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WILDLIFE RESTORATION PROJECT AND HUNTER SAFETY PROGRAMS

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HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY, NATURAL
RESOURCES, AND THE ENVIRONMENT

OF THE

COMMITTEE ON COMMERCE

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

S. 670, S. 2311, S. 3860, S. 3927, S. 3962, and H.R. 12475

TO REVISE AND CLARIFY THE FEDERAL AID IN WILDLIFE
RESTORATION ACT AND THE FEDERAL AID IN FISH RESTO-
RATION ACT, TO PROVIDE ADDITIONAL FUNDING FOR WILD-
LIFE RESTORATION PROJECTS AND FOR HUNTER SAFETY
PROGRAMS, AND FOR OTHER PURPOSES

SEPTEMBER 9, 1970

Serial No. 91-92

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Received of the Treasurer of the State of New York

the sum of \$100.00
for the year ending
June 30, 1912
in full for the year
ending June 30, 1912
of the sum of \$100.00
for the year ending
June 30, 1912

Witness my hand and the seal of the State of New York
this 1st day of July, 1912

1912

Attest: I, the undersigned, being a duly qualified and authorized officer of the State of New York, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of the State of New York.

Secretary of the State of New York

WILDLIFE RESTORATION PROJECTS AND HUNTER SAFETY PROGRAMS

WEDNESDAY, SEPTEMBER 9, 1970

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON ENERGY, NATURAL
RESOURCES, AND THE ENVIRONMENT,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m. in room 5110, New Senate Office Building, Hon. Philip A. Hart (chairman of the subcommittee) presiding.

Present: Senators Hart and Scott.

OPENING STATEMENT BY THE CHAIRMAN

Senator HART. The committee will be in order.

Today we begin hearings on several bills designed to modernize the Federal Aid in Wildlife Restoration Act, more commonly known as the Pittman-Robertson Act, the Federal Aid in Fish Restoration Act, commonly known as the Dingell-Johnson Act. The bills are H.R. 12475 by Mr. Dingell, passed by the House about a month ago; S. 670 and S. 3962, introduced by Senator Metcalf; S. 2311 and S. 3860, introduced by our very able minority leader, the opening witness this morning; and S. 3927, which I introduced.

(The bills and agency comments follow:)

(1)

91ST CONGRESS
1ST SESSION

S. 670

IN THE SENATE OF THE UNITED STATES

JANUARY 27 (legislative day, JANUARY 10), 1969

Mr. METCALF introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, 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 That the first sentence in section 3 of the Act of Sep-
4 tember 2, 1937, relating to Federal aid in wildlife restoration
5 (16 U.S.C. 669b), is amended to read as follows: "An
6 amount equal to all revenues accruing each fiscal year from
7 any tax imposed on specified articles by section 4181 of
8 the Internal Revenue Code of 1954 (26 U.S.C. 4181)
9 shall, subject to the exemptions in section 4182 of said Code,
10 be covered into the Federal aid to wildlife restoration fund in

1 the Treasury (hereinafter referred to as the 'fund') and is
2 authorized to be appropriated and made available until
3 expended to carry out the purposes of this Act."

4 SEC. 2. Section 4 of such Act (16 U.S.C. 669c) is
5 amended:

6 (a) by inserting "(a)" before the first sentence
7 thereof;

8 (b) by inserting after the words "shall apportion"
9 in the second sentence thereof a comma and the follow-
10 ing: "except as provided in subsection (b) of this
11 section,"; and

12 (c) by adding at the end thereof the following new
13 subsection:

14 "(b) One-half of the revenues accruing to the fund
15 under this Act each fiscal year from any tax imposed on
16 pistols and revolvers shall be apportioned among the States
17 in proportion to the ratio that the population of each State
18 bears to the population of all the States: *Provided*, That each
19 State shall be apportioned not more than 3 per centum and
20 not less than 1 per centum of such revenues. For the purpose
21 of this subsection, population shall be determined on the
22 basis of the latest decennial census for which figures are
23 available, as certified by the Secretary of Commerce."

24 SEC. 3. Section 8 of such Act (16 U.S.C. 669g) is
25 amended by inserting "(a)" at the beginning thereof and

1 by adding a new subsection at the end thereof to read as
2 follows:

3 “(b) Each State may use the funds apportioned to it
4 under section 4 (b) of this Act to pay up to 50 per centum
5 of the costs of a hunter safety program and the construction,
6 operation, and maintenance of public outdoor target ranges,
7 as a part of such program. The non-Federal share of such
8 costs may be derived from license fees paid by hunters,
9 but not from other Federal grant programs.”

10 SEC. 4. The amendments made to the Act of Septem-
11 ber 2, 1937, relating to Federal aid in wildlife restoration, by
12 section 1 of this Act shall be effective on July 1, 1969. The
13 amendments made to such Act by sections 2 and 3 of this
14 Act shall be effective on July 1, 1970. The Secretary shall
15 issue such regulations as he deems advisable relative to the
16 criteria for the establishment of hunter safety programs and
17 public outdoor target ranges under section 3 of this Act at
18 least sixty days prior to July 1, 1970.

91ST CONGRESS
1ST SESSION

S. 2311

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1969

Mr. SCOTT introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, 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 That the first sentence of section 3 of the Act of September
4 2, 1937, relating to Federal aid in wildlife restoration (16
5 U.S.C. 669b), is amended to read as follows: "An amount
6 equal to all revenues accruing each fiscal year from any tax
7 imposed on specified articles by section 4181 of the Internal
8 Revenue Code of 1954 (26 U.S.C. 4181) shall, subject to
9 the exemptions in section 4182 of said Code, be converted

1 into the Federal aid to wildlife restoration fund in the Treas-
2 ury (hereinafter referred to as the 'fund') and is authorized
3 to be appropriated and made available until expended to
4 carry out the purposes of this Act."

5 SEC. 2. Section 8 of the Act of September 2, 1937,
6 relating to Federal aid in wildlife restoration (16 U.S.C.
7 669g), is amended by inserting "(a)" immediately after
8 the section designation thereof and by adding a new sub-
9 section at the end thereof as follows:

10 "(b) Each State may use up to one-half of the funds
11 apportioned to it under this Act to pay up to 50 per centum
12 of the costs of a hunter safety program and the construction,
13 operation, and maintenance of public outdoor target ranges,
14 as a part of such program. The non-Federal share of such
15 costs may be derived from license fees paid by hunters, but
16 not from other Federal grant programs."

17 SEC. 3. The amendments made to the Act of Septem-
18 ber 2, 1937, relating to Federal aid in wildlife restoration,
19 by the first section of this Act shall be effective on July 1,
20 1969. The amendment made to such Act by section 2 of
21 this Act shall be effective on July 1, 1970. The Secretary
22 shall issue such regulations as he deems advisable setting
23 forth the criteria for the establishment of hunter safety pro-
24 grams and public outdoor target ranges, assisted pursuant
25 to the amendment made by section 2 of this Act, at least
26 sixty days prior to July 1, 1970.

91ST CONGRESS
2^D SESSION

S. 3860

IN THE SENATE OF THE UNITED STATES

MAY 20, 1970

Mr. SCOTT introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, 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 TITLE I—FEDERAL AID IN WILDLIFE

4 RESTORATION

5 SEC. 101. The first sentence of section 3 of the Federal
6 Aid in Wildlife Restoration Act of September 2, 1937 (16
7 U.S.C. 669b), is amended to read as follows: "An amount
8 equal to all revenues accruing each fiscal year (beginning
9 with the fiscal year 1971) from any tax imposed on speci-
10 fied articles by section 4181 of the Internal Revenue Code

1 of 1954 (26 U.S.C. 4181) shall, subject to the exemptions
2 in section 4182 of such Code, be covered into the Federal
3 aid to wildlife restoration fund in the Treasury (hereinafter
4 referred to as the 'fund') and is authorized to be appro-
5 priated and made available until expended to carry out the
6 purposes of this Act."

7 SEC. 102. Sections 4, 5, 6, 7, 8, and 8(a) of the Fed-
8 eral Aid in Wildlife Restoration Act of September 2, 1937
9 (16 U.S.C. 669c-669g-1), are amended to read as follows:

10 "SEC. 4. (a) So much, not to exceed 8 per centum, of
11 the revenues covered into said fund in each fiscal year as the
12 Secretary of the Interior may estimate to be necessary for his
13 expenses in the administration and execution of this Act and
14 the Migratory Bird Conservation Act shall be deducted for
15 that purpose, and such sum is authorized to be made avail-
16 able therefor until the expiration of the next succeeding fiscal
17 year, and within sixty days after the close of such fiscal year
18 the Secretary of the Interior shall apportion such part thereof
19 as remains unexpended by him, if any, and make certificate
20 thereof to the Secretary of the Treasury and to the State fish
21 and game departments on the same basis and in the same
22 manner as is provided as to other amounts authorized by this
23 Act to be apportioned among the States for such current fiscal
24 year. The Secretary of the Interior, after making the afore-
25 said deduction, shall apportion, except as provided in subsec-

1 tion (b) of this section, the remainder of the revenue in said
2 fund for each fiscal year among the several States in the fol-
3 lowing manner: One-half in the ratio which the area of each
4 State bears to the total area of all the States, and one-half in
5 the ratio which the number of paid hunting-license holders of
6 each State in the second fiscal year preceding the fiscal year
7 for which such apportionment is made, as certified to said
8 Secretary by the State fish and game departments, bears to
9 the total number of paid hunting-license holders of all the
10 States. Such apportionments shall be adjusted equitably so
11 that no State shall receive less than one-half of 1 per centum
12 nor more than 5 per centum of the total amount apportioned.
13 The term fiscal year as used in this Act shall be a period of
14 twelve consecutive months from July 1 through the succeed-
15 ing June 30, except that the period for enumeration of paid
16 hunting-license holders shall be a State's fiscal or license year.

17 “(b) One-half of the revenues accruing to the fund
18 under this Act each fiscal year (beginning with the fiscal
19 year 1972) from any tax imposed on pistols and revolvers
20 shall be apportioned among the States in proportion to the
21 ratio that the population of each State bears to the popu-
22 lation of all the States: *Provided*, That each State shall
23 be apportioned not more than 5 per centum and not less than
24 1 per centum of such revenues. For the purpose of this
25 subsection, population shall be determined on the basis of

1 the latest decennial census for which figures are available,
2 as certified by the Secretary of Commerce.

3 "SEC. 5. Within sixty days after the approval of the
4 Federal Aid in Wildlife Restoration Act Amendments of
5 1970, the Secretary of the Interior shall certify to the
6 Secretary of the Treasury and to each State fish and game
7 department the sum which he has estimated to be deducted
8 for administering and executing this Act and the Migratory
9 Bird Conservation Act and the sum which he has appor-
10 tioned to each State for the fiscal year ending June 30, 1970,
11 and shall make like certificates for each fiscal year there-
12 after. Any State desiring to avail itself of the benefits of this
13 Act shall notify the Secretary of the Interior to this effect
14 within sixty days after it has received the certification re-
15 ferred to in this section. The sum apportioned to any State
16 which fails to notify the Secretary of the Interior as herein
17 provided is authorized to be made available for expenditure
18 by the Secretary of the Interior in carrying out the pro-
19 visions of the Migratory Bird Conservation Act.

20 "SEC. 6. (a) Any State desiring to avail itself of the
21 benefits of this Act shall, by its State fish and game depart-
22 ment, submit programs or projects for wildlife restoration
23 in either of the following two ways:

24 "(1) The State shall prepare and submit to the Secre-
25 tary of the Interior a comprehensive fish and wildlife re-

1 source management plan which shall insure the perpetuation
2 of these resources for the economic, scientific, and recrea-
3 tional enrichment of the people. Such plan shall be for a
4 period of not less than five years and be based on projections
5 of desires and needs of the people for a period of not less
6 than fifteen years. It shall include provisions for updating
7 at intervals of not more than three years and be provided in
8 a format as may be required by the Secretary of the Interior.
9 If the Secretary of the Interior finds that such plans conform
10 to standards established by him and approves such plans,
11 he may finance up to 75 per centum of the cost of imple-
12 menting segments of those plans meeting the purposes of
13 this Act from funds apportioned under this Act upon his
14 approval of an annual agreement submitted to him.

15 “(2) A State may elect to avail itself of the benefits of
16 this Act by its State fish and game department submitting
17 to the Secretary of the Interior full and detailed statements
18 of any wildlife-restoration project proposed for that State.
19 If the Secretary of the Interior finds that such projects meet
20 with the standards set by him and approves said projects,
21 the State fish and game department shall furnish to him such
22 surveys, plans, specifications, and estimates therefor as he
23 may require. If the Secretary of the Interior approves the
24 plans, specifications, and estimates for the project, he shall
25 notify the State fish and game department and immediately

1 set aside so much of said fund as represents the share of the
2 United States payable under this Act on account of such
3 project, which sum so set aside shall not exceed 75 per
4 centum of the total estimated cost thereof. The Secretary
5 of the Interior shall approve only such comprehensive plans
6 or projects as may be substantial in character and design
7 and the expenditure of funds hereby authorized shall be
8 applied only to such approved comprehensive wildlife plans
9 or projects and if otherwise applied they shall be replaced
10 by the State before it may participate in any further appor-
11 tionment under this Act. No payment of any money appor-
12 tioned under this Act shall be made on any comprehensive
13 wildlife plan or project until an agreement to participate
14 therein shall have been submitted to and approved by the
15 Secretary of the Interior.

16 “(b) If the State elects to avail itself of the benefits
17 of this Act by preparing a comprehensive fish and wildlife
18 plan under option (1) of subsection (a), then the term
19 ‘project’ may be defined for the purposes of this Act as a
20 wildlife program, all other definitions notwithstanding.

21 “SEC. 7. (a) When the Secretary of the Interior shall
22 find that any project approved by him has been completed
23 or, if involving research relating to wildlife, is being con-
24 ducted, in compliance with said plans and specifications, he
25 shall cause to be paid to the proper authority of said State

1 the amount set aside for said project. The Secretary of the
2 Interior may, in his discretion, from time to time, make pay-
3 ments on said project as the same progresses; but these pay-
4 ments, including previous payments, if any, shall not be more
5 than the United States pro rata share of the project in con-
6 formity with said plans and specifications. If a State has
7 elected to avail itself of the benefits of this Act by preparing
8 a comprehensive fish and wildlife plan as provided for under
9 option (1) of subsection (a), and this plan has been ap-
10 proved by the Secretary of the Interior, then the Secretary
11 may, in his discretion, and under such rules and regulations
12 as he may prescribe, advance funds to the State for financ-
13 ing the United States pro rata share agreed upon between the
14 State fish and game department and the Secretary.

