, wilderness eligible, or suitable and primitive or semi-primitive areas, are open to all legal forms of hunting, fishing and recreational shooting unless there are good reasons to close such areas. The bill further forecloses opportunities for continued nuisance lawsuits by classifying hunting, fishing and recreational shooting as “necessary” to meet the minimum requirements for the administration of wilderness. Title I of the bill is de-

rived from H.R. 2834, the Recreational Fishing and Hunting Heritage and Opportunities Act, sponsored by Dan Benishek (R-MI).

Title II of H. R. 4089 sets as a general policy for BLM that national monument lands are open and accessible for recreational shooting, and requires BLM to justify recreational shooting closures or restrictions on national monument lands for reasons of national security, public safety or to comply with federal and state laws or regulations. It requires public notice of such closures or restrictions and a report to Congress detailing the location and evidence justifying the closure or restriction before any such restriction or closure occurs. Title II is the text of H.R. 3440, the Recreational Shooting Protection Act, sponsored by Jeff Flake (R-AZ).

Title III of the bill consists of the text of H.R. 991, the Polar Bear Conservation and Fairness Act of 2011, sponsored by Don Young (R-AK). For additional information about this bill, please see House Report 112-308.

Finally, Title IV of the bill also protects the use of traditional ammunition and fishing tackle by reiterating and clarifying existing law to clearly limit EPA's authority under the Toxic Substances Control Act (TSCA). It amends the TSCA to allow for the sale of traditional ammunition and fishing tackle that is subject to federal excise tax. Title IV of the bill is the text of H.R. 1558, sponsored by Congressman Jeff Miller (R-FL).

COMMITTEE ACTION

H.R. 4089 was introduced on February 27, 2012, by Congressman Jeff Miller (R-FL). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture and the Committee on Energy and Commerce. On September 9, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2834, the Recreational Fishing and Hunting Heritage and Opportunities Act, sponsored by Dan Benishek (R-MI), which is Title I of H.R. 4089. On January 24, 2012, the Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3440, the Recreational Shooting Protection Act, sponsored by Jeff Flake (R-AZ), which is Title II of H.R. 4089. On May 12, 2011, the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing on H.R. 991, the Polar Bear Conservation and Fairness Act of 2011, sponsored by Don Young (R-AK), which is Title III of H.R. 4089. Title IV of the bill is the text of H.R. 1558, sponsored by Congressman Jeff Miller. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. Congressman Rob Bishop (R-UT) offered amendment designated #1 to the bill; the amendment was approved by voice vote. Congressman Raúl Grijalva (D-AZ) offered amendment designated .052 to the bill; the amendment was not adopted by a bipartisan roll call vote of 17 to 24, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: February 29, 2012

Recorded Vote #: 3

Meeting on / Amendment: **HR4089** – An amendment offered by Mr. Grijalva.052 was NOT AGREED TO by a roll call vote of 17 yeas and 24 nays.

| MEMBERS | Yea | Nay | Pres | MEMBERS | Yea | Nay | Pres |
|----------------------------------|-----|-----|------|----------------------------|-----|-----|------|
| Mr. Hastings, WA Chairman | | X | | <i>Mr. Heinrich, NM</i> | | | |
| <i>Mr. Markey, MA Ranking</i> | X | | | Mr. Benishek, MI | | X | |
| Mr. Young, AK | | | | <i>Mr. Lujan, NM</i> | X | | |
| <i>Mr. Kildee, MI</i> | | | | Mr. Rivera, FL | | X | |
| Mr. Duncan of TN | | X | | <i>Mr. Sarbanes, MD</i> | X | | |
| <i>Mr. Defazio, OR</i> | X | | | Mr. Duncan of SC | | X | |
| Mr. Gohmert, TX | | | | <i>Ms. Sutton, OH</i> | X | | |
| <i>Mr. Faleomavaega, AS</i> | | | | Mr. Tipton, CO | | X | |
| Mr. Bishop, UT | | X | | <i>Ms. Tsongas, MA</i> | X | | |
| <i>Mr. Pallone, NJ</i> | X | | | Mr. Gosar, AZ | | X | |
| Mr. Lamborn, CO | | X | | <i>Mr. Pierluisi, PR</i> | X | | |
| <i>Mrs. Napolitano, CA</i> | X | | | Mr. Labrador, ID | | X | |
| Mr. Wittman, VA | | X | | <i>Mr. Garamendi, CA</i> | X | | |
| <i>Mr. Holt, NJ</i> | X | | | Ms. Noem, SD | | X | |
| Mr. Broun, GA | | X | | <i>Ms. Hanabusa, HI</i> | X | | |
| <i>Mr. Grijalva, AZ</i> | X | | | Mr. Southerland, FL | | X | |
| Mr. Fleming, LA | | X | | <i>Mr. Tonko, NY</i> | X | | |
| <i>Ms. Bordallo, GU</i> | X | | | Mr. Flores, TX | | X | |
| Mr. Coffman, CO | | X | | Mr. Harris, MD | | X | |
| <i>Mr. Costa, CA</i> | X | | | Mr. Landry, LA | | X | |
| Mr. McClintock, CA | | X | | Mr. Runyan, NJ | | X | |
| <i>Mr. Boren, OK</i> | | X | | Mr. Johnson, OH | | X | |
| Mr. Thompson, PA | | | | Mr. Amodei, NV | | | |
| <i>Mr. Sablan, CNMI</i> | X | | | | | | |
| Mr. Denham, CA | | X | | | | | |
| | | | | | | | |
| | | | | TOTALS | 17 | 24 | |

