

111TH CONGRESS  
1ST SESSION

# S. 1702

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2009

Mr. UDALL of Colorado (for himself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

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.**

4       This Act may be cited as the “Target Practice and  
5       Marksmanship Training Support Act”.

6       **SEC. 2. FINDINGS; PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the use of firearms for target practice and  
9       marksmanship training activities on Federal land is

1 allowed, except to the extent specific portions of that  
2 land have been closed to those activities;

3 (2) in recent years preceding the date of enact-  
4 ment of this Act, portions of Federal land have been  
5 closed to target practice and marksmanship training  
6 for many reasons;

7 (3) the availability of public target ranges on  
8 non-Federal land has been declining for a variety of  
9 reasons, including continued population growth and  
10 development near former ranges;

11 (4) providing opportunities for target practice  
12 and marksmanship training at public target ranges  
13 on Federal and non-Federal land can help—

14 (A) to promote enjoyment of shooting, rec-  
15 reational, and hunting activities; and

16 (B) to ensure safe and convenient locations  
17 for those activities;

18 (5) Federal law in effect on the date of enact-  
19 ment of this Act, including the Pittman-Robertson  
20 Wildlife Restoration Act (16 U.S.C. 669 et seq.),  
21 provides Federal support for construction and ex-  
22 pansion of public target ranges by making available  
23 to States funds that can be used for construction,  
24 operation, and maintenance of public target ranges;  
25 and



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

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

5           “(B) is open to the public;

6           “(C) may be supervised; and

7           “(D) may accommodate rifle, pistol, or  
8 shotgun shooting;”.

9           (b) EXPENDITURES FOR MANAGEMENT OF WILD-  
10 LIFE AREAS AND RESOURCES.—Section 8(b) of the Pitt-  
11 man-Robertson Wildlife Restoration Act (16 U.S.C.  
12 669g(b)) is amended—

13           (1) by striking “(b) Each State” and inserting  
14 the following:

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

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

19           (2) in paragraph (1) (as so designated), by  
20 striking “construction, operation,” and inserting  
21 “operation”;

22           (3) in the second sentence, by striking “The  
23 non-Federal share” and inserting the following:

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

1           (4) in the third sentence, by striking “The Sec-  
2           retary” and inserting the following:

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

4           (5) by inserting after paragraph (1) (as des-  
5           ignated by paragraph (1) of this subsection) the fol-  
6           lowing:

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

11          (c) FIREARM AND BOW HUNTER EDUCATION AND  
12          SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-  
13          Robertson Wildlife Restoration Act (16 U.S.C. 669h–1)  
14          is amended—

15                 (1) in subsection (a), by adding at the end the  
16                 following:

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

24                 (2) by striking subsection (b) and inserting the  
25                 following:

1 “(b) COST SHARING.—

2 “(1) IN GENERAL.—Except as provided by  
3 paragraph (2), the Federal share of the cost of any  
4 activity carried out using a grant under this section  
5 shall not exceed 75 percent of the total cost of the  
6 activity.

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

14 (3) in subsection (c)(1)—

15 (A) by striking “Amounts made” and in-  
16 serting the following:

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

19 (B) by adding at the end the following:

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

1           fiscal year for which the amounts are made  
2           available.”.

3 **SEC. 5. LIMITS ON LIABILITY.**

4           (a) **DISCRETIONARY FUNCTION.**—For purposes of  
5 chapter 171 of title 28, United States Code (commonly  
6 referred to as the “Federal Tort Claims Act”), any action  
7 by an agent or employee of the United States to authorize  
8 the use of Federal land for purposes of target practice  
9 or marksmanship training by a member of the public shall  
10 be considered to be the exercise or performance of a dis-  
11 cretionary function.

12           (b) **CIVIL ACTION OR CLAIMS.**—Except to the extent  
13 provided in chapter 171 of title 28, United States Code,  
14 the United States shall not be subject to any civil action  
15 or claim for money damages for injury to or loss of prop-  
16 erty, personal injury, or death caused by an activity occur-  
17 ring at a public target range that is—

- 18           (1) funded in whole or in part by the Federal  
19           Government pursuant to the Pittman-Robertson  
20           Wildlife Restoration Act (16 U.S.C. 669 et seq.); or  
21           (2) located on Federal land.

22 **SEC. 6. SENSE OF CONGRESS REGARDING COOPERATION.**

23           It is the sense of Congress that, consistent with appli-  
24 cable laws and regulations, the Chief of the Forest Service  
25 and the Director of the Bureau of Land Management

1 should cooperate with State and local authorities and  
2 other entities to carry out waste removal and other activi-  
3 ties on any Federal land used as a public target range  
4 in order to encourage continued use of that land for target  
5 practice or marksmanship training.