15 “(b) Any construction work and labor in each State
16 shall be performed in accordance with its laws and under the
17 direct supervision of the State fish and game department,
18 subject to the inspection and approval of the Secretary of the
19 Interior and in accordance with rules and regulations made
20 pursuant to this Act. The Secretary of the Interior and the
21 State fish and game department of each State may jointly
22 determine at what times and in what amounts payments shall
23 be made under this Act. Such payments shall be made by the
24 Secretary of the Treasury, on warrants drawn by the Secre-
25 tary of the Interior against the said fund to such official or

1 officials, or depository, as may be designated by the State fish
2 and game department and authorized under the laws of the
3 State to receive public funds of the State.

4 "SEC. 8. (a) Maintenance of wildlife-restoration projects
5 established under the provisions of this Act shall be the duty
6 of the States in accordance with their respective laws. Begin-
7 ning July 1, 1945, the term 'wildlife-restoration project', as
8 defined in section 2 of this Act, shall include maintenance of
9 completed projects. Notwithstanding any other provisions of
10 this Act, funds apportioned to a State under this Act may be
11 expended by the State for management (exclusive of law
12 enforcement and public relations) of wildlife areas and re-
13 sources.

14 "(b) Each State may use the funds apportioned to it
15 under section 4 (b) of this Act to pay up to 75 per centum
16 of the costs of a hunter safety program and the construction,
17 operation, and maintenance of public outdoor target ranges,
18 as a part of such program. The non-Federal share of such
19 costs may be derived from license fees paid by hunters, but
20 not from other Federal grant programs. The Secretary shall
21 issue such regulations as he deems advisable relative to the
22 criteria for the establishment of hunter safety programs and
23 public outdoor target ranges under this section at least sixty
24 days prior to July 1, 1971.

25 "SEC. 8A. The Secretary of the Interior is authorized

1 to cooperate with the Secretary of Agriculture of Puerto
2 Rico, the Governor of Guam, and the Governor of the Virgin
3 Islands, in the conduct of wildlife-restoration projects, as
4 defined in section 2 of this Act, upon such terms and condi-
5 tions as he shall deem fair, just, and equitable, and is au-
6 thorized to apportion to Puerto Rico, Guam, and the Virgin
7 Islands, out of the money available for apportionment under
8 this Act, such sums as he shall determine, not exceeding
9 for Puerto Rico one-half of 1 per centum, for Guam one-sixth
10 of 1 per centum, and for the Virgin Islands one-sixth of
11 1 per centum of the total amount apportioned, in any one
12 year, but the Secretary shall in no event require any of
13 said cooperating agencies to pay an amount which will
14 exceed 25 per centum of the cost of any project. Any
15 unexpended or unobligated balance of any apportionment
16 made pursuant to this section shall be available for expendi-
17 ture in Puerto Rico, Guam, or the Virgin Islands, as the
18 case may be, in the succeeding year, on any approved proj-
19 ect, and if unexpended or unobligated at the end of such
20 year is authorized to be made available for expenditure by
21 the Secretary of the Interior in carrying out the provisions
22 of the Migratory Bird Conservation Act.”

23 SEC. 103. This title may be cited as the “Federal Aid
24 in Wildlife Restoration Act Amendments of 1969”.

1 the fiscal year for which such appointment is made, as cer-
2 tified to said Secretary by the State fish and game depart-
3 ments, bears to the number of such persons in all the States.
4 Such apportionments shall be adjusted equitably so that no
5 States shall receive less than 1 per centum nor more than 5
6 per centum of the total amount apportioned. Where the
7 apportionment to any State under this section is less than
8 \$4,500 annually, the Secretary of the Interior may allocate
9 not more than \$4,500 of said appropriation to said State to
10 carry out the purposes of this Act when said State certifies to
11 the Secretary of the Interior that it has set aside not less than
12 \$1,500 from its fish-and-game funds or has made, through its
13 legislature, an appropriation in this amount for said purposes.
14 So much of any sum not allocated under the provisions of this
15 section for any fiscal year is hereby authorized to be made
16 available for expenditure to carry out the purposes of this
17 Act until the close of the succeeding fiscal year, and if unex-
18 pended or unobligated at the end of such year, such sum is
19 hereby authorized to be made available for expenditure by
20 the Secretary of the Interior in carrying on the research
21 program of the Fish and Wildlife Service in respect to fish of
22 material value for sport or recreation. The term fiscal year as
23 used in this section shall be a period of twelve consecutive
24 months from July 1 through the succeeding June 30, except

1 that the period for enumeration of persons holding licenses to
2 fish shall be a State's fiscal or license year."

3 SEC. 202. Sections 6, 7, and 8 of the Federal Aid in
4 Fish Restoration Act of 1950 (16 U.S.C. 777e-777g) are
5 amended to read as follows:

6 "SEC. 6. (a) Any State desiring to avail itself of the
7 benefits of this Act shall, by its State fish and game depart-
8 ment, submit programs or projects for fish restoration in
9 either of the following two ways:

10 "(1) The State shall prepare and submit to the
11 Secretary of the Interior a comprehensive fish and wild-
12 life resource management plan which shall insure the
13 perpetuation of these resources for the economic, scien-
14 tific, and recreational enrichment of the people. Such
15 plan shall be for a period of not less than five years
16 and be based on projections of desires and needs of the
17 people for a period of not less than fifteen years. It shall
18 include provisions for updating at intervals of not more
19 than three years and be provided in a format as may be
20 required by the Secretary of the Interior. If the Secre-
21 tary of the Interior finds that such plans conform to
22 standards established by him and approves such plans,
23 he may finance up to 75 per centum of the cost of
24 implementing segments of those plans meeting the pur-
25 poses of this Act from funds apportioned under this Act

1 upon his approval of an annual agreement submitted
2 to him.

3 “(2) A State may elect to avail itself of the benefits of
4 this Act by its State fish and game department submitting
5 to the Secretary of the Interior full and detailed statements
6 of any fish restoration and management project proposed for
7 that State. If the Secretary of the Interior finds that such
8 projects meet with the standards set by him and approves
9 said projects, the State fish and game department shall fur-
10 nish to him such surveys, plans, specifications, and estimates
11 therefor as he may require. If the Secretary of the Interior
12 approves the plans, specifications, and estimates for any
13 project, he shall notify the State fish and game department
14 and immediately set aside so much of said appropriation
15 as represents the share of the United States payable under
16 this Act on account of such project, which sum so set aside
17 shall not exceed 75 per centum of the total estimated cost
18 thereof. The Secretary of the Interior shall approve only
19 such comprehensive plans or projects as may be substantial
20 in character and design and the expenditure of funds hereby
21 authorized shall be applied only to such approved compre-
22 hensive fishery plan or projects and if otherwise applied they
23 shall be replaced by the State before it may participate in
24 any further apportionment under this Act. No payment of
25 any money apportioned under this Act shall be made on

1 any comprehensive fishery plan or project until an agree-
2 ment to participate therein shall have been submitted to and
3 approved by the Secretary of the Interior.

4 “(b) If the State elects to avail itself of the benefits
5 of this Act by preparing a comprehensive fish and wildlife
6 plan under option (1) of subsection (a), then the term
7 ‘project’ may be defined for the purposes of this Act as a
8 fishery program, all other definitions notwithstanding.

9 “SEC. 7. (a) When the Secretary of the Interior shall
10 find that any project approved by him has been completed
11 or, if involving research relating to fish, is being conducted,
12 in compliance with said plans and specifications, he shall
13 cause to be paid to the proper authority of said State the
14 amount set aside for said project. The Secretary of the In-
15 terior may, in his discretion, from time to time, make pay-
16 ments on said project as the same progresses; but these
17 payments, including previous payments, if any, shall not be
18 more than the United States’ pro rata share of the project in
19 conformity with said plans and specifications. If a State has
20 elected to avail itself of the benefits of this Act by preparing
21 a comprehensive fish and wildlife plan as provided for under
22 option (1) of subsection (a), and this plan has been ap-
23 proved by the Secretary of the Interior, then the Secretary
24 may, in his discretion, and under such rules and regulations
25 as he may prescribe, advance funds to the State for financing

1 the United States' pro rata share agreed upon between the
2 State fish and game department and the Secretary.

3 “(b) Any construction work and labor in each State
4 shall be performed in accordance with its laws and under the
5 direct supervision of the State fish and game department,
6 subject to the inspection and approval of the Secretary of
7 the Interior and in accordance with the rules and regulations
8 made pursuant to this Act. The Secretary of the Interior and
9 the State fish and game department of each State may jointly
10 determine at what times and in what amounts payments shall
11 be made under this Act. Such payments shall be made
12 against the said appropriation to such official or officials, or
13 depository, as may be designated by the State fish and game
14 department and authorized under the laws of the State to
15 receive public funds of the State.

16 “SEC. 8. To maintain fish-restoration and management
17 projects established under the provisions of this Act shall
18 be the duty of the States according to their respective laws.
19 Beginning July 1, 1953, maintenance of projects heretofore
20 completed under the provisions of this Act may be considered
21 as projects under this Act. Title to any real or personal
22 property acquired by any State, and to improvements placed
23 on State-owned lands through the use of funds paid to the
24 State under the provisions of this Act, shall be vested in
25 such State.”

1 SEC. 203. Section 12 of the Federal Aid in Fish Res-
2 toration Act of 1950 (16 U.S.C. 777k) is amended to read
3 as follows:

4 “SEC. 12. The Secretary of the Interior is authorized to
5 cooperate with the Secretary of Agriculture of Puerto Rico,
6 the Governor of Guam, and the Governor of the Virgin
7 Islands, in the conduct of fish restoration and management
8 projects, as defined in section 2 of this Act, upon such terms
9 and conditions as he shall deem fair, just, and equitable, and
10 is authorized to apportion to Puerto Rico, Guam, and the Vir-
11 gin Islands, out of money available for apportionment under
12 this Act, such sums as he shall determine, not exceeding for
13 Puerto Rico 1 per centum, for Guam one-third of 1 per
14 centum, and for the Virgin Islands one-third of 1 per centum
15 of the total amount apportioned in any one year, but the
16 Secretary shall in no event require any of said cooperating
17 agencies to pay an amount which will exceed 25 per centum
18 of the cost of any project. Any unexpended or unobligated
19 balance of any apportionment made pursuant to this section
20 shall be made available for expenditure in Puerto Rico,
21 Guam, or the Virgin Islands, as the case may be, in the suc-
22 ceeding year, on any approved project, and if unexpended or
23 unobligated at the end of such year is authorized to be made
24 available for expenditure by the Secretary of the Interior in

1 carrying on the research program of the Fish and Wildlife
2 Service in respect to fish of material value for sport
3 recreation.”

4 SEC. 204. This title may be cited as the “Federal Aid
5 in Fish Restoration Act Amendments of 1970”.

91ST CONGRESS
2^D SESSION

S. 3927

IN THE SENATE OF THE UNITED STATES

JUNE 4, 1970

Mr. HART introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, 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 TITLE I—FEDERAL AID IN WILDLIFE

4 RESTORATION

5 SEC. 101. The first sentence of section 3 of the Federal
6 Aid in Wildlife Restoration Act of September 2, 1937 (16
7 U.S.C. 669b), is amended to read as follows: "An amount
8 equal to all revenues accruing each fiscal year (beginning
9 with the fiscal year ~~1970~~ 1971) from any tax imposed on
10 specified articles by section 4181 of the Internal Revenue

1 Code of 1954 (26 U.S.C. 4181) shall, subject to the exemp-
2 tions in section 4182 of such Code, be covered into the Fed-
3 eral aid to wildlife restoration fund in the Treasury (herein-
4 after referred to as the 'fund') and is authorized to be appro-
5 priated and made available until expended to carry out the
6 purposes of this Act."

7 SEC. 102. Sections 4, 5, 6, 7, 8, and 8 (a) of the Fed-
8 eral Aid in Wildlife Restoration Act of September 2, 1937
9 (16 U.S.C. 669c—669g-1), are amended to read as follows:

10 "SEC. 4. (a) So much, not to exceed 8 per centum, of
11 the revenues covered into said fund in each fiscal year as the
12 Secretary of the Interior may estimate to be necessary for his
13 expenses in the administration and execution of this Act and
14 the Migratory Bird Conservation Act shall be deducted for
15 that purpose, and such sum is authorized to be made avail-
16 able therefor until the expiration of the next succeeding fiscal
17 year, and within sixty days after the close of such fiscal year
18 the Secretary of the Interior shall apportion such part thereof
19 as remains unexpended by him, if any, and make certificate
20 thereof to the Secretary of the Treasury and to the State fish
21 and game departments on the same basis and in the same
22 manner as is provided as to other amounts authorized by this
23 Act to be apportioned among the States for such current fiscal
24 year. The Secretary of the Interior, after making the afore-
25 said deduction, shall apportion, except as provided in subsec-

1 tion (b) of this section, the remainder of the revenue in said
2 fund for each fiscal year among the several States in the fol-
3 lowing manner: One-half in the ratio which the area of each
4 State bears to the total area of all the States, and one-half in
5 the ratio which the number of paid hunting-license holders of
6 each State in the second fiscal year preceding the fiscal year
7 for which such apportionment is made, as certified to said
8 Secretary by the State fish and game departments, bears to
9 the total number of paid hunting-license holders of all the
10 States. Such apportionments shall be adjusted equitably so
11 that no State shall receive less than one-half of 1 per centum
12 nor more than 5 per centum of the total amount apportioned.
13 The term fiscal year as used in this Act shall be a period of
14 twelve consecutive months from July 1 through the succeed-
15 ing June 30, except that the period for enumeration of paid
16 hunting-license holders shall be a State's fiscal or license year.

17 “(b) One-half of the revenues accruing to the fund
18 under this Act each fiscal year (beginning with the fiscal
19 year 1971) from any tax imposed on pistols and revolvers
20 shall be apportioned among the States in proportion to the
21 ratio that the population of each State bears to the popu-
22 lation of all the States: *Provided*, That each State shall
23 be apportioned not more than 3 per centum and not less than
24 1 per centum of such revenues. For the purpose of this
25 subsection, population shall be determined on the basis of

1 the latest decennial census for which figures are available,
2 as certified by the Secretary of Commerce.

3 "SEC. 5. For each fiscal year, the Secretary of the In-
4 terior shall certify to the Secretary of the Treasury and to
5 each State fish and game department the sum which he has
6 estimated to be deducted for administering and executing this
7 Act and the Migratory Bird Conservation Act and the sum
8 which he has apportioned to each State. Any State desiring
9 to avail itself of the benefits of this Act shall notify the
10 Secretary of the Interior to this effect within sixty days
11 after it has received the certification referred to in this
12 section. The sum apportioned to any State which fails to
13 notify the Secretary of the Interior as herein provided is
14 authorized to be made available for expenditure by the
15 Secretary of the Interior in carrying out the provisions of
16 the Migratory Bird Conservation Act.

