

114TH CONGRESS
1ST SESSION

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2015

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Bipartisan Sportsmen’s Act of 2015”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Modification of definition of sport fishing equipment under the Toxic Substances Control Act.

Sec. 3. Target practice and marksmanship.

Sec. 4. Permits for importation of polar bear trophies taken in sport hunts in Canada.

Sec. 5. Baiting of migratory game birds.

Sec. 6. Protecting the right of individuals to bear arms at water resources development projects.

Sec. 7. North American Wetlands Conservation Act.

Sec. 8. Multinational Species Conservation Funds Reauthorization.

Sec. 9. Interest on obligations held in the wildlife restoration fund.

1 **SEC. 2. MODIFICATION OF DEFINITION OF SPORT FISHING**
 2 **EQUIPMENT UNDER THE TOXIC SUBSTANCES**
 3 **CONTROL ACT.**

4 Section 3(2)(B) of the Toxic Substances Control Act
 5 (15 U.S.C. 2602(2)(B)) is amended—

6 (1) in clause (v), by striking “, and” and insert-
 7 ing “, or any component of any such article includ-
 8 ing, without limitation, shot, bullets and other pro-
 9 jectiles, propellants, and primers,”;

10 (2) in clause (vi) by striking the period at the
 11 end and inserting “, and”; and

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

13 “(vii) any sport fishing equipment (as such
 14 term is defined in section 4162(a) of the Internal
 15 Revenue Code of 1986) the sale of which is subject
 16 to the tax imposed by section 4161(a) of such Code
 17 (determined without regard to any exemptions from
 18 such tax provided by section 4162 or 4221 or any
 19 other provision of such Code), and sport fishing
 20 equipment components.”.

21 **SEC. 3. TARGET PRACTICE AND MARKSMANSHIP.**

22 (a) PURPOSE.—The purpose of this section is to fa-
 23 cilitate the construction and expansion of public target

1 ranges, including ranges on Federal land managed by the
2 Forest Service and the Bureau of Land Management.

3 (b) DEFINITION OF PUBLIC TARGET RANGE.—In
4 this section, the term “public target range” means a spe-
5 cific location that—

6 (1) is identified by a governmental agency for
7 recreational shooting;

8 (2) is open to the public;

9 (3) may be supervised; and

10 (4) may accommodate archery or rifle, pistol, or
11 shotgun shooting.

12 (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-
13 LIFE RESTORATION ACT.—

14 (1) DEFINITIONS.—Section 2 of the Pittman-
15 Robertson Wildlife Restoration Act (16 U.S.C.
16 669a) is amended—

17 (A) by redesignating paragraphs (2)
18 through (8) as paragraphs (3) through (9), re-
19 spectively; and

20 (B) by inserting after paragraph (1) the
21 following:

22 “(2) the term ‘public target range’ means a
23 specific location that—

24 “(A) is identified by a governmental agen-
25 cy for recreational shooting;

1 “(B) is open to the public;

2 “(C) may be supervised; and

3 “(D) may accommodate archery or rifle,
4 pistol, or shotgun shooting;”.

5 (2) EXPENDITURES FOR MANAGEMENT OF
6 WILDLIFE AREAS AND RESOURCES.—Section 8(b) of
7 the Pittman-Robertson Wildlife Restoration Act (16
8 U.S.C. 669g(b)) is amended—

9 (A) by striking “(b) Each State” and in-
10 sserting the following:

11 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
12 LIFE AREAS AND RESOURCES.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), each State”;

15 (B) in paragraph (1) (as so designated), by
16 striking “construction, operation,” and insert-
17 ing “operation”;

18 (C) in the second sentence, by striking
19 “The non-Federal share” and inserting the fol-
20 lowing:

21 “(3) NON-FEDERAL SHARE.—The non-Federal
22 share”;

23 (D) in the third sentence, by striking “The
24 Secretary” and inserting the following:

25 “(4) REGULATIONS.—The Secretary”; and

1 (E) by inserting after paragraph (1) (as
2 designated by subparagraph (A)) the following:

3 “(2) EXCEPTION.—Notwithstanding the limita-
4 tion described in paragraph (1), a State may pay up
5 to 90 percent of the cost of acquiring land for, ex-
6 panding, or constructing a public target range.”.

