

Calendar No. 945

106TH CONGRESS
2^D SESSION

H. R. 3671

[Report No. 106-495]

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2000

Received; read twice and referred to the Committee on Environment and
Public Works

OCTOBER 10 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. SMITH of New Hampshire, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

To amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, 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.**

4 This Act may be cited as the “Wildlife and Sport
 5 Fish Restoration Programs Improvement Act of 2000”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) WILDLIFE RESTORATION ACT.—The term
 9 “Wildlife Restoration Act” means the Act of Sep-
 10 tember 2, 1937 (chapter 899, 16 U.S.C. 669 et
 11 seq.); popularly known as the Federal Aid in Wildlife
 12 Restoration Act and as the Pittman-Robertson Wild-
 13 life Restoration Act.

14 (2) SPORT FISH RESTORATION ACT.—The term
 15 “Sport Fish Restoration Act” means the Act of Au-
 16 gust 9, 1950 (chapter 658, 16 U.S.C. 777 et seq.);
 17 popularly known as the Federal Aid in Fish Restora-
 18 tion Act and as the Dingell-Johnson Sport Fish Res-
 19 toration Act.

20 **TITLE I—WILDLIFE**
 21 **RESTORATION**

22 **SEC. 101. EXPENDITURES FOR ADMINISTRATION.**

23 (a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—
 24 Section 4 of the Wildlife Restoration Act (16 U.S.C. 669e)
 25 is amended—

1 change times the amount available for the pre-
2 ceeding fiscal year.

3 “(2)(A) The amount authorized to be used by the
4 Secretary under paragraph (1) each fiscal year shall re-
5 main available for obligation for such use until the expira-
6 tion of that fiscal year. Within 60 days after that fiscal
7 year, the Secretary shall apportion among the States any
8 of the amount that remains unobligated at the end of the
9 fiscal year, on the same basis and in the same manner
10 as other amounts authorized by this Act are apportioned
11 among the States for the fiscal year in which the appor-
12 tionment is made.

13 “(B) Within 30 days after the end of each fiscal year,
14 the Secretary shall—

15 “(i) certify in writing to the Secretary of the
16 Treasury and to each State fish and game
17 department—

18 “(I) the amount apportioned under sub-
19 paragraph (A) to each State in the most recent
20 apportionment under that subparagraph; and

21 “(II) amounts obligated by the Secretary
22 during the fiscal year for administration of this
23 Act; and

24 “(ii) publish in the Federal Register the
25 amounts so certified.

1 “(b) APPORTIONMENT TO STATES.—”; and

2 (3) in subsection (b), as designated by the
3 amendment made by paragraph (2), by striking
4 “after making the aforesaid deduction, shall appor-
5 tion, except as provided in subsection (b) of this sec-
6 tion,” and inserting “after deducting the amount au-
7 thorized to be used under subsection (a), the amount
8 apportioned under subsection (c), any amount ap-
9 portioned under section 8A, and amounts provided
10 as grants under sections 10 and 11, shall appor-
11 tion”.

12 (b) REQUIREMENTS AND RESTRICTIONS REGARDING
13 USE OF AMOUNTS FOR ADMINISTRATION.—Section 9 of
14 the Wildlife Restoration Act (16 U.S.C. 669h) is amended
15 to read as follows:

16 “REQUIREMENTS AND RESTRICTIONS REGARDING USE OF
17 AMOUNTS FOR ADMINISTRATION

18 “SEC. 9. (a) AUTHORIZED ADMINISTRATIVE
19 COSTS.—The Secretary may use amounts under section
20 4(a)(1) only for administration expenses that directly sup-
21 port the implementation of this Act and that consist of
22 any of the following:

23 “(1) Personnel costs of any employee who di-
24 rectly administers this Act on a full-time basis.

25 “(2) Personnel costs of any employee who di-
26 rectly administers this Act on a part-time basis for

1 at least 20 hours each week, not to exceed the por-
2 tion of such costs incurred with respect to the work
3 hours of such employee during which the employee
4 directly administers this Act, as such hours are cer-
5 tified by the supervisor of the employee.

6 ~~“(3) Support costs directly associated with per-~~
7 ~~sonnel costs authorized under paragraphs (1) and~~
8 ~~(2) of this subsection not including costs associated~~
9 ~~with staffing and operation of regional offices of the~~
10 ~~United States Fish and Wildlife Service and the De-~~
11 ~~partment of the Interior, other than for purposes of~~
12 ~~this Act.~~

13 ~~“(4) Costs of determining under section 6(a)~~
14 ~~whether State comprehensive plans and projects are~~
15 ~~substantial in character and design.~~

16 ~~“(5) Overhead costs, including general adminis-~~
17 ~~trative services, that are directly attributable to ad-~~
18 ~~ministration of this Act based on—~~

19 ~~“(A) actual costs, as determined by a di-~~
20 ~~rect cost allocation methodology approved by~~
21 ~~the Director of the Office of Management and~~
22 ~~Budget for use by Federal agencies; and~~

23 ~~“(B) for those costs not determinable pur-~~
24 ~~suant to subparagraph (A), an amount per full-~~
25 ~~time equivalent employee authorized pursuant~~

1 to paragraphs (1) and (2) that does not exceed
2 the amount charged or assessed for such costs
3 per full-time equivalent employee for any other
4 division or program of the United States Fish
5 and Wildlife Service.

6 “(6) Costs incurred in auditing the wildlife and
7 sportfish activities of each State fish and game de-
8 partment and the use of funds under section 6 by
9 each State fish and game department every 5 years.

10 “(7) Costs of audits under subsection (d).

11 “(8) Costs of necessary training of Federal and
12 State full-time personnel who administer this Act to
13 improve administration of this Act.

14 “(9) Costs of travel to the States, territories,
15 and Canada by personnel who administer this Act on
16 a full-time basis for purposes directly related to ad-
17 ministration of State programs or projects, or who
18 administer grants under section 6, section 10, or
19 section 11.

20 “(10) Costs of travel outside of the United
21 States (except travel to Canada) that relates directly
22 to administration of this Act and that is approved
23 directly by the Assistant Secretary for Fish and
24 Wildlife and Parks.

1 “(11) Relocation expenses for personnel who,
2 after relocation, will administer this Act on a full-
3 time basis for at least 1 year, as certified by the Di-
4 rector of the United States Fish and Wildlife Service
5 at the time such relocation expenses are incurred.

6 “(12) Costs to audit, evaluate, approve, dis-
7 approve, and advise concerning grants under section
8 6, section 10, or section 11.

9 “(b) UNAUTHORIZED COSTS.—Use of funds for a
10 cost to administer this Act shall not be authorized because
11 the cost is not expressly prohibited by this Act.

12 “(c) RESTRICTION ON USE TO SUPPLEMENT GEN-
13 ERAL APPROPRIATIONS.—The Secretary may not use
14 amounts under section 4(a)(1) to supplement any function
15 for which general appropriations are made for the United
16 States Fish and Wildlife Service or any other entity of
17 the Department of the Interior.

18 “(d) AUDIT REQUIREMENT.—(1) The Inspector Gen-
19 eral of the Department of the Interior shall procure the
20 conduct of biennial audits, in accordance with generally
21 accepted accounting principles, of expenditures of amounts
22 used by the Secretary for administration of this Act.

23 “(2) Audits under this subsection shall be performed
24 under contracts that are awarded under competitive proce-
25 dures (as that term is defined in section 4 of the Office

1 of Federal Procurement Policy Act (41 U.S.C. 403)), by
2 a person that is not associated in any way with the De-
3 partment of the Interior.

4 “(3) The auditor selected pursuant to paragraph (1)
5 shall report to, and be supervised by, the Inspector Gen-
6 eral of the Department of the Interior, except that the
7 auditor shall submit a copy of the biennial audit findings
8 to the Secretary at the time such findings are submitted
9 to the Inspector General of the Department of the Inte-
10 rior.

11 “(4) The Inspector General of the Department of the
12 Interior shall promptly report to the Committee on Re-
13 sources of the House of Representatives and the Com-
14 mittee on Environment and Public Works of the Senate
15 on the results of each such audit.

16 “(e) CERTIFICATION BY SECRETARY.—(1) The Sec-
17 retary shall within 3 months after each fiscal year certify
18 in writing to the Committee on Resources of the House
19 of Representatives and the Committee on Environment
20 and Public Works of the Senate the following for the fiscal
21 year:

22 “(A) The amount of funds used under section
23 4(a)(1) and a breakdown of categories for which
24 such funds were expended.

