

106TH CONGRESS
2D SESSION

S. 2609

To amend 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 to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2000

Mr. CRAIG (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend 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 to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation 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,*

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

2 (a) SHORT TITLES.—

3 (1) THIS ACT.—This Act may be cited as the
4 “Wildlife and Sport Fish Restoration Programs Im-
5 provement Act of 2000”.

6 (2) PITTMAN-ROBERTSON WILDLIFE RESTORA-
7 TION ACT.—The Act of September 2, 1937 (16
8 U.S.C. 669 et seq.), is amended by adding at the
9 end the following:

10 **“SEC. 14. SHORT TITLE.**

11 “This Act may be cited as the ‘Pittman-Robertson
12 Wildlife Restoration Act’.”.

13 (3) DINGELL-JOHNSON SPORT FISH RESTORA-
14 TION ACT.—The Act of August 9, 1950 (16 U.S.C.
15 777 et seq.), is amended by adding at the end the
16 following:

17 **“SEC. 16. SHORT TITLE.**

18 “This Act may be cited as the ‘Dingell-Johnson Sport
19 Fish Restoration Act’.”.

20 (b) TABLE OF CONTENTS.—The table of contents of
21 this 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.

Sec. 104. Miscellaneous provision.

TITLE II—SPORT FISH RESTORATION

Sec. 201. Expenditures for administration.
 Sec. 202. Multistate conservation grant program.
 Sec. 203. Certifications.
 Sec. 204. Period of availability.
 Sec. 205. Conforming amendment.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 301. Designation of programs.
 Sec. 302. Assistant Director for Wildlife and Sport Fish Restoration Programs.
 Sec. 303. Chief of Division of Federal Aid.
 Sec. 304. Implementation report.

1 **TITLE I—WILDLIFE** 2 **RESTORATION**

3 **SEC. 101. EXPENDITURES FOR ADMINISTRATION.**

4 (a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

5 Section 4 of the Pittman-Robertson Wildlife Restoration
 6 Act (16 U.S.C. 669c) is amended—

7 (1) by redesignating subsection (b) as sub-
 8 section (c);

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

12 **“SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAIL-**
 13 **ABLE AMOUNTS.**

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

15 “(1) IN GENERAL.—

16 “(A) SET-ASIDE.—For fiscal year 2001
 17 and each fiscal year thereafter, of the revenues
 18 (excluding interest accruing under section 3(b))
 19 covered into the fund for the fiscal year, the
 20 Secretary of the Interior may use not more

1 than the available amount specified in subpara-
 2 graph (B) for the fiscal year for administrative
 3 expenses incurred in implementation of this
 4 Act, in accordance with this subsection and sec-
 5 tion 9.

6 “(B) AVAILABLE AMOUNTS.—The available
 7 amount referred to in subparagraph (A) is—

8 “(i) for fiscal year 2001, \$7,090,000;

9 “(ii) for fiscal year 2002, \$6,710,000;

10 “(iii) for fiscal year 2003, \$6,330,000;

11 and

12 “(iv) for fiscal year 2004 and each fis-
 13 cal year thereafter, the sum of—

14 “(I) the available amount for the
 15 preceding fiscal year; and

16 “(II) the amount determined by
 17 multiplying—

18 “(aa) the available amount
 19 for the preceding fiscal year; and

20 “(bb) the change, relative to
 21 the preceding fiscal year, in the
 22 Consumer Price Index for All
 23 Urban Consumers published by
 24 the Department of Labor.

1 “(2) PERIOD OF AVAILABILITY; APPORTION-
2 MENT OF UNOBLIGATED AMOUNTS.—

3 “(A) IN GENERAL.—

4 “(i) PERIOD OF AVAILABILITY.—For
5 each fiscal year, the available amount
6 under paragraph (1) shall remain available
7 for obligation for use under that paragraph
8 until the end of the fiscal year.

9 “(ii) APPORTIONMENT OF UNOBLI-
10 GATED AMOUNTS.—Not later than 60 days
11 after the end of a fiscal year, the Secretary
12 of the Interior shall apportion among the
13 States any of the available amount under
14 paragraph (1) that remains unobligated at
15 the end of the fiscal year, on the same
16 basis and in the same manner as other
17 amounts made available under this Act are
18 apportioned among the States for the fiscal
19 year.

20 “(B) CERTIFICATION AND PUBLICATION
21 OF AMOUNTS.—Not later than 30 days after
22 the end of each fiscal year, the Secretary of the
23 Interior shall—

1 “(i) certify in writing to the Secretary
2 of the Treasury and to each State fish and
3 game department—

4 “(I) the amount apportioned
5 under subparagraph (A) to each State
6 in the most recent apportionment
7 under that subparagraph; and

8 “(II) the amounts obligated by
9 the Secretary of the Interior during
10 the fiscal year for administrative ex-
11 penses incurred in implementation of
12 this Act; and

13 “(ii) publish in the Federal Register
14 the amounts certified under clause (i).

