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Calendar No. 218

117TH CONGRESS
1ST SESSION

S. 1995

To amend the Dingell-Johnson Sport Fish Restoration Act with respect to sport fish restoration and recreational boating safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2021

Ms. CANTWELL (for herself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2021

Reported by Ms. CANTWELL, without amendment

A BILL

To amend the Dingell-Johnson Sport Fish Restoration Act with respect to sport fish restoration and recreational boating safety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sport Fish Restoration and Recreational Boating Safety Act of 2021''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Sport Fish Restoration and Boating Trust Fund established by section 9504(a) of the Internal Revenue Code of 1986 (referred to in this section as the ''Trust Fund'') was established in 1950 to provide dedicated funding for aquatic conservation and boating safety;

(2) the Trust Fund is a user fee-public benefit system funded through motorboat fuel tax receipts, import duties, and excise taxes on small engines, fishing equipment, and electric motors;

(3) the Trust Fund provides nearly $650,000,000 annually for recreational infrastructure projects, coastal wetlands restoration, and boating safety and conservation programs in all 50 States;

(4) since 2010, more than 28,000 acres of habitats have been restored and improved throughout coastal wetland ecosystems, which not only serve a critical role in conservation, but provide a significant economic benefit to coastal communities;

(5) the recreational boating and angling community, as well as State agencies, recognize the significant increase in the use of nonmotorized, human-propelled vessels in recent years; and

(6) growth of the human-propelled vessel community has required the Coast Guard and State agencies to use significant resources to address human-propelled vessel infrastructure, boating safety, law enforcement, and search and rescue needs, all of which are paid for by the Trust Fund.

SEC. 3. DIVISION OF ANNUAL APPROPRIATIONS.

(a) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), by striking ''2021'' and inserting ''2026'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''2021'' and inserting ''2026''; and

(ii) by striking subparagraph (B) and inserting the following:

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

''(i) for the fiscal year that includes the date of enactment of the Sport Fish Restoration and Recreational Boating Safety Act of 2021, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) $979,500; and

"(ii) for each fiscal year thereafter, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) the product obtained by multiplying—

"(aa) the available amount specified in this subparagraph 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."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "2016 through 2021" and inserting "2022 through 2026"; and

(ii) by striking subparagraph (B) and inserting the following:

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

"(i) for fiscal year 2022, $12,786,434; and

"(ii) for fiscal year 2023 and each fiscal year thereafter, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) the product obtained by multiplying—

"(aa) the available amount specified in this subparagraph 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."; and

(3) in subsection (e)(2), by striking "$900,000" and inserting "$1,300,000".

(b) ADMINISTRATION.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) personnel costs of employees for the work hours of each employee spent directly administering this Act, as those hours are certified by the supervisor of the employee;'';

(2) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(3) in paragraph (2) (as so redesignated), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) in paragraph (4)(B) (as so redesignated), by striking ''full-time equivalent employee authorized under paragraphs (1) and (2)'' and inserting ''employee authorized under paragraph (1)'';

(5) in paragraph (8)(A) (as so redesignated), by striking ''on a full-time basis''; and

(6) in paragraph (10) (as so redesignated)—

(A) by inserting ''or part-time'' after ''full-time''; and

(B) by inserting '', subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work

hours of the employee that are spent administering this Act'' after ''incurred''.

(c) OTHER ACTIVITIES.—Section 14(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(e)) is amended by adding at the end the following:

''(3) A portion, as determined by the Sport Fishing and Boating Partnership Council, of funds disbursed for the purposes described in paragraph (2) but remaining unobligated as of October 1, 2021, shall be used to study the impact of derelict vessels and identify recyclable solutions for recreational vessels.''.

(d) RECREATIONAL BOATING SAFETY.—Section 13107(c)(2) of title 46, United States Code, is amended by striking ''No funds available'' and inserting ''On or after October 1, 2024, no funds available''.

SEC. 4. WILDLIFE RESTORATION FUND ADMINISTRATION.

(a) ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.—Section 4(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)) is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

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

"(i) for the fiscal year that includes the date of enactment of the Sport Fish Restoration and Recreational Boating Safety Act of 2021, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) $979,500; and

"(ii) for each fiscal year thereafter, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) the product obtained by multiplying—

"(aa) the available amount specified in this subparagraph 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."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "subsequent" before "fiscal year."; and

(B) by striking subparagraph (B) and inserting the following:

"(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

"(i) IN GENERAL.—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 remained available for obligation pursuant to subparagraph (A) during that fiscal year and remains unobligated at the end of that fiscal year.

"(ii) REQUIREMENT.—The available amount apportioned under clause (i) shall be apportioned on the same basis and in the same manner as other amounts made available under this Act were apportioned among the States for the fiscal year in which the amount was originally made available.".

(b) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) personnel costs of employees for the work hours of each employee spent directly administering this Act, as those hours are certified by the supervisor of the employee;'';

(2) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(3) in paragraph (2) (as so redesignated), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) in paragraph (4)(B) (as so redesignated), by striking ''full-time equivalent employee authorized under paragraphs (1) and (2)'' and inserting ''employee authorized under paragraph (1)'';

(5) in paragraph (8)(A) (as so redesignated), by striking ''on a full-time basis''; and

(6) in paragraph (10) (as so redesignated)—

(A) by inserting ''or part-time'' after ''full-time''; and

(B) by inserting '', subject to the condition that the percentage of the relocation expenses

paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act'' after ''incurred''.

SEC. 5. RECREATIONAL BOATING ACCESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Sport Fishing and Boating Partnership Council, the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that, to the extent practicable, given available data, shall document—

(1) the use of nonmotorized vessels in each State and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access;

(2) user conflicts at waterway access points; and

(3) the use of—

(A) Sport Fish Restoration Program funds to improve nonmotorized access at waterway

entry points and the reasons for providing that access; and

(B) Recreational Boating Safety Program funds for nonmotorized boating safety programs.

(b) CONSULTATION.—The Comptroller General of the United States shall consult with the Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council on study design, scope, and priorities for the report under subsection (a).

SEC. 6. SPORT FISHING AND BOATING PARTNERSHIP COUNCIL.

(a) IN GENERAL.—The Sport Fishing and Boating Partnership Council established by the Secretary of the Interior shall be an advisory committee of the Department of the Interior and the Department of Commerce subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(b) FACA.— The Secretary of the Interior and the Secretary of Commerce shall jointly carry out the requirements of the Federal Advisory Committee Act (5 U.S.C. App.) with respect to the Sport Fishing and Boating Partnership Council described in subsection (a).

(c) EFFECTIVE DATE.—This section shall take effect on January 1, 2023.

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