7 (3) FIREARM AND BOW HUNTER EDUCATION
8 AND SAFETY PROGRAM GRANTS.—Section 10 of the
9 Pittman-Robertson Wildlife Restoration Act (16
10 U.S.C. 669h–1) is amended—

11 (A) in subsection (a), by adding at the end
12 the following:

13 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—
14 Of the amount apportioned to a State for any fiscal
15 year under section 4(b), the State may elect to allo-
16 cate not more than 10 percent, to be combined with
17 the amount apportioned to the State under para-
18 graph (1) for that fiscal year, for acquiring land for,
19 expanding, or constructing a public target range.”;

20 (B) by striking subsection (b) and insert-
21 ing the following:

22 “(b) COST SHARING.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the Federal share of the cost of any activ-
25 ity carried out using a grant under this section shall

1 not exceed 75 percent of the total cost of the activ-
2 ity.

3 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
4 EXPANSION.—The Federal share of the cost of ac-
5 quiring land for, expanding, or constructing a public
6 target range in a State on Federal or non-Federal
7 land pursuant to this section or section 8(b) shall
8 not exceed 90 percent of the cost of the activity.”;
9 and

10 (C) in subsection (c)(1)—

11 (i) by striking “Amounts made” and
12 inserting the following:

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), amounts made”; and

15 (ii) by adding at the end the fol-
16 lowing:

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

24 (d) SENSE OF CONGRESS REGARDING COOPERA-
25 TION.—It is the sense of Congress that, consistent with

1 applicable laws (including regulations), the Chief of the
2 Forest Service and the Director of the Bureau of Land
3 Management should cooperate with State and local au-
4 thorities and other entities to carry out waste removal and
5 other activities on any Federal land used as a public target
6 range to encourage continued use of that land for target
7 practice or marksmanship training.

8 **SEC. 4. PERMITS FOR IMPORTATION OF POLAR BEAR TRO-**
9 **PHIES TAKEN IN SPORT HUNTS IN CANADA.**

10 Section 104(c)(5)(D) of the Marine Mammal Protec-
11 tion Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended
12 to read as follows:

13 “(D)(i) The Secretary of the Interior shall, ex-
14 peditiously after the expiration of the applicable 30-
15 day period under subsection (d)(2), issue a permit
16 for the importation of any polar bear part (other
17 than an internal organ) from a polar bear taken in
18 a sport hunt in Canada to any person—

19 “(I) who submits, with the permit applica-
20 tion, proof that the polar bear was legally har-
21 vested by the person before February 18, 1997;
22 or

23 “(II) who has submitted, in support of a
24 permit application submitted before May 15,
25 2008, proof that the polar bear was legally har-

1 vested by the person before May 15, 2008, from
2 a polar bear population from which a sport-
3 hunted trophy could be imported before that
4 date in accordance with section 18.30(i) of title
5 50, Code of Federal Regulations.

6 “(ii) The Secretary shall issue permits under
7 clause (i)(I) without regard to subparagraphs (A)
8 and (C)(ii) of this paragraph, subsection (d)(3), and
9 sections 101 and 102. Sections 101(a)(3)(B) and
10 102(b)(3) shall not apply to the importation of any
11 polar bear part authorized by a permit issued under
12 clause (i)(I). This clause shall not apply to polar
13 bear parts that were imported before June 12, 1997.

14 “(iii) The Secretary shall issue permits under
15 clause (i)(II) without regard to subparagraph (C)(ii)
16 of this paragraph or subsection (d)(3). Sections
17 101(a)(3)(B) and 102(b)(3) shall not apply to the
18 importation of any polar bear part authorized by a
19 permit issued under clause (i)(II). This clause shall
20 not apply to polar bear parts that were imported be-
21 fore the date of enactment of the Bipartisan Sports-
22 men’s Act of 2015.”.

