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SENATE

{ REPORT
115-372

TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

NOVEMBER 15, 2018.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 593]

together with

ADDITIONAL VIEWS

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 593) 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, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

Pittman-Robertson funds are derived from an 11 percent “user pays” excise tax on firearms and ammunition, and the resulting receipts are set aside from the general treasury for firearms safety training programs and wildlife conservation. Almost \$11 billion has been raised for the fund since President Franklin D. Roosevelt signed Pittman-Robertson into law in 1937, making target shooters and hunters amongst the largest financial supporters of wildlife conservation in the United States.

Nevertheless, states have deployed a declining percentage of these funds to establish public shooting ranges, due to fiscal constraints. The costs associated with siting a range and the two-year timeline to deploy Pittman-Robertson funds for such a project be-

fore they are reclaimed by the federal government have led to a steep decline in the development of these sorts of projects. As a result, the public’s ability to undergo firearms safety training and for hunters to “sight in” their firearms before the hunting season have been reduced and could lead to decreased public safety. Since the 1980s, the number of participants in hunting and shooting activities has also declined, resulting in less funding for wildlife conservation.

OBJECTIVES OF THE LEGISLATION

The objective of this legislation is to help address a deficiency in opportunities for Americans to engage in recreational and competitive shooting safely on both public and private lands by allowing states to allocate a greater proportion of their federal Pittman-Robertson wildlife funds to the development and maintenance of public shooting ranges. Ultimately, these opportunities should increase sportsmen’s participation and generate more overall funds that can then be allocated through Pittman-Robertson.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states this Act may be cited as the “Target Practice and Marksmanship Training Support Act.

Section 2. Findings; purpose

This section states that the purpose of this Act is to facilitate the construction and expansion of public target ranges.

Section 3. Definition of public target range

This section defines the term “public target range” as a specific location that is identified by a governmental agency for recreational shooting, is open to the public, may be supervised, and may accommodate archery or rifle, pistol, or shotgun shooting.

Section 4. Amendments to Pittman-Robertson Wildlife Restoration Act

This section provides that a state may use funds it receives from the section 4(c) Hunter Education and Safety program (“Basic Hunter Education”) to pay for up to 90 percent of the costs for acquiring land for, expanding, or constructing a public target range; (2) it authorizes a state to elect to allocate up to 10 percent of the amount apportioned to it under 16 U.S.C. 669c(b) to supplement funds provided under the section 10 Enhanced Firearm and Bow Hunter Education and Safety Program (“Enhanced Hunter Education”) (16 U.S.C. 669h–1) for acquiring land for, expanding, or constructing a public target range; (3) it limits the federal share for acquiring land for, expanding, or constructing a public target range under such Act to 90 percent; and (4) it requires that amounts provided for those costs under the Enhanced Firearm and Bow Hunter Education and Safety Program remain available for expenditure and obligation for five fiscal years.

Section 5. Limits on liability

This section clarifies that any action by an agent or employee of the United States to manage or allow the use of federal land for marksmanship training is considered a discretionary function. It states that the United States shall not be subject to any civil action or claims, except to the extent provided in chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), for any activity occurring at a public target range funded by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act or located on federal land.

Section 6. Sense of Congress regarding cooperation

This section establishes the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with state and local authorities and other entities to carry out waste removal and other activities on any federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

LEGISLATIVE HISTORY

S. 593, to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states, was introduced by Senators Bennet, Boozman, Capito, and Heitkamp on March 9, 2017. The bill was referred to the Committee on Environment and Public Works. The bill was subsequently cosponsored by Senators Baldwin, Cassidy, Crapo, Ernst, Flake, Hatch, Heinrich, King, Manchin, Risch, Rounds, Strange, Sullivan, and Tester. The Committee ordered S. 593 to be reported favorably on September 18, 2018.

HEARINGS

On July 19, 2017, the Committee on Environment and Public Works held a legislative hearing entitled, “*Legislative Hearing on S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act.*” Section 2 of S. 1514 included substantially similar legislative language to that of S. 593.

ROLLCALL VOTES

On September 18, 2018, the Committee conducted a business meeting to consider S. 593. The Committee ordered the bill to be reported favorably by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 593 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee notes that the Congressional Budget Office found that S. 593 contains no intergovernmental or

private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report, if available. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 2018.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 593, the Target Practice and Marksmanship Training Support Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 593—Target Practice and Marksmanship Training Support Act

S. 593 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 archery accessories are apportioned to states as grants for hunter education programs and for the construction and development of target ranges. Current awards can be used to cover 75 percent of the programs' costs.

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. Under current law, any such funds that are not spent within two years are reapportioned and spent on other activities. Neither of those provisions would affect the total amount of funds that could be spent but could have a minor effect on the timing of when those funds are spent. On that basis, CBO estimates that enacting those provisions would have no significant effect on direct spending.

Finally, S. 593 would limit the federal government's liability for certain incidents that occur on target ranges that are either constructed with Pittman-Robertson funds or located on federal lands. Previous federal payments resulting from such lawsuits have been minimal; on that basis, CBO estimates that enacting this provision would reduce direct spending by an insignificant amount over the 2019–2028 period.

Because enacting S. 593 could affect direct spending, pay-as-you-go procedures apply. Enacting S. 593 would not affect revenues.

CBO estimates that enacting S. 593 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 593 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

S. 593 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 those 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 (\$160 million in 2018 adjusted annually for inflation).

On May 11, 2018, CBO transmitted a cost estimate of H.R. 788, the Target Practice and Marksmanship Training Support Act, as ordered reported by the House Committee on Natural Resources on April 18, 2018. The two pieces of legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contacts for this estimate are Janani Shankaran (for federal costs) and Zachary Byrum (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

ADDITIONAL VIEWS OF SENATORS CARPER AND VAN
HOLLEN

On October 5, 2017, the Committee conducted a business meeting to consider S. 1514, which included, among its provisions, a slightly different version of S. 593. The Committee ordered the bill to be reported favorably by a vote of 14 to 7.

Ideally, the Committee would have considered and discussed those differences in a hearing. The stakeholder organizations that support the intended policy outcome support both versions, but the Committee may need to better reconcile these differences now that both versions have advanced to the full Senate.

TOM CARPER.
CHRIS VAN HOLLEN.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

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PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

SEC. 2. [16 U.S.C. 669a] 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. [16U.S.C. 669g] (a) * * *
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[(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) 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.*

* * * * *
SEC. 10. [16 U.S.C. 669h-1] FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

(a) IN GENERAL.—
 (1) GRANTS.— * * *

* * * * *
 (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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