

## S 659

### Bipartisan Sportsmen's Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Environmental Protection

**Introduced:** Mar 4, 2015

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 371.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 371. (Feb 24, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/659>

## Sponsor

**Name:** Sen. Sullivan, Dan [R-AK]

**Party:** Republican • **State:** AK • **Chamber:** Senate

## Cosponsors

No cosponsors are listed for this bill.

## Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Hearings By (subcommittee)	Mar 17, 2015

## Subjects & Policy Tags

### Policy Area:

Environmental Protection

## Related Bills

Bill	Relationship	Last Action
114 HR 897	Related bill	<b>Jul 14, 2016:</b> Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 570.
114 HR 2406	Related bill	<b>Mar 1, 2016:</b> Read twice and referred to the Committee on Energy and Natural Resources.
114 S 556	Related bill	<b>Dec 16, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 328.
114 S 2281	Related bill	<b>Nov 10, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 S 1500	Related bill	<b>Oct 29, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 284.
114 HR 3173	Related bill	<b>Aug 31, 2015:</b> Referred to the Subcommittee on Federal Lands.
114 S 992	Related bill	<b>Apr 16, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 HR 1099	Related bill	<b>Mar 23, 2015:</b> Referred to the Subcommittee on Federal Lands.
114 S 721	Related bill	<b>Mar 11, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 S 722	Related bill	<b>Mar 11, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 HR 327	Related bill	<b>Mar 2, 2015:</b> Referred to the Subcommittee on Federal Lands.
114 HR 335	Related bill	<b>Mar 2, 2015:</b> Referred to the Subcommittee on Federal Lands.
114 S 595	Related bill	<b>Feb 26, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 S 561	Related bill	<b>Feb 25, 2015:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.
114 HR 884	Related bill	<b>Feb 11, 2015:</b> Referred to the House Committee on Natural Resources.
114 S 405	Related bill	<b>Feb 9, 2015:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 15.
114 S 263	Related bill	<b>Jan 27, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 S 225	Related bill	<b>Jan 21, 2015:</b> Read twice and referred to the Committee on Environment and Public Works.
114 HR 176	Related bill	<b>Jan 7, 2015:</b> Referred to the Subcommittee on Water Resources and Environment.

## **Bipartisan Sportsmen's Act of 2016**

(Sec. 2) This bill amends the Toxic Substances Control Act to add articles of sport fishing equipment to the list of products that the Environmental Protection Agency (EPA) is prohibited from regulating under such Act.

(Sec. 3) The bill amends the Pittman-Robertson Wildlife Restoration Act 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 these costs; (3) limiting the federal share of those costs under such Act to 90%; and (4) requiring amounts provided for those costs under such Act to remain available for expenditure and obligation for 5 fiscal years.

The U.S. Forest Service and the Bureau of Land Management are urged to 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 its continued use for target practice or marksmanship training.

(Sec. 4) The bill amends the Marine Mammal Protection Act of 1972 to direct the Department of the Interior to issue a permit for the importation of a polar bear part (other than an internal organ) from a bear taken in a sport hunt in Canada to any permit applicant who has submitted proof that the polar bear was: (1) legally harvested by the applicant before the May 15, 2008, listing of the polar bear as threatened, and (2) harvested from an approved polar bear population. Interior must issue these permits without regard to limits on importing marine mammals with depleted populations.

(Sec. 5) The bill amends the Migratory Bird Treaty Act to revise standards for determining what constitutes baiting for purposes of the prohibition on taking migratory game birds. A baited area, in the case of waterfowl, cranes, and coots includes a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices. An area is not considered to be a baited area if it: (1) has been treated with a normal agricultural practice, (2) has standing crops that have not been manipulated, or (3) has standing crops that have been or are flooded.

The Department of Agriculture (USDA) must submit to Interior a report on changes to normal agricultural practices across the range of crops grown by agricultural producers in each region of the United States in which USDA harvest practice recommendations are provided to agricultural producers.

(Sec. 6) The U.S. Army Corps of Engineers is prohibited from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm in any area open to the public (other than a federal facility) at a water resources development project administered by the Corps of Engineers if: (1) the individual is not otherwise prohibited by law from possessing the firearm, and (2) the possession of the firearm is in compliance with the law of the state in which the project is located.

(Sec. 7) The bill reauthorizes the North American Wetlands Conservation Act through FY2021 and clarifies that property conveyed under such Act must be maintained for conservation purposes.

(Sec. 8) The bill reauthorizes the African Elephant Conservation Act, the Rhinoceros and Tiger Conservation Act of 1994, the Asian Elephant Conservation Act of 1997, the Great Ape Conservation Act of 2000, and the Marine Turtle Conservation Act of 2004 through FY2020.

The bill amends the Great Ape Conservation Act of 2000 to authorize Interior to award a multi-year grant to carry out a project that is an effective, long-term conservation strategy for great apes (chimpanzees, gorillas, bonobos, orangutans, or gibbons) and their habitats.