Congressman Raúl Grijalva (D–AZ) offered amendment designated .053 to the bill; the amendment was not adopted by a bipartisan roll call vote of 16 to 26, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: February 29, 2012

Recorded Vote #: 4

Meeting on / Amendment: **HR 4089** – An amendment offered by Mr. Grijalva.053 was NOT AGREED TO by a roll call vote of 16 yeas and 26 nays.

| MEMBERS | Yea | Nay | Pres | MEMBERS | Yea | Nay | Pres |
|----------------------------------|-----|-----|------|----------------------------|-----|-----|------|
| Mr. Hastings, WA Chairman | | X | | <i>Mr. Heinrich, NM</i> | | | |
| <i>Mr. Markey, MA Ranking</i> | X | | | Mr. Benishek, MI | | X | |
| Mr. Young, AK | | | | <i>Mr. Lujan, NM</i> | X | | |
| <i>Mr. Kildee, MI</i> | | | | Mr. Rivera, FL | | X | |
| Mr. Duncan of TN | | X | | <i>Mr. Sarbanes, MD</i> | X | | |
| <i>Mr. Defazio, OR</i> | X | | | Mr. Duncan of SC | | X | |
| Mr. Gohmert, TX | | | | <i>Ms. Sutton, OH</i> | X | | |
| <i>Mr. Faleomavaega, AS</i> | | | | Mr. Tipton, CO | | X | |
| Mr. Bishop, UT | | X | | <i>Ms. Tsongas, MA</i> | X | | |
| <i>Mr. Pallone, NJ</i> | X | | | Mr. Gosar, AZ | | X | |
| Mr. Lamborn, CO | | X | | <i>Mr. Pierluisi, PR</i> | X | | |
| <i>Mrs. Napolitano, CA</i> | X | | | Mr. Labrador, ID | | X | |
| Mr. Wittman, VA | | X | | <i>Mr. Garamendi, CA</i> | X | | |
| <i>Mr. Holt, NJ</i> | X | | | Ms. Noem, SD | | X | |
| Mr. Broun, GA | | X | | <i>Ms. Hanabusa, HI</i> | X | | |
| <i>Mr. Grijalva, AZ</i> | X | | | Mr. Southerland, FL | | X | |
| Mr. Fleming, LA | | X | | <i>Mr. Tonko, NY</i> | X | | |
| <i>Ms. Bordallo, GU</i> | X | | | Mr. Flores, TX | | X | |
| Mr. Coffman, CO | | X | | Mr. Harris, MD | | X | |
| <i>Mr. Costa, CA</i> | | X | | Mr. Landry, LA | | X | |
| Mr. McClintock, CA | | X | | Mr. Runyan, NJ | | X | |
| <i>Mr. Boren, OK</i> | | X | | Mr. Johnson, OH | | X | |
| Mr. Thompson, PA | | | | Mr. Amodei, NV | | X | |
| <i>Mr. Sablan, CNMI</i> | X | | | | | | |
| Mr. Denham, CA | | X | | | | | |
| | | | | | | | |
| | | | | TOTALS | 16 | 26 | |

The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 27 to 16, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: February 29, 2012

Recorded Vote #: 5

Meeting on / Amendment: **HR 4089** – Adopted and favorably reported to the House of Representatives, as amended, by a roll call vote of 27 yeas and 16 nays.

