



No. 24

September 21, 2012

S. 3525 – The Sportsmen’s Act of 2012

Noteworthy

- **Floor Situation:** On Thursday, September 20, cloture was filed on the motion to proceed to S. 3525. Pursuant to a unanimous consent agreement, the cloture vote will occur as the last of a series of up to five stacked roll call votes beginning Saturday, September 22 at midnight. If the Senate proceeds to the bill, there may be a budget point of order lying against the bill.
- **Background:** S. 3525 bypassed the Environment and Public Works Committee (EPW) and was introduced directly on the floor through Rule XIV by Senator Reid on September 11, 2012. S.3525 combines 16 separate Senate and House bills:
 - The following bills were *reported* out of the EPW Committee: Migratory Bird Habitat Investment and Enhancement Act (S. 2156); the Permanent Electronic Duck Stamp Act of 2012 (S. 2071); North American Wetlands Conservation Extension Act of 2012 (S. 2282); National Fish and Wildlife Foundation Reauthorization Act of 2011 (S. 1494); a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act (S. 538); Federal Land Transaction Facilitation Act Reauthorization of 2011 (S. 714); Nutria Eradication and Control Act of 2011 (S. 899).
 - The following bills were *introduced* in the Senate: Making Public Lands Public Access Act (S. 901); the Marine Mammal Protection Act of 1972 (S. 1066); Target Practice and Marksmanship Training Support Act (S. 1249); Billfish Conservation Act (S. 1451); National Fish Habitat Conservation Act (S. 1201); Hunting, Fishing, and Recreational Shooting Protection Act (S. 838).
 - The following bills were *introduced* in the House: Joint Ventures for Bird Habitat Conservation Act of 2011 (H.R. 1917); Multinational Species Conservation Funds Reauthorization Act of 2011 (H.R. 50); Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act (H.R. 3510).

Overview

S. 3525 combines 16 Senate and House bills into one legislative package supporting hunting, fishing and recreational activities and habitat conservation programs.

House Action

The House has not taken any action on S. 3525. A subcommittee of the House Natural Resources Committee has held hearings on the Joint Ventures for Bird Habitat Conservation Act of 2011 (H.R. 1917) and the Multinational Species Conservation Funds Reauthorization Act of 2011 (H.R. 50), each a part of the S. 3525 legislative package.

The House passed the Sportsmen’s Heritage Act of 2012 (H.R. 4089) by a vote of 274 to 146 on April 17, 2012. Though substantially different than S.3525, this legislation contains similar provisions regarding permitting for re-importation of polar bears, and exemption of ammunition and sport fishing equipment from the Toxic Substances Control Act.

Bill Provisions

Title I – Hunting, Fishing and Recreational Access

Subtitle A –

Making Public Land Public

This section requires that no less than 1.5 percent of funding available to the Secretaries of Interior and Agriculture under the Land and Water Conservation Fund (16 U.S.C. §§ 4601-6) be used to acquire public access, through right-of-ways from willing sellers, to federal public lands for recreational purposes.

Permits for Importation of Polar Bear Trophies Taken in Sport Hunts in Canada

This section allows for the Secretary of Interior to issue permits for importation of polar bears that were killed in Canada before the 2008 ban.

Transporting Bows through National Parks

This section allows people carrying bows and crossbows to traverse national park lands. Use of bows and crossbows on national park lands is still prohibited.

Subtitle B –

Target Practice and Marksmanship Training

This subtitle amends the Pittman-Robertson Wildlife Act (16 U.S.C. § 669a) to define “public target range.” It adjusts the funding limits for state and federal spending on the creation and maintenance of shooting ranges. Federal land agencies are encouraged to cooperate with state and local authorities to maintain shooting ranges.

Subtitle C –

Modification of Definition of Toxic Substance to Exclude Sport Fishing Equipment

This section amends the Toxic Substances Control Act (15 U.S.C. § 2602(2)(B)) to exclude ammunition and fishing tackle from regulation by the Environmental Protection Agency. This section also contains a clause recognizing local, state, and other federal regulations.

Prohibition on the Sale of Billfish

This section contains findings that billfish (marlin, sailfish, and spearfish, for example) populations have declined severely due to overfishing by non-U.S. commercial fishing fleets that harvest billfish while targeting other fish. This section prohibits the sale of billfish except in the State of Hawaii. Swordfish are excepted from this prohibition.

Report on Artificial Reefs in the Gulf of Mexico

This section requires a plan, within 90 days of enactment, from the Secretary of the Interior to Congress on the Idle Iron program. The plan will detail and identify platforms for removal from the Gulf and set out a schedule for notice to lessees of decommissioned platforms. The plan should assess the potential impact of removing oil platforms. Within 18 months of submission of the plan, a report is to be filed with Congress. The report shall include comments from recreational anglers. Appropriations are authorized for this report.