17 "SEC. 6. (a) Any State desiring to avail itself of the
18 benefits of this Act shall, by its State fish and game depart-
19 ment, submit programs or projects for wildlife restoration
20 in either of the following two ways:

21 "(1) The State shall prepare and submit to the Secre-
22 tary of the Interior a comprehensive fish and wildlife res-
23 source management plan which shall insure the perpetuation
24 of these resources for the economic, scientific, and recrea-
25 tional enrichment of the people. Such plan shall be for a

1 period of not less than five years and be based on projections
2 of desires and needs of the people for a period of not less
3 than fifteen years. It shall include provisions for updating
4 at intervals of not more than three years and be provided in
5 a format as may be required by the Secretary of the Interior.
6 If the Secretary of the Interior finds that such plans con-
7 form to standards established by him and approves such
8 plans, he may finance up to 75 per centum of the cost of
9 implementing segments of those plans meeting the purposes
10 of this Act from funds apportioned under this Act upon his
11 approval of an annual agreement submitted to him.

12 “(2) A State may elect to avail itself of the benefits
13 of this Act by its State fish and game department submitting
14 to the Secretary of the Interior full and detailed statements
15 of any wildlife-restoration project proposed for that State. If
16 the Secretary of the Interior finds that such project meets
17 with the standards set by him and approves said project, the
18 State fish and game department shall furnish to him such
19 surveys, plans, specifications, and estimates therefor as he
20 may require. If the Secretary of the Interior approves the
21 plans, specifications, and estimates for the project, he shall
22 notify the State fish and game department and immediately
23 set aside so much of said fund as represents the share of the
24 United States payable under this Act on account of such

1 project, which sum so set aside shall not exceed 75 per
2 centum of the total estimated cost thereof.

3 The Secretary of the Interior shall approve only such
4 comprehensive plans or projects as may be substantial in
5 character and design and the expenditure of funds hereby
6 authorized shall be applied only to such approved compre-
7 hensive wildlife plans or projects and if otherwise applied
8 they shall be replaced by the State before it may participate
9 in any further apportionment under this Act. No payment
10 of any money apportioned under this Act shall be made on
11 any comprehensive wildlife plan or project until an agree-
12 ment to participate therein shall have been submitted to
13 and approved by the Secretary of the Interior.

14 “(b) If the State elects to avail itself of the benefits
15 of this Act by preparing a comprehensive fish and wildlife
16 plan under option (1) of subsection (a) of this section, then
17 the term ‘project’ may be defined for the purposes of this Act
18 as a wildlife program, all other definitions notwithstanding.

19 “(c) Administrative costs in the form of overhead or
20 indirect costs for services provided by State central service
21 activities outside of the State agency having primary juris-
22 diction over the wildlife resources of the State which may
23 be charged against programs or projects supported by the
24 fund established by section 3 of this Act shall not exceed

1 in any one fiscal year 3 per centum of the annual apportion-
2 ment to the State.

3 "SEC. 7. (a) When the Secretary of the Interior shall
4 find that any project approved by him has been completed
5 or, if involving research relating to wildlife, is being con-
6 ducted, in compliance with said plans and specifications, he
7 shall cause to be paid to the proper authority of said State
8 the amount set aside for said project. The Secretary of the
9 Interior may, in his discretion, from time to time, make pay-
10 ments on said project as the same progresses; but these pay-
11 ments, including previous payments, if any, shall not be more
12 than the United States pro rata share of the project in con-
13 formity with said plans and specifications. If a State has
14 elected to avail itself of the benefits of this Act by preparing
15 a comprehensive fish and wildlife plan as provided for under
16 option (1) of subsection (a) of section 6 of this Act, and this
17 plan has been approved by the Secretary of the Interior,
18 then the Secretary may, in his discretion, and under such
19 rules and regulations as he may prescribe, advance funds to
20 the State for financing the United States pro rata share
21 agreed upon between the State fish and game department and
22 the Secretary.

23 "(b) Any construction work and labor in each State
24 shall be performed in accordance with its laws and under the
25 direct supervision of the State fish and game department,

1 subject to the inspection and approval of the Secretary of the
2 Interior and in accordance with rules and regulations made
3 pursuant to this Act. The Secretary of the Interior and the
4 State fish and game department of each State may jointly
5 determine at what times and in what amounts payments shall
6 be made under his Act. Such payments shall be made by the
7 Secretary of the Treasury, on warrants drawn by the Secre-
8 tary of the Interior against the said fund to such official or
9 officials, or depository, as may be designated by the State fish
10 and game department and authorized under the laws of the
11 State to receive public funds of the State.

12 "SEC. 8. (a) Maintenance of wildlife-restoration projects
13 established under the provisions of this Act shall be the duty
14 of the States in accordance with their respective laws. Begin-
15 ning July 1, 1945, the term 'wildlife-restoration project', as
16 defined in section 2 of this Act, shall include maintenance of
17 completed projects. Notwithstanding any other provisions of
18 this Act, funds apportioned to a State under this Act may be
19 expended by the State for management (exclusive of law
20 enforcement and public relations) of wildlife areas and
21 resources.

22 "(b) Each State may use the funds apportioned to it
23 under section 4 (h) of this Act to pay up to 50 per centum
24 of the costs of a hunter safety program and the construction,
25 operation, and maintenance of public outdoor target ranges,

1 as a part of such program. The non-Federal share of such
2 costs may be derived from license fees paid by hunters, but
3 not from other Federal grant programs. The Secretary shall
4 issue not later than the 120th day after the effective date of
5 this subsection such regulations as he deems advisable relative
6 to the criteria for the establishment of hunter safety programs
7 and public outdoor target ranges under this subsection.

8 "SEC. 8A. The Secretary of the Interior is authorized
9 to cooperate with the Secretary of Agriculture of Puerto
10 Rico, the Governor of Guam, and the Governor of the Virgin
11 Islands, in the conduct of wildlife-restoration projects, as
12 defined in section 2 of this Act, upon such terms and condi-
13 tions as he shall deem fair, just, and equitable, and is au-
14 thorized to apportion to Puerto Rico, Guam, and the Virgin
15 Islands, out of the money available for apportionment under
16 this Act, such sums as he shall determine, not exceeding
17 for Puerto Rico one-half of 1 per centum, for Guam one-sixth
18 of 1 per centum, and for the Virgin Islands one-sixth of
19 1 per centum of the total amount apportioned, in any one
20 year, but the Secretary shall in no event require any of
21 said cooperating agencies to pay an amount which will
22 exceed 25 per centum of the cost of any project. Any
23 unexpended or unobligated balance of any apportionment
24 made pursuant to this section shall be available for expendi-

1 ture in Puerto Rico, Guam, or the Virgin Islands, as the
2 case may be, in the succeeding year, on any approved proj-
3 ect, and if unexpended or unobligated at the end of such
4 year is authorized to be made available for expenditure by
5 the Secretary of the Interior in carrying out the provisions
6 of the Migratory Bird Conservation Act.”

7 SEC. 103. This title may be cited as the “Federal Aid
8 in Wildlife Restoration Act Amendments of 1970”.

9 TITLE II—FEDERAL AID IN SPORT FISH
10 RESTORATION

11 SEC. 201. Section 4 of the Federal Aid in Fish Restora-
12 tion Act of 1950 (16 U.S.C. 777e) is amended to read
13 as follows:

14 “SEC. 4. So much, not to exceed 8 per centum, of each
15 annual appropriation made in pursuance of the provisions of
16 section 3 of this Act as the Secretary of the Interior may
17 estimate to be necessary for his expenses in the conduct of
18 necessary investigations, administration, and the execution of
19 this Act and for aiding in the formulation, adoption, or
20 administration of any compact between two or more States
21 for the conservation and management of migratory fishes in
22 marine or fresh waters shall be deducted for that purpose,
23 and such sum is authorized to be made available therefor
24 until the expiration of the next succeeding fiscal year. The
25 Secretary of the Interior, after making the aforesaid deduc-

1 tion, shall apportion the remainder of the appropriation for
2 each fiscal year among the several States in the following
3 manner: 40 per centum in the ratio which the area of each
4 State including coastal and Great Lakes waters (as deter-
5 mined by the Secretary of the Interior) bears to the total
6 area of all the States, and 60 per centum in the ratio which
7 the number of persons holding paid licenses to fish for sport
8 or recreation in the State in the second fiscal year preceding
9 the fiscal year for which such apportionment is made, as cer-
10 tified to said Secretary by the State fish and game depart-
11 ments, bears to the number of such persons in all the States.
12 Such apportionments shall be adjusted equitably so that no
13 State shall receive less than 1 per centum nor more than 5
14 per centum of the total amount apportioned. Where the ap-
15 portionment to any State under this section is less than
16 \$4,500 annually, the Secretary of the Interior may allocate
17 not more than \$4,500 of said appropriation to said State to
18 carry out the purposes of this Act when said State certifies to
19 the Secretary of the Interior that it has set aside not less than
20 \$1,500 from its fish-and-game funds or has made, through
21 its legislature, an appropriation in this amount for said pur-
22 poses. So much of any sum not allocated under the provisions
23 of this section for any fiscal year is hereby authorized to be
24 made available for expenditure to carry out the purposes of
25 this Act until the close of the succeeding fiscal year, and if

1 unexpended or unobligated at the end of such year, such
2 sum is hereby authorized to be made available for expendi-
3 ture by the Secretary of the Interior in carrying on the re-
4 search program of the Fish and Wildlife Service in respect
5 to fish of material value for sport or recreation. The term
6 'fiscal year' as used in this section shall be a period of twelve
7 consecutive months from July 1 through the succeeding
8 June 30, except that the period for enumeration of persons
9 holding licenses to fish shall be a State's fiscal or license
10 year."

11 SEC. 202. Sections 6, 7, and 8 of the Federal Aid in
12 Fish Restoration Act of 1950 (16 U.S.C. 777e-777g) are
13 amended to read as follows:

14 "SEC. 6. (a) Any State desiring to avail itself of the
15 benefits of this Act shall, by its State fish and game depart-
16 ment, submit programs or projects for fish restoration in
17 either of the following two ways:

18 "(1) The State shall prepare and submit to the Secre-
19 tary of the Interior a comprehensive fish and wildlife re-
20 source management plan which shall insure the perpetuation
21 of these resources for the economic, scientific, and recrea-
22 tional enrichment of the people. Such plan shall be for a
23 period of not less than five years and be based on projections
24 of desires and needs of the people for a period of not less
25 than fifteen years. It shall include provisions for updating

1 at intervals of not more than three years and be provided
2 in a format as may be required by the Secretary of the In-
3 terior. If the Secretary of the Interior finds that such plans
4 conform to standards established by him and approves such
5 plans, he may finance up to 75 per centum of the cost of
6 implementing segments of those plans meeting the purposes
7 of this Act from funds apportioned under this Act upon his
8 approval of an annual agreement submitted to him.

9 “(2) A State may elect to avail itself of the benefits of
10 this Act by its State fish and game department submitting
11 to the Secretary of the Interior full and detailed statements
12 of any fish restoration and management project proposed for
13 that State. If the Secretary of the Interior finds that such
14 project meets with the standards set by him and approves
15 said project, the State fish and game department shall
16 furnish to him such surveys, plans, specifications, and esti-
17 mates therefor as he may require. If the Secretary of the
18 Interior approves the plans, specifications, and estimates
19 for the project, he shall notify the State fish and game de-
20 partment and immediately set aside so much of said appro-
21 priation as represents the share of the United States payable
22 under this Act on account of such project, which sum so set
23 aside shall not exceed 75 per centum of the total estimated
24 cost thereof.

25 The Secretary of the Interior shall approve only such

1 comprehensive plans or projects as may be substantial in
2 character and design and the expenditure of funds hereby
3 authorized shall be applied only to such approved compre-
4 hensive fishery plan or projects and if otherwise applied they
5 shall be replaced by the State before it may participate in
6 any further apportionment under this Act. No payment of
7 any money apportioned under this Act shall be made on
8 any comprehensive fishery plan or project until an agree-
9 ment to participate therein shall have been submitted to and
10 approved by the Secretary of the Interior.

11 “(b) If the State elects to avail itself of the benefits
12 of this Act by preparing a comprehensive fish and wildlife
13 plan under option (1) of subsection (a) of this section, then
14 the term ‘project’ may be defined for the purposes of this
15 Act as a fishery program, all other definitions notwith-
16 standing.

17 “(c) Administrative costs in the form of overhead or
18 indirect costs for services provided by State central service
19 activities outside of the State fish and game department
20 charged against programs or projects supported by funds
21 made available under this Act shall not exceed in any one
22 fiscal year 3 per centum of the annual apportionment to the
23 State.

24 “SEC. 7. (a) When the Secretary of the Interior shall
25 find that any project approved by him has been completed

1 or, if involving research relating to fish, is being conducted,
2 in compliance with said plans and specifications, he shall
3 cause to be paid to the proper authority of said State the
4 amount set aside for said project. The Secretary of the
5 Interior may, in his discretion, from time to time, make
6 payments on said project as the same progresses; but these
7 payments, including previous payments, if any, shall not be
8 more than the United States pro rata share of the project in
9 conformity with said plans and specifications. If a State has
10 elected to avail itself of the benefits of this Act by preparing
11 a comprehensive fish and wildlife plan as provided for under
12 option (1) of subsection (a) of section 6 of this Act, and
13 this plan has been approved by the Secretary of the Interior,
14 then the Secretary may, in his discretion, and under such
15 rules and regulations, as he may prescribe, advance funds to
16 the State for financing the United States pro rata share
17 agreed upon between the State fish and game department
18 and the Secretary.

19 “(b) Any construction work and labor in each State
20 shall be performed in accordance with its laws and under
21 the direct supervision of the State fish and game department,
22 subject to the inspection and approval of the Secretary of
23 the Interior and in accordance with the rules and regulations
24 made pursuant to this Act. The Secretary of the Interior and
25 the State fish and game department of each State may jointly

1 determine at what times and in what amounts payments shall
2 be made under this Act. Such payments shall be made
3 against the said appropriation to such official or officials, or
4 depository, as may be designated by the State fish and game
5 department and authorized under the laws of the State to
6 receive public funds of the State.