| MEMBERS | Yea | Nay | Pres | MEMBERS | Yea | Nay | Pres |
|----------------------------------|-----|-----|------|----------------------------|-----|-----|------|
| Mr. Hastings, WA Chairman | X | | | <i>Mr. Heinrich, NM</i> | | | |
| <i>Mr. Markey, MA Ranking</i> | | X | | Mr. Benishek, MI | X | | |
| Mr. Young, AK | | | | <i>Mr. Lujan, NM</i> | | X | |
| <i>Mr. Kildee, MI</i> | | | | Mr. Rivera, FL | X | | |
| Mr. Duncan of TN | X | | | <i>Mr. Sarbanes, MD</i> | | X | |
| <i>Mr. Defazio, OR</i> | X | | | Mr. Duncan of SC | X | | |
| Mr. Gohmert, TX | | | | <i>Ms. Sutton, OH</i> | | X | |
| <i>Mr. Faleomavaega, AS</i> | | X | | Mr. Tipton, CO | X | | |
| Mr. Bishop, UT | X | | | <i>Ms. Tsongas, MA</i> | | X | |
| <i>Mr. Pallone, NJ</i> | | X | | Mr. Gosar, AZ | X | | |
| Mr. Lamborn, CO | X | | | <i>Mr. Pierluisi, PR</i> | | X | |
| <i>Mrs. Napolitano, CA</i> | | X | | Mr. Labrador, ID | X | | |
| Mr. Wittman, VA | X | | | <i>Mr. Garamendi, CA</i> | | X | |
| <i>Mr. Holt, NJ</i> | | X | | Ms. Noem, SD | X | | |
| Mr. Broun, GA | X | | | <i>Ms. Hanabusa, HI</i> | | X | |
| <i>Mr. Grijalva, AZ</i> | | X | | Mr. Southerland, FL | X | | |
| Mr. Fleming, LA | X | | | <i>Mr. Tonko, NY</i> | | X | |
| <i>Ms. Bordallo, GU</i> | | X | | Mr. Flores, TX | X | | |
| Mr. Coffman, CO | X | | | Mr. Harris, MD | X | | |
| <i>Mr. Costa, CA</i> | X | | | Mr. Landry, LA | X | | |
| Mr. McClintock, CA | X | | | Mr. Runyan, NJ | X | | |
| <i>Mr. Boren, OK</i> | X | | | Mr. Johnson, OH | X | | |
| Mr. Thompson, PA | | | | Mr. Amodei, NV | X | | |
| <i>Mr. Sablan, CNMI</i> | | X | | | | | |
| Mr. Denham, CA | X | | | | | | |
| | | | | | | | |
| | | | | TOTALS | 27 | 16 | |

SECTION-BY-SECTION ANALYSIS

Title I. Recreational Fishing and Hunting Heritage and Opportunities Act.

Title I is derived from the Recreational Fishing and Hunting Heritage Opportunities Act (H.R. 2834). It requires federal land managers to support and facilitate use and access for hunting, fishing and recreational shooting and creates an “open until closed” management regime for these activities, but does not give these uses priority over other multiple uses on Forest Service and Bureau of Land Management (BLM) land. It requires an evaluation of the impact on hunting, fishing and recreational shooting in all land and resource planning and eliminates redundancies in environmental review of hunting, fishing and recreational shooting opportunities. It protects hunting rights in Wilderness areas from nuisance by finding recreational shooting as “necessary” to meet the minimum requirements for the administration of wilderness. In doing so, however, it does not open wilderness areas to motorized travel or commercial extractive industry.

Title II. Recreational Shooting Protection Act.

Title II is derived from the Recreational Shooting Protection Act (H.R. 3440). It ensures that National Monument land under the jurisdiction of the Bureau of Land Management (BLM) will remain open to access and use for recreational shooting (consistent with State law) and any closures or restrictions that are deemed necessary must be supported by facts and evidence for reasons of national security, public safety or to comply with an applicable federal statute. Furthermore, before any restriction or closure occurs, BLM must publish public notice of such closure or restriction in the local newspaper and submit a report to Congress detailing the location and evidence justifying the closure or restriction. If a closure or restriction is issued by BLM, it will require Congressional approval or cease to be effective six months after the report to Congress or 30 days following a resolution of disapproval. BLM would also be prohibited from issuing a closure or restriction that is substantially similar to one previously issued that was not approved by federal law.

Title III. Polar Bear Conservation and Fairness Act of 2012.