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

16 (3) in subsection (b) (as designated by para-
17 graph (2)), by striking “after making the aforesaid
18 deduction, shall apportion, except as provided in
19 subsection (b) of this section,” and inserting “after
20 deducting the available amount under subsection (a),
21 the amount apportioned under subsection (c), any
22 amount apportioned under section 8A, and amounts
23 provided as grants under sections 10 and 11, shall
24 apportion”.

1 (b) REQUIREMENTS AND RESTRICTIONS CON-
2 CERNING USE OF AMOUNTS FOR ADMINISTRATIVE EX-
3 PENSES.—Section 9 of the Pittman-Robertson Wildlife
4 Restoration Act (16 U.S.C. 669h) is amended to read as
5 follows:

6 **“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING**
7 **USE OF AMOUNTS FOR ADMINISTRATIVE EX-**
8 **PENSES.**

9 “(a) AUTHORIZED ADMINISTRATIVE COSTS.—The
10 Secretary of the Interior may use available amounts under
11 section 4(a)(1) only for administrative expenses that di-
12 rectly support the implementation of this Act, consisting
13 of—

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

16 “(2) personnel costs of employees who directly
17 administer this Act on a part-time basis for at least
18 20 hours each week, not to exceed the portion of
19 those costs incurred with respect to the work hours
20 of an employee during which the employee directly
21 administers this Act, as those hours are certified by
22 the supervisor of the employee;

23 “(3) support costs directly associated with per-
24 sonnel costs authorized under paragraphs (1) and
25 (2), excluding costs associated with staffing and op-

1 eration of regional offices of the United States Fish
2 and Wildlife Service and the Department of the In-
3 terior other than for the purposes of this Act;

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

7 “(5) overhead costs, including the costs of gen-
8 eral administrative services, that are directly attrib-
9 utable to administration of this Act and are deter-
10 mined based on the direct cost allocation method in
11 accordance with generally accepted accounting prin-
12 ciples;

13 “(6) costs incurred in auditing, every 5 years,
14 the wildlife and sport fish activities of each State
15 fish and game department and the use of funds
16 under section 6 by each State fish and game depart-
17 ment;

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

19 “(8) costs of necessary training of Federal and
20 State full-time personnel who administer this Act to
21 improve administration of this Act;

22 “(9) costs of travel to States, territories, and
23 Canada by personnel who—

1 “(A) administer this Act on a full-time
2 basis for purposes directly related to adminis-
3 tration of State programs or projects; or

4 “(B) administer grants under section 6,
5 10, or 11;

6 “(10) costs of travel by personnel outside the
7 United States (except travel to Canada) that relates
8 directly to administration of this Act and that is ap-
9 proved directly by the Assistant Secretary for Fish
10 and Wildlife and Parks;

11 “(11) relocation expenses for personnel who,
12 after relocation, will administer this Act on a full-
13 time basis for at least 1 year, as certified by the Di-
14 rector of the United States Fish and Wildlife Service
15 at the time at which the relocation expenses are in-
16 curred; and

17 “(12) costs to audit, evaluate, approve, dis-
18 approve, and advise concerning grants under section
19 6, 10, or 11.

20 “(b) UNAUTHORIZED COSTS.—Use of funds for a
21 cost to administer this Act shall not be deemed to be au-
22 thorized by reason of the fact that incurrence of the cost
23 is not expressly prohibited by this Act.

24 “(c) RESTRICTION ON USE TO SUPPLEMENT GEN-
25 ERAL APPROPRIATIONS.—The Secretary of the Interior

1 shall not use available amounts under section 4(a)(1) to
2 supplement the funding of any function for which general
3 appropriations are made for the United States Fish and
4 Wildlife Service or any other entity of the Department of
5 the Interior.

6 “(d) AUDIT REQUIREMENT.—

7 “(1) IN GENERAL.—The Inspector General of
8 the Department of the Interior shall procure the
9 performance of biennial audits, in accordance with
10 generally accepted accounting principles, of expendi-
11 tures and obligations of amounts used by the Sec-
12 retary of the Interior for administrative expenses in-
13 curred in implementation of this Act.

14 “(2) AUDITOR.—

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

24 “(B) SUPERVISION OF AUDITOR.—The
25 auditor selected under subparagraph (A) shall

1 report to, and be supervised by, the Inspector
 2 General of the Department of the Interior, ex-
 3 cept that the auditor shall submit a copy of the
 4 biennial audit findings to the Secretary of the
 5 Interior at the time at which the findings are
 6 submitted to the Inspector General of the De-
 7 partment of the Interior.