1 ~~“(B) The amount of funds apportioned to~~
2 ~~States under section 4(a)(2).~~

3 ~~“(C) The results of the audits performed pursu-~~
4 ~~ant to subsection (d).~~

5 ~~“(D) That all funds expended under section~~
6 ~~4(a)(1) were necessary for administration of this~~
7 ~~Act.~~

8 ~~“(E) The Secretary, the Assistant Secretary for~~
9 ~~Fish and Wildlife and Parks, the Director of the~~
10 ~~United States Fish and Wildlife Service, and the As-~~
11 ~~sistant Director for Wildlife and Sport Fish Restora-~~
12 ~~tion Programs each properly discharged their duties~~
13 ~~under this Act.~~

14 ~~“(2) The Secretary may not delegate the responsi-~~
15 ~~bility to make certifications under paragraph (1) except~~
16 ~~to the Assistant Secretary for Fish and Wildlife and~~
17 ~~Parks.~~

18 ~~“(3) Within 60 days after the start of each fiscal~~
19 ~~year, the Assistant Director for Wildlife and Sport Fish~~
20 ~~Restoration Programs shall provide to the Committee on~~
21 ~~Resources of the House of Representatives and the Com-~~
22 ~~mittee on Environment and Public Works of the Senate~~
23 ~~the following for the fiscal year:~~

24 ~~“(A) The amount of funds that will be ex-~~
25 ~~pended in the fiscal year under section 4(a)(1) and~~

1 a breakdown of categories for which such funds will
2 be expended.

3 ~~“(B) A description of how the funds to be ex-~~
4 ~~pended are necessary for administration of this Act.~~

5 ~~“(4) The Secretary shall promptly publish in the Fed-~~
6 ~~eral Register each certification under this subsection.~~

7 ~~“(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR~~
8 ~~WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—~~
9 ~~Within 1 month after the end of each fiscal year, the As-~~
10 ~~sistant Director for Wildlife and Sport Fish Restoration~~
11 ~~Programs shall—~~

12 ~~“(1) certify that—~~

13 ~~“(A) all amounts expended in that fiscal~~
14 ~~year to administer this Act in agency head-~~
15 ~~quarters and in regional offices of the United~~
16 ~~State Fish and Wildlife Service were used in ac-~~
17 ~~cordance with this Act; and~~

18 ~~“(B) all such expenditures were necessary~~
19 ~~to administer this Act; and~~

20 ~~“(2) distribute such certifications to each State~~
21 ~~fish and game department.”.~~

1 **SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND**
2 **SAFETY PROGRAM GRANTS.**

3 The Wildlife Restoration Act is amended by redesignig-
4 nating section 10 as section 12, and by inserting after sec-
5 tion 9 the following:

6 “FIREARM AND BOW HUNTER EDUCATION AND SAFETY
7 PROGRAM GRANTS

8 “SEC. 10. (a) IN GENERAL.—Of the revenues covered
9 into the fund in each fiscal year, \$15,000,000, less the
10 amount used under section 4(a) and the amount granted
11 under section 11(a)(1), shall be apportioned among the
12 States in the manner specified in section 4(b) by the Sec-
13 retary for the following:

14 “(1) Grants to States for the enhancement of
15 hunter education programs, hunter and sporting
16 firearm safety programs, and hunter development
17 programs.

18 “(2) Grants for the enhancement of interstate
19 coordination and development of hunter education
20 and shooting range programs.

21 “(3) Grants to States for the enhancement of
22 bow hunter and archery education, safety, and devel-
23 opment programs.

24 “(4) Grants to States for the enhancement of
25 construction or development of firearm shooting

1 ranges and archery ranges, and updating safety fea-
 2 tures of firearm shooting ranges and archery ranges.

3 “(b) ~~COST-SHARING.~~—The Federal share of the cost
 4 of any activity carried out with a grant under this section
 5 may not exceed 75 percent of the total cost of the activity
 6 and the remainder of the cost shall come from a non-Fed-
 7 eral source.

8 “(c) ~~PERIOD OF AVAILABILITY; REAPPORTION-~~
 9 ~~MENT.~~—Amounts available under this subsection shall re-
 10 main available for 1 fiscal year, after which all unobligated
 11 balances shall be apportioned among the States in the
 12 manner specified in section 4(b).”.

13 **SEC. 103. MULTI-STATE CONSERVATION GRANT PROGRAM.**

14 The Wildlife Restoration Act is further amended by
 15 inserting after section 10 the following:

16 “MULTI-STATE CONSERVATION GRANT PROGRAM

17 “SEC. 11. (a) ~~IN GENERAL.~~—(1) Up to \$2,500,000
 18 of the revenues covered into the fund each fiscal year shall
 19 be available to the Secretary for making multi-State con-
 20 servation grants in accordance with this section.

21 “(2) Amounts available under this subsection shall
 22 remain available for 2 fiscal years, after which all unobli-
 23 gated balances shall be apportioned in the manner speci-
 24 fied in section 4(b).

25 “(b) ~~SELECTION OF PROJECTS.~~—(1) A project shall
 26 not be eligible for a grant under this section unless it will

1 benefit at least 26 States, a majority of the States in a
2 region of the United States Fish and Wildlife Service, or
3 a regional association of State fish and game departments.

4 “(2) The Secretary may award grants under this sec-
5 tion based only on a priority list of wildlife restoration
6 projects prepared and submitted by State fish and game
7 departments acting through the International Association
8 of Fish and Wildlife Agencies each fiscal year in accord-
9 ance with paragraph (3).

10 “(3)(A) The International Association of Fish and
11 Wildlife Agencies shall—

12 “(i) prepare each priority list through a com-
13 mittee comprised of the heads of State fish and
14 game departments (or their designees);

15 “(ii) approve each priority list by a majority of
16 the heads of all State fish and game departments (or
17 their designees); and

18 “(iii) submit each priority list by not later than
19 October 1 of each fiscal year to the Assistant Direc-
20 tor for Wildlife and Sport Fish Restoration Pro-
21 grams, who shall accept such list on behalf of the
22 Secretary.

23 “(B) In preparing any priority list under this para-
24 graph, the International Association of Fish and Wildlife
25 Agencies shall consult with nongovernmental organiza-

1 tions that represent conservation organizations, sportsmen
2 organizations, and industries that support or promote
3 hunting, trapping, recreational shooting, bow hunting, or
4 archery.

5 “(4) The Assistant Director for Wildlife and Sport
6 Fish Restoration Programs shall publish in the Federal
7 Register each priority list submitted under this subsection.

8 “(c) ELIGIBLE GRANTEEES.—(1) The Secretary may
9 make a grant under this section only to—

10 “(A) a State or group of States; or

11 “(B) subject to paragraph (2), a nongovern-
12 mental organization.

13 “(2) Any nongovernmental organization applying for
14 a grant under this section shall submit with the applica-
15 tion to the International Association of Fish and Wildlife
16 Agencies a certification that the organization does not pro-
17 mote or encourage opposition to regulated hunting or
18 trapping of wildlife, and will use any funds awarded pursu-
19 ant to this section in compliance with subsection (d).

20 “(3) Any nongovernmental organization that is found
21 to promote or encourage opposition to regulated hunting
22 or trapping of wildlife or does not use funds in compliance
23 with subsection (d) shall return all funds received and be
24 subject to any other penalties under law.

1 “(d) USE OF GRANTS.—Amounts provided as a grant
 2 under this section may not be used for education, activi-
 3 ties, projects, or programs that promote or encourage op-
 4 position to regulated hunting or trapping of regulated
 5 wildlife.

6 “(e) CLARIFICATION.—No activities undertaken by
 7 the personnel of State fish and game departments under
 8 this section shall constitute advice or recommendations for
 9 one or more agencies or officers of the Federal Govern-
 10 ment.”.

11 **SEC. 104. MISCELLANEOUS PROVISIONS.**

12 Section 5 of the Wildlife Restoration Act (16 U.S.C.
 13 669d) is amended by inserting “, at the time such deduc-
 14 tion or apportionment is made” after “he has apportioned
 15 to each State”.

16 **TITLE II—SPORT FISH**
 17 **RESTORATION**

18 **SEC. 201. EXPENDITURES FOR ADMINISTRATION.**

19 (a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—
 20 Section 4(d) of the Sport Fish Restoration Act (16 U.S.C.
 21 777e(d)) is amended to read as follows:

22 “(d)(1)(A) Of the balance of each such annual appro-
 23 priation remaining after the distribution and use under
 24 subsections (a), (b), and (c) of this section and section
 25 14, the Secretary of the Interior may use up to the amount

1 specified in subparagraph (B) for expenses to administer
2 this Act, in accordance with this subsection and section
3 9.

4 “(B) The amount referred to in subparagraph (A) is
5 the following:

6 “(i) In fiscal year 2001, \$7,090,000.

7 “(ii) In fiscal year 2002, \$6,710,000.

8 “(iii) In fiscal year 2003, \$6,330,000.

9 “(iv) In fiscal year 2004 and each fiscal year
10 thereafter—

11 “(I) the amount available for the preceding
12 fiscal year, plus

13 “(II) an amount to reflect the change in
14 the consumer price index over the preceding fis-
15 cal year, which shall be determined by the Sec-
16 retary of the Treasury by multiplying such
17 change times the amount available for the pre-
18 ceding fiscal year.