7 "SEC. 8. To maintain fish restoration and management
8 projects established under the provisions of this Act shall
9 be the duty of the States according to their respective laws.
10 Beginning July 1, 1953, maintenance of projects heretofore
11 completed under the provisions of this Act may be considered
12 as projects under this Act. Title to any real or personal
13 property acquired by any State, and to improvements placed
14 on State-owned lands through the use of funds paid to the
15 State under the provisions of this Act, shall be vested in
16 such State."

17 SEC. 203. Section 12 of the Federal Aid in Fish Res-
18 toration Act of 1950 (16 U.S.C. 777k) is amended to read
19 as follows:

20 "SEC. 12. The Secretary of the Interior is authorized to
21 cooperate with the Secretary of Agriculture of Puerto Rico,
22 the Governor of Guam, and the Governor of the Virgin
23 Islands, in the conduct of fish restoration and management
24 projects, as defined in section 2 of this Act, upon such terms
25 and conditions as he shall deem fair, just, and equitable, and

1 is authorized to apportion to Puerto Rico, Guam, and the Vir-
2 gin Islands, out of money available for apportionment under
3 this Act, such sums as he shall determine, not exceeding for
4 Puerto Rico 1 per centum, for Guam one-third of 1 per
5 centum, and for the Virgin Islands one-third of 1 per centum
6 of the total amount apportioned in any one year, but the
7 Secretary shall in no event require any of said cooperating
8 agencies to pay an amount which will exceed 25 per centum
9 of the cost of any project. Any unexpended or unobligated
10 balance of any apportionment made pursuant to this section
11 shall be made available for expenditure in Puerto Rico,
12 Guam, or the Virgin Islands, as the case may be, in the suc-
13 ceeding year, on any approved projects, and if unexpended or
14 unobligated at the end of such year is authorized to be made
15 available for expenditure by the Secretary of the Interior in
16 carrying on the research program of the Fish and Wildlife
17 Service in respect to fish of material value for sport or
18 recreation."

19 SEC. 204. This title may be cited as the "Federal Aid
20 in Fish Restoration Act Amendments of 1970".

91ST CONGRESS
2^D SESSION

S. 3962

IN THE SENATE OF THE UNITED STATES

JUNE 15, 1970

Mr. METCALF introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, 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 **TITLE I—FEDEDAL AID IN WILDLIFE**

4 **RESTORATION**

5 SEC. 101. The first sentence of section 3 of the Federal
6 Aid in Wildlife Restoration Act of September 2, 1937 (16
7 U.S.C. 669b), is amended to read as follows: "An amount
8 equal to all revenues accruing each fiscal year (beginning
9 with the fiscal year 1971) from any tax imposed on specified
10 articles by section 4181 of the Internal Revenue Code of

14 1954 (26 U.S.C. 4181) shall, subject to the exemptions
15 in section 4182 of such Code, be covered into the Federal
16 aid to wildlife restoration fund in the Treasury (hereinafter
17 referred to as the 'fund') and is authorized to be appropri-
18 ated and made available until expended to carry out the pur-
19 poses of this Act."

20 SEC. 102. Sections 4, 5, 6, 7, 8, and 8 (a) of the Fed-
21 eral Aid in Wildlife Restoration Act of September 2, 1937
22 (16 U.S.C. 669c—669g-1), are amended to read as follows:

23 "SEC. 4. (a) So much, not to exceed 8 per centum, of
24 the revenues covered into said fund in each fiscal year as the
25 Secretary of the Interior may estimate to be necessary for his
14 expenses in the administration and execution of this Act and
15 the Migratory Bird Conservation Act shall be deducted for
16 that purpose, and such sum is authorized to be made avail-
17 able therefor until the expiration of the next succeeding fiscal
18 year, and within sixty days after the close of such fiscal year
19 the Secretary of the Interior shall apportion such part thereof
20 as remains unexpended by him, if any, and make certificate
21 thereof to the Secretary of the Treasury and to the State fish
22 and game departments on the same basis and in the same
23 manner as is provided as to other amounts authorized by this
24 Act to be apportioned among the States for such current fiscal
25 year. The Secretary of the Interior, after making the afore-

1 said deduction, shall apportion, except as provided in subsec-
2 tion (b) of this section, the remainder of the revenue in said
3 fund for each fiscal year among the several States in the fol-
4 lowing manner: One-half in the ratio which the area of each
5 State bears to the total area of all the States, and one-half in
6 the ratio which the number of paid hunting-license holders of
7 each State in the second fiscal year preceding the fiscal year
8 for which such apportionment is made, as certified to said
9 Secretary by the State fish and game departments, bears to
10 the total number of paid hunting-license holders of all the
11 States. Such apportionments shall be adusted equitably so
12 that no State shall receive less than one-half of 1 per centum
13 nor more than 5 per centum of the total amount apportioned.
14 The term fiscal year as used in this Act shall be a period of
15 twelve consecutive months from July 1 through the succeed-
16 ing June 30, except that the period for enumeration of paid
17 hunting-license holders shall be a State's fiscal or license year.

18 “(b) One-half of the revenues accruing to the fund
19 under this Act each fiscal year (beginning with the fiscal
20 year 1971) from any tax imposed on pistols and revolvers
21 shall be apportioned among the States in proportion to the
22 ratio that the population of each State bears to the popu-
23 lation of all the States: *Provided*, That each State shall
24 be apportioned not more than 3 per centum and not less than
25 1 per centum of such revenues. For the purpose of this

1 subsection, population shall be determined on the basis of
2 the latest decennial census for which figures are available,
3 as certified by the Secretary of Commerce.

4 "SEC. 5. For each fiscal year, the Secretary of the Inte-
5 rior shall certify to the Secretary of the Treasury and to each
6 State fish and game department the sum which he has
7 estimated to be deducted for administering and executing
8 this Act and the Migratory Bird Conservation Act and the
9 sum which he has apportioned to each State. Any State de-
10 siring to avail itself of the benefits of this Act shall notify the
11 Secretary of the Interior to this effect within sixty days
12 after it has received the certification referred to in this sec-
13 tion. The sum apportioned to any State which fails to notify
14 the Secretary of the Interior as herein provided is authorized
15 to be made available for expenditure by the Secretary of the
16 Interior in carrying out the provisions of the Migratory Bird
17 Conservation Act.

18 "SEC. 6. (a) Any State desiring to avail itself of the
19 benefits of this Act shall, by its State fish and game depart-
20 ment, submit programs or projects for wildlife restoration
21 in either of the following two ways:

22 "(1) The State shall prepare and submit to the Secre-
23 tary of the Interior a comprehensive fish and wildlife re-
24 source management plan which shall insure the perpetuation
25 of these resources for the economic, scientific, and recrea-

1 tional enrichment of the people. Such plan shall be for a
2 period of not less than five years and be based on projections
3 of desires and needs of the people for a period of not less
4 than fifteen years. It shall include provisions for updating
5 at intervals of not more than three years and be provided in
6 a format as may be required by the Secretary of the Interior.
7 If the Secretary of the Interior finds that such plans con-
8 form to standards established by him and approves such
9 plans, he may finance up to 75 per centum of the cost of
10 implementing segments of those plans meeting the purposes
11 of this Act from funds apportioned under this Act upon his
12 approval of an annual agreement submitted to him.

13 “(2) A State may elect to avail itself of the benefits
14 of this Act by its State fish and game department submitting
15 to the Secretary of the Interior full and detailed statements
16 of any wildlife-restoration project proposed for that State. If
17 the Secretary of the Interior finds that such project meets
18 with the standards set by him and approves said project, the
19 State fish and game department shall furnish to him such sur-
20 veys, plans, specifications, and estimates therefor as he may
21 require. If the Secretary of the Interior approves the plans,
22 specifications, and estimates for the project, he shall notify
23 the State fish and game department and immediately set
24 aside so much of said fund as represents the share of the

1 United States payable under this Act on account of such
2 project, which sum so set aside shall not exceed 75 per
3 centum of the total estimated cost thereof.

4 The Secretary of the Interior shall approve only such
5 comprehensive plans or projects as may be substantial in
6 character and design and the expenditure of funds hereby
7 authorized shall be applied only to such approved compre-
8 hensive wildlife plans or projects and if otherwise applied
9 they shall be replaced by the State before it may participate
10 in any further apportionment under this Act. No payment
11 of any money apportioned under this Act shall be made on
12 any comprehensive wildlife plan or project until an agree-
13 ment to participate therein shall have been submitted to and
14 approved by the Secretary of the Interior.

15 “(b) If the State elects to avail itself of the benefits
16 of this Act by preparing a comprehensive fish and wildlife
17 plan under option (1) of subsection (a) of this section, then
18 the term ‘project’ may be defined for the purposes of
19 this Act as a wildlife program, all other definitions
20 notwithstanding.

21 “(c) Administrative costs in the form of overhead or
22 indirect costs for services provided by State central service
23 activities outside of the State agency having primary juris-
24 diction over the wildlife resources of the State which may
25 be charged against programs or projects supported by the

1 fund established by section 3 of this Act shall not exceed
2 in any one fiscal year 3 per centum of the annual appor-
3 tionment to the State.

4 “SEC. 7. (a) When the Secretary of the Interior shall
5 find that any project approved by him has been completed
6 or, if involving research relating to wildlife, is being con-
7 ducted, in compliance with said plans and specifications, he
8 shall cause to be paid to the proper authority of said State
9 the amount set aside for said project. The Secretary of the
10 Interior may, in his discretion, from time to time, make pay-
11 ments on said project as the same progresses; but these pay-
12 ments, including previous payments, if any, shall not be more
13 than the United States pro rata share of the project in con-
14 formity with said plans and specifications. If a State has
15 elected to avail itself of the benefits of this Act by preparing
16 a comprehensive fish and wildlife plan as provided for under
17 option (1) of subsection (a) of section 6 of this Act, and this
18 plan has been approved by the Secretary of the Interior,
19 then the Secretary may, in his discretion, and under such
20 rules and regulations as he may prescribe, advance funds to
21 the State for financing the United States pro rata share
22 agreed upon between the State fish and game department and
23 the Secretary.

24 “(b) Any construction work and labor in each State
25 shall be performed in accordance with its laws and under the

1 direct supervision of the State fish and game department,
2 subject to the inspection and approval of the Secretary of the
3 Interior and in accordance with rules and regulations made
4 pursuant to this Act. The Secretary of the Interior and the
5 State fish and game department of each State may jointly
6 determine at what times and in what amounts payments shall
7 be made under his Act. Such payments shall be made by the
8 Secretary of the Treasury, on warrants drawn by the Secre-
9 tary of the Interior against the said fund to such official or
10 officials, or depository, as may be designated by the State fish
11 and game department and authorized under the laws of the
12 State to receive public funds of the State.

13 "SEC. 8. (a) Maintenance of wildlife-restoration projects
14 established under the provisions of this Act shall be the duty
15 of the States in accordance with their respective laws. Begin-
16 ning July 1, 1945, the term 'wildlife-restoration project', as
17 defined in section 2 of this Act, shall include maintenance of
18 completed projects. Notwithstanding any other provisions of
19 this Act, funds apportioned to a State under this Act may be
20 expended by the State for management (exclusive of law
21 enforcement and public relations) of wildlife areas and
22 resources.

23 "(b) Each State may use the funds apportioned to it
24 under section 4 (h) of this Act to pay up to 50 per centum
25 of the costs of a hunter safety program and the construction,

1 operation, and maintenance of public outdoor target ranges,
2 as a part of such program. The non-Federal share of such
3 costs may be derived from license fees paid by hunters, but
4 not from other Federal grant programs. The Secretary shall
5 issue not later than the one hundred and twentieth day after
6 the effective date of this subsection such regulations as he
7 deems advisable relative to the criteria for the establishment
8 of hunter safety programs and public outdoor target ranges
9 under this subsection.

10 "SEC. 8A. The Secretary of the Interior is authorized
11 to cooperate with the Secretary of Agriculture of Puerto
12 Rico, the Governor of Guam, and the Governor of the Virgin
13 Islands, in the conduct of wildlife-restoration projects, as
14 defined in section 2 of this Act, upon such terms and condi-
15 tions as he shall deem fair, just, and equitable, and is au-
16 thorized to apportion to Puerto Rico, Guam, and the Virgin
17 Islands, out of the money available for apportionment under
18 this Act, such sums as he shall determine, not exceeding
19 for Puerto Rico one-half of 1 per centum, for Guam one-sixth
20 of 1 per centum, and for the Virgin Islands one-sixth of
21 1 per centum of the total amount apportioned, in any one
22 year, but the Secretary shall in no event require any of
23 said cooperating agencies to pay an amount which will
24 exceed 25 per centum of the cost of any project. Any

1 unexpended or unobligated balance of any apportionment
2 made pursuant to this section shall be available for expendi-
3 ture in Puerto Rico, Guam, or the Virgin Islands, as the
4 case may be, in the succeeding year, on any approved proj-
5 ect, and if unexpended or unobligated at the end of such
6 year is authorized to be made available for expenditure by
7 the Secretary of the Interior in carrying out the provisions
8 of the Migratory Bird Conservation Act.”

9 SEC. 103. This title may be cited as the “Federal Aid
10 in Wildlife Restoration Act Amendments of 1970”.

11 TITLE II—FEDERAL AID IN SPORT FISH

12 RESTORATION

13 SEC. 201. Section 4 of the Federal Aid in Fish Restora-
14 tion Act of 1950 (16 U.S.C. 777c) is amended to read
15 as follows:

16 “SEC. 4. So much, not to exceed 8 per centum, of each
17 annual appropriation made in pursuance of the provisions of
18 section 3 of this Act as the Secretary of the Interior may esti-
19 mate to be necessary for his expenses in the conduct of neces-
20 sary investigations, administration, and the execution of
21 this Act and for aiding in the formulation, adoption, or
22 administration of any compact between two or more States
23 for the conservation and management of migratory fishes in
24 marine or fresh waters shall be deducted for that purpose,
25 and such sum is authorized to be made available therefor

1 until the expiration of the next succeeding fiscal year. The
2 Secretary of the Interior, after making the aforesaid deduc-
3 tion, shall apportion the remainder of the appropriation for
4 each fiscal year among the several States in the following
5 manner: 40 per centum in the ratio which the area of each
6 State including coastal and Great Lakes waters (as deter-
7 mined by the Secretary of the Interior) bears to the total
8 area of all the States, and 60 per centum in the ratio which
9 the number of persons holding paid licenses to fish for sport
10 or recreation in the State in the second fiscal year preceding
11 the fiscal year for which such apportionment is made, as cer-
12 tified to said Secretary by the State fish and game depart-
13 ments, bears to the number of such persons in all the States.
14 Such apportionments shall be adjusted equitably so that no
15 State shall receive less than 1 per centum nor more than
16 5 per centum of the total amount apportioned. Where the
17 apportionment to any State under this section is less than
18 \$4,500 annually, the Secretary of the Interior may allocate
19 not more than \$4,500 of said appropriation to said State to
20 carry out the purposes of this Act when said State certifies to
21 the Secretary of the Interior that it has set aside not less than
22 \$1,500 from its fish-and-game funds or has made, through
23 its legislature, an appropriation in this amount for said pur-
24 poses. So much of any sum not allocated under the provisions
25 of this section for any fiscal year is hereby authorized to be

1 made available for expenditure to carry out the purposes of
2 this Act until the close of the succeeding fiscal year, and if
3 unexpended or unobligated at the end of such year, such sum
4 is hereby authorized to be made available for expenditure
5 by the Secretary of the Interior in carrying on the research
6 program of the Fish and Wildlife Service in respect to fish
7 of material value for sport or recreation. The term fiscal year
8 as used in this section shall be a period of twelve consecu-
9 tive months from July 1 through the succeeding June 30,
10 except that the period for enumeration of persons holding
11 licenses to fish shall be a State's fiscal or license year."