8 “(3) REPORT TO CONGRESS.—The Inspector
 9 General of the Department of the Interior shall
 10 promptly report to the Committee on Resources of
 11 the House of Representatives and the Committee on
 12 Environment and Public Works of the Senate on the
 13 results of each audit under this subsection.

14 “(e) CERTIFICATIONS TO CONGRESS.—

15 “(1) AT END OF EACH FISCAL YEAR.—

16 “(A) IN GENERAL.—Not later than 90
 17 days after the end of each fiscal year, the Sec-
 18 retary of the Interior shall certify in writing to
 19 the Committee on Resources of the House of
 20 Representatives and the Committee on Environ-
 21 ment and Public Works of the Senate, with re-
 22 spect to the fiscal year—

23 “(i) the amounts used under section
 24 4(a)(1) and a breakdown of the categories
 25 for which the amounts were used;

1 “(ii) the amounts apportioned to
2 States under section 4(a)(2);

3 “(iii) the results of the audits per-
4 formed under subsection (d);

5 “(iv) that all amounts used under sec-
6 tion 4(a)(1) were necessary for administra-
7 tive expenses incurred in implementation of
8 this Act; and

9 “(v) that the Secretary of the Inte-
10 rior, the Assistant Secretary for Fish and
11 Wildlife and Parks, the Director of the
12 United States Fish and Wildlife Service,
13 and the Assistant Director for Wildlife and
14 Sport Fish Restoration Programs each
15 properly discharged their duties under this
16 Act.

17 “(B) LIMITATION ON DELEGATION.—The
18 Secretary of the Interior shall not delegate the
19 responsibility for making a certification under
20 subparagraph (A) to any person except the As-
21 sistant Secretary for Fish and Wildlife and
22 Parks.

23 “(2) AT BEGINNING OF EACH FISCAL YEAR.—
24 Not later than 60 days after the beginning of each
25 fiscal year, the Assistant Director for Wildlife and

1 Sport Fish Restoration Programs shall certify to the
2 Committee on Resources of the House of Represent-
3 atives and the Committee on Environment and Pub-
4 lic Works of the Senate, with respect to the fiscal
5 year—

6 “(A) the amounts that will be used in the
7 fiscal year under section 4(a)(1) and a break-
8 down of the categories for which the amounts
9 will be used; and

10 “(B) a description of how the funds to be
11 used are necessary for administration of this
12 Act.

13 “(3) PUBLICATION OF CERTIFICATIONS.—The
14 Secretary of the Interior shall promptly publish in
15 the Federal Register each certification under this
16 subsection.

17 “(f) CERTIFICATION TO STATE FISH AND GAME DE-
18 PARTMENTS.—Not later than 30 days after the end of
19 each fiscal year, the Assistant Director for Wildlife and
20 Sport Fish Restoration Programs shall—

21 “(1) certify that—

22 “(A) all amounts used in that fiscal year
23 to administer this Act by agency headquarters
24 and by regional offices of the United States

1 Fish and Wildlife Service were used in accord-
 2 ance with this Act; and

3 “(B) all expenditures described in subpara-
 4 graph (A) were necessary to administer this
 5 Act; and

6 “(2) provide a copy of the certification under
 7 paragraph (1) to each State fish and game depart-
 8 ment.”.

9 (c) CONFORMING AMENDMENT.—Section 8(b) of the
 10 Pittman-Robertson Wildlife Restoration Act (16 U.S.C.
 11 669g(b)) is amended in the first sentence by striking “sec-
 12 tion 4(b) of this Act” and inserting “section 4(c)”.

13 **SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND**
 14 **SAFETY PROGRAM GRANTS.**

15 The Pittman-Robertson Wildlife Restoration Act is
 16 amended—

17 (1) by redesignating section 10 (16 U.S.C.
 18 669i) as section 12; and

19 (2) by inserting after section 9 (16 U.S.C.
 20 669h) the following:

21 **“SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND**
 22 **SAFETY PROGRAM GRANTS.**

23 “(a) IN GENERAL.—Of the revenues covered into the
 24 fund for a fiscal year, \$15,000,000 shall be apportioned
 25 among the States in the manner specified in section 4(b)

1 by the Secretary of the Interior and used to make grants
2 to the States to be used for—

3 “(1) the enhancement of hunter education pro-
4 grams, hunter and sporting firearm safety programs,
5 and hunter development programs;

6 “(2) the enhancement of interstate coordination
7 and development of hunter education and shooting
8 range programs;

9 “(3) the enhancement of bow hunter and arch-
10 ery education, safety, and development programs;
11 and

12 “(4) the enhancement of construction or devel-
13 opment of firearm shooting ranges and archery
14 ranges, and the updating of safety features of fire-
15 arm shooting ranges and archery ranges.