19 “(2) The amount authorized to be used by the Sec-
20 retary under paragraph (1) each fiscal year shall remain
21 available for obligation for such use until the expiration
22 of that fiscal year. Within 60 days after the end of that
23 fiscal year, the Secretary shall apportion any of the
24 amount that remains unobligated at the end of the fiscal
25 year on the same basis and in the same manner as other

1 amounts authorized by this Act are apportioned among
2 the States under section 4(e) for the fiscal year in which
3 the apportionment is made.”.

4 (b) REQUIREMENTS AND RESTRICTIONS REGARDING
5 USE OF AMOUNTS FOR ADMINISTRATION.—Section 9 of
6 the Sport Fish Restoration Act (16 U.S.C. 777h) is
7 amended to read as follows:

8 “REQUIREMENTS AND RESTRICTIONS REGARDING USE OF
9 AMOUNTS FOR ADMINISTRATION

10 “SEC. 9. (a) AUTHORIZED ADMINISTRATION
11 COSTS.—The Secretary of the Interior may use amounts
12 under section 4(d) only for administration expenses that
13 directly support the implementation of this Act and that
14 consist of any of the following:

15 “(1) Personnel costs of any employee who di-
16 rectly administers this Act on a full-time basis.

17 “(2) Personnel costs of any employee who di-
18 rectly administers this Act on a part-time basis for
19 at least 20 hours each week, not to exceed the por-
20 tion of such costs incurred with respect to the work
21 hours of such employee during which the employee
22 directly administers this Act, as such hours are cer-
23 tified by the supervisor of the employee.

24 “(3) Support costs directly associated with per-
25 sonnel costs authorized under paragraphs (1) and
26 (2).

1 ~~“(4) Costs of determining under section 6(a)~~
2 ~~whether State comprehensive plans and projects are~~
3 ~~substantial in character and design.~~

4 ~~“(5) Overhead costs, including general adminis-~~
5 ~~trative services, that are directly attributable to ad-~~
6 ~~ministration of this Act based on—~~

7 ~~“(A) actual costs, as determined by a di-~~
8 ~~rect cost allocation methodology approved by~~
9 ~~the Director of the Office of Management and~~
10 ~~Budget for use by Federal agencies; and~~

11 ~~“(B) for those costs not determinable pur-~~
12 ~~suant to subparagraph (A), an amount per full-~~
13 ~~time equivalent employee authorized pursuant~~
14 ~~to paragraphs (1) and (2) that does not exceed~~
15 ~~the amount charged or assessed for such costs~~
16 ~~per full-time equivalent employee for any other~~
17 ~~division or program of the United States Fish~~
18 ~~and Wildlife Service.~~

19 ~~“(6) Costs incurred in auditing the wildlife and~~
20 ~~sport fish activities of each State fish and game de-~~
21 ~~partment and the use of funds under section 6 by~~
22 ~~each State fish and game department every 5 years.~~

23 ~~“(7) Costs of audits under subsection (d).~~

1 ~~“(8) Costs of necessary training of Federal and~~
2 ~~State full-time personnel who administer this Act to~~
3 ~~improve administration of this Act.~~

4 ~~“(9) Costs of travel to the States, territories,~~
5 ~~and Canada by personnel who administer this Act on~~
6 ~~a full-time basis for purposes directly related to ad-~~
7 ~~ministration of State programs or projects, or who~~
8 ~~administer grants under section 6 or section 14.~~

9 ~~“(10) Costs of travel outside of the United~~
10 ~~States (except travel to Canada) that relates to ad-~~
11 ~~ministration of this Act and that is approved directly~~
12 ~~by the Assistant Secretary for Fish and Wildlife and~~
13 ~~Parks.~~

14 ~~“(11) Relocation expenses for personnel who,~~
15 ~~after relocation, will administer this Act on a full-~~
16 ~~time basis for at least 1 year, as certified by the Di-~~
17 ~~rector of the United States Fish and Wildlife Service~~
18 ~~at the time such relocation expenses are incurred.~~

19 ~~“(12) Costs to audit, evaluate, approve, dis-~~
20 ~~approve, and advise concerning grants under section~~
21 ~~6 and section 14.~~

22 ~~“(b) UNAUTHORIZED COSTS.—Use of funds for a~~
23 ~~cost to administer this Act shall not be authorized because~~
24 ~~the cost is not expressly prohibited by this Act.~~

1 ~~“(c) RESTRICTION ON USE TO SUPPLEMENT GEN-~~
2 ~~ERAL APPROPRIATIONS.—The Secretary may not use~~
3 ~~amounts under section 4(d) to supplement any function~~
4 ~~for which general appropriations are made for the United~~
5 ~~States Fish and Wildlife Service or any other entity of~~
6 ~~the Department of the Interior.~~

7 ~~“(d) AUDIT REQUIREMENT.—(1) The Inspector Gen-~~
8 ~~eral of the Department of the Interior shall procure the~~
9 ~~conduct of biennial audits, in accordance with generally~~
10 ~~accepted accounting principles, of expenditures of amounts~~
11 ~~used by the Secretary for administration of this Act.~~

12 ~~“(2) Audits under this subsection shall be performed~~
13 ~~under contracts that are awarded under competitive proce-~~
14 ~~dures (as that term is defined in section 4 of the Office~~
15 ~~of Federal Procurement Policy Act (41 U.S.C. 403)), by~~
16 ~~a person that is not associated in any way with the De-~~
17 ~~partment of the Interior.~~

18 ~~“(3) The auditor selected pursuant to paragraph (1)~~
19 ~~shall report to, and be supervised by, the Inspector Gen-~~
20 ~~eral of the Department of the Interior, except that the~~
21 ~~auditor shall submit a copy of the biennial audit findings~~
22 ~~to the Secretary of the Interior at the time such findings~~
23 ~~are submitted to the Inspector General of the Department~~
24 ~~of the Interior.~~

1 “(4) The Inspector General of the Department of the
2 Interior shall promptly report to the Committee on Re-
3 sources of the House of Representatives and the Com-
4 mittee on Environment and Public Works of the Senate
5 on the results of each such audit.

6 “(e) CERTIFICATION BY SECRETARY.—(1) The Sec-
7 retary of the Interior shall within 3 months after each fis-
8 cal year certify in writing to the Committee on Resources
9 of the House of Representatives and the Committee on
10 Environment and Public Works of the Senate the fol-
11 lowing for the fiscal year:

12 “(A) The amount of funds used under section
13 4(d) and a breakdown of categories for which such
14 funds were expended.

15 “(B) The amount of funds apportioned to
16 States under section 4(d)(2)(A).

17 “(C) The results of the audits performed pursu-
18 ant to subsection (d).

19 “(D) That all funds expended under section
20 4(d) were necessary for administration of this Act.

21 “(E) The Secretary, Assistant Secretary for
22 Fish and Wildlife and Parks, the Director of the
23 United States Fish and Wildlife Service, and the As-
24 sistant Director for Wildlife and Sport Fish Restora-

1 tion Programs each properly discharged their duties
2 under this Act.

3 “(2) The Secretary may not delegate the responsi-
4 bility to make certifications under paragraph (1) except
5 to the Assistant Secretary for Fish and Wildlife and
6 Parks.

7 “(3) The Secretary shall promptly publish in the Fed-
8 eral Register each certification under this subsection.

9 “(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR
10 WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—

11 Within 1 month after the end of each fiscal year, the As-
12 sistant Director for Wildlife and Sport Fish Restoration
13 Programs shall—

14 “(1) certify that—

15 “(A) all amounts expended in that fiscal
16 year to administer this Act in agency head-
17 quarters and in regional offices of the United
18 States Fish and Wildlife Service were used in
19 accordance with this Act; and

20 “(B) all such expenditures were necessary
21 to administer this Act; and

22 “(2) distribute such certifications to each State
23 fish and game department.”.

1 **SEC. 202. MULTI-STATE GRANT PROGRAM.**

2 (a) ESTABLISHMENT OF PROGRAM.—The Sport Fish
3 Restoration Act is amended by striking the second section
4 13 (16 U.S.C. 777 note) and inserting the following:

5 “MULTI-STATE CONSERVATION GRANT PROGRAM

6 “SEC. 14. (a) IN GENERAL.—(1) Of the balance of
7 each annual appropriation made in accordance with sec-
8 tion 3 remaining after the distribution and use under sub-
9 sections (a), (b), and (c) of section 4 each fiscal year, up
10 to \$2,500,000 shall be available to the Secretary of the
11 Interior for making multi-State conservation grants in ac-
12 cordance with this section.

13 “(2) Amounts available under this subsection shall
14 remain available for 2 fiscal years, after which all unobli-
15 gated balances shall be apportioned in the manner speci-
16 fied in section 4(c).

17 “(b) SELECTION OF PROJECTS.—(1) A project shall
18 not be eligible for a grant under this section unless it will
19 benefit at least 26 States, a majority of the States in a
20 region of the Fish and Wildlife Service, or a regional asso-
21 ciation of State fish and game departments.