12 SEC. 202. Sections 6, 7, and 8 of the Federal Aid in
13 Fish Restoration Act of 1950 (16 U.S.C. 777e-777g) are
14 amended to read as follows:

15 "SEC. 6. (a) Any State desiring to avail itself of the
16 benefits of this Act shall, by its State fish and game depart-
17 ment, submit programs or projects for fish restoration in
18 either of the following two ways:

19 "(1) The State shall prepare and submit to the Sec-
20 retary of the Interior a comprehensive fish and wildlife
21 resource management plan which shall insure the perpetua-
22 tion of these resources for the economic, scientific, and rec-
23 reational enrichment of the people. Such plan shall be for a
24 period of not less than five years and be based on projections
25 of desires and needs of the people for a period of not less

1 than fifteen years. It shall include provisions for updating
2 at intervals of not more than three years and be provided
3 in a format as may be required by the Secretary of the In-
4 terior. If the Secretary of the Interior finds that such plans
5 conform to standards established by him and approves such
6 plans, he may finance up to 75 per centum of the cost of
7 implementing segments of those plans meeting the purposes
8 of this Act from funds apportioned under this Act upon his
9 approval of an annual agreement submitted to him.

10 “(2) A State may elect to avail itself of the benefits of
11 this Act by its State fish and game department submitting
12 to the Secretary of the Interior full and detailed statements
13 of any fish restoration and management project proposed for
14 that State. If the Secretary of the Interior finds that such
15 project meets with the standards set by him and approves
16 said project, the State fish and game department shall fur-
17 nish to him such surveys, plans, specifications, and estimates
18 therefor as he may require. If the Secretary of the Interior
19 approves the plans, specifications, and estimates for the
20 project, he shall notify the State fish and game department
21 and immediately set aside so much of said appropriation as
22 represents the share of the United States payable under this
23 Act on account of such project, which sum so set aside shall
24 not exceed 75 per centum of the total estimated cost thereof.

25 The Secretary of the Interior shall approve only such

1 comprehensive plans or projects as may be substantial in
2 character and design and the expenditure of funds hereby
3 authorized shall be applied only to such approved compre-
4 hensive fishery plan or projects and if otherwise applied they
5 shall be replaced by the State before it may participate in
6 any further apportionment under this Act. No payment of
7 any money apportioned under this Act shall be made on
8 any comprehensive fishery plan or project until an agree-
9 ment to participate therein shall have been submitted to and
10 approved by the Secretary of the Interior.

11 “(b) If the State elects to avail itself of the benefits
12 of this Act by preparing a comprehensive fish and wildlife
13 plan under option (1) of subsection (a) of this section, then
14 the term ‘project’ may be defined for the purposes of this
15 Act as a fishery program, all other definitions notwith-
16 standing.

17 “(c) Administrative costs in the form of overhead or
18 indirect costs for services provided by State central serv-
19 ice activities outside of the State fish and game department
20 charged against programs or projects supported by funds
21 made available under this Act shall not exceed in any one
22 fiscal year 3 per centum of the annual apportionment to the
23 State.

24 “SEC. 7. (a) When the Secretary of the Interior shall
25 find that any project approved by him has been completed

1 or, if involving research relating to fish, is being conducted,
2 in compliance with said plans and specifications, he shall
3 cause to be paid to the proper authority of said State the
4 amount set aside for said project. The Secretary of the In-
5 terior may, in his discretion, from time to time, make pay-
6 ments on said project as the same progresses; but these pay-
7 ments, including previous payments, if any, shall not be
8 more than the United States' pro rata share of the project in
9 conformity with said plans and specifications. If a State has
10 elected to avail itself of the benefits of this Act by preparing
11 a comprehensive fish and wildlife plan as provided for under
12 option (1) of subsection (a) of section 6 of this Act, and
13 this plan has been approved by the Secretary of the Interior,
14 then the Secretary may, in his discretion, and under such
15 rules and regulations, as he may prescribe, advance funds to
16 the State for financing the United States' pro rata share
17 agreed upon between the State fish and game department and
18 the Secretary.

19 “(b) Any construction work and labor in each State
20 shall be performed in accordance with its laws and under
21 the direct supervision of the State fish and game department,
22 subject to the inspection and approval of the Secretary of
23 the Interior and in accordance with the rules and regulations
24 made pursuant to this Act. The Secretary of the Interior and
25 the State fish and game department of each State may jointly

1 determine at what times and in what amounts payments shall
2 be made under this Act. Such payments shall be made
3 against the said appropriation to such official or officials, or
4 depository, as may be designated by the State fish and game
5 department and authorized under the laws of the State to
6 receive public funds of the State.

7 "SEC. 8. To maintain fish-restoration and management
8 projects established under the provisions of this Act shall
9 be the duty of the States according to their respective laws.
10 Beginning July 1, 1953, maintenance of projects heretofore
11 completed under the provisions of this Act may be considered
12 as projects under this Act. Title to any real or personal
13 property acquired by any State, and to improvements placed
14 on State-owned lands through the use of funds paid to the
15 State under the provisions of this Act, shall be vested in
16 such State."

17 SEC. 203. Section 12 of the Federal Aid in Fish Res-
18 toration Act of 1950 (16 U.S.C. 777k) is amended to read
19 as follows:

20 "SEC. 12. The Secretary of the Interior is authorized to
21 cooperate with the Secretary of Agriculture of Puerto Rico,
22 the Governor of Guam, and the Governor of the Virgin
23 Islands, in the conduct of fish restoration and management
24 projects, as defined in section 2 of this Act, upon such terms
25 and conditions as he shall deem fair, just, and equitable, and

1 is authorized to apportion to Puerto Rico, Guam, and the Vir-
2 gin Islands, out of money available for apportionment under
3 this Act, such sums as he shall determine, not exceeding for
4 Puerto Rico 1 per centum, for Guam one-third of 1 per
5 centum and for the Virgin Islands one-third of 1 per centum
6 of the total amount apportioned in any one year, but the
7 Secretary shall in no event require any of said cooperating
8 agencies to pay an amount which will exceed 25 per centum
9 of the cost of any project. Any unexpended or unobligated
10 balance of any apportionment made pursuant to this section
11 shall be made available for expenditure in Puerto Rico,
12 Guam, or the Virgin Islands, as the case may be, in the suc-
13 ceeding year, on any approved projects, and if unexpended or
14 unobligated at the end of such year is authorized to be made
15 available for expenditure by the Secretary of the Interior in
16 carrying on the research program of the Fish and Wildlife
17 Service in respect to fish of material value for sport or
18 recreation.”

19 SEC. 204. This title may be cited as the “Federal Aid
20 in Fish Restoration Act Amendments of 1970”.

91ST CONGRESS
2^D SESSION

H. R. 12475

IN THE SENATE OF THE UNITED STATES

JULY 21, 1970

Read twice and referred to the Committee on Commerce

AN ACT

To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, 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 TITLE I—FEDERAL AID IN WILDLIFE

4 RESTORATION

5 SEC. 101. The first sentence of section 3 of the Federal
6 Aid in Wildlife Restoration Act of September 2, 1937 (16
7 U.S.C. 669b), is amended to read as follows: "An amount
8 equal to all revenues accruing each fiscal year (beginning
9 with the fiscal year 1971) from any tax imposed on speci-
10 fied articles by section 4181 of the Internal Revenue

1 Code of 1954 (26 U.S.C. 4181) shall, subject to the
2 exemptions in section 4182 of such Code, be covered into
3 the Federal aid to wildlife restoration fund in the Treasury
4 (hereinafter referred to as the 'fund') and is authorized to be
5 appropriated and made available until expended to carry out
6 the purposes of this Act."

7 SEC. 102. Sections 4, 5, 6, 7, 8, and 8 (a) of the Fed-
8 eral Aid in Wildlife Restoration Act of September 2, 1937
9 (16 U.S.C. 669c—669g-1), are amended to read as follows:

10 "SEC. 4. (a) So much, not to exceed 8 per centum, of
11 the revenues covered into said fund in each fiscal year as the
12 Secretary of the Interior may estimate to be necessary for his
13 expenses in the administration and execution of this Act and
14 the Migratory Bird Conservation Act shall be deducted for
15 that purpose, and such sum is authorized to be made available
16 therefor until the expiration of the next succeeding fiscal
17 year, and within sixty days after the close of such fiscal year
18 the Secretary of the Interior shall apportion such part thereof
19 as remains unexpended by him, if any, and make certificate
20 thereof to the Secretary of the Treasury and to the State fish
21 and game departments on the same basis and in the same
22 manner as is provided as to other amounts authorized by this
23 Act to be apportioned among the States for such current fiscal
24 year. The Secretary of the Interior, after making the afore-
25 said deduction, shall apportion, except as provided in subsec-

1 tion (b) of this section, the remainder of the revenue in said
2 fund for each fiscal year among the several States in the fol-
3 lowing manner: One-half in the ratio which the area of each
4 State bears to the total area of all the States, and one-half in
5 the ratio which the number of paid hunting-license holders of
6 each State in the second fiscal year preceding the fiscal year
7 for which such apportionment is made, as certified to said
8 Secretary by the State fish and game departments, bears to
9 the total number of paid hunting-license holders of all the
10 States. Such apportionments shall be adjusted equitably so
11 that no State shall receive less than one-half of 1 per centum
12 nor more than 5 per centum of the total amount apportioned.
13 The term fiscal year as used in this Act shall be a period of
14 twelve consecutive months from July 1 through the succeed-
15 ing June 30, except that the period for enumeration of paid
16 hunting-license holders shall be a State's fiscal or license year.

17 “(b) One-half of the revenues accruing to the fund
18 under this Act each fiscal year (beginning with the fiscal
19 year 1971) from any tax imposed on pistols and revolvers
20 shall be apportioned among the States in proportion to the
21 ratio that the population of each State bears to the popu-
22 lation of all the States: *Provided*, That each State shall
23 be apportioned not more than 3 per centum and not less than
24 1 per centum of such revenues. For the purpose of this
25 subsection, population shall be determined on the basis of

1 the latest decennial census for which figures are available,
2 as certified by the Secretary of Commerce.

3 "SEC. 5. For each fiscal year, the Secretary of the
4 Interior shall certify to the Secretary of the Treasury and to
5 each State fish and game department the sum which he has
6 estimated to be deducted for administering and executing
7 this Act and the Migratory Bird Conservation Act and the
8 sum which he has apportioned to each State. Any State desir-
9 ing to avail itself of the benefits of this Act shall notify the
10 Secretary of the Interior to this effect within sixty days after
11 it has received the certification referred to in this section. The
12 sum apportioned to any State which fails to notify the Secre-
13 tary of the Interior as herein provided is authorized to be
14 made available for expenditure by the Secretary of the
15 Interior in carrying out the provisions of the Migratory Bird
16 Conservation Act.

17 "SEC. 6. (a) Any State desiring to avail itself of the
18 benefits of this Act shall, by its State fish and game depart-
19 ment, submit programs or projects for wildlife restoration
20 in either of the following two ways:

21 "(1) The State shall prepare and submit to the Secre-
22 tary of the Interior a comprehensive fish and wildlife re-
23 source management plan which shall insure the perpetuation
24 of these resources for the economic, scientific, and recrea-
25 tional enrichment of the people. Such plan shall be for a

1 period of not less than five years and be based on projections
2 of desires and needs of the people for a period of not less than
3 fifteen years. It shall include provisions for updating at inter-
4 vals of not more than three years and be provided in a
5 format as may be required by the Secretary of the Interior.
6 If the Secretary of the Interior finds that such plans con-
7 form to standards established by him and approves such
8 plans, he may finance up to 75 per centum of the cost of
9 implementing segments of those plans meeting the purposes
10 of this Act from funds apportioned under this Act upon his
11 approval of an annual agreement submitted to him.

12 “(2) A State may elect to avail itself of the benefits of
13 this Act by its State fish and game department submitting to
14 the Secretary of the Interior full and detailed statements of
15 any wildlife-restoration project proposed for that State. If
16 the Secretary of the Interior finds that such project meets
17 with the standards set by him and approves said project, the
18 State fish and game department shall furnish to him such
19 surveys, plans, specifications, and estimates therefor as he
20 may require. If the Secretary of the Interior approves the
21 plans, specifications, and estimates for the project, he shall
22 notify the State fish and game department and immediately
23 set aside so much of said fund as represents the share of the
24 United States payable under this Act on account of such

1 project, which sum so set aside shall not exceed 75 per
2 centum of the total estimated cost thereof.

3 The Secretary of the Interior shall approve only such
4 comprehensive plans or projects as may be substantial in
5 character and design and the expenditure of funds hereby
6 authorized shall be applied only to such approved compre-
7 hensive wildlife plans or projects and if otherwise applied
8 they shall be replaced by the State before it may participate
9 in any further apportionment under this Act. No payment
10 of any money apportioned under this Act shall be made on
11 any comprehensive wildlife plan or project until an agree-
12 ment to participate therein shall have been submitted to and
13 approved by the Secretary of the Interior.

14 “(b) If the State elects to avail itself of the benefits
15 of this Act by preparing a comprehensive fish and wildlife
16 plan under option (1) of subsection (a) of this section, then
17 the term ‘project’ may be defined for the purposes of this
18 Act as a wildlife program, all other definitions notwithstand-
19 ing.

20 “(c) Administrative costs in the form of overhead or
21 indirect costs for services provided by State central service
22 activities outside of the State agency having primary juris-
23 diction over the wildlife resources of the State which may
24 be charged against programs or projects supported by the
25 fund established by section 3 of this Act shall not exceed

1 in any one fiscal year 3 per centum of the annual apportion-
2 ment to the State.