Title III is derived from the Polar Bear Conservation and Fairness Act of 2011 (H.R. 991) that amends the Marine Mammal Protection Act of 1972 to direct the Secretary of the Interior to issue a permit for the importation of polar bear parts taken in a sport hunt in Canada, if legally done before: (1) February 18, 1997; or (2) May 15, 2008, from a bear population from which a sport-hunted trophy could be imported before such date. For additional information, see House Report 112–308.

Title IV. Hunting, Fishing, and Recreational Shooting Protection Act.

Title IV is derived from the Hunting, Fishing, and Recreational Shooting Protection Act (H.R. 1558) that amends the Toxic Substances Control Act (TSCA) to exclude from the definition of “chemical substance” for purposes of such Act: (1) any component of any

pistol, revolver, firearm, shell, or cartridge the sale of which is subject to federal excise tax, including shot, bullets and other projectiles, propellants, and primers; and (2) any sport fishing equipment or components the sale of which is subject to federal excise tax on sport fishing equipment.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4089—Sportsmen’s Heritage Act of 2012

Summary: H.R. 4089 would require federal land management agencies to provide access to certain federal lands for hunting, fishing, and recreational shooting. The bill also would allow hunters to import certain polar bear remains. Based on information provided by the affected agencies, CBO estimates that implementing the legislation would cost \$12 million over the 2013–2016 period, assuming appropriation of the necessary amounts. Enacting H.R. 4089 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4089 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

| | By fiscal year, in millions of dollars— | | | | | |
|--|---|------|------|------|------|-----------|
| | 2013 | 2014 | 2015 | 2016 | 2017 | 2013-2017 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Estimated Authorization Level | 4 | 4 | 4 | 0 | 0 | 12 |
| Estimated Outlays | 3 | 4 | 4 | 1 | 0 | 12 |

Basis of estimate: For this estimate, CBO assumes that H.R. 4089 will be enacted in 2012, that the necessary funds will be pro-

vided for each fiscal year, and that spending will follow historical patterns for similar activities of the Bureau of Land Management (BLM).

Title II would require BLM to allow recreational shooting on lands included in national monuments in eight western states. Based on information provided by the agency regarding the cost of amending land use plans and environmental analyses for the affected areas, CBO estimates that implementing title II would cost \$12 million over the 2013–2017 period, assuming appropriation of the necessary amounts.

Title I would direct BLM, the Forest Service, and other land management agencies to use existing authorities to make certain federal lands available for activities such as hunting, fishing, and recreational shooting. Because those activities are allowed on most federal lands under current law and because the bill would limit the amount of environmental and land use planning that would be required if new areas were opened to those activities, CBO estimates that implementing title I would have no significant impact on the budgets of the affected agencies.

Title III would require the Secretary of the Interior to issue permits to hunters seeking to import polar bear remains from Canada that were acquired during hunts that took place prior to the polar bear being listed as a threatened species under the Endangered Species Act (ESA). Only hunters who submitted applications for permits to import such remains prior to May 15, 2008, the date the polar bear was listed under ESA, would be eligible to receive a permit under the bill. Based on information from the U.S. Fish and Wildlife Service, CBO estimates that processing and issuing the roughly 40 permits that would be affected by the legislation would have a negligible impact on the federal budget.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4089 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimates: On December 13, 2011, CBO transmitted a cost estimate for H.R. 2834, the Recreational Fishing and Hunting Heritage and Opportunities Act, as ordered reported by the House Committee on Natural Resources on November 17, 2011. Title I of H.R. 4089 contains provisions similar to those in H.R. 2834, and the CBO cost estimates for those provisions are the same.

On November 1, 2011, CBO transmitted a cost estimate for H.R. 991, the Polar Bear Conservation and Fairness Act of 2011, as ordered reported by the House Committee on Natural Resources on October 5, 2011. Title III of H.R. 4089 contains provisions similar to those in H.R. 991, and the CBO cost estimates for those provisions are the same.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representa-

tives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the affected agencies, CBO estimates that implementing the legislation would cost \$12 million over the 2013–2016 period, assuming appropriation of the necessary amounts. Enacting H.R. 4089 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to protect and enhance opportunities for recreational hunting, fishing and shooting.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates as defined under Public Law 104–4.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

MARINE MAMMAL PROTECTION ACT OF 1972

* * * * *

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

* * * * *

PERMITS

SEC. 104. (a) * * *

* * * * *

(c)(1) * * *

* * * * *

(5)(A) * * *

* * * * *

[(D)] 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 polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada

before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.】

(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.