16 “(b) COST SHARING.—The Federal share of the cost
17 of any activity carried out with a grant under this section
18 shall not exceed 75 percent of the total cost of the activity.

19 “(c) PERIOD OF AVAILABILITY; REAPPORTION-
20 MENT.—

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

24 “(2) REAPPORTIONMENT.—At the end of the
25 period of availability under paragraph (1), the Sec-

1 retary of the Interior shall apportion any grant
 2 funds that remain available among the States in the
 3 manner specified in section 4(b) for use by the
 4 States in accordance with this section.”.

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

6 The Pittman-Robertson Wildlife Restoration Act (as
 7 amended by section 102) is amended by inserting after
 8 section 10 the following:

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

10 “(a) IN GENERAL.—

11 “(1) AMOUNT FOR GRANTS.—Not more than
 12 \$3,500,000 of the revenues covered into the fund for
 13 a fiscal year shall be available to the Secretary of
 14 the Interior for making multistate conservation
 15 project grants in accordance with this section.

16 “(2) PERIOD OF AVAILABILITY; APPORTION-
 17 MENT.—

18 “(A) PERIOD OF AVAILABILITY.—A grant
 19 under this subsection shall remain available
 20 only for the fiscal year for which the grant is
 21 made and the following fiscal year.

22 “(B) APPORTIONMENT.—At the end of the
 23 period of availability under subparagraph (A),
 24 the Secretary of the Interior shall apportion
 25 any grant funds that remain available among

1 the States in the manner specified in section
 2 4(b) for use by the States in the same manner
 3 as funds apportioned under section 4(b).

4 “(b) SELECTION OF PROJECTS.—

5 “(1) STATES OR ENTITIES TO BE BENE-
 6 FITED.—A project shall not be eligible for a grant
 7 under this section unless the project will benefit—

8 “(A) at least 26 States;

9 “(B) a majority of the States in a region
 10 of the United States Fish and Wildlife Service;
 11 or

12 “(C) a regional association of State fish
 13 and game departments.

14 “(2) USE OF SUBMITTED PRIORITY LIST OF
 15 PROJECTS.—The Secretary of the Interior may
 16 award grants under this section only for projects
 17 identified on a priority list of wildlife restoration
 18 projects described in paragraph (3).

19 “(3) PRIORITY LIST OF PROJECTS.—A priority
 20 list referred to in paragraph (2) is a priority list of
 21 projects that the International Association of Fish
 22 and Wildlife Agencies—

23 “(A) prepares through a committee com-
 24 prised of the heads of State fish and game de-

1 partments (or their designees), in consultation
2 with—

3 “(i) nongovernmental organizations
4 that represent conservation organizations;

5 “(ii) sportsmen organizations; and

6 “(iii) industries that support or pro-
7 mote hunting, trapping, recreational shoot-
8 ing, bow hunting, or archery;

9 “(B) approves by vote of a majority of the
10 heads of State fish and game departments (or
11 their designees); and

12 “(C) not later than October 1 of each fis-
13 cal year, submits to the Assistant Director for
14 Wildlife and Sport Fish Restoration Programs.

15 “(4) PUBLICATION.—The Assistant Director for
16 Wildlife and Sport Fish Restoration Programs shall
17 publish in the Federal Register each priority list
18 submitted under paragraph (3)(C).

19 “(c) ELIGIBLE GRANTEEES.—

20 “(1) IN GENERAL.—The Secretary of the Inte-
21 rior may make a grant under this section only to—

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

23 “(B) subject to paragraph (2), a non-
24 governmental organization.

25 “(2) NONGOVERNMENTAL ORGANIZATIONS.—

1 “(A) IN GENERAL.—Any nongovernmental
 2 organization that applies for a grant under this
 3 section shall submit with the application to the
 4 International Association of Fish and Wildlife
 5 Agencies a certification that the organization—

6 “(i) does not promote or encourage
 7 opposition to the regulated hunting or
 8 trapping of wildlife; and

9 “(ii) will use any funds awarded
 10 under this section in compliance with sub-
 11 section (d).

12 “(B) PENALTIES FOR CERTAIN ACTIVI-
 13 TIES.—Any nongovernmental organization that
 14 is found to promote or encourage opposition to
 15 the regulated hunting or trapping of wildlife or
 16 that does not use funds in compliance with sub-
 17 section (d) shall return all funds received under
 18 this section and be subject to any other pen-
 19 alties under law.

20 “(d) USE OF GRANTS.—A grant under this section
 21 shall not be used for an activity, project, or program that
 22 promotes or encourages opposition to the regulated hunt-
 23 ing or trapping of wildlife.

24 “(e) CLARIFICATION.—No activity undertaken by the
 25 personnel of a State fish and game department, other

1 State agency, or organization of State fish and game de-
 2 partments under this section shall constitute the giving
 3 of advice or a recommendation for 1 or more agencies or
 4 officers of the Federal Government.”.