22 “(2) The Secretary of the Interior may award grants
23 under this section based only on a priority list of sportfish
24 restoration projects prepared and submitted by State fish
25 and game departments acting through the International

1 Association of Fish and Wildlife Agencies each fiscal year
2 in accordance with paragraph (3).

3 “(3)(A) The International Association of Fish and
4 Wildlife Agencies shall—

5 “(i) prepare each priority list through a com-
6 mittee comprised of the heads of State fish and
7 game departments (or their designees);

8 “(ii) approve each priority list by a majority of
9 the heads of State fish and game departments (or
10 their designees); and

11 “(iii) submit each priority list by not later than
12 October 1 of each fiscal year to the Secretary of the
13 Interior.

14 “(B) In preparing any priority list under this para-
15 graph, the International Association of Fish and Wildlife
16 Agencies shall consult with nongovernmental organiza-
17 tions that represent conservation organizations, sportsmen
18 organizations, and industries that fund the Sport Fish
19 Restoration Programs.

20 “(4) The Assistant Director for Wildlife and Sport
21 Fish Restoration Programs shall publish in the Federal
22 Register each priority list submitted under this subsection.

23 “(e) ELIGIBLE GRANTEES.—(1) The Secretary of the
24 Interior may make a grant under this section only to—

25 “(A) a State or group of States; or

1 ~~“(B) subject to paragraph (2) a nongovern-~~
2 ~~mental organization.~~

3 ~~“(2) Any nongovernmental organization applying for~~
4 ~~a grant under this section shall submit with the applica-~~
5 ~~tion to the International Association of Fish and Wildlife~~
6 ~~Agencies a certification that the organization does not pro-~~
7 ~~mote or encourage opposition to the regulated taking of~~
8 ~~fish and will use any funds awarded pursuant to this sec-~~
9 ~~tion in compliance with subsection (d).~~

10 ~~“(3) Any nongovernmental organization that is found~~
11 ~~to promote or encourage opposition to the regulated taking~~
12 ~~of fish or does not use funds in compliance with subsection~~
13 ~~(d) shall return all funds received and be subject to any~~
14 ~~other penalties under law.~~

15 ~~“(d) USE OF GRANTS.—Amounts provided as a grant~~
16 ~~under this section may not be used for education, activi-~~
17 ~~ties, projects, or programs that promote or encourage op-~~
18 ~~position to the regulated taking of fish.~~

19 ~~“(e) CLARIFICATION.—No activities undertaken by~~
20 ~~the personnel of State fish and game departments, other~~
21 ~~State agencies, or organizations of State fish and game~~
22 ~~departments under this section shall constitute advice or~~
23 ~~recommendations for one or more agencies or officers of~~
24 ~~the Federal Government.~~

1 (2) in subsection (a) (as designated by the
2 amendment made by paragraph (1) of this section)
3 by inserting “; at the time such deduction or appor-
4 tionment is made” after “apportioned to each State
5 for such fiscal year”; and

6 (3) by adding at the end the following:

7 “(b) FISCAL YEAREND CERTIFICATION BY SEC-
8 RETARY.—Within 30 days after the end of each fiscal
9 year, the Secretary of the Interior shall—

10 “(1) certify in writing to the Secretary of the
11 Treasury and to each State fish and game
12 department—

13 “(A) the amount apportioned under section
14 4(d)(2) to each State in the most recent appor-
15 tionment under that section for that fiscal year;
16 and

17 “(B) amounts obligated by the Secretary
18 during the fiscal year for administration of this
19 Act; and

20 “(2) publish in the Federal Register the
21 amounts so certified.

22 “(c) CERTIFICATION BY ASSISTANT DIRECTOR.—(1)
23 Within 60 days after the start of each fiscal year, the As-
24 sistant Director for Wildlife and Sport Fish Restoration
25 Programs shall provide to the Committee on Resources of

1 the House of Representatives and the Committee on Envi-
2 ronment and Public Works of the Senate the following for
3 the fiscal year:

4 “(A) The amount of funds that will be ex-
5 pended in the fiscal year under section 4(d)(2) and
6 a breakdown of categories for which such funds will
7 be expended.

8 “(B) A description of how the funds to be ex-
9 pended are necessary for administration of this Act.

10 “(2) The Secretary of the Interior shall promptly
11 publish in the Federal Register each certification under
12 this subsection.”.

13 **SEC. 204. PERIOD OF AVAILABILITY.**

14 Section 4(f) of the Sport Fish Restoration Act (16
15 U.S.C. 777e) is amended by striking the first sentence.

16 **SEC. 205. CONFORMING AMENDMENT.**

17 Section 9504(b)(2)(A) of the Internal Revenue Code
18 of 1986 is amended by striking “(as in effect on the date
19 of the enactment of the TEA 21 Restoration Act)” and
20 inserting “(as in effect on the date of the enactment of
21 the Wildlife and Sport Fish Restoration Programs Im-
22 provement Act of 2000)”.

1 **TITLE III—WILDLIFE AND SPORT**
2 **FISH RESTORATION PROGRAMS**

3 **SEC. 301. DESIGNATION OF PROGRAMS.**

4 The programs established under the Wildlife Restora-
5 tion Act and the Sport Fish Restoration Act may be collec-
6 tively referred to as the Federal Assistance Program for
7 State Wildlife and Sport Fish Restoration Programs.

8 **SEC. 302. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT**
9 **FISH RESTORATION PROGRAMS.**

10 (a) **ESTABLISHMENT.**—There is established within
11 the United States Fish and Wildlife Service of the Depart-
12 ment of the Interior an Assistant Director for Wildlife and
13 Sport Fish Restoration Programs.

14 (b) **SUPERIOR.**—The Assistant Director for Wildlife
15 and Sport Fish Restoration Programs shall report directly
16 to the Director of the United States Fish and Wildlife
17 Service.

18 (c) **RESPONSIBILITIES.**—The Assistant Director for
19 Wildlife and Sport Fish Restoration Programs shall be re-
20 sponsible for the administration, management, and over-
21 sight of the Federal Assistance Program for State Wildlife
22 and Sport Fish Restoration Programs under the Wildlife
23 Restoration Act and the Sport Fish Restoration Act.

1 **SEC. 303. CHIEF OF THE DIVISION OF FEDERAL AID.**

2 The Chief of the Division of Federal Aid of the De-
3 partment of the Interior, or any similar position, is abol-
4 ished and the duties of that position shall be the responsi-
5 bility of the Assistant Director for Wildlife and Sport Fish
6 Restoration Programs.

7 **SEC. 304. IMPLEMENTATION REPORT.**

8 (a) **TIMING.**—At the time the President submits a
9 budget request for the Department of the Interior for the
10 third fiscal year beginning after the date of the enactment
11 of this Act, the Secretary of the Interior shall inform the
12 Committee on Resources of the House of Representatives
13 and the Committee on Environment and Public Works of
14 the Senate about the steps taken to comply with this Act.

15 (b) **CONTENTS.**—The report required by this section
16 shall indicate—

17 (1) the extent to which compliance with this Act
18 has required a reduction in the number of personnel
19 assigned to administer, manage, and oversee the
20 Federal Assistance Program for State Wildlife and
21 Sport Fish Restoration Programs;

22 (2) any revisions to this Act that would be de-
23 sirable in order for the Secretary to adequately ad-
24 minister such programs and assure that funds pro-
25 vided to State agencies are properly used; and

1 (3) any other information regarding the imple-
2 mentation of this Act that the Secretary considers
3 appropriate.

4 **SEC. 305. COMPLIANCE WITH BUY AMERICAN ACT.**

5 No funds authorized pursuant to this Act may be ex-
6 pended by an entity unless the entity agrees that in ex-
7 pending the assistance the entity will comply with sections
8 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
9 10e, popularly known as the “Buy American Act”).

10 **SEC. 306. SENSE OF THE CONGRESS; REQUIREMENT RE-**
11 **GARDING NOTICE.**

12 (a) **PURCHASE OF AMERICAN-MADE EQUIPMENT**
13 **AND PRODUCTS.**—In the case of any equipment or prod-
14 ucts that may be authorized to be purchased with financial
15 assistance provided under this Act, it is the sense of the
16 Congress that entities receiving such assistance should, in
17 expending the assistance, purchase only American-made
18 equipment and products.

19 (b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In
20 providing financial assistance under this Act, the Sec-
21 retary of the Interior shall provide to each recipient of the
22 assistance a notice describing the statement made in sub-
23 section (a) by the Congress.

1 **SEC. 307. PROHIBITION OF CONTRACTS.**

2 If it has been finally determined by a court or Federal
 3 agency that any person intentionally affixed a label bear-
 4 ing a “Made in America” inscription, or any inscription
 5 with the same meaning, to any product sold in or shipped
 6 to the United States that is not made in the United
 7 States, such person shall be ineligible to receive any con-
 8 tract or subcontract made with funds provided pursuant
 9 to this Act, pursuant to the debarment, suspension, and
 10 ineligibility procedures described in sections 9.400 through
 11 9.409 of title 48, Code of Federal Regulations.

