

106TH CONGRESS
2^D SESSION

H. R. 3671

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2000

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

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, mal-

administration, 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.

TITLE I—WILDLIFE RESTORATION

SEC. 101. EXPENDITURES FOR ADMINISTRATION.

(a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—

Section 4 of the Wildlife Restoration Act (16 U.S.C. 669c)

is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by amending so much as precedes the second sentence of subsection (a) to read as follows:

“ALLOCATION AND APPORTIONMENT OF AVAILABLE
AMOUNTS

“SEC. 4. (a) SET-ASIDE FOR ADMINISTRATION.—

(1)(A) Of the revenues (excluding interest accruing under section 3(b)) covered into the fund, the Secretary may use up to the amount specified in subparagraph (B) for expenses to administer this Act, in accordance with this subsection and section 9.

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

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

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

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

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

1 “(I) the amount available for the preceding
2 fiscal year, plus

3 “(II) an amount to reflect the change in
4 the consumer price index over the preceding fis-
5 cal year, which shall be determined by the Sec-
6 retary of the Treasury by multiplying such
7 change times the amount available for the pre-
8 ceding fiscal year.

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

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

21 “(i) certify in writing to the Secretary of the
22 Treasury and to each State fish and game
23 department—

1 “(I) the amount apportioned under sub-
2 paragraph (A) to each State in the most recent
3 apportionment under that subparagraph; and

4 “(II) amounts obligated by the Secretary
5 during the fiscal year for administration of this
6 Act; and

7 “(ii) publish in the Federal Register the
8 amounts so certified.

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

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

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

1 “REQUIREMENTS AND RESTRICTIONS REGARDING USE OF
2 AMOUNTS FOR ADMINISTRATION

3 “SEC. 9. (a) AUTHORIZED ADMINISTRATIVE
4 COSTS.—The Secretary may use amounts under section
5 4(a)(1) only for administration expenses that directly sup-
6 port the implementation of this Act and that consist of
7 any of the following:

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

10 “(2) Personnel costs of any employee who di-
11 rectly administers this Act on a part-time basis for
12 at least 20 hours each week, not to exceed the por-
13 tion of such costs incurred with respect to the work
14 hours of such employee during which the employee
15 directly administers this Act, as such hours are cer-
16 tified by the supervisor of the employee.

17 “(3) Support costs directly associated with per-
18 sonnel costs authorized under paragraphs (1) and
19 (2) of this subsection not including costs associated
20 with staffing and operation of regional offices of the
21 United States Fish and Wildlife Service and the De-
22 partment of the Interior, other than for purposes of
23 this Act.

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 sportfish 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, section 10, or
9 section 11.

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

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

20 “(12) Costs to audit, evaluate, approve, dis-
21 approve, and advise concerning grants under section
22 6, section 10, or section 11.

23 “(b) UNAUTHORIZED COSTS.—Use of funds for a
24 cost to administer this Act shall not be authorized because
25 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(a)(1) 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 at the time such findings are submitted
23 to the Inspector General of the Department of the Inte-
24 rior.

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 shall within 3 months after each fiscal year certify
8 in writing to the Committee on Resources of the House
9 of Representatives and the Committee on Environment
10 and Public Works of the Senate the following for the fiscal
11 year:

12 “(A) The amount of funds used under section
13 4(a)(1) and a breakdown of categories for which
14 such funds were expended.

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

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

19 “(D) That all funds expended under section
20 4(a)(1) were necessary for administration of this
21 Act.

22 “(E) The Secretary, the Assistant Secretary for
23 Fish and Wildlife and Parks, the Director of the
24 United States Fish and Wildlife Service, and the As-
25 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) Within 60 days after the start of each fiscal
8 year, the Assistant Director for Wildlife and Sport Fish
9 Restoration Programs shall provide to the Committee on
10 Resources of the House of Representatives and the Com-
11 mittee on Environment and Public Works of the Senate
12 the following for the fiscal year:

13 “(A) The amount of funds that will be ex-
14 pended in the fiscal year under section 4(a)(1) and
15 a breakdown of categories for which such funds will
16 be expended.

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

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

21 “(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR
22 WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—
23 Within 1 month after the end of each fiscal year, the As-
24 sistant Director for Wildlife and Sport Fish Restoration
25 Programs shall—

1 “(1) certify that—

2 “(A) all amounts expended in that fiscal
3 year to administer this Act in agency head-
4 quarters and in regional offices of the United
5 State Fish and Wildlife Service were used in ac-
6 cordance with this Act; and

7 “(B) all such expenditures were necessary
8 to administer this Act; and

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

11 **SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND**
12 **SAFETY PROGRAM GRANTS.**

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

16 “FIREARM AND BOW HUNTER EDUCATION AND SAFETY
17 PROGRAM GRANTS

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

24 “(1) Grants to States for the enhancement of
25 hunter education programs, hunter and sporting

1 firearm safety programs, and hunter development
2 programs.