1 **SEC. 5. BAITING OF MIGRATORY GAME BIRDS.**

2 Section 3 of the Migratory Bird Treaty Act (16
3 U.S.C. 704) is amended by striking subsection (b) and in-
4 serting the following:

5 “(b) PROHIBITION OF BAITING.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) BAITED AREA.—

8 “(i) IN GENERAL.—The term ‘baited
9 area’ means—

10 “(I) any area on which salt,
11 grain, or other feed has been placed,
12 exposed, deposited, distributed, or
13 scattered, if the salt, grain, or feed
14 could lure or attract migratory game
15 birds; and

16 “(II) in the case of waterfowl,
17 cranes (family Gruidae), and coots
18 (family Rallidae), a standing,
19 unharvested crop that has been ma-
20 nipulated through activities such as
21 mowing, discing, or rolling, unless the
22 activities are normal agricultural prac-
23 tices.

24 “(ii) EXCLUSIONS.—An area shall not
25 be considered to be a ‘baited area’ if the
26 area—

1 “(I) has been treated with a nor-
2 mal agricultural practice;

3 “(II) has standing crops that
4 have not been manipulated; or

5 “(III) has standing crops that
6 have been or are flooded.

7 “(B) BAITING.—The term ‘baiting’ means
8 the direct or indirect placing, exposing, depos-
9 iting, distributing, or scattering of salt, grain,
10 or other feed that could lure or attract migra-
11 tory game birds to, on, or over any areas on
12 which a hunter is attempting to take migratory
13 game birds.

14 “(C) MIGRATORY GAME BIRD.—The term
15 ‘migratory game bird’ means migratory bird
16 species—

17 “(i) that are within the taxonomic
18 families of Anatidae, Columbidae, Gruidae,
19 Rallidae, and Scolopacidae; and

20 “(ii) for which open seasons are pre-
21 scribed by the Secretary of the Interior.

22 “(D) NORMAL AGRICULTURAL PRAC-
23 TICE.—

1 “(i) IN GENERAL.—The term ‘normal
2 agricultural practice’ means any practice in
3 1 annual growing season that—

4 “(I) is carried out in order to
5 produce a marketable crop, including
6 planting, harvest, post-harvest, or soil
7 conservation practices; and

8 “(II) is recommended for the
9 successful harvest of a given crop by
10 the applicable State office of the Co-
11 operative Extension System of the De-
12 partment of Agriculture, in consulta-
13 tion with, and if requested, the con-
14 currence of, the head of the applicable
15 State department of fish and wildlife.

16 “(ii) INCLUSIONS.—

17 “(I) IN GENERAL.—Subject to
18 subclause (II), the term ‘normal agri-
19 cultural practice’ includes the destruc-
20 tion of a crop in accordance with
21 practices required by the Federal
22 Crop Insurance Corporation for agri-
23 cultural producers to obtain crop in-
24 surance under the Federal Crop In-
25 surance Act (7 U.S.C. 1501 et seq.)

1 on land on which a crop during the
2 current or immediately preceding crop
3 year was not harvestable due to a nat-
4 ural disaster (including any hurricane,
5 storm, tornado, flood, high water,
6 wind-driven water, tidal wave, tsu-
7 nami, earthquake, volcanic eruption,
8 landslide, mudslide, drought, fire,
9 snowstorm, or other catastrophe that
10 is declared a major disaster by the
11 President in accordance with section
12 401 of the Robert T. Stafford Dis-
13 aster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5170)).

15 “(II) LIMITATIONS.—The term
16 ‘normal agricultural practice’ only in-
17 cludes a crop described in subclause
18 (I) that has been destroyed or manip-
19 ulated through activities that include
20 (but are not limited to) mowing,
21 discing, or rolling if the Federal Crop
22 Insurance Corporation certifies that
23 flooding was not an acceptable method
24 of destruction to obtain crop insur-

1 ance under the Federal Crop Insur-
2 ance Act (7 U.S.C. 1501 et seq.).