* * * * *

TOXIC SUBSTANCES CONTROL ACT

TITLE I—CONTROL OF TOXIC SUBSTANCES

* * * * *

SEC. 3. DEFINITIONS.

As used in this Act:

(1) * * *

(2)(A) * * *

(B) Such term does not include—

(i) * * *

* * * * *

(v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax pro-

vided by section 4182 or 4221 or any other provision of such Code) **[, and]**, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device **[.]**, and

(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 term "food" as used in clause (vi) of this subparagraph includes poultry and poultry products (as defined in sections 4(e) and 4(f) of the Poultry Products Inspection Act), meat and meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

* * * * *

DISSENTING VIEWS

H.R. 4089 is a solution in search of a problem. A majority of federal lands are available for hunting and fishing activities. There is broad agreement that hunting, fishing, trapping, and other wildlife-dependent activities have always taken place on our federal lands and should continue to take place on our federal lands. The number of visitors to public lands who engage in hunting, fishing, and other wildlife-dependent activities remain constant and quite high.

The Fish and Wildlife Service administers the National Wildlife Refuge System, consisting of 553 refuges and 38 wetland areas together comprising over 150 million acres of federal land. Approximately 375 refuges have hunting programs with slightly fewer having fishing programs. The National Park Service provides similar opportunities for hunting and fishing for the 84 million acres they manage. Roughly 70 percent of NPS lands are available for hunting. The Bureau of Land Management (BLM) is responsible for 245 million acres of land with over 95 percent open to hunting and 98 percent open for recreational shooting.

The legislation before us is a puzzling combination of stand-alone bills packaged to purportedly represent the interest of sportsmen and women. Instead of broadening support and building consensus, the combination of these bills is more controversial than the sum of the parts.

Title I of the legislation is focused on hunting and fishing access on federal lands. The standalone legislation, H.R. 2834, was opposed by the Administration and considered highly controversial when brought before the Committee. We fully support hunting, fishing, trapping and other wildlife-dependant recreational activities on public lands, including in designated wilderness. Instead of restating the value of recreational activities on public lands, Title I includes sweeping provision that would effectively rewrite the Wilderness Act, National Environmental Policy Act (NEPA), and the National Wildlife Refuge System Administration Act. Subcommittee Ranking Member Grijalva offered amendments to strike these provisions from the bill but was defeated on largely party-line votes.

Title II of the legislation creates a cumbersome and beltway driven process that ties the hands of local land managers to manage our national monuments and protect health and safety. Despite having more than 98% of lands open for recreational shooting, Title II would only allow the Director of the BLM to make 6 month closures of monument lands to shooting for any reason.

Any long-term closure would require an Act of Congress. Again, the Administration testified in opposition to the stand alone legislation (H.R. 3440) and Democrats raised strong objections during subcommittee consideration.

Title III of the bill overrides important laws related to importation of endangered wildlife by allowing a select group of hunters to import polar bears that were hunted just prior to be listed as endangered species. The stand-alone bill, H.R. 991 has been before the Committee a number of times and has always been considered controversial. There are 41 hunters who had killed a polar bear and had pending importation permit applications when the polar bear became listed. These hunters were warned by extensive outreach by the Fish and Wildlife Service that a prohibition would be placed on polar bear trophy imports if a listing occurred. Hunters also gave warnings to each other. The Hunting Report, with over 5000 subscribers, 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 provisions would change the laws of the nation to provide special treatment to forty-one individuals. It creates an incentive for other trophy hunters to ask Congress for exemptions for their own hunts on marine mammals, which are listed or proposed for listing. Congressman Young has introduced this bill three times since the polar bear was placed on the Endangered Species list in May of 2008.

Title IV of the bill amends the Toxic Substances Control Act (TSCA), a law enacted in 1976 to provide the Environmental Protection Agency (EPA) with the authority to require reporting, testing, and restrictions related to the use of chemical substances or mixtures of chemical substances. In recognition of the regulatory authority that existed under other statutes and/or Federal agencies, Congress exempted some potentially toxic substances from TSCA. Examples of such exemptions include special nuclear material (used to construct nuclear weapons and regulated by the Department of Energy and the Nuclear Regulatory Commission) food and drugs (related by the Food and Drug Administration and the Department of Agriculture) and pesticides (regulated by EPA under a different statute).