3 “(2) Grants for the enhancement of interstate
4 coordination and development of hunter education
5 and shooting range programs.

6 “(3) Grants to States for the enhancement of
7 bow hunter and archery education, safety, and devel-
8 opment programs.

9 “(4) Grants to States for the enhancement of
10 construction or development of firearm shooting
11 ranges and archery ranges, and updating safety fea-
12 tures of firearm shooting ranges and archery ranges.

13 “(b) COST-SHARING.—The Federal share of the cost
14 of any activity carried out with a grant under this section
15 may not exceed 75 percent of the total cost of the activity
16 and the remainder of the cost shall come from a non-Fed-
17 eral source.

18 “(c) PERIOD OF AVAILABILITY; REAPPORTION-
19 MENT.—Amounts available under this subsection shall re-
20 main available for 1 fiscal year, after which all unobligated
21 balances shall be apportioned among the States in the
22 manner specified in section 4(b).”.

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

24 The Wildlife Restoration Act is further amended by
25 inserting after section 10 the following:

1 “MULTI-STATE CONSERVATION GRANT PROGRAM

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

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

10 “(b) SELECTION OF PROJECTS.—(1) A project shall
11 not be eligible for a grant under this section unless it will
12 benefit at least 26 States, a majority of the States in a
13 region of the United States Fish and Wildlife Service, or
14 a regional association of State fish and game departments.

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

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

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

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

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

9 “(B) In preparing any priority list under this para-
10 graph, the International Association of Fish and Wildlife
11 Agencies shall consult with nongovernmental organiza-
12 tions that represent conservation organizations, sportsmen
13 organizations, and industries that support or promote
14 hunting, trapping, recreational shooting, bow hunting, or
15 archery.

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

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

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

22 “(B) subject to paragraph (2), a nongovern-
23 mental organization.

24 “(2) Any nongovernmental organization applying for
25 a grant under this section shall submit with the applica-

1 tion to the International Association of Fish and Wildlife
2 Agencies a certification that the organization does not pro-
3 mote or encourage opposition to regulated hunting or
4 trapping of wildlife, and will use any funds awarded pursu-
5 ant to this section in compliance with subsection (d).

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

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

16 “(e) CLARIFICATION.—No activities undertaken by
17 the personnel of State fish and game departments under
18 this section shall constitute advice or recommendations for
19 one or more agencies or officers of the Federal Govern-
20 ment.”.

21 **SEC. 104. MISCELLANEOUS PROVISIONS.**

22 Section 5 of the Wildlife Restoration Act (16 U.S.C.
23 669d) is amended by inserting “, at the time such deduc-
24 tion or apportionment is made” after “he has apportioned
25 to each State”.

1 **TITLE II—SPORT FISH**
2 **RESTORATION**

3 **SEC. 201. EXPENDITURES FOR ADMINISTRATION.**

4 (a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—

5 Section 4(d) of the Sport Fish Restoration Act (16 U.S.C.
6 777c(d)) is amended to read as follows:

7 “(d)(1)(A) Of the balance of each such annual appro-
8 priation remaining after the distribution and use under
9 subsections (a), (b), and (c) of this section and section
10 14, the Secretary of the Interior may use up to the amount
11 specified in subparagraph (B) for expenses to administer
12 this Act, in accordance with this subsection and section
13 9.

14 “(B) The amount referred to in subparagraph (A) is
15 the following:

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

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

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

19 “(iv) In fiscal year 2004 and each fiscal year
20 thereafter—

21 “(I) the amount available for the preceding
22 fiscal year, plus

23 “(II) an amount to reflect the change in
24 the consumer price index over the preceding fis-
25 cal year, which shall be determined by the Sec-

1 retary of the Treasury by multiplying such
2 change times the amount available for the pre-
3 ceding fiscal year.

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

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

18 “REQUIREMENTS AND RESTRICTIONS REGARDING USE OF
19 AMOUNTS FOR ADMINISTRATION

20 “SEC. 9. (a) AUTHORIZED ADMINISTRATION
21 COSTS.—The Secretary of the Interior may use amounts
22 under section 4(d) only for administration expenses that
23 directly support the implementation of this Act and that
24 consist of any of the following:

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

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

8 “(3) Support costs directly associated with per-
9 sonnel costs authorized under paragraphs (1) and
10 (2).

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

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

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

21 “(B) for those costs not determinable pur-
22 suant to subparagraph (A), an amount per full-
23 time equivalent employee authorized pursuant
24 to paragraphs (1) and (2) that does not exceed
25 the amount charged or assessed for such costs

1 per full-time equivalent employee for any other
2 division or program of the United States Fish
3 and Wildlife Service.