5 **SEC. 104. MISCELLANEOUS PROVISION.**

6 Section 5 of the Pittman-Robertson Wildlife Restora-
 7 tion Act (16 U.S.C. 669d) is amended in the first sentence
 8 by inserting “, at the time at which a deduction or appor-
 9 tionment is made,” after “certify”.

10 **TITLE II—SPORT FISH**
 11 **RESTORATION**

12 **SEC. 201. EXPENDITURES FOR ADMINISTRATION.**

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

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

18 “(1) IN GENERAL.—

19 “(A) SET-ASIDE.—For fiscal year 2001
 20 and each fiscal year thereafter, of the balance
 21 of each such annual appropriation remaining
 22 after the distribution and use under subsections
 23 (a), (b), and (c) and section 14, the Secretary
 24 of the Interior may use not more than the avail-
 25 able amount specified in subparagraph (B) for

1 the fiscal year for administrative expenses in-
 2 curred in implementation of this Act, in accord-
 3 ance with this subsection and section 9.

4 “(B) AVAILABLE AMOUNTS.—The available
 5 amount referred to in subparagraph (A) is—

6 “(i) for fiscal year 2001, \$7,090,000;

7 “(ii) for fiscal year 2002, \$6,710,000;

8 “(iii) for fiscal year 2003, \$6,330,000;

9 and

10 “(iv) for fiscal year 2004 and each fis-
 11 cal year thereafter, the sum of—

12 “(I) the available amount for the
 13 preceding fiscal year; and

14 “(II) the amount determined by
 15 multiplying—

16 “(aa) the available amount
 17 for the preceding fiscal year; and

18 “(bb) the change, relative to
 19 the preceding fiscal year, in the
 20 Consumer Price Index for All
 21 Urban Consumers published by
 22 the Department of Labor.

23 “(2) PERIOD OF AVAILABILITY; APPORTION-
 24 MENT OF UNOBLIGATED AMOUNTS.—

1 “(A) PERIOD OF AVAILABILITY.—For each
 2 fiscal year, the available amount under para-
 3 graph (1) shall remain available for obligation
 4 for use under that paragraph until the end of
 5 the fiscal year.

6 “(B) APPORTIONMENT OF UNOBLIGATED
 7 AMOUNTS.—Not later than 60 days after the
 8 end of a fiscal year, the Secretary of the Inte-
 9 rior shall apportion among the States any of
 10 the available amount under paragraph (1) that
 11 remains unobligated at the end of the fiscal
 12 year, on the same basis and in the same man-
 13 ner as other amounts made available under this
 14 Act are apportioned among the States under
 15 subsection (e) for the fiscal year.”.

16 (b) REQUIREMENTS AND RESTRICTIONS CON-
 17 CERNING USE OF AMOUNTS FOR ADMINISTRATIVE EX-
 18 PENSES.—Section 9 of the Dingell-Johnson Sport Fish
 19 Restoration Act (16 U.S.C. 777h) is amended to read as
 20 follows:

21 **“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING**
 22 **USE OF AMOUNTS FOR ADMINISTRATIVE EX-**
 23 **PENSES.**

24 “(a) AUTHORIZED ADMINISTRATIVE COSTS.—The
 25 Secretary of the Interior may use available amounts under

1 section 4(d) only for administrative expenses that directly
2 support the implementation of this Act, consisting of—

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

5 “(2) personnel costs of employees who directly
6 administer this Act on a part-time basis for at least
7 20 hours each week, not to exceed the portion of
8 those costs incurred with respect to the work hours
9 of an employee during which the employee directly
10 administers this Act, as those hours are certified by
11 the supervisor of the employee;

12 “(3) support costs directly associated with per-
13 sonnel costs authorized under paragraphs (1) and
14 (2), excluding costs associated with staffing and op-
15 eration of regional offices of the United States Fish
16 and Wildlife Service and the Department of the In-
17 terior other than for the purposes of this Act;

18 “(4) costs of determining under section 6(a)
19 whether State comprehensive plans and projects are
20 substantial in character and design;

21 “(5) overhead costs, including the costs of gen-
22 eral administrative services, that are directly attrib-
23 utable to administration of this Act and are deter-
24 mined based on the direct cost allocation method in

1 accordance with generally accepted accounting prin-
2 ciples;

3 “(6) costs incurred in auditing, every 5 years,
4 the wildlife and sport fish activities of each State
5 fish and game department and the use of funds
6 under section 6 by each State fish and game depart-
7 ment;

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 States, territories, and
13 Canada by personnel who—

14 “(A) administer this Act on a full-time
15 basis for purposes directly related to adminis-
16 tration of State programs or projects; or

17 “(B) administer grants under section 6 or
18 14;

19 “(10) costs of travel by personnel outside the
20 United States (except travel to Canada) that relates
21 directly to administration of this Act and that is ap-
22 proved directly by the Assistant Secretary for Fish
23 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 at which the relocation expenses are in-
4 curred; and

5 “(12) costs to audit, evaluate, approve, dis-
6 approve, and advise concerning grants under section
7 6 or 14.

