

Union Calendar No. 301

106TH CONGRESS
2D SESSION

H. R. 3671

[Report No. 106-554]

A BILL

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.

MARCH 30, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2000

Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. DELAY, Mr. PICKETT, Mr. DUNCAN, Mr. JOHN, Mr. POMBO, Mrs. CHENOWETH-HAGE, Mr. RADANOVICH, Mr. THORNBERRY, Mr. SCHAFFER, Mr. HAYES, Mr. SIMPSON, Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mrs. CUBIN, and Mr. HILL of Montana) introduced the following bill; which was referred to the Committee on Resources

MARCH 30, 2000

Additional sponsors: Mr. CUNNINGHAM, Mr. BARCIA, Mr. RYUN of Kansas, Mr. WALDEN of Oregon, Mr. DOOLITTLE, Mr. WELDON of Pennsylvania, Mr. PICKERING, Mr. MCHUGH, Mr. SUNUNU, Mr. PETERSON of Minnesota, Mr. CANNON, Mr. CALVERT, Mr. STUPAK, Mr. SHERWOOD, Mr. SOUDER, Mr. SHUSTER, Ms. PRYCE of Ohio, and Mr. CHAMBLISS

MARCH 30, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 16, 2000]

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 Fish*
5 *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 seq.),*
11 *popularly known as the Federal Aid in Wildlife Res-*
12 *toration Act and as the Pittman-Robertson Wildlife*
13 *Restoration Act.*

1 *in fiscal year 2004, such amount, adjusted annually to re-*
2 *flect the changes in the Consumer Price Index, not to exceed*
3 *\$7,000,000, may be used by the Secretary for expenses to*
4 *administer this Act, in accordance with this subsection and*
5 *section 9.*

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

16 “(B) *Within 30 days after the end of each fiscal year,*
17 *the Secretary shall—*

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

21 “(I) *the amount apportioned under sub-*
22 *paragraph (A) to each State in the most recent*
23 *apportionment under that subparagraph; and*

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

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

10 “(3) *Support costs directly associated with per-*
11 *sonnel costs authorized under paragraphs (1) and (2)*
12 *of this subsection not including costs associated with*
13 *staffing and operation of regional offices of the United*
14 *States Fish and Wildlife Service and the Department*
15 *of the Interior, other than for purposes of this Act.*

16 “(4) *Costs to evaluate, approve, disapprove, and*
17 *advise concerning comprehensive fish and wildlife re-*
18 *source management plans under section 6(a)(1) and*
19 *wildlife restoration projects under section 6(a)(2).*

20 “(5) *Overhead costs, including general adminis-*
21 *trative services, that are directly attributable to ad-*
22 *ministration of this Act based on—*

23 “(A) *actual costs, as determined by a direct*
24 *cost allocation methodology approved by the Di-*

1 *rector of the Office of Management and Budget*
2 *for use by Federal agencies; and*

3 “(B) *for those costs not determinable pursu-*
4 *ant to subparagraph (A), an amount per full-*
5 *time equivalent employee authorized pursuant to*
6 *paragraphs (1) and (2) that does not exceed the*
7 *amount charged or assessed for such costs per*
8 *full-time equivalent employee for any other divi-*
9 *sion or program of the United States Fish and*
10 *Wildlife Service.*

11 “(6) *Costs incurred in auditing the wildlife and*
12 *sportfish activities of each State fish and game de-*
13 *partment and the use of funds under section 6 by*
14 *each State fish and game department every 5 years.*

15 “(7) *Costs of audits under subsection (d).*

16 “(8) *Costs of necessary training of Federal and*
17 *State full-time personnel who administer this Act to*
18 *improve administration of this Act.*

19 “(9) *Costs of travel to the States, territories, and*
20 *Canada by personnel who administer this Act on a*
21 *full-time basis for purposes directly related to admin-*
22 *istration of State programs or projects, or who ad-*
23 *minister grants under section 6, section 10, or section*
24 *11.*

1 “(10) *Costs of travel outside of the United States*
2 *(except travel to Canada) that relates directly to ad-*
3 *ministration of this Act and that is approved directly*
4 *by the Assistant Secretary for Fish and Wildlife and*
5 *Parks.*

