

MODERNIZING THE PITTMAN-ROBERTSON FUND FOR
TOMORROW'S NEEDS ACT

AUGUST 14, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2591]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2591) to amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Modernizing the Pittman-Robertson Fund for Tomorrow’s Needs Act”.

SEC. 2. PURPOSE.

The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by adding at the end the following: “One of the purposes of this Act is to provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.”.

SEC. 3. DEFINITIONS.

Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (4) through (10), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) for the purposes of determining the number of paid hunting-license holders in a State, the term ‘fiscal year’ means the fiscal year or license year of the State;

“(3) the term ‘hunter recruitment and recreational shooter recruitment’ means any activity or project to recruit or retain hunters and recreational shooters, including by—

“(A) using social media, marketing, advertising, surveying, television spots, print, and media;

“(B) providing education, mentoring, and field demonstrations;

“(C) enhancing access for hunting and recreational shooting, including through range construction;

“(D) providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation; and

“(E) using any other means to ensure the growth of hunting and recreational shooting, as determined by the Secretary;”.

SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

(a) APPORTIONMENT TO STATES.—Section 4(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(b)) is amended—

(1) in the first sentence, by striking “The Secretary of the Interior” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) in the second sentence, by striking “Such apportionments” and inserting the following:

“(2) ADJUSTMENTS.—The apportionments under paragraph (1)”;

(3) by striking the third sentence; and

(4) by adding at the end the following:

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.

“(B) LIMITATION.—A State may make an expenditure under subparagraph (A) only if the amount of the expenditure during the fiscal year in which the expenditure is made plus the amount of the expenditures for hunter recruitment and recreational shooter recruitment made during the 4 fiscal years preceding that fiscal year is not greater than 25 percent of the total amount apportioned to the State under this subsection during that 5-fiscal-year period.”.

(b) APPORTIONMENT OF CERTAIN TAXES.—The first subsection (c) of section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by inserting “APPORTIONMENT OF REVENUES FROM PISTOLS, REVOLVERS, BOWS, AND ARROWS.—” after the enumerator;

(2) by striking “One-half” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), ½”;

(3) by striking “: *Provided*, That” and inserting a period;

(4) by striking “each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues” and inserting the following:

“(2) CONDITION.—The amount apportioned to each State under paragraph (1) shall be not greater than 3 percent and not less than 1 percent of the revenues described in such paragraph”;

(5) by striking “For the purpose” and inserting the following:

“(3) POPULATION DETERMINATION.—For the purpose”; and

(6) by adding at the end the following:

“(4) USE OF FUNDS.—In addition to other uses authorized under this Act, amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.”.

(c) TECHNICAL CORRECTION.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended by redesignating the second subsection (c) and subsection (d) as subsections (d) and (e), respectively.

SEC. 5. EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.

Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended—

(1) in subsection (a), in the third sentence, by striking “and public relations”; and

(2) in subsection (b), in the first sentence, by striking “, as a part of such program”.

SEC. 6. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

Section 10(a)(1)(A) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1(a)(1)(A)) is amended—

(1) in clause (iii), by striking “and” at the end; and

(2) by adding at the end the following:

“(v) the enhancement of hunter recruitment and recreational shooter recruitment; and”.

SEC. 7. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 11 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-2) is amended—

- (1) in subsection (a)(1)—
 - (A) by striking “Not more than” and inserting the following:

“(A) IN GENERAL.—Not more than”; and
 - (B) by adding at the end the following:

“(B) AVAILABILITY FOR HUNTER AND RECREATIONAL SHOOTER GRANTS.—Not more than \$5,000,000 of the revenues covered into the fund from any tax imposed under section 4161(b) of the Internal Revenue Code of 1986 for a fiscal year shall be available to the Secretary exclusively for making hunter recruitment and recreational shooter recruitment grants that promote a national hunting and shooting sport recruitment program, including related communication and outreach activities.”;
- (2) in the matter preceding subsection (b)(3)(A), by striking “International”;
- (3) in the matter preceding subsection (c)(2)(A)(i), by striking “International”;
- (4) in subsection (c)(2)(A)(i), by inserting “or to recreational shooting activities” after “wildlife”; and
- (5) in subsection (d), by inserting “or to recreational shooting activities” after “wildlife”.

PURPOSE OF THE BILL

The purpose of H.R. 2591 is to amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation.

