

TARGET PRACTICE AND MARKSMANSHIP TRAINING
SUPPORT ACT

JUNE 15, 2012.—Committed to the Committee on 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

[To accompany H.R. 3065]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3065) to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3065 is to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

BACKGROUND AND NEED FOR LEGISLATION

The federal program commonly known as the Pittman-Robertson Act was enacted in 1937. This is an unusual federal aid program in that the money used to finance projects is not drawn from taxpayer funds or other miscellaneous receipts but are the direct result of excise taxes on ammunition and firearms. This tax was established at the request of sportsmen, state wildlife agencies and ammunition manufacturers. Funding under the program can be used for the acquisition of wildlife habitat, hunter education, reintroduction of declining wildlife species, species research, wildlife population surveys and public target ranges.

These funds are distributed to the states under a formula that takes into consideration the size of the state and the number of hunting license holders. The procedures for receiving and using this money include several requirements. First, individual states

must match the federal money at a rate of one state dollar for every three federal dollars. Second, the state must prepare grant proposals describing the projects that will be funded with these federal dollars. Third, a state must assure the U.S. Fish and Wildlife Service that it will comply with a host of federal laws including the Americans with Disabilities Act, the Endangered Species Act and the National Environmental Policy Act.

Over the past 75 years, Congress has approved modifications to this law. These changes included: funds were made permanent and indefinite; the excise tax was increased from 10 to 11 percent; money was apportioned to states based on population; one half of the revenue from the tax on arrows and archery accessories, bows, pistols and revolvers could be used on hunter education grants; set aside of \$8 million per year to enhance hunter education and shooting range development; and exempted manufacturers of less than 50 firearms per year from having to pay the excise taxes.

Since its enactment, the Pittman-Robertson Program has distributed \$6.7 billion to the 50 states and territories. A key activity that is funded is the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation that are conducted every five years as a tool to measure the importance of wildlife-based recreation to the American people. In the 2006 survey, it was reported that 12.5 million people 16 years of age and older enjoyed hunting for a variety of animals within the United States. These individuals hunted 220 million days and took 185 million trips. Hunting expenditures totaled \$22.9 billion.

As a result of Pittman-Robertson expenditures, a number of wildlife populations have been rebuilt. Among the more prominent are American elk, black bears, Canada geese, desert bighorn sheep, Pronghorn antelope, wild turkeys, white-tailed deer and wood ducks. In addition, 62 percent of this funding buys, develops, maintains and operates wildlife areas. Four million acres have been purchased and 40 million acres are managed under agreements with landowners.

Also under this program, the interest earned on the Wildlife Restoration Fund is transferred to the North American Wetlands Conservation Fund. Import duties on ammunition and firearms are deposited into the Migratory Bird Conservation Fund which are used to purchase lands for inclusion within the National Wildlife Refuge System. This unique federal program, based on the premise that the user pays and benefits from the expenditure of their money, has been successful. In terms of accomplishments, between 2004 and 2009, 42,500 animals were stocked, 3 million students received hunter education, 173,000 landowners were assisted and 900 shooting ranges were either constructed or placed in operation.

Despite the construction of these shooting ranges, it is clear that hunters are finding it increasingly difficult to participate in this cherished tradition because of a lack of suitable open public lands and public target ranges. During the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs hearing on H.R. 3065, the National Association of Fish and Wildlife Agencies, which represents all fifty states and the territories, testified that, "There is a shortage of shooting ranges in this country. More and more governmental lands are being closed, and fewer and fewer outdoor ranges are being built."

Under current law, Pittman-Robertson funds can only be used to pay 75 percent of the cost of building or operating a public target range. The Target Practice and Marksmanship Training Support Act would encourage states to develop additional shooting ranges by increasing that amount to 90 percent and allowing a state to retain those funds for five years instead of just two to build and maintain them. Under this measure, a state could pay for the cost of acquiring land, expanding existing facilities, or constructing a new public target range. This change should provide additional capability and flexibility to the states. However, it should not result in any increased federal spending because it does not alter either the formula or the amount of money allocated to each state or territory on an annual basis.

COMMITTEE ACTION

H.R. 3065 was introduced on September 23, 2011, by Congressman Heath Shuler (D-NC). The bill was referred primarily to the Committee on Natural Resources, and in addition to the Committee on the Judiciary. Within the Committee on Natural Resources, the bill was referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. On May 17, 2012, the Subcommittee held a hearing on the bill. On June 7, 2012, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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. 3065—Target Practice and Marksmanship Training Support Act

CBO estimates that enacting H.R. 3065 could affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be minimal over the 2013–2022 period. We also estimate that implementing the legislation would

have no significant impact on discretionary spending. Enacting H.R. 3065 would not affect revenues.