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

11 “(12) *Costs to audit, evaluate, approve, dis-*
12 *approve, and advise concerning grants under section*
13 *6, section 10, or section 11.*

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

17 “(c) *RESTRICTION ON USE TO SUPPLEMENT GENERAL*
18 *APPROPRIATIONS.—The Secretary may not use amounts*
19 *under section 4(a)(1) to supplement any function for which*
20 *general appropriations are made for the United States Fish*
21 *and Wildlife Service or any other entity of the Department*
22 *of the Interior.*

23 “(d) *AUDIT REQUIREMENT.—(1) The Inspector Gen-*
24 *eral of the Department of the Interior shall procure the con-*
25 *duct of biennial audits, in accordance with generally ac-*

1 *cepted accounting principles, of expenditures of amounts*
2 *used by the Secretary for administration of this Act.*

3 “(2) *Audits under this subsection shall be performed*
4 *under contracts that are awarded under competitive proce-*
5 *dures (as that term is defined in section 4 of the Office of*
6 *Federal Procurement Policy Act (41 U.S.C. 403)), by a per-*
7 *son that is not associated in any way with the Department*
8 *of the Interior.*

9 “(3) *The auditor selected pursuant to paragraph (1)*
10 *shall report to, and be supervised by, the Inspector General*
11 *of the Department of the Interior, except that the auditor*
12 *shall submit a copy of the biennial audit findings to the*
13 *Secretary at the time such findings are submitted to the*
14 *Inspector General of the Department of the Interior.*

15 “(4) *The Inspector General of the Department of the*
16 *Interior shall promptly report to the Committee on Re-*
17 *sources of the House of Representatives and the Committee*
18 *on Environment and Public Works of the Senate on the re-*
19 *sults of each such audit.*

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

1 “(A) *The amount of funds used under section*
2 *4(a)(1) and a breakdown of categories for which such*
3 *funds were expended.*

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

6 “(C) *The results of the audits performed pursu-*
7 *ant to subsection (d).*

8 “(D) *That all funds expended under section*
9 *4(a)(1) were necessary for administration of this Act.*

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

16 “(2) *The Secretary may not delegate the responsibility*
17 *to make certifications under paragraph (1) except to the*
18 *Assistant Secretary for Fish and Wildlife and Parks.*

19 “(3) *Within 60 days after the start of each fiscal year,*
20 *the Assistant Director for Wildlife and Sport Fish Restora-*
21 *tion Programs shall provide to the Committee on Resources*
22 *of the House of Representatives and the Committee on Envi-*
23 *ronment and Public Works of the Senate the following for*
24 *the fiscal year:*

1 “(A) *The amount of funds that will be expended*
2 *in the fiscal year under section 4(a)(1) and a break-*
3 *down of categories for which such funds will be ex-*
4 *pended.*

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

7 “(4) *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 Assist-*
12 *ant Director for Wildlife and Sport Fish Restoration Pro-*
13 *grams 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 *State Fish and Wildlife Service were used in ac-*
19 *cordance with this Act; and*

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

22 “(2) *distribute such certifications to each State*
23 *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 fire-*
16 *arm safety programs, and hunter development pro-*
17 *grams.*

18 “(2) *Grants for the enhancement of interstate co-*
19 *ordination and development of hunter education pro-*
20 *grams.*

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

24 “(4) *Grants to States for the enhancement of*
25 *construction or enhancement 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 of*
4 *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-Federal*
7 *source.*

8 *“(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—*
9 *Amounts available under this subsection shall remain avail-*
10 *able for 1 fiscal year, after which all unobligated balances*
11 *shall be apportioned among the States in the manner speci-*
12 *fied in section 4(b).”.*

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

14 *The Wildlife Restoration Act is further amended by in-*
15 *serting after section 10 the following:*

16 *“MULTI-STATE CONSERVATION GRANT PROGRAM*

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

21 *“(2) Amounts available under this subsection shall re-*
22 *main available for two fiscal years, after which all unobli-*
23 *gated balances shall be apportioned in the manner specified*
24 *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 re-
2 gion of the United States Fish and Wildlife Service, or a
3 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 accordance
9 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 game
14 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 Director
20 for Wildlife and Sport Fish Restoration Programs,
21 who shall accept such list on behalf of the Secretary.