BACKGROUND AND NEED FOR LEGISLATION

The Pittman-Robertson Act¹ (16 U.S.C. 669 et seq.) uses federal excise taxes on firearms, ammunition, and archery equipment to fund grants to State and U.S. territory fish and wildlife agencies for wildlife resource projects, and to conduct hunter education programs. The excise tax, collected by the manufacturer, is set at 10% of the wholesale price for pistols and revolvers, and 11% for other firearms and shells or cartridges. An 11% tax on archery equipment is also deposited into the fund established by the Pittman-Robertson Act. The tax is applied whether the equipment is likely to be used for hunting or not. Total apportionments to the States and territories were \$797,160,652 in Fiscal Year 2018, \$780,031,696 in Fiscal Year 2017 and \$695,141,699 in Fiscal Year 2016.²

Prior to passage of the Pittman-Robertson Act, many species of wildlife were driven to, or near extinction by commercial market hunting pressure and habitat degradation.³ The taxes paid by hunters and recreational shooters provide funds that support the management of wildlife populations and their habitats for both game and non-game animals. Preserving and enhancing this volunteer revenue source has enabled State agencies to provide additional outdoor recreational opportunities. This “user pay/public benefits” approach aids hunters, recreational shooters, and all citizens through the delivery of on-the-ground wildlife and habitat conservation by State fish and wildlife agencies.

Increasing urbanization and suburbanization has made it more difficult for the public to participate in hunting and recreational shooting than when the Pittman-Robertson Act was first enacted in

¹ Formally the Federal Aid in Wildlife Restoration Act of 1937 (50 Stat. 917).

² United States *Fish and Wildlife Service Certificates of Apportionment* for Fiscal Years 2016, 2017, and 2018.

³ Bolen, Eric (2003). *Wildlife Ecology and Management*. New Jersey: Prentice Hall. Pp. Chapter.

1937. In an effort to recruit more hunters and ensure continued funding for wildlife conservation, H.R. 2591 would clarify that one of the purposes of the Pittman-Robertson Act is to extend financial and technical assistance to the States for the promotion of hunting and recreational shooting. The legislation would expand the definitions section of the Pittman-Robertson Act to include a definition of “hunter recruitment and recreational shooter recruitment” activities and projects, and to make clear that Pittman-Robertson Act funds may be used for hunter and recreational shooter recruitment.

H.R. 2591 also seeks to ensure that traditional wildlife conservation remains the primary focus of these funds. The legislation would put a cap (25%) on what can be spent on hunter and recreational shooter recruitment. The bill would also clarify, by removing an existing prohibition on “public relations,” that State spending for management of wildlife areas and resources may include spending for the promotion of hunting and recreational shooting. The legislation would clarify that the construction, operation, and maintenance of public target ranges under Basic Hunter Education funding is not restricted to ranges that include hunter safety programs. Finally, the legislation would expand the Multistate Conservation Grant program (Section 11 of the Pittman-Robertson Act) by providing for an additional \$5 million per year (from archery-related excise tax collections) to be used for making hunter and recreational shooter recruitment project grants that promote a national hunting and shooting sport recruitment program, related communications, and outreach activities.

Senator James E. Risch (R-ID) introduced a companion bill, S. 1613. H.R. 2591 also contains target shooting range expansion language similar to H.R. 788, the Target Practice and Marksmanship Training Support Act, introduced by Congressman Duncan D. Hunter (R-CA). This text was included as Title II of H.R. 3668, the Sportsmen’s Heritage and Recreational Enhancement Act.

COMMITTEE ACTION

H.R. 2591 was introduced on May 22, 2017, by Congressman Austin Scott (R-GA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 15, 2018, the Subcommittee held a hearing on the legislation. On May 8, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 8, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2591, the Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

MARK P. HADLEY
(For Keith Hall, Director).

Enclosure.

H.R. 2591—Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act

H.R. 2591 would allow states to use grants awarded under the Pittman-Robertson Wildlife Restoration Act to promote hunting and recreational shooting. The bill also would authorize the U.S. Fish and Wildlife Service (USFWS), which administers Pittman-Robertson funds, to award up to \$5 million annually under its existing multistate conservation grant program to promote a national recruitment program for hunting and sport shooting.

Using information from the USFWS, CBO expects that enacting H.R. 2591 would not affect the timing or total amount of grants awarded (those grants are recorded in the budget as direct spending). CBO estimates that the USFWS could incur additional administrative costs to implement changes to the multistate conservation grant program. Based on the costs of similar activities, CBO estimates that enacting H.R. 2591 would cost less than \$500,000; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 2591 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2591 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 2591 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill is to amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter set forth; but no money apportioned under this Act to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this Act and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after the passage of this Act, the assent of the Governor of the State shall be sufficient. The Secretary of Agriculture and the State fish and game department

of each State accepting the benefits of this Act shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this Act and all projects shall conform to the standards fixed by the Secretary of Agriculture. *One of the purposes of this Act is to provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.*

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) *for the purposes of determining the number of paid hunting-license holders in a State, the term “fiscal year” means the fiscal year or license year of the State;*

(3) *the term “hunter recruitment and recreational shooter recruitment” means any activity or project to recruit or retain hunters and recreational shooters, including by—*