8 “(b) UNAUTHORIZED COSTS.—Use of funds for a
9 cost to administer this Act shall not be deemed to be au-
10 thorized by reason of the fact that incurrence of the cost
11 is not expressly prohibited by this Act.

12 “(c) RESTRICTION ON USE TO SUPPLEMENT GEN-
13 ERAL APPROPRIATIONS.—The Secretary of the Interior
14 shall not use available amounts under section 4(d) to sup-
15 plement the funding of any function for which general ap-
16 propriations are made for the United States Fish and
17 Wildlife Service or any other entity of the Department of
18 the Interior.

19 “(d) AUDIT REQUIREMENT.—

20 “(1) IN GENERAL.—The Inspector General of
21 the Department of the Interior shall procure the
22 performance of biennial audits, in accordance with
23 generally accepted accounting principles, of expendi-
24 tures and obligations of amounts used by the Sec-

1 retary of the Interior for administrative expenses in-
2 curred in implementation of this Act.

3 “(2) AUDITOR.—

4 “(A) IN GENERAL.—An audit under this
5 subsection shall be performed under a contract
6 that is awarded under competitive procedures
7 (as defined in section 4 of the Office of Federal
8 Procurement Policy Act (41 U.S.C. 403)) by a
9 person or entity that is not associated in any
10 way with the Department of the Interior (ex-
11 cept by way of a contract for the performance
12 of an audit).

13 “(B) SUPERVISION OF AUDITOR.—The
14 auditor selected under subparagraph (A) shall
15 report to, and be supervised by, the Inspector
16 General of the Department of the Interior, ex-
17 cept that the auditor shall submit a copy of the
18 biennial audit findings to the Secretary of the
19 Interior at the time at which the findings are
20 submitted to the Inspector General of the De-
21 partment of the Interior.

22 “(3) REPORT TO CONGRESS.—The Inspector
23 General of the Department of the Interior shall
24 promptly report to the Committee on Resources of
25 the House of Representatives and the Committee on

1 Environment and Public Works of the Senate on the
2 results of each audit under this subsection.

3 “(e) CERTIFICATION TO CONGRESS.—

4 “(1) AT END OF EACH FISCAL YEAR.—Not
5 later than 90 days after the end of each fiscal year,
6 the Secretary of the Interior shall certify in writing
7 to the Committee on Resources of the House of Rep-
8 resentatives and the Committee on Environment and
9 Public Works of the Senate, with respect to the fis-
10 cal year—

11 “(A) the amounts used under section 4(d)
12 and a breakdown of the categories for which the
13 amounts were used;

14 “(B) the amounts apportioned to States
15 under section 4(d)(2)(A);

16 “(C) the results of the audits performed
17 under subsection (d);

18 “(D) that all amounts used under section
19 4(d) were necessary for administrative expenses
20 incurred in implementation of this Act; and

21 “(E) that the Secretary of the Interior, the
22 Assistant Secretary for Fish and Wildlife and
23 Parks, the Director of the United States Fish
24 and Wildlife Service, and the Assistant Director
25 for Wildlife and Sport Fish Restoration Pro-

1 grams each properly discharged their duties
2 under this Act.

3 “(2) LIMITATION ON DELEGATION.—The Sec-
4 retary of the Interior shall not delegate the responsi-
5 bility for making a certification under paragraph (1)
6 to any person except the Assistant Secretary for
7 Fish and Wildlife and Parks.

8 “(3) PUBLICATION OF CERTIFICATIONS.—The
9 Secretary of the Interior shall promptly publish in
10 the Federal Register each certification under this
11 subsection.

12 “(f) CERTIFICATION TO STATE FISH AND GAME DE-
13 PARTMENTS.—Not later than 30 days after the end of
14 each fiscal year, the Assistant Director for Wildlife and
15 Sport Fish Restoration Programs shall—

16 “(1) certify that—

17 “(A) all amounts used in that fiscal year
18 to administer this Act by agency headquarters
19 and by regional offices of the United States
20 Fish and Wildlife Service were used in accord-
21 ance with this Act; and

22 “(B) all expenditures described in subpara-
23 graph (A) were necessary to administer this
24 Act; and

1 “(2) provide a copy of the certification under
2 paragraph (1) to each State fish and game depart-
3 ment.”.