3 “SEC. 7. (a) When the Secretary of the Interior shall
4 find that any project approved by him has been completed
5 or, if involving research relating to wildlife, is being con-
6 ducted, in compliance with said plans and specifications, he
7 shall cause to be paid to the proper authority of said State
8 the amount set aside for said project. The Secretary of the
9 Interior may, in his discretion, from time to time, make pay-
10 ments on said project as the same progresses; but these pay-
11 ments, including previous payments, if any, shall not be more
12 than the United States pro rata share of the project in con-
13 formity with said plans and specifications. If a State has
14 elected to avail itself of the benefits of this Act by preparing
15 a comprehensive fish and wildlife plan as provided for under
16 option (1) of subsection (a) of section 6 of this Act, and this
17 plan has been approved by the Secretary of the Interior,
18 then the Secretary may, in his discretion, and under such
19 rules and regulations as he may prescribe, advance funds to
20 the State for financing the United States pro rata share
21 agreed upon between the State fish and game department and
22 the Secretary.

23 “(b) Any construction work and labor in each State
24 shall be performed in accordance with its laws and under the

1 direct supervision of the State fish and game department,
2 subject to the inspection and approval of the Secretary of the
3 Interior and in accordance with rules and regulations made
4 pursuant to this Act. The Secretary of the Interior and the
5 State fish and game department of each State may jointly
6 determine at what times and in what amounts payments shall
7 be made under this Act. Such payments shall be made by the
8 Secretary of the Treasury, on warrants drawn by the Secre-
9 tary of the Interior against the said fund to such official or
10 officials, or depository, as may be designated by the State fish
11 and game department and authorized under the laws of the
12 State to receive public funds of the State.

13 “SEC. 8. (a) Maintenance of wildlife-restoration projects
14 established under the provisions of this Act shall be the duty
15 of the States in accordance with their respective laws. Begin-
16 ning July 1, 1945, the term ‘wildlife-restoration project’, as
17 defined in section 2 of this Act, shall include maintenance of
18 completed projects. Notwithstanding any other provisions of
19 this Act, funds apportioned to a State under this Act may be
20 expended by the State for management (exclusive of law
21 enforcement and public relations) of wildlife areas and
22 resources.

23 “(b) Each State may use the funds apportioned to it
24 under section 4 (h) of this Act to pay up to 50 per centum
25 of the costs of a hunter safety program and the construction,

1 operation, and maintenance of public outdoor target ranges,
2 as a part of such program. The non-Federal share of such
3 costs may be derived from license fees paid by hunters, but
4 not from other Federal grant programs. The Secretary shall
5 issue not later than the 120th day after the effective date of
6 this subsection such regulations as he deems advisable relative
7 to the criteria for the establishment of hunter safety programs
8 and public outdoor target ranges under this subsection.

9 "SEC. 8A. The Secretary of the Interior is authorized
10 to cooperate with the Secretary of Agriculture of Puerto
11 Rico, the Governor of Guam, and the Governor of the Virgin
12 Islands, in the conduct of wildlife-restoration projects, as
13 defined in section 2 of this Act, upon such terms and condi-
14 tions as he shall deem fair, just, and equitable, and is au-
15 thorized to apportion to Puerto Rico, Guam, and the Virgin
16 Islands, out of the money available for apportionment under
17 this Act, such sums as he shall determine, not exceeding
18 for Puerto Rico one-half of 1 per centum, for Guam one-sixth
19 of 1 per centum, and for the Virgin Islands one-sixth of
20 1 per centum of the total amount apportioned, in any one
21 year, but the Secretary shall in no event require any of
22 said cooperating agencies to pay an amount which will
23 exceed 25 per centum of the cost of any project. Any
24 unexpended or unobligated balance of any apportionment
25 made pursuant to this section shall be available for expendi-

1 ture in Puerto Rico, Guam, or the Virgin Islands, as the
2 case may be, in the succeeding year, on any approved proj-
3 ect, and if unexpended or unobligated at the end of such
4 year is authorized to be made available for expenditure by
5 the Secretary of the Interior in carrying out the provisions
6 of the Migratory Bird Conservation Act”.

7 SEC. 103. This title may be cited as the “Federal Aid
8 in Wildlife Restoration Act Amendments of 1970.”

9 TITLE II—FEDERAL AID IN SPORT FISH
10 RESTORATION

11 SEC. 201. Section 4 of the Federal Aid in Fish Restora-
12 tion Act of 1950 (16 U.S.C 777c) is amended to read
13 as follows:

14 “SEC. 4. So much, not to exceed 8 per centum, of each
15 annual appropriation made in pursuance of the provisions of
16 section 3 of this Act as the Secretary of the Interior may
17 estimate to be necessary for his expenses in the conduct of
18 necessary investigations, administration, and the execution of
19 this Act and for aiding in the formulation, adoption, or
20 administration of any compact between two or more States
21 for the conservation and management of migratory fishes in
22 marine or fresh waters shall be deducted for that purpose,
23 and such sum is authorized to be made available therefor
24 until the expiration of the next succeeding fiscal year. The
25 Secretary of the Interior, after making the aforesaid deduc-

1 tion, shall apportion the remainder of the appropriation for
2 each fiscal year among the several States in the following
3 manner: 40 per centum in the ratio which the area of each
4 State including coastal and Great Lakes waters (as deter-
5 mined by the Secretary of the Interior) bears to the total
6 area of all the States, and 60 per centum in the ratio which
7 the number of persons holding paid licenses to fish for sport
8 or recreation in the State in the second fiscal year preceding
9 the fiscal year for which such apportionment is made, as cer-
10 tified to said Secretary by the State fish and game depart-
11 ments, bears to the number of such persons in all the States.
12 Such apportionments shall be adjusted equitably so that no
13 State shall receive less than 1 per centum nor more than 5
14 per centum of the total amount apportioned. Where the
15 apportionment to any State under this section is less than
16 \$4,500 annually, the Secretary of the Interior may allocate
17 not more than \$4,500 of said appropriation to said State to
18 carry out the purposes of this Act when said State certifies to
19 the Secretary of the Interior that it has set aside not less than
20 \$1,500 from its fish-and-game funds or has made, through
21 its legislature, an appropriation in this amount for said pur-
22 poses. So much of any sum not allocated under the provisions
23 of this section for any fiscal year is hereby authorized to be
24 made available for expenditure to carry out the purposes of
25 this Act until the close of the succeeding fiscal year, and if

1 unexpended or unobligated at the end of such year, such sum
2 is hereby authorized to be made available for expenditure by
3 the Secretary of the Interior in carrying on the research pro-
4 gram of the Fish and Wildlife Service in respect to fish of
5 material value for sport or recreation. The term fiscal year
6 as used in this section shall be a period of twelve consecutive
7 months from July 1 through the succeeding June 30, except
8 that the period for enumeration of persons holding licenses to
9 fish shall be a State's fiscal or license year."

10 SEC. 202. Sections 6, 7, and 8 of the Federal Aid in
11 Fish Restoration Act of 1950 (16 U.S.C. 777e-777g) are
12 amended to read as follows:

13 "SEC. 6. (a) Any State desiring to avail itself of the
14 benefits of this Act shall, by its State fish and game depart-
15 ment, submit programs or projects for fish restoration in
16 either of the following two ways:

17 "(1) The State shall prepare and submit to the Sec-
18 retary of the Interior a comprehensive fish and wildlife
19 resource management plan which shall insure the perpetua-
20 tion of these resources for the economic, scientific, and rec-
21 reational enrichment of the people. Such plan shall be for a
22 period of not less than five years and be based on projections
23 of desires and needs of the people for a period of not less
24 than fifteen years. It shall include provisions for updating
25 at intervals of not more than three years and be provided

1 in a format as may be required by the Secretary of the In-
2 terior. If the Secretary of the Interior finds that such plans
3 conform to standards established by him and approves such
4 plans, he may finance up to 75 per centum of the cost of
5 implementing segments of those plans meeting the purposes
6 of this Act from funds apportioned under this Act upon his
7 approval of an annual agreement submitted to him.

8 “(2) A State may elect to avail itself of the benefits of
9 this Act by its State fish and game department submitting
10 to the Secretary of the Interior full and detailed statements
11 of any fish restoration and management project proposed for
12 that State. If the Secretary of the Interior finds that such
13 project meets with the standards set by him and approves
14 said project, the State fish and game department shall furnish
15 to him such surveys, plans, specifications, and estimates
16 therefor as he may require. If the Secretary of the Interior
17 approves the plans, specifications, and estimates for the
18 project, he shall notify the State fish and game department
19 and immediately set aside so much of said appropriation as
20 represents the share of the United States payable under this
21 Act on account of such project, which sum so set aside shall
22 not exceed 75 per centum of the total estimated cost thereof.

23 “The Secretary of the Interior shall approve only such
24 comprehensive plans or projects as may be substantial in
25 character and design and the expenditure of funds hereby

1 authorized shall be applied only to such approved compre-
2 hensive fishery plan or projects and if otherwise applied they
3 shall be replaced by the State before it may participate in
4 any further apportionment under this Act. No payment of
5 any money apportioned under this Act shall be made on
6 any comprehensive fishery plan or project until an agree-
7 ment to participate therein shall have been submitted to and
8 approved by the Secretary of the Interior.

9 “(b) If the State elects to avail itself of the benefits
10 of this Act by preparing a comprehensive fish and wildlife
11 plan under option (1) of subsection (a) of this section, then
12 the term ‘project’ may be defined for the purpose of this
13 Act as a fishery program, all other definitions notwith-
14 standing.

15 “(c) Administrative costs in the form of overhead or
16 indirect costs for services provided by State central serv-
17 ice activities outside of the State fish and game department
18 charged against programs or projects supported by funds
19 made available under this Act shall not exceed in any one
20 fiscal year 3 per centum of the annual apportionment to the
21 State.

22 “SEC. 7. (a) When the Secretary of the Interior shall
23 find that any project approved by him has been completed or,
24 if involving research relating to fish, is being conducted, in
25 compliance with said plans and specifications, he shall cause

1 to be paid to the proper authority of said State the amount set
2 aside for said project. The Secretary of the Interior may, in
3 his discretion, from time to time, make payments on said
4 project as the same progresses; but these payments, including
5 previous payments, if any, shall not be more than the United
6 States' pro rata share of the project in conformity with said
7 plans and specifications. If a State has elected to avail itself
8 of the benefits of this Act by preparing a comprehensive fish
9 and wildlife plan as provided for under option (1) of sub-
10 section (a) of section 6 of this Act, and this plan has been
11 approved by the Secretary of the Interior, then the Secretary
12 may, in his discretion, and under such rules and regulations,
13 as he may prescribe, advance funds to the State for financing
14 the United States' pro rata share agreed upon between the
15 State fish and game department and the Secretary.

16 “(b) Any construction work and labor in each State
17 shall be performed in accordance with its laws and under
18 the direct supervision of the State fish and game department,
19 subject to the inspection and approval of the Secretary of
20 the Interior and in accordance with the rules and regulations
21 made pursuant to this Act. The Secretary of the Interior and
22 the State fish and game department of each State may jointly
23 determine at what times and in what amounts payments shall
24 be made under this Act. Such payments shall be made
25 against the said appropriation to such official or officials, or

1 depository, as may be designated by the State fish and game
2 department and authorized under the laws of the State to
3 receive public funds of the State.

4 "SEC. 8. To maintain fish-restoration and management
5 projects established under the provisions of this Act shall
6 be the duty of the States according to their respective laws.
7 Beginning July 1, 1953, maintenance of projects heretofore
8 completed under the provisions of this Act may be considered
9 as projects under this Act. Title to any real or personal
10 property acquired by any State, and to improvements placed
11 on State-owned lands through the use of funds paid to the
12 State under the provisions of this Act, shall be vested in
13 such State."

14 SEC. 203. Section 12 of the Federal Aid in Fish Res-
15 toration Act of 1950 (16 U.S.C. 777k) is amended to read
16 as follows:

17 "SEC. 12. The Secretary of the Interior is authorized to
18 cooperate with the Secretary of Agriculture of Puerto Rico,
19 the Governor of Guam, and the Governor of the Virgin
20 Islands, in the conduct of fish restoration and management
21 projects, as defined in section 2 of this Act, upon such terms
22 and conditions as he shall deem fair, just, and equitable, and
23 is authorized to apportion to Puerto Rico, Guam, and the Vir-
24 gin Islands, out of money available for apportionment under
25 this Act, such sums as he shall determine, not exceeding for

1. Puerto Rico 1 per centum, for Guam one-third of 1 per
2 centum and for the Virgin Islands one-third of 1 per centum
3 of the total amount apportioned in any one year, but the
4 Secretary shall in no event require any of said cooperating
5 agencies to pay an amount which will exceed 25 per centum
6 of the cost of any project. Any unexpended or unobligated
7 balance of any apportionment made pursuant to this section
8 shall be made available for expenditure in Puerto Rico,
9 Guam, or the Virgin Islands, as the case may be, in the suc-
10 ceeding year, on any approved projects, and if unexpended or
11 unobligated at the end of such year is authorized to be made
12 available for expenditure by the Secretary of the Interior in
13 carrying on the research program of the Fish and Wildlife
14 Service in respect to fish of material value for sport or
15 recreation.”

16 SEC. 204. This title may be cited as the “Federal Aid
17 in Fish Restoration Act Amendments of 1970”.

Passed the House of Representatives July 20, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., September 18, 1969.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 670, "To amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes."

Under existing law, the revenue from the 10 percent excise tax on manufacturers' sales of pistols and revolvers is paid into the general fund of the Treasury. An amount equal to the revenue accruing from the 11 percent excise tax on rifles, shotguns, and ammunition is earmarked for the Federal aid to wildlife-restoration fund. Monies in the fund, after certain deductions, are apportioned among the States under a formula based on area and the number of licensed hunters for certain wildlife restoration purposes.

The bill would also earmark for the wildlife restoration fund an amount equal to all revenues accruing from the excise tax on pistols and revolvers. Half of this amount would be apportioned among the States on a population basis and would be available for expenditure for up to 50 percent of the costs of a hunter safety program, including the construction, operation, and maintenance of public outdoor target ranges. The other half of the revenues would be apportioned under the existing formula and would be available only for purposes authorized under existing law.

The Department has generally opposed the earmarking of Federal receipts for unrelated purposes. As a general principal of effective budgetary management, budget receipts should not be earmarked for particular purposes but should be available in the general fund of the Treasury for appropriation by the Congress and for the achievement of current programs and objectives.