H.R. 4089 adds "shot, bullets and other projectiles, propellants, and primers" and "any sport fishing equipment . . . and sport fishing equipment components" to the list of items that are exempted from TSCA. The exemptions in existing law were predicated on the fact that these substances were already being regulated under different statutory authority or by a different Federal agency. The exemptions contemplated in H.R. 4089 appear to be predicated on the Majority's belief that these items should not be regulated by anyone at all, no matter how toxic the substances from which they are made may be. No official from the EPA was invited to testify on Title IV of H.R. 4089.

True threats to access for hunters and anglers are the privatization of these public resources, degraded habitat due to lack of funding, and development that disrupts wildlife habitat and water quality. The Majority frequently laments that federal lands dominate the West, "robbing" local communities of a tax base. They have proposed turning some lands over to the states, liquidating others, and intensively developing what is left. Even widely supported programs embraced by hunters, trappers, and anglers, like the Land and Water Conservation Fund, are targets of their anti-federal efforts.

Hunting and fishing are enormously popular activities on federal lands and support a multimillion dollar industry, employing tens of thousands of people in outfitting, guiding, and equipment manufacturing. Instead of embracing this engine of economic prosperity, the Majority is legislating on anecdotes and rumors, rewriting existing laws based on one story from here or one allegation from there. Legislation based on anecdotes rather than facts can have disastrous, unintended consequences.

Promoting more hunting and fishing activities on federal land involves ensuring that habitat is protected, acquiring new lands to expand existing habitat, funding wildlife and habitat management, and continuing to ensure that our parks, forests, monuments, and wildlife areas remain public.

Instead of pursuing an agenda that would advance those objectives, this Majority has approved this legislation, which consists of a series of confusing management mandates that collectively undermine federal land manager's ability to ensure access for today's sportsmen and habitat for tomorrow. It uses an issue on which there is broad agreement—the importance of hunting and fishing on public lands—as a cover to make harmful, backdoor changes to conservation laws. As a result, enactment of H.R. 4089 would destroy wildlife habitat, limit opportunities for the recreational pursuits the bill claims to protect, and creates a dangerous precedent allowing for the importation of trophies of endangered wildlife.

EDWARD J. MARKEY,
Ranking Member.
 RAÚL M. GRIJALVA.
 NIKI TSONGAS.
 GRACE F. NAPOLITANO.
 DALE KILDEE.
 MADELEINE Z. BORDALLO.
 GREGORIO KILILI CAMACHO
 SABLAN.
 PAUL S. TONKO.
 RUSH HOLT.

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 8, 2012

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

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

DOC HASTINGS, WA
 CHAIRMAN
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 JOHN J. DUNCAN, JR., TN
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 JEFFREY M. LANDRY, LA
 JOE RUNYAN, NJ
 BILL JOHNSON, OH
 MARK AMODEI, NV

TODD YOUNG
 CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

EDWARD J. MARKEY, MA
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JEFFREY DUNCAN
 DEMOCRATIC STAFF DIRECTOR

March 8, 2012

The Honorable Fred Upton
 Chairman
 Committee on Energy and Commerce
 2125 Rayburn HOB
 Washington, D.C. 20515

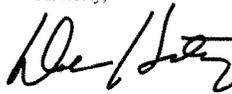
Dear Mr. Chairman:

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 forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing 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

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
JOHN J. DUNCAN, JR., TN
LOUIE GOMHEIT, TX
ROB BISHOP, UT
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TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

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RANKING DEMOCRATIC MEMBER
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ENI F.H. FALLON/NAWGA, AS
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JIM COSTA, CA
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JOHN P. SARBANES, MD
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NIKI TSONGAS, MA
PEDRO R. FERLUSI, PR
JOHN GARAMENDI, CA
COLLEEN W. HANABUSA, HI
PAUL TONKO, NY

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

March 8, 2012

The Honorable Frank Lucas
Chairman
Committee on Agriculture
1301 Longworth HOB
Washington, D.C. 20515

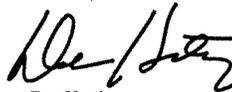
Dear Mr. Chairman:

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 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

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U.S. House of Representatives
Committee on Agriculture
 Room 1301, Longworth House Office Building
 Washington, DC 20515-6001

(202) 225-2171
 (202) 225-0917 FAX

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 CHIEF COUNSEL
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April 10, 2012

The Honorable Doc Hastings
 Chairman
 Committee on Natural Resources
 1324 Longworth HOB
 Washington, D.C. 20515

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
 Frank D. Lucas
 Chairman

cc: The Honorable Collin C. Peterson
 The Honorable Edward J. Markey
 Mr. Thomas J. Wickham Jr., Parliamentarian