Title II – National Fish Habitat

Subtitle A –

National Fish Habitat

This section establishes a National Fish Habitat Board and a National Fish Habitat Conservation Partnership Office authorized to designate Fish Habitat Partnerships, to review their proposed Fish Habitat Conservation Projects, and to recommend to the Interior Secretary which projects should receive funding. If the Secretary approves of the recommended projects, funding is authorized.

- The bill authorizes \$7.2 million in appropriations for each of fiscal years 2012 through 2016 to fund for fish habitat conservation projects, of which five percent shall be made available for projects carried out by Indian tribes, and five percent for the National Fish Habitat Conservation Partnership Office.
- The bill authorizes \$500,000 in appropriations for each of fiscal years 2012 through 2016 to each of the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the U.S. Geological Survey, to provide technical and scientific assistance.
- The bill authorizes an amount equal to three percent of the amount appropriated for the applicable fiscal year for planning and administrative expenses.

Subtitle B –

Duck Stamps

This section requires the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to establish the cost of Federal Migratory Bird Hunting and Conservation Stamps, also called "duck stamps," every three years. This section strikes current law establishing the cost of duck stamps as \$15 for each hunting year, leaving pricing to the Secretary's discretion.

It allows the Secretary to authorize any state to issue electronic duck stamps in consultation with state management agencies and allows states to apply to the Secretary for this authority and outlines application requirements. Each state is authorized to issue electronic duck stamps to collect and submit to the Secretary electronic stamp revenue and customer information. Allows states authorized to issue electronic duck stamps to charge a reasonable fee to cover costs incurred by the state and the Department of Interior in issuing electronic duck stamps while prohibiting states from requiring an individual to purchase a state hunting license as a condition of issuing an electronic duck stamp. It requires an electronic duck stamp issued by a state to include a specifying feature that enables federal, state, and other law enforcement officers to identify the holder. It limits the duration of an electronic duck stamp issued by the state and the Secretary to no more than 45 days.

Subtitle C –

Joint Ventures to Protect Migratory Bird Populations

This section requires the Secretary of Interior, acting through the Director of the Fish and Wildlife Service, to carry out a Joint Ventures Program that: provides financial and technical assistance to support regional migratory bird conservation partnerships; develops and implements plans to protect and enhance migratory bird populations; and complements and supports activities by the Secretary and Director to fulfill obligations under certain laws. It also requires cooperation with the states. Where a partnership agreement for a Joint Venture is made, this section establishes a Management Board and requires that an Implementation Plan be maintained and submitted to the Director for approval.

Subtitle D –

Reauthorizations

This section reauthorizes the North American Wetlands Conservation Act and the Partners for Fish and Wildlife Act through 2017.

It reauthorizes the National Fish and Wildlife Foundation, providing authorization of appropriations for each of fiscal years 2012 through 2017 of \$20 million to the Secretary of Interior, \$5 million to the Secretary of Agriculture, and \$5 million to the Secretary of Commerce. It authorizes federal departments, agencies, or instrumentalities to provide funds to the Foundation on the condition funds are used to further conservation and management of fish, wildlife, plants, and other natural resources. The Foundation is allowed by this section to assess

and collect management fees. It allows federal departments or agencies to waive any competitive process for entering into contracts, agreements, or partnerships with the Foundation.

This section reauthorizes the Multinational Species Conservation Funds Semipostal Stamp for an additional four years, requires that stamps depict five specified animals, and reauthorizes the various Multinational Species Conservation Funds Acts through 2017.

This section also authorizes appropriations for each of fiscal years 2012 through 2017 at \$6.5 million for the Neotropical Migratory Bird Act, with at least 75 percent of funds to be expended for projects outside of the United States.

It reauthorizes the Federal Land Transaction Facilitation Act for an additional 11 years and exempts certain lands eligible for sale.

Finally, this section amends the Nutria Eradication and Control Act of 2003 to authorize the Secretary of Interior to provide financial assistance to “other coastal states” (in addition to Maryland and Louisiana) for a program to eradicate and control nutria and restore marshland damaged by nutria. The section also makes clear that the Secretary of Interior is authorized to provide financial assistance to Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to eradicate or control nutria and restore nutria damaged wetlands. It appropriates \$6 million for each fiscal year from 2012 through 2016, of which \$2 million shall be used to provide financial assistance to Maryland, \$2 million to Louisiana, and \$2 million on a competitive basis to Delaware, Oregon, North Carolina, Virginia, and Washington.

Administration Position

The Obama Administration has not taken a position on S. 3525.

Amendments

There are no amendments to S.3525 pending at this time.

Cost

The Congressional Budget Office has not scored S.3525.