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

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

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

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

17 “(10) Costs of travel outside of the United
18 States (except travel to Canada) that relates to ad-
19 ministration of this Act and that is approved directly
20 by the Assistant Secretary for Fish and Wildlife and
21 Parks.

22 “(11) Relocation expenses for personnel who,
23 after relocation, will administer this Act on a full-
24 time basis for at least 1 year, as certified by the Di-

1 rector of the United States Fish and Wildlife Service
2 at the time such relocation expenses are incurred.

3 “(12) Costs to audit, evaluate, approve, dis-
4 approve, and advise concerning grants under section
5 6 and section 14.

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

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

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

20 “(2) Audits under this subsection shall be performed
21 under contracts that are awarded under competitive proce-
22 dures (as that term is defined in section 4 of the Office
23 of Federal Procurement Policy Act (41 U.S.C. 403)), by
24 a person that is not associated in any way with the De-
25 partment of the Interior.

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

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

13 “(e) CERTIFICATION BY SECRETARY.—(1) The Sec-
14 retary of the Interior shall within 3 months after each fis-
15 cal year certify in writing to the Committee on Resources
16 of the House of Representatives and the Committee on
17 Environment and Public Works of the Senate the fol-
18 lowing for the fiscal year:

19 “(A) The amount of funds used under section
20 4(d) and a breakdown of categories for which such
21 funds were expended.

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

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

1 “(D) That all funds expended under section
2 4(d) were necessary for administration of this Act.

3 “(E) The Secretary, Assistant Secretary for
4 Fish and Wildlife and Parks, the Director of the
5 United States Fish and Wildlife Service, and the As-
6 sistant Director for Wildlife and Sport Fish Restora-
7 tion Programs each properly discharged their duties
8 under this Act.

9 “(2) The Secretary may not delegate the responsi-
10 bility to make certifications under paragraph (1) except
11 to the Assistant Secretary for Fish and Wildlife and
12 Parks.

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

15 “(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR
16 WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—
17 Within 1 month after the end of each fiscal year, the As-
18 sistant Director for Wildlife and Sport Fish Restoration
19 Programs shall—

20 “(1) certify that—

21 “(A) all amounts expended in that fiscal
22 year to administer this Act in agency head-
23 quarters and in regional offices of the United
24 States Fish and Wildlife Service were used in
25 accordance with this Act; and

1 “(B) all such expenditures were necessary
2 to administer this Act; and

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

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

6 (a) ESTABLISHMENT OF PROGRAM.—The Sport Fish
7 Restoration Act is amended by striking the second section
8 13 (16 U.S.C. 777 note) and inserting the following:

9 “MULTI-STATE CONSERVATION GRANT PROGRAM

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

17 “(2) Amounts available under this subsection shall
18 remain available for 2 fiscal years, after which all unobli-
19 gated balances shall be apportioned in the manner speci-
20 fied in section 4(e).

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

1 “(2) The Secretary of the Interior may award grants
2 under this section based only on a priority list of sportfish
3 restoration projects prepared and submitted by State fish
4 and game departments acting through the International
5 Association of Fish and Wildlife Agencies each fiscal year
6 in accordance with paragraph (3).

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

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

12 “(ii) approve each priority list by a majority of
13 the heads of State fish and game departments (or
14 their designees); and

15 “(iii) submit each priority list by not later than
16 October 1 of each fiscal year to the Secretary of the
17 Interior.

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

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

4 “(c) ELIGIBLE GRANTEES.—(1) The Secretary of the
5 Interior may make a grant under this section only to—

6 “(A) a State or group of States; or

7 “(B) subject to paragraph (2) a nongovern-
8 mental organization.

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

16 “(3) Any nongovernmental organization that is found
17 to promote or encourage opposition to the regulated taking
18 of fish or does not use funds in compliance with subsection
19 (d) shall return all funds received and be subject to any
20 other penalties under law.

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

1 “(e) CLARIFICATION.—No activities undertaken by
2 the personnel of State fish and game departments, other
3 State agencies, or organizations of State fish and game
4 departments under this section shall constitute advice or
5 recommendations for one or more agencies or officers of
6 the Federal Government.

7 “(f) FUNDING FOR MARINE FISHERIES COMMIS-
8 SIONS.—Of the balance of each annual appropriation
9 made in accordance with section 3 remaining after the dis-
10 tribution and use under subsections (a), (b), and (c) of
11 section 4 each fiscal year and after deducting amounts
12 used for grants under subsection (a) of this section,
13 \$200,000 shall be available for each of—

14 “(1) the Atlantic States Marine Fisheries Com-
15 mission;

16 “(2) the Gulf States Marine Fisheries Commis-
17 sion;

18 “(3) the Pacific States Marine Fisheries Com-
19 mission; and

20 “(4) the Great Lakes Fisheries Commission.”.