H.R. 3065 would allow states to use grants awarded under the Pittman-Robertson Wildlife Restoration Act to fund up to 90 percent of the cost of building or operating public target ranges. Under that act, half of all federal excise taxes collected on pistols, revolvers, bows, arrows, and archer accessories are apportioned to states as grants for hunter education programs, including the construction and development of target ranges. Under current law, funds awarded under that act can be used to cover 75 percent of the costs of such programs. Because the provision of the bill authorizing federal funds to be used for up to 90 percent of such costs would not affect the total amount of Pittman-Robertson funds that could be spent, CBO estimates that enacting the provision would have no effect on the federal budget.

The bill also would allow states to retain their shares of Pittman-Robertson funds for up to five years to acquire or construct target ranges. After five years those funds would be reapportioned for other uses by the Secretary of the Interior. Because, under current law, any such funds that are not spent in two years are reapportioned and spent on other activities, CBO estimates that implementing this provision would have no effect on the federal budget.

Finally, H.R. 3065 would limit the federal government's liability for certain incidents that occur on target ranges paid for using Pittman-Robertson funds or located on federal lands. Federal payments resulting from such lawsuits appear to be minimal, and we estimate that this provision would have a minor effect on the federal budget over the 2013–2022 period.

H.R. 3065 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

H.R. 3065 would impose a private-sector mandate as defined in UMRA by eliminating an individual's existing right to seek compensation from the federal government for damages occurring at a public target range supported by federal funds. The cost of the mandate would be the forgone value of awards and settlements in such claims. Information from the Department of the Interior indicates that few, if any, of these types of lawsuits are brought against the U.S. government. Because such claims would probably be uncommon in the future, CBO estimates that the cost of the mandate would be small, and fall well below the annual threshold established in UMRA for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

The CBO staff contacts for this estimate are Jeff LaFave (for federal costs) and Amy Petz and Danielle Parnass (for the private-sector impact). The estimate was 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 Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that enacting H.R. 3065 could affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be minimal over the 2013–2022 period. CBO also estimates that implementing

the legislation would have no significant impact on discretionary spending.

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 is to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

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.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, 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):

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

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SEC. 2. DEFINITIONS.

As used in this Act—

(1) * * *

(2) *the term “public target range” means a specific location that—*

(A) is identified by a governmental agency for recreational shooting;

(B) is open to the public;

(C) may be supervised; and

(D) may accommodate archery or rifle, pistol, or shotgun shooting;

[(2)] (3) the term “Secretary” means the Secretary of the Interior;

[(3)] (4) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(4)] (5) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

[(5)] (6) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(6)] (7) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

[(7)] (8) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(8)] (9) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

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SEC. 8. (a) * * *

[(b) Each State] (b) *EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.*—

(1) *IN GENERAL.*—*Except as provided in paragraph (2), each State may use the funds apportioned to it under section 4(c) to pay up to 75 per centum of the costs of a hunter safety program and the [construction, operation,] operation and maintenance of public target ranges, as a part of such program. [The non-Federal share]*

(2) *EXCEPTION.*—*Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.*

(3) *NON-FEDERAL SHARE.*—*The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. [The Secretary]*

(4) *REGULATIONS.*—*The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for*

the establishment of hunter safety programs and public target ranges under this subsection.

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SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

(a) **IN GENERAL.**—

(1) * * *

* * * * *

(3) **ALLOCATION OF ADDITIONAL AMOUNTS.**—*Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.*

[(b) **COST SHARING.**—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.]

(b) **COST SHARING.**—

(1) **IN GENERAL.**—*Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.*

(2) **PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.**—*The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.*

(c) **PERIOD OF AVAILABILITY; REAPPORTIONMENT.**—

(1) **PERIOD OF AVAILABILITY.**—[Amounts made]

(A) **IN GENERAL.**—*Except as provided in subparagraph (B), amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.*

(B) **EXCEPTION.**—*Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.*

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COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 2012.

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

DEAR CHAIRMAN HASTINGS: I am writing with respect to H.R. 3065, the “Target Practice and Marksmanship Training Support Act,” which the Committee on Natural Resources reported favorably on June 7, 2012. As a result of your having consulted with us on provisions in H.R. 3065 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Com-

mittee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3065 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 3065, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during Floor consideration of H.R. 3065.

Sincerely,

LAMAR SMITH,
Chairman.

COMMITTEE ON NATURAL RESOURCES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 2012.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary,
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3065, the Target Practice and Marksmanship Training Support Act. As you know, the Committee on Natural Resources ordered reported the bill by unanimous consent on June 7, 2012. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on the Judiciary will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 3065 at this time, the Committee on the Judiciary does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Judiciary 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, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

DOC HASTINGS,
Chairman.