12 **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

13 (a) *SHORT TITLES.*—

14 (1) *THIS ACT.*—*This Act may be cited as the*
 15 *“Wildlife and Sport Fish Restoration Programs Im-*
 16 *provement Act of 2000”.*

17 (2) *PITTMAN-ROBERTSON WILDLIFE RESTORA-*
 18 *TION ACT.*—*The Act of September 2, 1937 (16 U.S.C.*
 19 *669 et seq.), is amended by adding at the end the fol-*
 20 *lowing:*

21 **“SEC. 14. SHORT TITLE.**

22 *“This Act may be cited as the ‘Pittman-Robertson*
 23 *Wildlife Restoration Act’.”*

24 (3) *DINGELL-JOHNSON SPORT FISH RESTORA-*
 25 *TION ACT.*—*The Act of August 9, 1950 (16 U.S.C. 777*

1 *et seq.*), is amended by adding at the end the fol-
 2 *lowing:*

3 **“SEC. 16. SHORT TITLE.**

4 *“This Act may be cited as the ‘Dingell-Johnson Sport*
 5 *Fish Restoration Act’.”*

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

Sec. 1. Short titles; table of contents.

TITLE I—WILDLIFE RESTORATION

Sec. 101. Expenditures for administration.

Sec. 102. Firearm and bow hunter education and safety program grants.

Sec. 103. Multistate conservation grant program.

TITLE II—SPORT FISH RESTORATION

Sec. 201. Expenditures for administration.

Sec. 202. Multistate conservation grant program.

Sec. 203. Conforming amendment.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 301. Designation of programs.

Sec. 302. Implementation report.

8 ***TITLE I—WILDLIFE***
 9 ***RESTORATION***

10 ***SEC. 101. EXPENDITURES FOR ADMINISTRATION.***

11 *(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—*
 12 *Section 4 of the Pittman-Robertson Wildlife Restoration Act*
 13 *(16 U.S.C. 669c) is amended—*

14 *(1) by redesignating subsection (b) as subsection*
 15 *(c);*

1 (2) *by striking “SEC. 4.” and all that follows*
2 *through the end of the first sentence of subsection (a)*
3 *and inserting the following:*

4 **“SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE**
5 **AMOUNTS.**

6 “(a) *SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—*

7 “(1) *IN GENERAL.—*

8 “(A) *SET-ASIDE.—For fiscal year 2001 and*
9 *each fiscal year thereafter, of the revenues (ex-*
10 *cluding interest accruing under section 3(b)) cov-*
11 *ered into the fund for the fiscal year, the Sec-*
12 *retary of the Interior may use not more than the*
13 *available amount specified in subparagraph (B)*
14 *for the fiscal year for administrative expenses in-*
15 *curring in implementation of this Act, in accord-*
16 *ance with this subsection and section 9.*

17 “(B) *AVAILABLE AMOUNTS.—The available*
18 *amount referred to in subparagraph (A) is—*

19 “(i) *for fiscal year 2001, \$9,500,000;*

20 *and*

21 “(ii) *for fiscal year 2002 and each fis-*
22 *cal year thereafter, the sum of—*

23 “(I) *the available amount for the*
24 *preceding fiscal year; and*

1 “(II) the amount determined by
2 multiplying—

3 “(aa) the available amount
4 for the preceding fiscal year; and

5 “(bb) the change, relative to
6 the preceding fiscal year, in the
7 Consumer Price Index for All
8 Urban Consumers published by
9 the Department of Labor.

10 “(2) *PERIOD OF AVAILABILITY; APPORTIONMENT*
11 *OF UNOBLIGATED AMOUNTS.—*

12 “(A) *PERIOD OF AVAILABILITY.—*For each
13 fiscal year, the available amount under para-
14 graph (1) shall remain available for obligation
15 for use under that paragraph until the end of the
16 fiscal year.

17 “(B) *APPORTIONMENT OF UNOBLIGATED*
18 *AMOUNTS.—*Not later than 60 days after the end
19 of a fiscal year, the Secretary of the Interior
20 shall apportion among the States any of the
21 available amount under paragraph (1) that re-
22 mains unobligated at the end of the fiscal year,
23 on the same basis and in the same manner as
24 other amounts made available under this Act are
25 apportioned among the States for the fiscal year.

1 “(b) *APPORTIONMENT TO STATES.*—”; and

2 (3) in subsection (b) (as designated by para-
3 graph (2)), by striking “after making the aforesaid
4 deduction, shall apportion, except as provided in sub-
5 section (b) of this section,” and inserting “after de-
6 ducting the available amount under subsection (a),
7 the amount apportioned under subsection (c), any
8 amount apportioned under section 8A, and amounts
9 provided as grants under sections 10 and 11, shall
10 apportion”.

11 (b) *REQUIREMENTS AND RESTRICTIONS CONCERNING*
12 *USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.*—*Sec-*
13 *tion 9 of the Pittman-Robertson Wildlife Restoration Act*
14 *(16 U.S.C. 669h) is amended to read as follows:*

15 **“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING**
16 **USE OF AMOUNTS FOR ADMINISTRATIVE EX-**
17 **PENSES.**

18 “(a) *AUTHORIZED ADMINISTRATIVE COSTS.*—*Except*
19 *as provided in subsection (b), the Secretary of the Interior*
20 *may use available amounts under section 4(a)(1) only for*
21 *administrative expenses that directly support the imple-*
22 *mentation of this Act, consisting of—*

23 “(1) *personnel costs of employees who directly*
24 *administer this Act on a full-time basis;*

1 “(2) personnel costs of employees who directly
2 administer this Act on a part-time basis for at least
3 20 hours each week, not to exceed the portion of those
4 costs incurred with respect to the work hours of an
5 employee during which the employee directly admin-
6 isters this Act, as those hours are certified by the su-
7 pervisor of the employee;

8 “(3) support costs directly associated with per-
9 sonnel costs authorized under paragraphs (1) and (2),
10 excluding costs associated with staffing and operation
11 of regional offices of the United States Fish and Wild-
12 life Service and the Department of the Interior other
13 than for the purposes of this Act;

14 “(4) costs of determining under section 6(a)
15 whether State comprehensive plans and projects are
16 substantial in character and design;

17 “(5) overhead costs, including the costs of general
18 administrative services, that are directly attributable
19 to administration of this Act and are based on—

20 “(A) actual costs, as determined by a direct
21 cost allocation methodology approved by the Di-
22 rector of the Office of Management and Budget
23 for use by Federal agencies; and

24 “(B) in the case of costs that are not deter-
25 minable under subparagraph (A), an amount

1 *per full-time equivalent employee authorized*
2 *under paragraphs (1) and (2) that does not ex-*
3 *ceed the amount charged or assessed for costs per*
4 *full-time equivalent employee for any other divi-*
5 *sion or program of the United States Fish and*
6 *Wildlife Service;*

7 “(6) costs incurred in auditing, every 5 years,
8 *the wildlife and sport fish activities of each State fish*
9 *and game department and the use of funds under sec-*
10 *tion 6 by each State fish and game department;*

11 “(7) costs of audits under subsection (d);

12 “(8) costs of necessary training of Federal and
13 *State full-time personnel who administer this Act to*
14 *improve administration of this Act;*

15 “(9) costs of travel to States, territories, and
16 *Canada by personnel who—*

17 “(A) *administer this Act on a full-time*
18 *basis for purposes directly related to administra-*
19 *tion of State programs or projects; or*

20 “(B) *administer grants under section 6, 10,*
21 *or 11;*

22 “(10) costs of travel by personnel outside the
23 *United States (except travel to Canada) that relates*
24 *directly to administration of this Act and that is ap-*

1 proved directly by the Assistant Secretary for Fish
2 and Wildlife and Parks;

3 “(11) relocation expenses for personnel who, after
4 relocation, will administer this Act on a full-time
5 basis for at least 1 year, as certified by the Director
6 of the United States Fish and Wildlife Service at the
7 time at which the relocation expenses are incurred;
8 and

9 “(12) costs to audit, evaluate, approve, dis-
10 approve, and advise concerning grants under section
11 6, 10, or 11.

12 “(b) *REPORTING OF OTHER USES.*—If the Secretary
13 of the Interior determines that available amounts under sec-
14 tion 4(a)(1) should be used for an administrative expense
15 other than an administrative expense described in sub-
16 section (a), the Secretary—

17 “(1) shall submit to the Committee on Environ-
18 ment and Public Works of the Senate and the Com-
19 mittee on Resources of the House of Representatives a
20 report describing the administrative expense; and

21 “(2) may use any such available amounts for the
22 administrative expense only after the end of the 30-
23 day period beginning on the date of submission of the
24 report under paragraph (1).