3 “(E) WATERFOWL.—The term ‘waterfowl’
4 means native species of the family Anatidae.

5 “(2) PROHIBITION.—It shall be unlawful for
6 any person—

7 “(A) to take any migratory game bird by
8 baiting or on or over any baited area, if the
9 person knows or reasonably should know that
10 the area is a baited area; or

11 “(B) to place or direct the placement of
12 bait on or adjacent to an area for the purpose
13 of causing, inducing, or allowing any person to
14 take or attempt to take any migratory game
15 bird by baiting or on or over the baited area.

16 “(3) REGULATIONS.—The Secretary of the In-
17 terior may promulgate regulations to implement this
18 subsection.

19 “(4) REPORTS.—Annually, the Secretary of Ag-
20 riculture shall submit to the Secretary of the Inte-
21 rior a report that describes any changes to normal
22 agricultural practices across the range of crops
23 grown by agricultural producers in each region of
24 the United States in which the recommendations are
25 provided to agricultural producers.”.

1 **SEC. 6. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR**
 2 **ARMS AT WATER RESOURCES DEVELOPMENT**
 3 **PROJECTS.**

4 The Secretary of the Army shall not promulgate or
 5 enforce any regulation that prohibits an individual from
 6 possessing a firearm, including an assembled or functional
 7 firearm, in any area open to the public (other than a Fed-
 8 eral facility as defined in section 930(g) of title 18, United
 9 States Code) at a water resources development project
 10 covered under section 327.0 of title 36, Code of Federal
 11 Regulations (as in effect on the date of enactment of this
 12 Act), if—

- 13 (1) the individual is not otherwise prohibited by
 14 law from possessing the firearm; and
 15 (2) the possession of the firearm is in compli-
 16 ance with the law of the State in which the water
 17 resources development project is located.

18 **SEC. 7. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

19 Section 7(c) of the North American Wetlands Con-
 20 servation Act (16 U.S.C. 4406(c)) is amended—

- 21 (1) in paragraph (4), by striking “and”;
 22 (2) in paragraph (5), by striking the period at
 23 the end and inserting “; and”; and
 24 (3) by adding at the end the following:
 25 “(6) \$50,000,000 for each of fiscal years 2015
 26 through 2020.”.

1 **SEC. 8. MULTINATIONAL SPECIES CONSERVATION FUNDS**
2 **REAUTHORIZATION.**

3 (a) REAUTHORIZATION OF AFRICAN ELEPHANT CON-
4 SERVATION ACT.—Section 2306(a) of the African Ele-
5 phant Conservation Act (16 U.S.C. 4245(a)) is amended
6 by striking “2007 through 2012” and inserting “2016
7 through 2020”.

8 (b) REAUTHORIZATION OF RHINOCEROS AND TIGER
9 CONSERVATION ACT OF 1994.—Section 10(a) of the Rhi-
10 noceros and Tiger Conservation Act of 1994 (16 U.S.C.
11 5306(a)) is amended by striking “2007 through 2012”
12 and inserting “2016 through 2020”.

13 (c) REAUTHORIZATION OF ASIAN ELEPHANT CON-
14 SERVATION ACT OF 1997.—Section 8(a) of the Asian Ele-
15 phant Conservation Act of 1997 (16 U.S.C. 4266(a)) is
16 amended by striking “2007 through 2012” and inserting
17 “2016 through 2020”.

18 (d) AMENDMENT AND REAUTHORIZATION OF GREAT
19 APE CONSERVATION ACT OF 2000.—The Great Ape Con-
20 servation Act of 2000 is amended as follows:

21 (1) MULTIYEAR GRANTS.—In section 4 (16
22 U.S.C. 6303), by adding at the end the following
23 new subsections:

24 “(j) MULTIYEAR GRANTS.—

25 “(1) IN GENERAL.—The Secretary may award
26 a multiyear grant under this section to a person who

1 is otherwise eligible for a grant under this section,
2 to carry out a project that the person demonstrates
3 is an effective, long-term conservation strategy for
4 great apes and their habitats.