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

5 (a) ESTABLISHMENT OF PROGRAM.—The Dingell-
6 Johnson Sport Fish Restoration Act is amended by strik-
7 ing the section 13 relating to effective date (16 U.S.C.
8 777 note) and inserting the following:

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

10 “(a) IN GENERAL.—

11 “(1) AMOUNT FOR GRANTS.—Of the balance of
12 each annual appropriation made under section 3 re-
13 maining after the distribution and use under sub-
14 sections (a), (b), and (c) of section 4 in a fiscal year,
15 not more than \$3,500,000 shall be available to the
16 Secretary of the Interior for making multistate con-
17 servation project grants in accordance with this sec-
18 tion.

19 “(2) PERIOD OF AVAILABILITY; APPORTION-
20 MENT.—

21 “(A) PERIOD OF AVAILABILITY.—A grant
22 under this subsection shall remain available
23 only for the fiscal year for which the grant is
24 made and the following fiscal year.

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

8 “(b) SELECTION OF PROJECTS.—

9 “(1) STATES OR ENTITIES TO BE BENE-
 10 FITED.—A project shall not be eligible for a grant
 11 under this section unless the project will benefit—

12 “(A) at least 26 States;

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

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

18 “(2) USE OF SUBMITTED PRIORITY LIST OF
 19 PROJECTS.—The Secretary of the Interior may
 20 award grants under this section only for projects
 21 identified on a priority list of sport fish restoration
 22 projects described in paragraph (3).

23 “(3) PRIORITY LIST OF PROJECTS.—A priority
 24 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 fund the sport
11 fish restoration programs under this Act;

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

15 “(C) not later than October 1 of each fis-
16 cal year, submits to the Assistant Director for
17 Wildlife and Sport Fish Restoration Programs.

18 “(4) PUBLICATION.—The Assistant Director for
19 Wildlife and Sport Fish Restoration Programs shall
20 publish in the Federal Register each priority list
21 submitted under paragraph (3)(C).

22 “(c) ELIGIBLE GRANTEEES.—

23 “(1) IN GENERAL.—The Secretary of the Inte-
24 rior 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 non-
2 governmental organization.

3 “(2) NONGOVERNMENTAL ORGANIZATIONS.—

4 “(A) IN GENERAL.—Any nongovernmental
5 organization that applies for a grant under this
6 section shall submit with the application to the
7 International Association of Fish and Wildlife
8 Agencies a certification that the organization—

9 “(i) does not promote or encourage
10 opposition to the regulated taking of fish;
11 and

12 “(ii) will use any funds awarded
13 under this section in compliance with sub-
14 section (d).

15 “(B) PENALTIES FOR CERTAIN ACTIVI-
16 TIES.—Any nongovernmental organization that
17 is found to promote or encourage opposition to
18 the regulated taking of fish or that does not use
19 funds in compliance with subsection (d) shall
20 return all funds received under this section and
21 be subject to any other penalties under law.

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

1 “(e) CLARIFICATION.—No activity undertaken by the
 2 personnel of a State fish and game department, other
 3 State agency, or organization of State fish and game de-
 4 partments under this section shall constitute the giving
 5 of advice or a recommendation for 1 or more agencies or
 6 officers of the Federal Government.

7 “(f) FUNDING FOR MARINE FISHERIES COMMIS-
 8 SIONS.—Of the balance of each annual appropriation
 9 made under section 3 remaining after the distribution and
 10 use under subsections (a), (b), and (c) of section 4 for
 11 each fiscal year and after deducting amounts used for
 12 grants under subsection (a), \$200,000 shall be made avail-
 13 able 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(e) of
 22 the Dingell-Johnson Sport Fish Restoration Act (16
 23 U.S.C. 777c(e)) is amended in the first sentence by insert-
 24 ing “and after deducting amounts used for grants under
 25 section 14,” after “respectively,”.

1 **SEC. 203. CERTIFICATIONS.**

2 Section 5 of the Dingell-Johnson Sport Fish Restora-
3 tion Act (16 U.S.C. 777d) is amended—

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

6 **“SEC. 5. CERTIFICATIONS.**

7 “(a) ADMINISTRATIVE DEDUCTION AND STATE AP-
8 PORTIONMENTS.—”;

9 (2) in subsection (a) (as designated by para-
10 graph (1)), by inserting “, at the time at which a
11 deduction or apportionment is made,” after “cer-
12 tify”; and

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

14 “(b) CERTIFICATION BY SECRETARY OF THE INTE-
15 RIOR AT END OF EACH FISCAL YEAR.—Not later than
16 30 days after the end of each fiscal year, the Secretary
17 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

25 “(B) the amounts obligated by the Sec-
26 retary of the Interior during the fiscal year for

1 administrative expenses incurred in implemen-
 2 tation of this Act; and

3 “(2) publish in the Federal Register the
 4 amounts certified under paragraph (1).