1 “(c) *RESTRICTION ON USE TO SUPPLEMENT GENERAL*
2 *APPROPRIATIONS.*—*The Secretary of the Interior shall not*
3 *use available amounts under section 4(a)(1) to supplement*
4 *the funding of any function for which general appropria-*
5 *tions are made for the United States Fish and Wildlife*
6 *Service or any other entity of the Department of the Inte-*
7 *rior.*

8 “(d) *AUDIT REQUIREMENT.*—

9 “(1) *IN GENERAL.*—*The Inspector General of the*
10 *Department of the Interior shall procure the perform-*
11 *ance of biennial audits, in accordance with generally*
12 *accepted accounting principles, of expenditures and*
13 *obligations of amounts used by the Secretary of the*
14 *Interior for administrative expenses incurred in im-*
15 *plementation of this Act.*

16 “(2) *AUDITOR.*—

17 “(A) *IN GENERAL.*—*An audit under this*
18 *subsection shall be performed under a contract*
19 *that is awarded under competitive procedures (as*
20 *defined in section 4 of the Office of Federal Pro-*
21 *curement Policy Act (41 U.S.C. 403)) by a per-*
22 *son or entity that is not associated in any way*
23 *with the Department of the Interior (except by*
24 *way of a contract for the performance of an*
25 *audit).*

1 “(B) *SUPERVISION OF AUDITOR.*—*The audi-*
2 *tor selected under subparagraph (A) shall report*
3 *to, and be supervised by, the Inspector General*
4 *of the Department of the Interior, except that the*
5 *auditor shall submit a copy of the biennial audit*
6 *findings to the Secretary of the Interior at the*
7 *time at which the findings are submitted to the*
8 *Inspector General of the Department of the Inte-*
9 *rior.*”

10 “(3) *REPORT TO CONGRESS.*—*The Inspector*
11 *General of the Department of the Interior shall*
12 *promptly report to the Committee on Resources of the*
13 *House of Representatives and the Committee on Envi-*
14 *ronment and Public Works of the Senate on the re-*
15 *sults of each audit under this subsection.”.*

16 “(c) *CONFORMING AMENDMENT.*—*Section 8(b) of the*
17 *Pittman-Robertson Wildlife Restoration Act (16 U.S.C.*
18 *669g(b)) is amended in the first sentence by striking “sec-*
19 *tion 4(b) of this Act” and inserting “section 4(c)”.*

20 **SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND**
21 **SAFETY PROGRAM GRANTS.**

22 *The Pittman-Robertson Wildlife Restoration Act is*
23 *amended—*

24 (1) *by redesignating section 10 (16 U.S.C. 669i)*
25 *as section 12; and*

1 “(1) *PERIOD OF AVAILABILITY.*—A grant under
2 this section shall remain available only for the fiscal
3 year for which the grant is made.

4 “(2) *REAPPORTIONMENT.*—At the end of the pe-
5 riod of availability under paragraph (1), the Sec-
6 retary of the Interior shall apportion any grant funds
7 that remain available among the States in the man-
8 ner specified in section 4(b) for use by the States in
9 accordance with this section.”.

10 **SEC. 103. MULTISTATE CONSERVATION GRANT PROGRAM.**

11 *The Pittman-Robertson Wildlife Restoration Act (as*
12 *amended by section 102) is amended by inserting after sec-*
13 *tion 10 the following:*

14 **“SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.**

15 “(a) *IN GENERAL.*—

16 “(1) *AMOUNT FOR GRANTS.*—Not more than
17 \$3,500,000 of the revenues covered into the fund for
18 a fiscal year shall be available to the Secretary of the
19 Interior for making multistate conservation project
20 grants in accordance with this section.

21 “(2) *PERIOD OF AVAILABILITY; APPORTION-*
22 *MENT.*—

23 “(A) *PERIOD OF AVAILABILITY.*—A grant
24 under this subsection shall remain available only

1 *for the fiscal year for which the grant is made*
2 *and the following fiscal year.*

3 “(B) *APPORTIONMENT.*—*At the end of the*
4 *period of availability under subparagraph (A),*
5 *the Secretary of the Interior shall apportion any*
6 *grant funds that remain available among the*
7 *States in the manner specified in section 4(b) for*
8 *use by the States in the same manner as funds*
9 *apportioned under section 4(b).*

10 “(b) *SELECTION OF PROJECTS.*—

11 “(1) *STATES OR ENTITIES TO BE BENEFITED.*—
12 *A project shall not be eligible for a grant under this*
13 *section unless the project will benefit—*

14 “(A) *at least 26 States;*

15 “(B) *a majority of the States in a region of*
16 *the United States Fish and Wildlife Service; or*

17 “(C) *a regional association of State fish*
18 *and game departments.*

19 “(2) *USE OF SUBMITTED PRIORITY LIST OF*
20 *PROJECTS.*—*The Secretary of the Interior may award*
21 *grants under this section only for projects identified*
22 *on a priority list of wildlife restoration projects de-*
23 *scribed in paragraph (3).*

24 “(3) *PRIORITY LIST OF PROJECTS.*—*A priority*
25 *list referred to in paragraph (2) is a priority list of*

1 *projects that the International Association of Fish*
2 *and Wildlife Agencies—*

3 “(A) *prepares through a committee com-*
4 *prised of the heads of State fish and game de-*
5 *partments (or their designees), in consultation*
6 *with—*

7 “(i) *nongovernmental organizations*
8 *that represent conservation organizations;*

9 “(ii) *sportsmen organizations; and*

10 “(iii) *industries that support or pro-*
11 *mote hunting, trapping, recreational shoot-*
12 *ing, bow hunting, or archery;*

13 “(B) *approves by vote of a majority of the*
14 *heads of State fish and game departments (or*
15 *their designees); and*

16 “(C) *not later than October 1 of each fiscal*
17 *year, submits to the Chief of the Division of Fed-*
18 *eral Aid.*

19 “(4) *PUBLICATION.—The Chief of the Division of*
20 *Federal Aid shall publish in the Federal Register each*
21 *priority list submitted under paragraph (3)(C).*

22 “(c) *ELIGIBLE GRANTEES.—*

23 “(1) *IN GENERAL.—The Secretary of the Interior*
24 *may make a grant under this section only to—*

25 “(A) *a State or group of States;*

1 “(B) *the United States Fish and Wildlife*
2 *Service for the purpose of carrying out the Na-*
3 *tional Survey of Fishing, Hunting, and Wildlife-*
4 *Associated Recreation; and*

5 “(C) *subject to paragraph (2), a nongovern-*
6 *mental organization.*

7 “(2) *NONGOVERNMENTAL ORGANIZATIONS.—*

8 “(A) *IN GENERAL.—Any nongovernmental*
9 *organization that applies for a grant under this*
10 *section shall submit with the application to the*
11 *International Association of Fish and Wildlife*
12 *Agencies a certification that the organization—*

13 “(i) *does not promote or encourage op-*
14 *position to the regulated hunting or trap-*
15 *ping of wildlife; and*

16 “(ii) *will use any funds awarded*
17 *under this section in compliance with sub-*
18 *section (d).*

19 “(B) *PENALTIES FOR CERTAIN ACTIVI-*
20 *TIES.—Any nongovernmental organization that*
21 *is found to promote or encourage opposition to*
22 *the regulated hunting or trapping of wildlife or*
23 *that does not use funds in compliance with sub-*
24 *section (d) shall return all funds received under*

1 *this section and be subject to any other penalties*
2 *under law.*

3 “(d) *USE OF GRANTS.*—*A grant under this section*
4 *shall not be used for an activity, project, or program that*
5 *promotes or encourages opposition to the regulated hunting*
6 *or trapping of wildlife.”.*

7 ***TITLE II—SPORT FISH***
8 ***RESTORATION***

9 ***SEC. 201. EXPENDITURES FOR ADMINISTRATION.***

10 (a) *SET-ASIDE FOR ADMINISTRATIVE EXPENSES.*—
11 *Section 4 of the Dingell-Johnson Sport Fish Restoration Act*
12 *(16 U.S.C. 777c) is amended by striking subsection (d) and*
13 *inserting the following:*

14 “(d) *SET-ASIDE FOR ADMINISTRATIVE EXPENSES.*—

15 “(1) *IN GENERAL.*—

16 “(A) *SET-ASIDE.*—*For fiscal year 2001 and*
17 *each fiscal year thereafter, of the balance of each*
18 *such annual appropriation remaining after the*
19 *distribution and use under subsections (a), (b),*
20 *and (c) and section 14, the Secretary of the Inte-*
21 *rior may use not more than the available*
22 *amount specified in subparagraph (B) for the*
23 *fiscal year for administrative expenses incurred*
24 *in implementation of this Act, in accordance*
25 *with this subsection and section 9.*

1 “(B) *AVAILABLE AMOUNTS.*—*The available*
2 *amount referred to in subparagraph (A) is—*

3 “(i) *for fiscal year 2001, \$9,500,000;*

4 *and*

5 “(ii) *for fiscal year 2002 and each fis-*
6 *cal year thereafter, the sum of—*

7 “(I) *the available amount for the*
8 *preceding fiscal year; and*

9 “(II) *the amount determined by*
10 *multiplying—*

11 “(aa) *the available amount*
12 *for the preceding fiscal year; and*

13 “(bb) *the change, relative to*
14 *the preceding fiscal year, in the*
15 *Consumer Price Index for All*
16 *Urban Consumers published by*
17 *the Department of Labor.*