Legislative enactments setting aside certain budgetary receipts for particular areas or expenditure purposes tend to introduce undesirable rigidities into the budget process and thus limit the flexibility of the President and the Congress in determining priorities on the basis of their evaluation of current needs. This could promote unnecessary public spending by frustrating the application of cost-effectiveness tests. Moreover, a law requiring the earmarking of a certain type of receipt could result in substantial and unintended variations in the amounts provided the recipient areas or designated purposes, since these amounts would be determined largely by happenstance of unrelated revenue changes rather than on the basis of program needs and sound budgetary planning.

It appears that the proposed hunter safety program would primarily benefit users of rifles and shotguns, the weapons predominantly used for recreation purposes as well as in target practice and trap shooting. Furthermore, purchasers of pistols and revolvers would not appear to be the primary beneficiaries of expenditures from the wildlife restoration fund for its present programs such as the purchase, improvement, maintenance and management of land and water areas for wildlife conservation. And, to the limited extent that they are beneficiaries, they presently contribute to the wildlife restoration fund through the tax on ammunition which includes ammunition for pistols and revolvers.

Under these circumstances, the Department believes that it would be inappropriate and undesirable to earmark funds derived from taxes on pistols and revolvers to support the proposed and existing programs of the wildlife restoration fund. To do so would be violative of the principle that, where earmarking is justified, those who pay the taxes should benefit from the programs financed by the earmarked taxes.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

PAUL W. EGGERS.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., February 4, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning S. 670, a bill "To amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes."

S. 670 would amend sections 3, 4 and 8 of the Act of September 2, 1937 (16 U.S.C. 669b, c and g) relating to Federal aid in wildlife restoration, to provide an authorization for converting revenues from taxes imposed on pistols, revolvers, firearms, and shells, into a wildlife restoration fund in the Treasury, and establish a formula for the use of a portion of such fund by the States for the cost of a hunter safety program and for other public outdoor programs.

Whether this legislation should be enacted involves policy considerations as to which the Department of Justice makes no recommendation.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., September 18, 1969.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2311, "To amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes."

Under existing law, the revenue from the 10 percent excise tax on manufacturers' sales of pistols and revolvers is paid into the general fund of the Treasury. An amount equal to the revenue accruing from the 11 percent excise tax on rifles, shotguns, and ammunition is earmarked for the Federal aid to wildlife-restoration fund.

The bill would also earmark for the wildlife restoration fund an amount equal to all revenues accruing from the excise tax on pistols and revolvers. Each State would be authorized to use one-half of the funds apportioned to it under the 1937 Act to pay up to 50 percent of the costs of a hunter safety program, including the construction, operation, and maintenance of public outdoor target ranges.

The Department has generally opposed the earmarking of Federal receipts for unrelated purposes. As a general principle of effective budgetary management, budget receipts should not be earmarked for particular purposes but should be available in the general fund of the Treasury for appropriation by the Congress and for the achievement of current programs and objectives.

Legislative enactments setting aside certain budgetary receipts for particular areas or expenditure purposes tend to introduce undesirable rigidities into the budget process and thus limit the flexibility of the President and the Congress in determining priorities on the basis of their evaluation of current needs. This could promote unnecessary public spending by frustrating the application of cost-effectiveness tests. Moreover, a law requiring the earmarking of a certain type of receipt could result in substantial and unintended variations in the amounts provided the recipient areas or designated purposes, since these amounts would be determined largely by happenstance of unrelated revenue changes rather than on the basis of program needs and sound budgetary planning.

It appears that the proposed hunter safety program would primarily benefit users of rifles and shotguns, the weapons predominantly used for recreation purposes as well as in target practice and trap shooting. Furthermore, purchasers of pistols and revolvers would not appear to be the primary beneficiaries of expenditures from the wildlife restoration fund for its present programs such as the purchase, improvement, maintenance and management of land and water areas for wildlife conservation. And, to the limited extent that they are bene-

ficiaries, they presently contribute to the wildlife restoration fund through the tax on ammunition which includes ammunition for pistols and revolvers.

Under these circumstances, the Department believes that it would be inappropriate and undesirable to earmark funds derived from taxes on pistols and revolvers to support the proposed and existing programs of the wildlife restoration fund. To do so would be violative of the principle that, where earmarking is justified, those who pay the taxes should benefit from the programs financed by the earmarked taxes.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

PAUL W. EGGERS.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 18, 1969.

HON. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning S. 2311, to provide Federal financial assistance for hunter safety programs in the States.

S. 2311 would amend sections 3 and 8 of the Act of September 2, 1937 (16 U.S.C. 669b, g) relating to Federal aid in wildlife restoration, to provide an authorization for converting revenues from taxes imposed on pistols, revolvers, firearms, and shells, into a wildlife restoration fund in the Treasury, and establish a formula for the use of a portion of such fund by the States for the cost of a hunter safety program and for other public outdoor programs.

Whether this legislation should be enacted involves policy considerations as to which the Department of Justice makes no recommendation.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 16, 1969.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested a report on S. 670 and S. 2311, similar bills "To amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes."

Our Department is in favor of hunter safety programs. We believe that such training, including a program of target range construction that would make suitable and safe ranges available to persons wishing to fire various kinds of firearms, is very desirable. However, we cannot support the earmarking of the excise tax on pistols and revolvers for either increasing revenue in the Federal Aid in Wildlife Restoration Fund or for hunter safety programs. Therefore, we recommend against enactment of either bill.

For your information, Federal assistance is now available to the States for the planning, acquisition, and development of outdoor target ranges through the Land and Water Conservation Fund Act of 1965. Such ranges are regarded as a legitimate outdoor recreation activity, for which the States may receive Federal financial assistance on a cost-sharing basis.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: As you asked, here is our report on S. 3860, a bill "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

S. 3860 would amend several sections of the Federal Aid in Wildlife Restoration Act of September 2, 1937, and the Federal Aid in Fish Restoration Act of 1950. The amendments relate, in part, to the manner in which Federal funds are apportioned to the States and to the types of programs and projects which would be eligible for Federal assistance under the Acts.

The Secretary of the Interior is responsible for the administration of the Acts S. 3860 would amend. Since the bill would not directly affect the responsibilities of the Department of Agriculture, we have no comments regarding its enactment.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 9, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of May 26, 1970, in which you requested our comments on S. 3860, entitled: "A Bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

We have no special information as to the advantages or disadvantages of this measure and, therefore, make no comments regarding its merits. However, we note what appear to be several technical errors as follows:

The reference to "June 30, 1970" in line 10, page 4, should be to "June 30, 1971."

The phrase "of this section" should follow "subsection (a)" in line 18, page 6.

The phrase "of section 6 of this Act" should follow "subsection (a)" in line 9, page 7.

The word "section" in line 23, page 8, should be "subsection."

The reference to "1969" in line 24, page 9, should be to "1970."

The phrase "of this section" should follow "subsection (a)" in line 6, page 14.

The phrase "of section 6 of this Act" should follow "subsection (a)" in line 22, page 14.

The phrase "fish-restoration" in line 16, page 15, should read "fish restoration."

The word "or" should follow "sport" in line 2, page 17.

Sincerely yours,

ROBERT F. KELLER,
Assistant Comptroller General of the United States.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 29, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 3860, a bill "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes." Except as noted, our comments apply as well to S. 3927 and S. 3962, similar bills also pending before your Committee.

We strongly recommend that one of the bills be enacted with Committee amendments attached hereto.

S. 3860 would provide numerous amendments to the Federal aid statutes concerning wildlife and fish restoration, commonly known as the Pittman-Robertson Act and the Dingell-Johnson Act, respectively. In large measure, these amendments relate to the retails of administration, and they are likely to be free of controversy. All of the changes effected by S. 3860 are explained in the attached sectional analysis.

Those changes which deal with administrative details and which appear to be both relatively minor and noncontroversial, we believe require no further elaboration. We understand that the States in general support these changes.

Section 101 would expand the Federal aid to wildlife restoration fund by adding to it revenues from the 10 percent Federal excise tax on pistols and revolvers. One-half of this added revenue would be apportioned to the States, in the same manner as is provided by existing law for the established purposes of the Federal Aid in Wildlife Restoration Act. We understand that this tax produced \$4,745,000 in fiscal year 1968.

The other one-half would be apportioned to the States on the basis of relative populations, with each State being limited to not more than 5 percent and not less than one percent of the amount so apportioned. S. 3927 and S. 3962 would impose a limit of 3 percent on the amount apportioned to a given State. This latter half would be available to the States to finance 75% of the cost of a hunter safety program in each State and, as part of that program, to finance the construction, operation, and maintenance of public outdoor target ranges. S. 3927 and S. 3962 limit the amount available for these purposes to 50%. If a State did not elect to use these funds for a hunter safety program, the funds would be available to it for the usual purpose of the Federal Aid in Wildlife Restoration Act. The non-Federal share of the costs of the hunter safety programs could be derived from license fees paid by hunters, but it could not be derived from other Federal grant programs.

The bill has three major objectives: To encourage comprehensive planning by the State fish and game departments, to provide additional funds for State wildlife restoration programs, and to provide Federal assistance to State programs for hunter safety.

As to the first objective, a new section 6(a)(1), to be contained in both the Pittman-Robertson Act and the Dingell-Johnson Act, would provide that States could receive Federal aid in fish or wildlife restoration activities, respectively, on the basis of comprehensive, five-year plans. Under existing law, Federal funds are apportioned to the States on the basis of project-by-project applications, as approved by the Secretary of the Interior. While the alternative of applying for and receiving funds on a project basis would remain, a State could also obtain funds on the basis of "a comprehensive fish and wildlife resource management plan"—one designed to "insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people." This Department is anxious to encourage the balanced development which is likely to arise from comprehensive planning and supports this provision in S. 3860.

The second major objective would amend the Pittman-Robertson Act to provide additional funds for State wildlife restoration programs. The third objective would provide Federal assistance to the State for hunter safety programs.

Our Department is in favor of hunter safety programs. We believe that such training, including a program of target range construction that would make suitable and safe ranges available to persons wishing to fire various kinds of firearms, is very desirable. However, we cannot support the earmarking of the excise tax on pistols and revolvers for either increasing revenue in the Federal Aid in Wildlife Restoration Fund or for hunter safety programs. Therefore, we recommend deletion from S. 3860 of section 101 and those parts of section 102 that add new subsections 4(b) and 8(b) to the Pittman-Robertson Act.

For your information, Federal assistance is now available to the States for the planning, acquisition, and development of outdoor target ranges through the Land and Water Conservation Fund Act of 1965. Such ranges are regarded as a legitimate outdoor recreation activity, for which the State may receive Federal financial assistance on a cost-sharing basis.

Under the Pittman-Robertson Act a 10 percent limitation is imposed on the amounts which a State might use for engineering, inspection, and contingencies. The limitation is in our judgment unrealistic in view of the current level of architect and engineering fees. Section 102 of the bill amends section 6 of the Pittman-Robertson Act by deleting the 10 percent limitation.

The 25 percent limitation, imposed by both Federal aid programs under the Pittman-Robertson and the Dingell-Johnson Acts on the amounts to new appor-

tionment which a State might use for maintenance, as opposed to new restoration projects, would be repealed. This limitation we believe to be unnecessary, for few States use an appreciable amount for maintenance purposes, yet the limitation imposes heavy administrative burdens of record-keeping on both the States and the Federal Government.

The 30 percent limitation, imposed by the Pittman-Robertson Act, on the use of apportioned funds for management of wildlife areas and resources, would be repealed. Management, for the purposes of this limitation, has been defined as measures and facilities for the harvest and control of wild birds and mammals. Under this definition, no State has approached the limitation and most are using less than 5 percent. A recent 5-year average for all States is 4.4 percent. Again, the record-keeping is an unnecessary administrative burden resulting in unnecessary expenditures in funds and manpower for record-keeping. Such a limitation is not contained in the Dingell-Johnson Act.

It is estimated that \$40,000 is needlessly spent each year to keep records necessary to comply with the three limitations mentioned in the two paragraphs preceding this one relating to maintenance in both Federal aid programs and management in the Pittman-Robertson program.

Participation by Puerto Rico, the Virgin Islands, and Guam, currently limited to \$10,000 annually for each area under each Act, would be increased. The level of aid would be on a fluctuating percentage basis as is the case of the States. Under the Pittman-Robertson Act, Puerto Rico would be entitled to one-half of 1 percent of the total available for apportionment each year, and the Virgin Islands and Guam would each be entitled to one-sixth of 1 percent. Under the Dingell-Johnson Act, Puerto Rico would be entitled to 1 percent, and the Virgin Islands and Guam would each be entitled to one-third of 1 percent.

The present amount of \$10,000 which is supplied to the three governments under each of the Acts can, at best be described as a token payment. It is not possible to keep one well-trained man in the field for \$10,000 annually. There is need for the three governments to develop independent programs to manage fish and wildlife resources for the good of their people. The increased allotments under S. 3860 would allow Guam, Puerto Rico, and the Virgin Islands to develop such programs, enable them to recruit and hold adequately trained personnel, and insure continuity in their programs.

American Samoa is not now eligible for assistance under the Federal Aid in Fish Restoration Act. The territorial government has come to recognize the potential of its fishery resources, and has recently developed a small fisheries program administered by an Office of Marine Resources. The program is supported, in part, by funds made available pursuant to the Commercial Fisheries Research and Development Act of 1964. The Governor now seeks eligibility under the Federal Aid in Fish Restoration Act as a means to develop a sport fishery program that would result in economic and recreational benefits. We agree that there is sufficient sport fishery potential to support a viable program, and that the benefits derived therefrom would be valuable to American Samoa. Accordingly, we propose language to effect its inclusion among those jurisdictions eligible for assistance under the Federal Aid in Fish Restoration Act.

We recommend that the amendments set forth in the attachment be adopted. These cover deletion of language relating to the excise tax on pistols and revolvers and the eligibility of American Samoa for assistance under the Federal Aid in Fish Restoration Act. They also cover a variety of lesser, perfecting changes which you may wish to consider. There is also attached hereto a section-by-section analysis of S. 3860.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

Enclosures.

AMENDMENTS TO S. 3860, S. 3927, AND S. 3962 RECOMMENDED BY DEPARTMENT
OF THE INTERIOR

Page 1, lines 5 to 10, and page 2, lines 1 to 6. Delete all of section 101 of the bill.

Page 2, line 7. Change "SEC. 102," to read "SEC. 101".

Page 3, lines 17 to 25, and page 4, lines 1 and 2. Delete all of subsection 4 (b).

Page 4, lines 3 through "after.", line 12. Revise to read "SEC. 5. For each fiscal

year, the Secretary of the Interior shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State."

This revision will clear up some confusion over dates, and has been incorporated into the language of S. 3927 and S. 3962.