5 “(c) CERTIFICATION BY ASSISTANT DIRECTOR FOR
 6 WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—

7 “(1) IN GENERAL.—Not later than 60 days
 8 after the beginning of each fiscal year, the Assistant
 9 Director for Wildlife and Sport Fish Restoration
 10 Programs shall certify to the Committee on Re-
 11 sources of the House of Representatives and the
 12 Committee on Environment and Public Works of the
 13 Senate, with respect to the fiscal year—

14 “(A) the amounts that will be used in the
 15 fiscal year under section 4(d)(2) and a break-
 16 down of the categories for which the amounts
 17 will be used; and

18 “(B) a description of how the funds to be
 19 used are necessary for administration of this
 20 Act.

21 “(2) PUBLICATION IN FEDERAL REGISTER.—
 22 The Secretary of the Interior shall promptly publish
 23 in the Federal Register each certification under
 24 paragraph (1).”.

1 **SEC. 204. PERIOD OF AVAILABILITY.**

2 Section 4(f) of the Dingell-Johnson Sport Fish Res-
 3 toration Act (16 U.S.C. 777c(f)) is amended by striking
 4 the first sentence and inserting “DEFINITION OF FISCAL
 5 YEAR.—”.

6 **SEC. 205. CONFORMING AMENDMENT.**

7 Section 9504(b)(2)(A) of the Internal Revenue Code
 8 of 1986 is amended by striking “(as in effect on the date
 9 of the enactment of the TEA 21 Restoration Act)” and
 10 inserting “(as in effect on the date of enactment of the
 11 Wildlife and Sport Fish Restoration Programs Improve-
 12 ment Act of 2000)”.

13 **TITLE III—WILDLIFE AND SPORT**
 14 **FISH RESTORATION PROGRAMS**

15 **SEC. 301. DESIGNATION OF PROGRAMS.**

16 The programs established under the Pittman-Robert-
 17 son Wildlife Restoration Act (16 U.S.C. 669 et seq.) and
 18 the Dingell-Johnson Sport Fish Restoration Act (16
 19 U.S.C. 777 et seq.) shall be known as the “Federal Assist-
 20 ance Program for State Wildlife and Sport Fish Restora-
 21 tion”.

22 **SEC. 302. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT**
 23 **FISH RESTORATION PROGRAMS.**

24 (a) ESTABLISHMENT.—There is established in the
 25 United States Fish and Wildlife Service of the Depart-

1 ment of the Interior the position of Assistant Director for
2 Wildlife and Sport Fish Restoration Programs.

3 (b) SUPERIOR.—The Assistant Director for Wildlife
4 and Sport Fish Restoration Programs shall report directly
5 to the Director of the United States Fish and Wildlife
6 Service.

7 (c) RESPONSIBILITIES.—The Assistant Director for
8 Wildlife and Sport Fish Restoration Programs shall be
9 primarily responsible for the administration, management,
10 and oversight of the Federal Assistance Program for State
11 Wildlife and Sport Fish Restoration under the Pittman-
12 Robertson Wildlife Restoration Act (16 U.S.C. 669 et
13 seq.) and the Dingell-Johnson Sport Fish Restoration Act
14 (16 U.S.C. 777 et seq.).

15 **SEC. 303. CHIEF OF DIVISION OF FEDERAL AID.**

16 The Chief of the Division of Federal Aid of the De-
17 partment of the Interior, or any similar position, is abol-
18 ished, and the duties of that position are transferred to
19 the Assistant Director for Wildlife and Sport Fish Res-
20 toration Programs.

21 **SEC. 304. IMPLEMENTATION REPORT.**

22 (a) TIMING.—At the time at which the President sub-
23 mits a budget request for the Department of the Interior
24 for the third fiscal year that begins after the date of enact-
25 ment of this Act, the Secretary of the Interior shall submit

1 to the Committee on Resources of the House of Represent-
2 atives and the Committee on Environment and Public
3 Works of the Senate a report on the steps that have been
4 taken to comply with this Act and the amendments made
5 by this Act.

6 (b) CONTENTS.—The report under subsection (a)
7 shall describe—

8 (1) the extent to which compliance with this Act
9 and the amendments made by this Act has required
10 a reduction in the number of personnel assigned to
11 administer, manage, and oversee the Federal Assist-
12 ance Program for State Wildlife and Sport Fish
13 Restoration;

14 (2) any revisions to this Act or the amendments
15 made by this Act that would be desirable in order
16 for the Secretary of the Interior to adequately ad-
17 minister the Programs and ensure that funds pro-
18 vided to State agencies are properly used; and

19 (3) any other information concerning the imple-
20 mentation of this Act and the amendments made by
21 this Act that the Secretary of the Interior considers
22 appropriate.

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