5 “(2) ANNUAL GRANTS NOT AFFECTED.—This
6 subsection shall not be construed as precluding the
7 Secretary from awarding grants on an annual
8 basis.”.

9 (2) PANEL OF EXPERTS.—In section 4(i) (16
10 U.S.C. 6303(i))—

11 (A) in paragraph (1), by—

12 (i) striking “Every 2 years” and in-
13 serting “Within one year after the date of
14 the enactment of the Bipartisan Sports-
15 men’s Act of 2015, and every 5 years
16 thereafter”;

17 (ii) striking “may convene” and in-
18 serting “shall convene”;

19 (iii) inserting “and priorities” after
20 “needs”; and

21 (iv) adding at the end the following
22 new sentence: “The panel shall, to the ex-
23 tent practicable, include representatives
24 from foreign range states with expertise in
25 great ape conservation.”; and

1 (B) by redesignating paragraph (2) as
2 paragraph (4), and inserting after paragraph
3 (1) the following new paragraphs:

4 “(2) In identifying conservation needs and pri-
5 orities under paragraph (1), the panel shall consider
6 relevant great ape conservation plans or strategies
7 including scientific research and findings related
8 to—

9 “(A) the conservation needs and priorities
10 of great apes;

11 “(B) regional or species-specific action
12 plans or strategies;

13 “(C) applicable strategies developed or ini-
14 tiated by the Secretary; and

15 “(D) any other applicable conservation
16 plan or strategy.

17 “(3) The Secretary, subject to the availability
18 of appropriations, may pay expenses of convening
19 and facilitating meetings of the panel.”.

20 (3) ADMINISTRATIVE EXPENSES LIMITATION.—
21 In section 5(b)(2) (16 U.S.C. 6304(b)(2)), by strik-
22 ing “\$100,000” and inserting “\$150,000”.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—In
24 section 6 (16 U.S.C. 6305), by striking “2006
25 through 2010” and inserting “2016 through 2020”.

1 (e) AMENDMENT AND REAUTHORIZATION OF MA-
2 RINE TURTLE CONSERVATION ACT OF 2004.—

3 (1) IN GENERAL.—The Marine Turtle Con-
4 servation Act of 2004 is amended—

5 (A) in sections 2(b) and 3(2) (16 U.S.C.
6 6601(b), 6602(2)), by inserting “and territories
7 of the United States” after “foreign countries”
8 each place it occurs;

9 (B) in section 3 (16 U.S.C. 6602) by add-
10 ing at the end the following:

11 “(7) TERRITORY OF THE UNITED STATES.—
12 The term ‘territory of the United States’ means each
13 of Puerto Rico, the United States Virgin Islands,
14 Guam, American Samoa, the Commonwealth of the
15 Northern Mariana Islands, and any other territory
16 or possession of the United States.”; and

17 (C) in section 4 (16 U.S.C. 6603)—

18 (i) in subsection (b)(1)(A), by insert-
19 ing “or territory of the United States”
20 after “foreign country”; and

21 (ii) in subsection (d) by inserting
22 “and territories of the United States” after
23 “foreign countries”.

24 (2) ADMINISTRATIVE EXPENSES LIMITATION.—
25 Section 5(b)(2) of the Marine Turtle Conservation

1 Act of 2004 (16 U.S.C. 6604(b)(2)) is amended by
2 striking “\$80,000” and inserting “\$150,000”.

3 (3) REAUTHORIZATION.—Section 7 of the Ma-
4 rine Turtle Conservation Act of 2004 (16 U.S.C.
5 6606) is amended by striking “each of fiscal years
6 2005 through 2009” and inserting “each of fiscal
7 years 2016 through 2020”.

8 **SEC. 9. INTEREST ON OBLIGATIONS HELD IN THE WILD-**
9 **LIFE RESTORATION FUND.**

10 Section 3(b)(2)(C) of the Pittman-Robertson Wildlife
11 Restoration Act (16 U.S.C. 669b) is amended by striking
12 “2016” and inserting “2026”.

○