21 (b) CONFORMING AMENDMENTS.—Section 4 of the
22 Sport Fish Restoration Act (16 U.S.C. 777c) is amended
23 in subsection (e) by inserting “of this section and section
24 14” after “subsections (a), (b), (c), and (d)”.

1 **SEC. 203. CERTIFICATIONS.**

2 Section 5 of the Sport Fish Restoration Act (16
3 U.S.C. 777d) is amended—

4 (1) by striking “SEC. 5.” and inserting the fol-
5 lowing:

6 “CERTIFICATIONS
7 “SEC. 5. (a) ADMINISTRATIVE DEDUCTION AND
8 STATE APPORTIONMENTS.—”;

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

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

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

18 “(1) certify in writing to the Secretary of the
19 Treasury and to each State fish and game
20 department—

21 “(A) the amount apportioned under section
22 4(d)(2) to each State in the most recent appor-
23 tionment under that section for that fiscal year;
24 and

1 “(B) amounts obligated by the Secretary
2 during the fiscal year for administration of this
3 Act; and

4 “(2) publish in the Federal Register the
5 amounts so certified.

6 “(c) CERTIFICATION BY ASSISTANT DIRECTOR.—(1)
7 Within 60 days after the start of each fiscal year, the As-
8 sistant Director for Wildlife and Sport Fish Restoration
9 Programs shall provide to the Committee on Resources of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate the following for
12 the fiscal year:

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

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

19 “(2) The Secretary of the Interior shall promptly
20 publish in the Federal Register each certification under
21 this subsection.”.

22 **SEC. 204. PERIOD OF AVAILABILITY.**

23 Section 4(f) of the Sport Fish Restoration Act (16
24 U.S.C. 777c) is amended by striking the first sentence.

1 **SEC. 205. CONFORMING AMENDMENT.**

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

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

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

11 The programs established under the Wildlife Restora-
12 tion Act and the Sport Fish Restoration Act may be collec-
13 tively referred to as the Federal Assistance Program for
14 State Wildlife and Sport Fish Restoration Programs.

15 **SEC. 302. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT**
16 **FISH RESTORATION PROGRAMS.**

17 (a) **ESTABLISHMENT.**—There is established within
18 the United States Fish and Wildlife Service of the Depart-
19 ment of the Interior an Assistant Director for Wildlife and
20 Sport Fish Restoration Programs.

21 (b) **SUPERIOR.**—The Assistant Director for Wildlife
22 and Sport Fish Restoration Programs shall report directly
23 to the Director of the United States Fish and Wildlife
24 Service.

25 (c) **RESPONSIBILITIES.**—The Assistant Director for
26 Wildlife and Sport Fish Restoration Programs shall be re-

1 sponsible for the administration, management, and over-
2 sight of the Federal Assistance Program for State Wildlife
3 and Sport Fish Restoration Programs under the Wildlife
4 Restoration Act and the Sport Fish Restoration Act.

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

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

11 **SEC. 304. IMPLEMENTATION REPORT.**

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

19 (b) **CONTENTS.**—The report required by this section
20 shall indicate—

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

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

5 (3) any other information regarding the imple-
6 mentation of this Act that the Secretary considers
7 appropriate.

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

9 No funds authorized pursuant to this Act may be ex-
10 pended by an entity unless the entity agrees that in ex-
11 pending the assistance the entity will comply with sections
12 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
13 10c, popularly known as the “Buy American Act”).

14 **SEC. 306. SENSE OF THE CONGRESS; REQUIREMENT RE-**
15 **GARDING NOTICE.**

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

23 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
24 providing financial assistance under this Act, the Sec-
25 retary of the Interior shall provide to each recipient of the

1 assistance a notice describing the statement made in sub-
2 section (a) by the Congress.

3 **SEC. 307. PROHIBITION OF CONTRACTS.**

4 If it has been finally determined by a court or Federal
5 agency that any person intentionally affixed a label bear-
6 ing a “Made in America” inscription, or any inscription
7 with the same meaning, to any product sold in or shipped
8 to the United States that is not made in the United
9 States, such person shall be ineligible to receive any con-
10 tract or subcontract made with funds provided pursuant
11 to this Act, pursuant to the debarment, suspension, and
12 ineligibility procedures described in sections 9.400 through
13 9.409 of title 48, Code of Federal Regulations.

Passed the House of Representatives April 5, 2000.

Attest:

JEFF TRANDAHL,

Clerk.