(A) *using social media, marketing, advertising, surveying, television spots, print, and media;*

(B) *providing education, mentoring, and field demonstrations;*

(C) *enhancing access for hunting and recreational shooting, including through range construction;*

(D) *providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation; and*

(E) *using any other means to ensure the growth of hunting and recreational shooting, as determined by the Secretary;*

[(2)] (4) the term “Secretary” means the Secretary of the Interior;

[(3)] (5) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(4)] (6) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

[(5)] (7) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(6)] (8) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

[(7)] (9) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(8)] (10) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

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SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) IN GENERAL.—

(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

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

(i) for each of fiscal years 2001 and 2002, \$9,000,000;

(ii) for fiscal year 2003, \$8,212,000; and

(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

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

(II) the amount determined by multiplying—

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

(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for

All Urban Consumers published by the Department of Labor.

(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

(b) APPORTIONMENT TO STATES.—**[The Secretary of the Interior]**

(1) *IN GENERAL.*—*The Secretary*, after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. **[Such apportionments]**

(2) *ADJUSTMENTS.*—*The apportionments under paragraph (1)* shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. **[The term fiscal year as used in this Act shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.]**

(3) *USE OF FUNDS.*—

(A) *IN GENERAL.*—*Subject to subparagraph (B), amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.*

(B) *LIMITATION.*—*A State may make an expenditure under subparagraph (A) only if the amount of the expenditure during the fiscal year in which the expenditure is made plus the amount of the expenditures for hunter recruitment and recreational shooter recruitment made during the 4 fiscal years preceding that fiscal year is not greater than 25 percent of the total amount apportioned to the State under this subsection during that 5-fiscal-year period.*

(c) **[One-half]**

(1) *IN GENERAL.*—*Subject to paragraph (2), 1/2 of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pis-*

tols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States【: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues】.

(2) *CONDITION*.—*The amount apportioned to each State under paragraph (1) shall be not greater than 3 percent and not less than 1 percent of the revenues described in such paragraph and Guam, the Virgin Islands, American Samoa, Puerto Rico, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues. 【For the purpose】*

(3) *POPULATION DETERMINATION*.—*For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.*

(4) *USE OF FUNDS*.—*In addition to other uses authorized under this Act, amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.*

【(c)】 (d) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration Account:

(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof.

(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof.

(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each fiscal year among the States in the following manner:

(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

(ii) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.

(3) Of the amounts transferred to the Wildlife Conservation and Restoration Account, not to exceed 3 percent shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

【(d)】 (e) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the

Wildlife Conservation and Restoration Account, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

(B) provisions for the development and implementation of—

(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

(ii) wildlife-associated recreation projects; and

(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

(D) WILDLIFE CONSERVATION STRATEGY.—Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or ad-

minister programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

(5) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

* * * * *

SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term "wildlife-restoration project", as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement **and public relations**) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

(b) Each State may use the funds apportioned to it under section 4(c) to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public target ranges**], as a part of such program**. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the cri-

teria for the establishment of hunter safety programs and public target ranges under this subsection.

* * * * *

SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

(a) IN GENERAL.—

(1) GRANTS.—Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002, and \$8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

(iii) the enhancement of bow hunter and archery education, safety, and development programs; **[and]**

(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

(v) *the enhancement of hunter recruitment and recreational shooter recruitment; and*

(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

(2) LIMITATION ON USE.—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

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

(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

(1) PERIOD OF AVAILABILITY.—Amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.

(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.

SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.**(a) IN GENERAL.—****(1) AMOUNT FOR GRANTS.—[Not more than]**

(A) *IN GENERAL.*—*Not more than \$3,000,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.*

(B) *AVAILABILITY FOR HUNTER AND RECREATIONAL SHOOTER GRANTS.*—*Not more than \$5,000,000 of the revenues covered into the fund from any tax imposed under section 4161(b) of the Internal Revenue Code of 1986 for a fiscal year shall be available to the Secretary exclusively for making hunter recruitment and recreational shooter recruitment grants that promote a national hunting and shooting sport recruitment program, including related communication and outreach activities.*

(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

(A) *PERIOD OF AVAILABILITY.*—*Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.*

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

(b) SELECTION OF PROJECTS.—

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

(A) at least 26 States;

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

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

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

(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the **[International]** Association of Fish and Wildlife Agencies—

(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

(i) nongovernmental organizations that represent conservation organizations;

(ii) sportsmen organizations; and

(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

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

(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

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

(c) ELIGIBLE GRANTEES.—

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

(A) a State or group of States;

(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

(C) subject to paragraph (2), a nongovernmental organization.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

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

(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife *or to recreational shooting activities*; and

(ii) will use the grant funds in compliance with subsection (d).

(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife *or to recreational shooting activities*.

(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.

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