18 “(2) *PERIOD OF AVAILABILITY; APPORTIONMENT*
19 *OF UNOBLIGATED AMOUNTS.—*

20 “(A) *PERIOD OF AVAILABILITY.*—*For each*
21 *fiscal year, the available amount under para-*
22 *graph (1) shall remain available for obligation*
23 *for use under that paragraph until the end of the*
24 *fiscal year.*

1 “(B) *APPORTIONMENT OF UNOBLIGATED*
2 *AMOUNTS.—Not later than 60 days after the end*
3 *of a fiscal year, the Secretary of the Interior*
4 *shall apportion among the States any of the*
5 *available amount under paragraph (1) that re-*
6 *mains unobligated at the end of the fiscal year,*
7 *on the same basis and in the same manner as*
8 *other amounts made available under this Act are*
9 *apportioned among the States under subsection*
10 *(e) for the fiscal year.”.*

11 ***(b) REQUIREMENTS AND RESTRICTIONS CONCERNING***
12 ***USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Sec-***
13 ***tion 9 of the Dingell-Johnson Sport Fish Restoration Act***
14 ***(16 U.S.C. 777h) is amended to read as follows:***

15 **“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING**
16 ***USE OF AMOUNTS FOR ADMINISTRATIVE EX-***
17 ***PENSES.***

18 ***“(a) AUTHORIZED ADMINISTRATIVE COSTS.—Except***
19 ***as provided in subsection (b), the Secretary of the Interior***
20 ***may use available amounts under section 4(d) only for ad-***
21 ***ministrative expenses that directly support the implementa-***
22 ***tion of this Act, consisting of—***

23 ***“(1) personnel costs of employees who directly***
24 ***administer this Act on a full-time basis;***

1 “(2) personnel costs of employees who directly
2 administer this Act on a part-time basis for at least
3 20 hours each week, not to exceed the portion of those
4 costs incurred with respect to the work hours of an
5 employee during which the employee directly admin-
6 isters this Act, as those hours are certified by the su-
7 pervisor of the employee;

8 “(3) support costs directly associated with per-
9 sonnel costs authorized under paragraphs (1) and (2),
10 excluding costs associated with staffing and operation
11 of regional offices of the United States Fish and Wild-
12 life Service and the Department of the Interior other
13 than for the purposes of this Act;

14 “(4) costs of determining under section 6(a)
15 whether State comprehensive plans and projects are
16 substantial in character and design;

17 “(5) overhead costs, including the costs of general
18 administrative services, that are directly attributable
19 to administration of this Act and are based on—

20 “(A) actual costs, as determined by a direct
21 cost allocation methodology approved by the Di-
22 rector of the Office of Management and Budget
23 for use by Federal agencies; and

24 “(B) in the case of costs that are not deter-
25 minable under subparagraph (A), an amount

1 *per full-time equivalent employee authorized*
2 *under paragraphs (1) and (2) that does not ex-*
3 *ceed the amount charged or assessed for costs per*
4 *full-time equivalent employee for any other divi-*
5 *sion or program of the United States Fish and*
6 *Wildlife Service;*

7 “(6) costs incurred in auditing, every 5 years,
8 *the wildlife and sport fish activities of each State fish*
9 *and game department and the use of funds under sec-*
10 *tion 6 by each State fish and game department;*

11 “(7) costs of audits under subsection (d);

12 “(8) costs of necessary training of Federal and
13 *State full-time personnel who administer this Act to*
14 *improve administration of this Act;*

15 “(9) costs of travel to States, territories, and
16 *Canada by personnel who—*

17 “(A) administer this Act on a full-time
18 *basis for purposes directly related to administra-*
19 *tion of State programs or projects; or*

20 “(B) administer grants under section 6 or
21 14;

22 “(10) costs of travel by personnel outside the
23 *United States (except travel to Canada) that relates*
24 *directly to administration of this Act and that is ap-*

1 proved directly by the Assistant Secretary for Fish
2 and Wildlife and Parks;

3 “(11) relocation expenses for personnel who, after
4 relocation, will administer this Act on a full-time
5 basis for at least 1 year, as certified by the Director
6 of the United States Fish and Wildlife Service at the
7 time at which the relocation expenses are incurred;
8 and

9 “(12) costs to audit, evaluate, approve, dis-
10 approve, and advise concerning grants under section
11 6 or 14.

12 “(b) *REPORTING OF OTHER USES.*—If the Secretary
13 of the Interior determines that available amounts under sec-
14 tion 4(d) should be used for an administrative expense other
15 than an administrative expense described in subsection (a),
16 the Secretary—

17 “(1) shall submit to the Committee on Environ-
18 ment and Public Works of the Senate and the Com-
19 mittee on Resources of the House of Representatives a
20 report describing the administrative expense; and

21 “(2) may use any such available amounts for the
22 administrative expense only after the end of the 30-
23 day period beginning on the date of submission of the
24 report under paragraph (1).

1 “(c) *RESTRICTION ON USE TO SUPPLEMENT GENERAL*
2 *APPROPRIATIONS.*—*The Secretary of the Interior shall not*
3 *use available amounts under section 4(d) to supplement the*
4 *funding of any function for which general appropriations*
5 *are made for the United States Fish and Wildlife Service*
6 *or any other entity of the Department of the Interior.*

7 “(d) *AUDIT REQUIREMENT.*—

8 “(1) *IN GENERAL.*—*The Inspector General of the*
9 *Department of the Interior shall procure the perform-*
10 *ance of biennial audits, in accordance with generally*
11 *accepted accounting principles, of expenditures and*
12 *obligations of amounts used by the Secretary of the*
13 *Interior for administrative expenses incurred in im-*
14 *plementation of this Act.*

15 “(2) *AUDITOR.*—

16 “(A) *IN GENERAL.*—*An audit under this*
17 *subsection shall be performed under a contract*
18 *that is awarded under competitive procedures (as*
19 *defined in section 4 of the Office of Federal Pro-*
20 *urement Policy Act (41 U.S.C. 403)) by a per-*
21 *son or entity that is not associated in any way*
22 *with the Department of the Interior (except by*
23 *way of a contract for the performance of an*
24 *audit).*

1 “(B) *SUPERVISION OF AUDITOR.*—*The audi-*
2 *tor selected under subparagraph (A) shall report*
3 *to, and be supervised by, the Inspector General*
4 *of the Department of the Interior, except that the*
5 *auditor shall submit a copy of the biennial audit*
6 *findings to the Secretary of the Interior at the*
7 *time at which the findings are submitted to the*
8 *Inspector General of the Department of the Inte-*
9 *rior.*

10 “(3) *REPORT TO CONGRESS.*—*The Inspector*
11 *General of the Department of the Interior shall*
12 *promptly report to the Committee on Resources of the*
13 *House of Representatives and the Committee on Envi-*
14 *ronment and Public Works of the Senate on the re-*
15 *sults of each audit under this subsection.”.*

16 **SEC. 202. MULTISTATE CONSERVATION GRANT PROGRAM.**

17 “(a) *ESTABLISHMENT OF PROGRAM.*—*The Dingell-*
18 *Johnson Sport Fish Restoration Act is amended by striking*
19 *the section 13 relating to effective date (16 U.S.C. 777 note)*
20 *and inserting the following:*

21 **“SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.**

22 “(a) *IN GENERAL.*—

23 “(1) *AMOUNT FOR GRANTS.*—*Of the balance of*
24 *each annual appropriation made under section 3 re-*
25 *maining after the distribution and use under sub-*

1 sections (a), (b), and (c) of section 4 in a fiscal year,
2 not more than \$3,500,000 shall be available to the
3 Secretary of the Interior for making multistate con-
4 servation project grants in accordance with this sec-
5 tion.

6 “(2) *PERIOD OF AVAILABILITY; APPORTION-*
7 *MENT.*—

8 “(A) *PERIOD OF AVAILABILITY.*—A grant
9 under this subsection shall remain available only
10 for the fiscal year for which the grant is made
11 and the following fiscal year.

12 “(B) *APPORTIONMENT.*—At the end of the
13 period of availability under subparagraph (A),
14 the Secretary of the Interior shall apportion any
15 grant funds that remain available among the
16 States in the manner specified in section 4(e) for
17 use by the States in the same manner as funds
18 apportioned under section 4(e).

19 “(b) *SELECTION OF PROJECTS.*—

20 “(1) *STATES OR ENTITIES TO BE BENEFITED.*—
21 A project shall not be eligible for a grant under this
22 section unless the project will benefit—

23 “(A) at least 26 States;

24 “(B) a majority of the States in a region of
25 the United States Fish and Wildlife Service; or

1 “(C) a regional association of State fish
2 and game departments.

3 “(2) *USE OF SUBMITTED PRIORITY LIST OF*
4 *PROJECTS.*—The Secretary of the Interior may award
5 grants under this section only for projects identified
6 on a priority list of sport fish restoration projects de-
7 scribed in paragraph (3).

