

TARGET PRACTICE AND MARKSMANSHIP TRAINING
SUPPORT ACT

MAY 29, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 788]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 788) 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. 788 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

Enacted in 1937, the Pittman-Robertson Wildlife Restoration Act (PRWRA, 16 U.S.C. 669 et seq.) uses federal excise taxes on firearms ammunition and archery equipment to fund grants to State fish and wildlife agencies for wildlife resource projects and to conduct hunter education programs. These taxes are deposited into a Federal Aid to Wildlife Restoration Fund in the U.S. Treasury. The excise tax is set at 10% of the wholesale price for pistols and revolvers and 11% for other firearms (as well as shells or cartridges), and is collected by the manufacturer. An 11% tax on archery equipment is also deposited into the Fund. The tax is applied whether the equipment is likely to be used for hunting or not. Total appor-

tionments to the States and territories were \$780,031,696 in Fiscal Year 2017 and \$695,141,699 in Fiscal Year 2016.¹

Prior to passage of PRWRA, many species of wildlife were driven nearly to extinction by commercial market hunting pressure and habitat degradation.² The taxes paid by hunters and recreational shooters provide funds that support the management of wildlife populations and their habitats for both game and non-game animals. Preserving and enhancing this volunteer revenue source has enabled State agencies to provide additional outdoor recreational opportunities. These funds are also used by the States for basic hunter education programs. This “user pay/public benefits” approach aids hunters, recreational shooters, and all citizens through the delivery of on-the-ground wildlife and habitat conservation by State fish and wildlife agencies.

Increasing urbanization and suburbanization has made it more difficult for the public to participate in hunting and recreational shooting than when PRWRA was first enacted in 1937. Without a steady flow of fees paid by sportsmen, PRWRA will fail to meet the conservation challenges of the future. One of the primary reasons for the decline in the number of hunters and recreational shooters is the growing lack of access to quality shooting and target ranges.

To address the growing difficulty States have had recruiting and retaining hunters and recreational shooters who fund wildlife conservation, H.R. 788 would give States greater flexibility to use their PRWRA funds for the creation and maintenance of shooting ranges on public lands. The bill amends PRWRA to facilitate the construction and expansion of public target ranges by: (1) authorizing a State to pay up to 90% of the costs of acquiring land for, expanding, or constructing a public target range; (2) authorizing a State to elect to allocate 10% of a specified amount apportioned to it from the Federal Aid to Wildlife Restoration Fund for those costs; (3) increasing the federal share of those costs under PRWRA to 90%; and (4) requiring amounts provided for those costs under the PRWRA to remain available for expenditure and obligation for five fiscal years. H.R. 788 also instructs the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) to cooperate with State and local authorities, and other entities, to implement waste removal and other practices on federal land used as public target ranges to encourage continued use for target practice or marksmanship training.

The language contained in this stand-alone legislation is also included in H.R. 3668, the Sportsmen’s Heritage and Recreational Enhancement (SHARE) Act reported from the Committee.

COMMITTEE ACTION

H.R. 788 was introduced on February 1, 2017, by Congressman Duncan D. Hunter (R–CA). The bill was referred to the Committee on Natural Resources, and additionally to the Committee on the Judiciary. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands. On April 18, 2018, the Natural Resources Committee met to consider the bill. The

¹United States Fish and Wildlife Service Certificates of Apportionment for Fiscal Years 2016 and 2017.

²Bolen, Eric (2003). *Wildlife Ecology and Management*. New Jersey: Prentice Hall. Pp. Chapter.

Subcommittee was discharged by unanimous consent. Congresswoman Madeleine Z. Bordallo (D-GU) offered and withdrew amendments designated 001, 002, 003 and 004 en bloc. No further amendments were offered, and the bill was ordered favorably reported to the House of Representatives by voice vote.

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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 788, 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 Jeff LaFave.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 788—Target Practice and Marksmanship Training Support Act

H.R. 788 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. 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 on 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, H.R. 788 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, and on that basis CBO estimates that enacting this provision would reduce direct spending by an insignificant amount over the 2019–2028 period.

Because enacting H.R. 788 could affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that those effects would be insignificant. Enacting H.R. 788 would not affect revenues.

CBO estimates that enacting H.R. 788 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 788 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

H.R. 788 would impose a private-sector mandate as defined in UMRA by eliminating an 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, such lawsuits have been brought against the government. Because such claims would probably be uncommon, CBO estimates that the cost of the mandate would be small and would fall well below the annual threshold established in UMRA for private-sector mandates (\$160 million in 2018, adjusted annually for inflation).

The CBO staff contacts for this estimate are Jeff LaFave (for federal costs) and Zachary Byrum (for the private-sector mandate). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be du-

plicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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, and existing law in which no change is proposed is shown in roman):

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantedation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(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.

* * * * *

SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term “wildlife-restoration project”, as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

【(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 mainte-*

nance 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. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

(a) **IN GENERAL.**—

(1) **GRANTS.**—Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002, and \$8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

(2) **LIMITATION ON USE.**—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

(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 para-*

graph (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.

(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.

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ROB BISHOP OF UTAH
CHAIRMAN

CODY STEWART
STAFF DIRECTOR

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

RAÚL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

May 14, 2018

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
2138 Rayburn HOB
Washington, DC 20515

Dear Mr. Chairman:

H.R. 788, Target Practice and Marksmanship Training Support Act, was introduced on February 1, 2017. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on the Judiciary.

I thank you for allowing the Committee on the Judiciary 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 having the Committee on the Judiciary represented on the conference committee. Finally, to memorialize our understanding, I would be pleased to include your letter and this response in the bill report and in the Congressional Record when the bill is considered by the House.

Thank you for your response and cooperation. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop
Chairman

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul M. Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

<http://naturalresources.house.gov>

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May 14, 2018

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

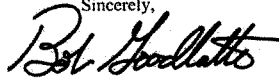
Dear Chairman Bishop,

I write with respect to H.R. 788, the "Target Practice and Marksmanship Training Support Act." As a result of your having consulted with us on provisions within H.R. 788 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any 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. 788 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 this 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. 788 and would ask that a copy of our exchange of letters on this matter be included in your committee report on this bill and in the *Congressional Record* during floor consideration of H.R. 788.

Sincerely,



Bob Goodlatte
 Chairman

cc: The Honorable Jerry Nadler
 The Honorable Raúl Grijalva
 The Honorable Paul Ryan, Speaker
 The Honorable Thomas Wickham, Jr., Parliamentarian

