

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sport Fish Restoration
5 and Recreational Boating Safety Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Sport Fish Restoration and Boating
4 Trust Fund established by section 9504(a) of the In-
5 ternal Revenue Code of 1986 (referred to in this sec-
6 tion as the “Trust Fund”) was established in 1950
7 to provide dedicated funding for aquatic conserva-
8 tion and boating safety;

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

13 (3) the Trust Fund provides nearly
14 \$650,000,000 annually for recreational infrastruc-
15 ture projects, coastal wetlands restoration, and boat-
16 ing safety and conservation programs in all 50
17 States;

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

23 (5) the recreational boating and angling com-
24 munity, as well as State agencies, recognize the sig-
25 nificant increase in the use of nonmotorized, human-
26 propelled vessels in recent years; and

1 (6) growth of the human-propelled vessel com-
 2 munity has required the Coast Guard and State
 3 agencies to use significant resources to address
 4 human-propelled vessel infrastructure, boating safe-
 5 ty, law enforcement, and search and rescue needs,
 6 all of which are paid for by the Trust Fund.

7 **SEC. 3. DIVISION OF ANNUAL APPROPRIATIONS.**

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

11 (1) in subsection (a), by striking “2021” and
 12 inserting “2026”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
 16 “2021” and inserting “2026”; and

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

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

21 “(i) for the fiscal year that includes
 22 the date of enactment of the Sport Fish
 23 Restoration and Recreational Boating
 24 Safety Act of 2021, the sum obtained by
 25 adding—

1 “(I) the available amount speci-
 2 fied in this subparagraph for the pre-
 3 ceding fiscal year; and

4 “(II) \$979,500; and

5 “(ii) for each fiscal year thereafter,
 6 the sum obtained by adding—

7 “(I) the available amount speci-
 8 fied in this subparagraph for the pre-
 9 ceding fiscal year; and

10 “(II) the product obtained by
 11 multiplying—

12 “(aa) the available amount
 13 specified in this subparagraph for
 14 the preceding fiscal year; and

15 “(bb) the change, relative to
 16 the preceding fiscal year, in the
 17 Consumer Price Index for All
 18 Urban Consumers published by
 19 the Department of Labor.”; and

20 (B) in paragraph (2)—

21 (i) in subparagraph (A), by striking
 22 “2016 through 2021” and inserting “2022
 23 through 2026”; and

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

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

3 “(i) for fiscal year 2022, \$12,786,434;
4 and

5 “(ii) for fiscal year 2023 and each fis-
6 cal year thereafter, the sum obtained by
7 adding—

8 “(I) the available amount speci-
9 fied in this subparagraph for the pre-
10 ceding fiscal year; and

11 “(II) the product obtained by
12 multiplying—

13 “(aa) the available amount
14 specified in this subparagraph for
15 the preceding fiscal year; and

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

21 (3) in subsection (e)(2), by striking “\$900,000”
22 and inserting “\$1,300,000”.

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

1 (1) by striking paragraphs (1) and (2) and in-
2 serting the following:

3 “(1) personnel costs of employees for the work
4 hours of each employee spent directly administering
5 this Act, as those hours are certified by the super-
6 visor of the employee;”;

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

9 (3) in paragraph (2) (as so redesignated), by
10 striking “paragraphs (1) and (2)” and inserting
11 “paragraph (1)”;

12 (4) in paragraph (4)(B) (as so redesignated),
13 by striking “full-time equivalent employee authorized
14 under paragraphs (1) and (2)” and inserting “em-
15 ployee authorized under paragraph (1)”;

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

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

19 (A) by inserting “or part-time” after “full-
20 time”; and

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

1 hours of the employee that are spent admin-
2 istering this Act” after “incurred”.

3 (c) OTHER ACTIVITIES.—Section 14(e) of the Din-
4 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
5 777m(e)) is amended by adding at the end the following:

6 “(3) A portion, as determined by the Sport
7 Fishing and Boating Partnership Council, of funds
8 disbursed for the purposes described in paragraph
9 (2) but remaining unobligated as of October 1,
10 2021, shall be used to study the impact of derelict
11 vessels and identify recyclable solutions for rec-
12 reational vessels.”.

13 (d) RECREATIONAL BOATING SAFETY.—Section
14 13107(c)(2) of title 46, United States Code, is amended
15 by striking “No funds available” and inserting “On or
16 after October 1, 2024, no funds available”.