22 “(B) In preparing any priority list under this para-
23 graph, the International Association of Fish and Wildlife
24 Agencies shall consult with nongovernmental organizations
25 that represent conservation organizations, sportsmen orga-

1 nizations, and industries that support or promote hunting,
2 trapping, recreational shooting, bow hunting, or archery.

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

6 “(c) *ELIGIBLE GRANTEES.—(1) The Secretary may*
7 *make a grant under this section only to—*

8 “(A) *a State or group of States; or*

9 “(B) *subject to paragraph (2), a nongovern-*
10 *mental organization.*

11 “(2) *Any nongovernmental organization applying for*
12 *a grant under this section shall submit with the application*
13 *to the International Association of Fish and Wildlife Agen-*
14 *cies a certification that the organization does not promote*
15 *or encourage opposition to regulated hunting or trapping*
16 *of regulated wildlife, and will use any funds awarded pur-*
17 *suant to this section in compliance with subsection (d).*

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

23 “(d) *USE OF GRANTS.—Amounts provided as a grant*
24 *under this section may not be used for education, activities,*

1 *projects, or programs that promote or encourage opposition*
2 *to regulated hunting or trapping of regulated wildlife.*

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

7 **SEC. 104. MISCELLANEOUS PROVISIONS.**

8 *Section 5 of the Wildlife Restoration Act (16 U.S.C.*
9 *669d) is amended by inserting “, at the time such deduction*
10 *or apportionment is made” after “he has apportioned to*
11 *each State”.*

12 **TITLE II—SPORT FISH**
13 **RESTORATION**

14 **SEC. 201. EXPENDITURES FOR ADMINISTRATION.**

15 (a) *ANNUAL SET-ASIDE FOR ADMINISTRATION.—Sec-*
16 *tion 4(d) of the Sport Fish Restoration Act (16 U.S.C.*
17 *777c(d)) is amended to read as follows:*

18 “(d)(1) *Of the balance of each such annual appropri-*
19 *ation remaining after the distribution and use under sub-*
20 *sections (a), (b), and (c) of this section and section 14, up*
21 *to \$5,000,000 may be used by the Secretary of the Interior*
22 *for expenses in accordance with this subsection and section*
23 *9 in each of the fiscal years 2001, 2002, and 2003. Of the*
24 *balance of each such annual appropriation remaining after*
25 *the distribution and use under subsections (a), (b), and (c)*

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

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

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

12 “(4) *Costs to evaluate, approve, disapprove, and*
13 *advise concerning comprehensive fish and wildlife re-*
14 *source management plans under section 6(a)(1) and*
15 *fish restoration and management projects under sec-*
16 *tion 6(a)(2).*

17 “(5) *Overhead costs, including general adminis-*
18 *trative services, that are directly attributable to ad-*
19 *ministration of this Act 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) *for those costs not determinable pursu-*
25 *ant to subparagraph (A), an amount per full-*

1 *time equivalent employee authorized pursuant to*
2 *paragraphs (1) and (2) that does not exceed the*
3 *amount charged or assessed for such 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 the wildlife and*
8 *sport fish activities of each State fish and game de-*
9 *partment and the use of funds under section 6 by*
10 *each State fish and game department every 5 years.*

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 the States, territories, and*
16 *Canada by personnel who administer this Act on a*
17 *full-time basis for purposes directly related to admin-*
18 *istration of State programs or projects, or who ad-*
19 *minister grants under section 6 or section 14.*

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

24 “(11) *Relocation expenses for personnel who,*
25 *after relocation, will administer this Act on a full-*

1 *time basis for at least 1 year, as certified by the Di-*
2 *rector of the United States Fish and Wildlife Service*
3 *at the time such relocation expenses are incurred.*

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

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

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

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

21 “(2) *Audits under this subsection shall be performed*
22 *under contracts that are awarded under competitive proce-*
23 *dures (as that term is defined in section 4 of the Office of*
24 *Federal Procurement Policy Act (41 U.S.C. 403)), by a per-*

1 *son that is not associated in any way with the Department*
2 *of the Interior.*

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

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

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

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

24 “(B) *The amount of funds apportioned to States*
25 *under section 4(d)(2)(A).*