8 “(3) *PRIORITY LIST OF PROJECTS.*—A priority
9 list referred to in paragraph (2) is a priority list of
10 projects that the International Association of Fish
11 and Wildlife Agencies—

12 “(A) prepares through a committee com-
13 prised of the heads of State fish and game de-
14 partments (or their designees), in consultation
15 with—

16 “(i) nongovernmental organizations
17 that represent conservation organizations;

18 “(ii) sportsmen organizations; and

19 “(iii) industries that fund the sport
20 fish restoration programs under this Act;

21 “(B) approves by vote of a majority of the
22 heads of State fish and game departments (or
23 their designees); and

1 “(C) not later than October 1 of each fiscal
2 year, submits to the Chief of the Division of Fed-
3 eral Aid.

4 “(4) PUBLICATION.—The Chief of the Division of
5 Federal Aid shall publish in the Federal Register each
6 priority list submitted under paragraph (3)(C).

7 “(c) ELIGIBLE GRANTEEES.—

8 “(1) IN GENERAL.—The Secretary of the Interior
9 may make a grant under this section only to—

10 “(A) a State or group of States;

11 “(B) the United States Fish and Wildlife
12 Service for the purpose of carrying out the Na-
13 tional Survey of Fishing, Hunting, and Wildlife-
14 Associated Recreation; and

15 “(C) subject to paragraph (2), a nongovern-
16 mental organization.

17 “(2) NONGOVERNMENTAL ORGANIZATIONS.—

18 “(A) IN GENERAL.—Any nongovernmental
19 organization that applies for a grant under this
20 section shall submit with the application to the
21 International Association of Fish and Wildlife
22 Agencies a certification that the organization—

23 “(i) does not promote or encourage op-
24 position to the regulated taking of fish; and

1 “(i) will use any funds awarded
2 under this section in compliance with sub-
3 section (d).

4 “(B) PENALTIES FOR CERTAIN ACTIVI-
5 TIES.—Any nongovernmental organization that
6 is found to promote or encourage opposition to
7 the regulated taking of fish or that does not use
8 funds in compliance with subsection (d) shall re-
9 turn all funds received under this section and be
10 subject to any other penalties under law.

11 “(d) USE OF GRANTS.—A grant under this section
12 shall not be used for an activity, project, or program that
13 promotes or encourages opposition to the regulated taking
14 of fish.

15 “(e) FUNDING FOR OTHER ACTIVITIES.—Of the bal-
16 ance of each annual appropriation made under section 3
17 remaining after the distribution and use under subsections
18 (a), (b), and (c) of section 4 for each fiscal year and after
19 deducting amounts used for grants under subsection (a),
20 \$2,100,000 shall be made available for—

21 “(1) the Atlantic States Marine Fisheries Com-
22 mission;

23 “(2) the Gulf States Marine Fisheries Commis-
24 sion;

1 “(3) *the Pacific States Marine Fisheries Com-*
2 *mission;*

3 “(4) *the Great Lakes Fisheries Commission;*

4 “(5) *the Sport Fishing and Boating Partnership*
5 *Council established by the United States Fish and*
6 *Wildlife Service;*

7 “(6) *construction and renovation of pumpout*
8 *stations and waste reception facilities under the Clean*
9 *Vessel Act of 1992 (33 U.S.C. 1322 note; subtitle F of*
10 *title V of Public Law 102–587);*

11 “(7) *coastal wetlands conservation grants under*
12 *section 305 of the Coastal Wetlands Planning, Protec-*
13 *tion and Restoration Act (16 U.S.C. 3954);*

14 “(8) *boating infrastructure grants under section*
15 *7404 of the Sportfishing and Boating Safety Act of*
16 *1998 (16 U.S.C. 777g–1); and*

17 “(9) *the National Outreach and Communications*
18 *Program established under section 8(d).”.*

19 **(b) CONFORMING AMENDMENTS.**—*Section 4(e) of the*
20 *Dingell-Johnson Sport Fish Restoration Act (16 U.S.C.*
21 *777c(e)) is amended in the first sentence by inserting “and*
22 *after deducting amounts used for grants under section 14,”*
23 *after “respectively,”.*

1 **SEC. 203. CONFORMING AMENDMENT.**

2 *Section 9504(b)(2)(A) of the Internal Revenue Code of*
3 *1986 is amended by striking “(as in effect on the date of*
4 *the enactment of the TEA 21 Restoration Act)” and insert-*
5 *ing “(as in effect on the date of enactment of the Wildlife*
6 *and Sport Fish Restoration Programs Improvement Act of*
7 *2000)”.*

8 **TITLE III—WILDLIFE AND SPORT**
9 **FISH RESTORATION PROGRAMS**

10 **SEC. 301. DESIGNATION OF PROGRAMS.**

11 *The programs established under the Pittman-Robert-*
12 *son Wildlife Restoration Act (16 U.S.C. 669 et seq.) and*
13 *the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C.*
14 *777 et seq.) shall be known as the “Federal Assistance Pro-*
15 *gram for State Wildlife and Sport Fish Restoration”.*

16 **SEC. 302. IMPLEMENTATION REPORT.**

17 *(a) TIMING.—At the time at which the President sub-*
18 *mits a budget request for the Department of the Interior*
19 *for the third fiscal year that begins after the date of enact-*
20 *ment of this Act, the Secretary of the Interior shall submit*
21 *to the Committee on Resources of the House of Representa-*
22 *tives and the Committee on Environment and Public Works*
23 *of the Senate a report on the steps that have been taken*
24 *to comply with this Act and the amendments made by this*
25 *Act.*

1 (b) *CONTENTS.*—*The report under subsection (a)*
2 *shall—*

3 (1) *describe—*

4 (A) *the extent to which compliance with this*
5 *Act and the amendments made by this Act has*
6 *required a reduction in the number of personnel*
7 *assigned to administer, manage, and oversee the*
8 *Federal Assistance Program for State Wildlife*
9 *and Sport Fish Restoration;*

10 (B) *any revisions to this Act or the amend-*
11 *ments made by this Act that would be desirable*
12 *in order for the Secretary of the Interior to ade-*
13 *quately administer the Programs and ensure*
14 *that funds provided to State agencies are prop-*
15 *erly used; and*

16 (C) *any other information concerning the*
17 *implementation of this Act and the amendments*
18 *made by this Act that the Secretary of the Inte-*
19 *rior considers appropriate; and*

20 (2) *certify, with respect to the period beginning*
21 *on the date of enactment of this Act—*

22 (A)(i) *the amounts used under section*
23 *4(a)(1) of the Pittman-Robertson Wildlife Res-*
24 *toration Act (16 U.S.C. 669c(a)(1)) and section*

1 4(d) of the Dingell-Johnson Sport Fish Restora-
2 tion Act (16 U.S.C. 777c(d)); and

3 (ii) a breakdown of the categories for which
4 the amounts were used;

5 (B) the amounts apportioned to States
6 under section 4(a)(2) of the Pittman-Robertson
7 Wildlife Restoration Act (16 U.S.C. 669c(a)(2))
8 and section 4(d)(2)(A) of the Dingell-Johnson
9 Sport Fish Restoration Act (16 U.S.C.
10 777c(d)(2)(A));

11 (C) the results of the audits performed
12 under section 9(d) of the Pittman-Robertson
13 Wildlife Restoration Act (16 U.S.C. 669h(d) and
14 section 9(d) of the Dingell-Johnson Sport Fish
15 Restoration Act (16 U.S.C. 777h(d));

16 (D) that all amounts used under section
17 4(a)(1) of the Pittman-Robertson Wildlife Res-
18 toration Act (16 U.S.C. 669c(a)(1)) and section
19 4(d) of the Dingell-Johnson Sport Fish Restora-
20 tion Act (16 U.S.C. 777c(d)) were necessary for
21 administrative expenses incurred in implementa-
22 tion of those Acts;

23 (E) that all amounts used to administer
24 those Acts by agency headquarters and by re-
25 gional offices of the United States Fish and

1 *Wildlife Service were used in accordance with*
2 *those Acts; and*

3 *(F) that the Secretary of the Interior, the*
4 *Assistant Secretary for Fish and Wildlife and*
5 *Parks, the Director of the United States Fish*
6 *and Wildlife Service, and the Chief of the Divi-*
7 *sion of Federal Aid each properly discharged*
8 *their duties under those Acts.*

9 *(c) LIMITATION ON DELEGATION.—The Secretary of*
10 *the Interior shall not delegate the responsibility for making*
11 *a certification under subsection (b)(2) to any person except*
12 *the Assistant Secretary for Fish and Wildlife and Parks.*

13 *(d) PUBLICATION OF CERTIFICATIONS.—The Secretary*
14 *of the Interior shall promptly publish in the Federal Reg-*
15 *ister each certification under subsection (b)(2).*

Calendar No. 945

106TH CONGRESS
2D SESSION

H. R. 3671

[Report No. 106-495]

AN ACT

To amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

OCTOBER 10 (legislative day, SEPTEMBER 22), 2000

Reported with an amendment