17 **SEC. 4. WILDLIFE RESTORATION FUND ADMINISTRATION.**

18 (a) ALLOCATION AND APPORTIONMENT OF AVAIL-
19 ABLE AMOUNTS.—Section 4(a) of the Pittman-Robertson
20 Wildlife Restoration Act (16 U.S.C. 669c(a)) is amend-
21 ed—

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

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

1 “(i) for the fiscal year that includes
 2 the date of enactment of the Sport Fish
 3 Restoration and Recreational Boating
 4 Safety Act of 2021, the sum obtained by
 5 adding—

6 “(I) the available amount speci-
 7 fied in this subparagraph for the pre-
 8 ceding fiscal year; and

9 “(II) \$979,500; and

10 “(ii) for each fiscal year thereafter,
 11 the sum obtained by adding—

12 “(I) the available amount speci-
 13 fied in this subparagraph for the pre-
 14 ceding fiscal year; and

15 “(II) the product obtained by
 16 multiplying—

17 “(aa) the available amount
 18 specified in this subparagraph for
 19 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.”; and

25 (2) in paragraph (2)—

1 (A) in subparagraph (A), by inserting
2 “subsequent” before “fiscal year.”; and

3 (B) by striking subparagraph (B) and in-
4 serting the following:

5 “(B) APPORTIONMENT OF UNOBLIGATED
6 AMOUNTS.—

7 “(i) IN GENERAL.—Not later than 60
8 days after the end of a fiscal year, the Sec-
9 retary of the Interior shall apportion
10 among the States any of the available
11 amount under paragraph (1) that re-
12 mained available for obligation pursuant to
13 subparagraph (A) during that fiscal year
14 and remains unobligated at the end of that
15 fiscal year.

16 “(ii) REQUIREMENT.—The available
17 amount apportioned under clause (i) shall
18 be apportioned on the same basis and in
19 the same manner as other amounts made
20 available under this Act were apportioned
21 among the States for the fiscal year in
22 which the amount was originally made
23 available.”.

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

4 (1) by striking paragraphs (1) and (2) and in-
5 serting the following:

6 “(1) personnel costs of employees for the work
7 hours of each employee spent directly administering
8 this Act, as those hours are certified by the super-
9 visor of the employee;”;

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

12 (3) in paragraph (2) (as so redesignated), by
13 striking “paragraphs (1) and (2)” and inserting
14 “paragraph (1)”;

15 (4) in paragraph (4)(B) (as so redesignated),
16 by striking “full-time equivalent employee authorized
17 under paragraphs (1) and (2)” and inserting “em-
18 ployee authorized under paragraph (1)”;

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

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

22 (A) by inserting “or part-time” after “full-
23 time”; and

24 (B) by inserting “, subject to the condition
25 that the percentage of the relocation expenses

1 paid with funds made available pursuant to this
2 Act may not exceed the percentage of the work
3 hours of the employee that are spent admin-
4 istering this Act” after “incurred”.

5 **SEC. 5. RECREATIONAL BOATING ACCESS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall submit to the Sport Fishing
9 and Boating Partnership Council, the Committee on Nat-
10 ural Resources and the Committee on Transportation and
11 Infrastructure of the House of Representatives, and the
12 Committee on Commerce, Science, and Transportation
13 and the Committee on Environment and Public Works of
14 the Senate a report that, to the extent practicable, given
15 available data, shall document—

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

20 (2) user conflicts at waterway access points;
21 and

22 (3) the use of—

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

1 entry points and the reasons for providing that
 2 access; and

3 (B) Recreational Boating Safety Program
 4 funds for nonmotorized boating safety pro-
 5 grams.

6 (b) CONSULTATION.—The Comptroller General of the
 7 United States shall consult with the Sport Fishing and
 8 Boating Partnership Council and the National Boating
 9 Safety Advisory Council on study design, scope, and prior-
 10 ities for the report under subsection (a).

11 **SEC. 6. SPORT FISHING AND BOATING PARTNERSHIP**
 12 **COUNCIL.**

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

18 (b) FACA.— The Secretary of the Interior and the
 19 Secretary of Commerce shall jointly carry out the require-
 20 ments of the Federal Advisory Committee Act (5 U.S.C.
 21 App.) with respect to the Sport Fishing and Boating Part-
 22 nership Council described in subsection (a).

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

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