Interior is required to convene a panel of experts to identify the greatest needs and priorities for the conservation of great apes within a year and every five years thereafter. Current law authorizes Interior to convene a panel to consider the greatest conservation needs every two years. The panel is required to consider relevant great ape conservation plans or strategies.

This bill also amends the Marine Turtle Conservation Act of 2004 to make a wildlife management authority of a U.S. territory eligible for financial assistance for marine turtle conservation.

(Sec. 9) The bill revises and reauthorizes the Neotropical Migratory Bird Conservation Act through FY2020. Additionally, the bill requires that 75% of appropriated funds for such Act be spent on projects outside of the United States.

(Sec. 10) The bill amends the Water Resources Development Act of 1992 to authorize the Corps of Engineers to permit a non-federal public or private entity that has entered into a cooperative agreement for the operation and management of recreation facilities and natural resources at civil works projects under the Corps of Engineers' jurisdiction to collect user fees for the use of developed recreation sites and facilities.

The bill allows such an entity to retain up to 100% of the fees collected and use them for operation, maintenance, and management at the recreation site where they were collected.

(Sec. 11) The bill revises and reauthorizes the National Fish and Wildlife Foundation Establishment Act through FY2020.

(Sec. 12) The bill amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to prohibit the EPA or a state from requiring a permit under the Clean Water Act for a discharge from a point source into navigable waters of:

- a pesticide authorized for sale, distribution, or use under FIFRA, or
- a residue resulting from the application of the pesticide.

Point source pollution is waste discharged from a distinct place, such as a pipe, channel, and tunnel.

The EPA or a state may require a permit for the following discharges containing a pesticide:

- a discharge resulting from the application of a pesticide in violation of FIFRA that is relevant to protecting water quality, if the discharge would not have occurred without the violation, or if the amount of pesticide or residue contained in the discharge is greater than would have occurred without the violation;
- a stormwater discharge regulated under the National Pollutant Discharge Elimination System; and
- a discharge of manufacturing or industrial effluent (wastewater), treatment works effluent, or a discharge incidental to the normal operation of a vessel, including discharges from ballast water operations or vessel biofouling prevention.

(Sec. 13) The bill amends the Submerged Lands Act by extending the seaward boundaries for Alabama, Florida, Louisiana, and Mississippi by three or more marine leagues (about nine miles) from the coast line of each state for management activities pursuant to the fishery management plan for the reef resources of the Gulf of Mexico.

(Sec. 14) The bill requires Interior to reissue: (1) the final rule published on December 28, 2011, that removed the gray wolf in the Western Great Lakes Distinct Population Segment from the List of Endangered and Threatened Wildlife and that removed the designation of critical habitat for that wolf in Minnesota and Michigan; and (2) the final rule published on September 10, 2012, that removed the gray wolf in Wyoming from the list and removed the Yellowstone Experimental Protection Area that was established to facilitate reintroduction of the wolf.

Rules reissued under this section are not subject to judicial review.

(Sec. 16) The bill prohibits the U.S. Fish and Wildlife Service (USFWS) from finalizing the proposed rule on January 8, 2016 entitled "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska." Additionally, the bill prohibits USFWS from issuing any rule similar to the proposed rule. The proposed regulations would restrict and limit hunting and trapping activities in Alaska.

#### *(Sec. 17) National Fish Habitat Conservation Through Partnerships Act*

The bill establishes the National Fish Habitat Board to oversee and promote the National Fish Habitat Conservation Act, establish national goals for fish habitat conservation, approve Fish Habitat Partnerships, and review and recommend aquatic habitat projects. The bill establishes procedures for designating partnerships and outlines criteria for approval of partnerships. The board must submit to Interior a list of fish habitat projects that the board recommends for funding. Projects must include a 50% non-federal cost share.

The EPA, USFWS, National Oceanic and Atmospheric Administration, and the U.S. Geological Survey are authorized to coordinate with the Forest Service to provide scientific and technical assistance to the partnerships.

Additionally, Interior must provide notice to appropriate state or tribal agencies within 30 days of any fish habitat conservation projects that will be conducted in such jurisdictions.

#### **Actions Timeline**

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- **Feb 24, 2016:** Committee on Environment and Public Works. Reported by Senator Inhofe with an amendment in the nature of a substitute. With written report No. 114-210. Minority views filed.
- **Feb 24, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 371.
- **Jan 20, 2016:** Committee on Environment and Public Works. Ordered to be reported with amendments favorably.
- **Mar 17, 2015:** Committee on Environment and Public Works Senate Subcommittee on Fisheries, Water, and Wildlife. Hearings held. With printed Hearing: S.Hrg. 114-24.
- **Mar 4, 2015:** Introduced in Senate
- **Mar 4, 2015:** Read twice and referred to the Committee on Environment and Public Works.