1 “(C) *The results of the audits performed pursu-*
2 *ant to subsection (d).*

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

5 “(E) *The Secretary, Assistant Secretary for Fish*
6 *and Wildlife and Parks, the Director of the United*
7 *States Fish and Wildlife Service, and the Assistant*
8 *Director for Wildlife and Sport Fish Restoration Pro-*
9 *grams each properly discharged their duties under*
10 *this Act.*

11 “(2) *The Secretary may not delegate the responsibility*
12 *to make certifications under paragraph (1) except to the*
13 *Assistant Secretary for Fish and Wildlife and Parks.*

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

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

21 “(1) *certify that—*

22 “(A) *all amounts expended in that fiscal*
23 *year to administer this Act in agency head-*
24 *quarters and in regional offices of the United*

1 *States Fish and Wildlife Service were used in ac-*
2 *cordance with this Act; and*

3 “(B) *all such expenditures were necessary to*
4 *administer this Act; and*

5 “(2) *distribute such certifications to each State*
6 *fish and game department.”.*

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

8 (a) *ESTABLISHMENT OF PROGRAM.—The Sport Fish*
9 *Restoration Act is amended by striking the second section*
10 *13 (16 U.S.C. 777 note) and inserting the following:*

11 “*MULTI-STATE CONSERVATION GRANT PROGRAM*

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

19 “(2) *Amounts available under this subsection shall re-*
20 *main available for 2 fiscal years, after which all unobli-*
21 *gated balances shall be apportioned in the manner specified*
22 *in section 4(e).*

23 “(b) *SELECTION OF PROJECTS.—(1) A project shall*
24 *not be eligible for a grant under this section unless it will*
25 *benefit at least 26 States, a majority of the States in a re-*

1 *gion of the Fish and Wildlife Service, or a regional associa-*
2 *tion of State fish and game departments.*

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

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

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

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

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

20 “(B) *In preparing any priority list under this para-*
21 *graph, the International Association of Fish and Wildlife*
22 *Agencies shall consult with nongovernmental organizations*
23 *that represent conservation organizations, sportsmen orga-*
24 *nizations, and industries that fund the Sport Fish Restora-*
25 *tion 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 nongovernmental*
8 *organization.*

9 “(2) *Any nongovernmental organization applying for*
10 *a grant under this section shall submit with the application*
11 *to the International Association of Fish and Wildlife Agen-*
12 *cies a certification that the organization does not promote*
13 *or encourage opposition to the regulated taking of fish and*
14 *will use any funds awarded pursuant to this section in com-*
15 *pliance 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, activities,*
23 *projects, or programs that promote or encourage opposition*
24 *to the regulated taking of fish.*

1 “(e) *CLARIFICATION.*—No activities undertaken by the
2 personnel of State fish and game departments, other State
3 agencies, or organizations of State fish and game depart-
4 ments under this section shall constitute advice or rec-
5 ommendations for 1 or more agencies or officers of the Fed-
6 eral Government.

7 “(f) *FUNDING FOR MARINE FISHERIES COMMIS-*
8 *SIONS.*—Of the balance of each annual appropriation made
9 in accordance with section 3 remaining after the distribu-
10 tion and use under subsections (a), (b), and (c) of section
11 4 each fiscal year and after deducting amounts used for
12 grants under subsection (a) of this section, \$200,000 shall
13 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 U.S.C.*
3 *777d) is amended—*

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

6 *“CERTIFICATIONS*

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

9 *(2) in subsection (a) (as designated by the*
10 *amendment made by paragraph (1) of this section) by*
11 *inserting “, at the time such deduction or apporportion-*
12 *ment is made” after “apportioned to each State for*
13 *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 year,*
17 *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 amounts
5 so certified.

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

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

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 pub-
20 lish in the Federal Register each certification under this
21 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 **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 the*
11 *United States Fish and Wildlife Service of the Department*
12 *of the Interior an Assistant Director for Wildlife and Sport*
13 *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 Serv-*
17 *ice.*

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 Depart-*
3 *ment of the Interior, or any similar position, is abolished*
4 *and the duties of that position shall be the responsibility*
5 *of the Assistant Director for Wildlife and Sport Fish Res-*
6 *toration Programs.*