Page 5, line 19. Change the words "projects meet" to read "project meets", in S. 3860 only.

Page 5, line 20. Change "projects," to read "project," in S. 3860 only.

Page 6, line 4. Place the sentences beginning line 4 and running to line 15 in a separate paragraph, in S. 3860 only.

Page 6, line 18. For purposes of clarity, insert "of this section," after the words "subsection (a)", in S. 3860 only.

Page 6, lines 19 to 24, and page 7, lines 1 and 2 of S. 3962 and S. 3927. Delete all of subsection 6(2) (c).

Page 7, line 9. For purposes of clarity, insert "of section 6 of this Act" after the words "subsection (a)", in S. 3860 only.

Page 8, line 4. Change "SEC. 8(a)" to read "SEC. 8." (line 12 of S. 3927 and S. 3962).

Page 8, lines 14 to 24. Delete all of subsection 8(b) (lines 22 to 25 and page 9, lines 1 to 7 of S. 3927 and S. 3962).

Page 9, line 23. Change "SEC. 103." to read "SEC. 102." (page 10, line 7 of S. 3927 and S. 3962).

Page 9, line 24. Change "1969" to "1970", in S. 3860 only.

Page 11, line 5. Change "States" to "State", in S. 3860 only.

Page 13, line 8. Change "projects meet" to read "project meets", in S. 3860 only.

Page 13, line 9. Change "projects," to read "project," in S. 3860 only.

Page 13, line 12. Change "any" to read "the", in S. 3860 only.

Page 13, line 18. Place the sentences running from line 18 to line 3, page 14, in a separate paragraph, in S. 3860 only.

Page 14, line 6. For purposes of clarity, insert the words "of this section," after "subsection (a)", in S. 3860 only.

Page 14, lines 17 to 23 of S. 3927 and S. 3962. Delete all of subsection 6(2) (c).

Page 14, line 22. For purposes of clarity, insert the words "of section 6 of this Act" after words "subsection (a)", in S. 3860 only.

Page 16, line 6. At the beginning thereof, insert the words "the Governor of American Samoa," (line 22 of S. 3927 and S. 3962).

Page 16, line 10. Insert the words "American Samoa," after the word "Guam," (page 17, line 1 of S. 3927 and S. 3962).

Page 16, lines 13 and 14. Insert the words "for American Samoa one-third of one percentum," following the words "for Guam one-third of one percentum," (page 17, lines 4 and 5 of S. 3927 and S. 3962).

Page 16, line 21. Insert the words "American Samoa," following the word "Guam," (page 17, line 12 of S. 3927 and S. 3962).

Page 17, line 2. Insert the word "or" after the word "sport", in S. 3860 only. This word was inadvertently omitted from the original section 12 of the Act. It is obvious that its omission was unintentional since similar references to fish of material value "for sport or recreation" appear in sections 2, 3, and 4 of the existing Act.

SECTIONAL SUMMARY OF S. 3860

Section 101 would amend section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b), to provide that beginning July 1, 1970, there would be deposited in the Federal aid to wildlife restoration fund in the Treasury the 10 percent Federal excise tax on pistols and revolvers (26 U.S.C. 4181). Under the existing section 3, the 11 percent Federal excise tax on firearms (other than pistols and revolvers), shells, and cartridges is deposited in such fund, but the 10 percent tax on pistols and revolvers is not.

Section 102 carries amendments to several sections of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.), commonly known as the Pittman-Robertson Act.

Section 104 of that Act (16 U.S.C. 669c), would be amended by designating the existing section 4 as section 4(a), and by adding a new subsection (b), concerning hunter safety. The new section 4(a) would effect three changes in existing law:

(1) Existing law requires that, in making apportionments to the States from the Federal aid to wildlife restoration fund, the Secretary of the Interior use as a factor "the number of paid hunting-license holders of each State in the preceding fiscal year". Many of the States cannot furnish precise data on the number of paid license holders in the immediately preceding fiscal year early enough to permit the Interior Department to make the new apportionments on that basis. Accordingly, the bill would change "preceding fiscal year" to "second fiscal year preceding". This change would conform the Pittman-Robertson Act to the later-enacted Dingell-Johnson Act, which is dealt with in title II of S. 3860.

(2) The existing section 4 contains a proviso at the end which refers to maximum and minimum apportionments "to all the States". That phrase is deleted by S. 3860 in light of amendments discussed below affecting Puerto Rico and the territories of the Virgin Islands and Guam.

(3) The bill would add at the end of the new section 4(a) a definition of the term "fiscal year". Several States collect license revenue and license data in 12 month periods which do not coincide with the Federal fiscal year. As a convenience to the States, the Interior Department has been accepting counts of paid license holders in a State during the State's license year, fiscal year, or calendar year. To do otherwise would be to require certain States in some cases to maintain, at some expense, separate State records to coincide with the Federal fiscal year. This amendment would avoid that result and would confirm the existing practice.

Section 5 of the Pittman-Robertson Act (16 U.S.C. 669d), would be amended to delete the current requirement that apportionments of funds to the States be made by February 20, preceding the commencement of the fiscal year in which the funds will be used. This current requirement is impossible to meet, inasmuch as the total fund susceptible to apportionment cannot be known until the excise taxes are collected through the following June 30. Well before each June 30, the Interior Department now advises the States of preliminary apportionments, in order to assist them in their planning. Adoption of the amended section 5 would conform the Pittman-Robertson Act to the Dingell-Johnson Act in this respect.

Section 6 (16 U.S.C. 669e), would be amended in four substantive particulars:

(1) Under existing law, a State may receive wildlife restoration funds by submitting to the Secretary of the Interior "full and detailed statements of any wildlife-restoration project proposed for that State". S. 3860 would continue this procedure, but it would add an alternative. As specified in paragraph (1) of the new section 6(a), a State could avail itself of the benefits of the Act by submitting a 5-year comprehensive fish and wildlife resource management plan. Such plan would be required to be based on projections of at least 15 years, and to be updated at least every 3 years.

(2) The reference in existing law to the Secretary of the Treasury is deleted, in order to reflect current administrative practice.

(3) Existing law limits the cost of "engineering, inspection, and unforeseen contingencies" to 10 percent of the cost of construction, and requires the State to pay such cost as a part of its contribution. This provision would be deleted by the bill. The 10-percent limitation is unrealistic. Costs on similar Federal projects average 15 percent, excluding contingencies, and architect-engineering charges may reasonably run to 25 percentage.

(4) A new subsection (b) would be added, to reflect the new provisions concerning a comprehensive plan.

Section 7 of the Pittman-Robertson Act (16 U.S.C. 669f), would be amended, first, by being broken into subsection (a) and (b). The new section 7(a) would be modified by the addition of the last sentence, which would permit advance payments to the States for work which has been adequately defined in a comprehensive fish and wildlife plan. The new section 7(b) is a restatement of existing law, except that it would delete a reference to progress payments, which reference is redundant in light of the language of subsection (a).

Section 8 of the existing law (16 U.S.C. 669g), would be redesignated as subsection (a) of section 8. A new section 8(b), concerning hunter safety, is added. Section 8(a) would effect two modifications of existing law:

(1) Existing law (the Act of July 24, 1946, 60 Stat. 656, 16 U.S.C. 669g), provides that not more than 25 percent of the total amount apportioned to a State may be used for maintenance of wildlife restoration projects. This limitation was inserted in 1946 because the Congress feared that the States would devote their apportionments largely, and perhaps totally, to maintenance of physical improvements, and not to restoration purposes. Our experience with the limitation,

for a period now in excess of 20 years, indicates that the concern was not well-founded. Only a few States use an appreciable amount of their apportionments for maintenance purposes, yet all are required because of the statutory limitation to maintain costly accounting systems to reflect maintenance expenditures, and the Interior Department has been required to audit these accounts. The results have been administratively and financially burdensome to both the State and Federal Governments. Because we believe that the fear which gave rise to the limitation is unjustified, we urge that the limitation, with its accompanying burdens, be terminated.

(2) Existing law (the Act of August 12, 1955, 69 Stat. 698, 16 U.S.C. 669g), also provides that not more than 30 percent of the total amount apportioned to a State may be used for management of wildlife areas and resources, excluding law enforcement and public relations expenses. We believe that this limitation also should be repealed for the same reason as given for the maintenance limitation. The average State uses less than 5 percent of its Pittman-Robertson funds for this purpose. Such limitation does not appear in the Dingell-Johnson Act.

Section 8A of S. 3860 would amend the section of existing law (designated section 8(a), 16 U.S.C. 669g-1), which deals with apportionments to Puerto Rico, the Virgin Islands, and Guam. In addition to reflecting the change in title of the head of the Department of Agriculture in Puerto Rico, the new section would increase the annual apportionment to each of the three areas. Existing law provides that each will receive \$10,000 annually. The new language provides that each will receive an apportionment on a percentage basis, permitting them to fluctuate on the basis of the overall amount available, just as the States do. The bill would provide that of the amount available for apportionment, Puerto Rico would receive $\frac{1}{2}$ of 1 percent, and the Virgin Islands and Guam would each receive $\frac{1}{4}$ of 1 percent.

Section 103 provides that title I may be referred to as the Federal Aid in Wildlife Restoration Act Amendments of 1969.

Section 201 would amend section 4 of the Federal Aid in Fish Restoration Act (16 U.S.C. 777c), commonly known as the Dingell-Johnson Act. The two changes in section 4 that would be effected by the bill are the deletion of the phrase "to all the States" and the addition of the last sentence, defining the term "fiscal year". The rationale for these changes appears above, in connection with the new section 4(a) of the Federal Aid in Wildlife Restoration Act. The two sections 4 and 4(a) would, if amended as provided in S. 3860, conform to one another.

Section 202 would provide amendments to sections 6, 7, and 8 of the Dingell-Johnson Act.

Section 6 of the Dingell-Johnson Act (16 U.S.C. 777e), would be amended in the manner described above, and for the same reasons, as section 6 of the Pittman-Robertson Act. The alternative of a comprehensive fish and wildlife resource management plan would be provided in section 6(a); reference to the Secretary of the Treasury would be deleted; the 10 percent limitation on engineering, inspection, and contingency costs would be deleted; and a new subsection (b) would reflect the provision concerning comprehensive plans.

Section 7 of the Dingell-Johnson Act (16 U.S.C. 777f), would be amended by being divided into subsections (a) and (b); by the addition of the last sentence of the new subsection (a), authorizing the advance of funds to the States; and by the deletion in the new subsection (b) of the unnecessary reference to progress payments. Further references to these changes appear above, in connection with section 7 of the Pittman-Robertson Act.

Section 8 of the Dingell-Johnson Act (16 U.S.C. 777g), would be amended by deleting the 25-percent limitation on the amount of its apportionment which a State could use for maintenance of projects. The justification for this deletion appears above, in connection with section 8 of the Pittman-Robertson Act.

Section 203 would amend section 12 of the Dingell-Johnson Act (16 U.S.C. 777k), to effect the changes in participation by Puerto Rico, the Virgin Islands and Guam, somewhat similar to those described above in connection with section 8A of S. 3860 which amends the Pittman-Robertson Act. The Dingell-Johnson Act would be amended to provide that Puerto Rico would receive 1 percent of the amount available for apportionment and Guam and the Virgin Islands would each receive $\frac{1}{3}$ of 1 percent.

Section 204 provides that title II may be cited as the Federal Aid in Fish Restoration Act Amendments of 1970.

STATEMENT REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The enactment of this bill would facilitate work conducted under the Federal Aid in Fish and Wildlife Restoration Act, which has had a history of improving the quality of the environment. We are not aware of any adverse environmental effects that would be brought about by the implementation of the changes proposed by this bill; to the contrary, we would expect continued enhancement of the environment. Natural resources, including land and renewable resources, committed under these programs would be expected to provide long-term recreational and economic benefits to the people of the United States through protection of the environment and enhancement of its quality.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., October 2, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: This is in response to your request for the views of the Department of Justice on S. 3860, S. 3927, and S. 3962, three bills "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

The three bills are virtually identical. All propose amendments to the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669 et seq.), and the Federal Aid in Fish Restoration Act of August 9, 1950 (16 U.S.C. 777 et seq.), which would, if any of the three bills is enacted:* (1) provide a new source of money to States for wildlife restoration purposes, by diverting to the wildlife restoration fund proceeds from the 10% excise tax on pistols, revolvers, ammunition, presently consigned to general Federal revenue;* (2) increase Federal assistance to the States for firearms safety training programs for hunters; and (3) promote long-range planning for the preservation of natural wildlife habitats and the conservation of wildlife and fish.

Whether this legislation should be enacted involves questions to which the Department of Justice defers to the Department of the Interior and the Treasury.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 8, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: As you asked, here is our report on S. 3927, a bill "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

S. 3927 would amend several sections of the Federal Aid in Wildlife Restoration Act of September 2, 1937, and the Federal Aid in Fish Restoration Act of 1950. The amendments relate, in part, to the manner in which Federal funds are apportioned to the States and to the types of programs and projects which would be eligible for Federal assistance under the Acts.

The Secretary of the Interior is responsible for the administration of the Acts S. 3927 would amend. Since the bill would not directly affect the responsibilities of the Department of Agriculture, we have no comments regarding its enactment.

*Proposed Amendments (1) and (2) apply only to the wildlife restoration fund. No counterpart revenue or safety training authorizations are proposed in title II of these bills for the fish restoration fund.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 9, 1970.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: Reference is made to your letter of June 11, 1970, in which you requested our comments on S. 3927, 91st Congress, entitled: "A BILL To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

We have no special information as to the advantages or disadvantages of this measure and, therefore, make no comments regarding its merits.

As a technical matter, the reference to section 4(h) in line 23, page 8, should be to section 4(b).

Sincerely yours,

ROBERT F. KELLER,
Assistant Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 1, 1970.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: As you asked, here is our report on S. 3962, a bill "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

S. 3962 would amend several sections of the Federal Aid in Wildlife Restoration Act of September 2, 1937, and the Federal Aid in Fish Restoration Act of 1950. The amendments relate, in part, to the manner in which Federal funds are apportioned to the States and to the types of programs and projects which would be eligible for Federal assistance under the Acts.

The Secretary of the Interior is responsible for the administration of the Acts S. 3962 would amend. Since the bill would not directly affect the responsibilities of the Department of Agriculture, we have no comments regarding its enactment.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 9, 1970.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: Reference is made to your letter of June 18, 1970, in which you requested our comments on S. 3962, 91st Congress, entitled: "A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

We have no special information as to the advantages or disadvantages of this measure and, therefore, make no comments regarding its merits.

As a technical matter, the reference to section 4(h) in line 23, page 8, should be to section 4(b).

Sincerely yours,

ROBERT F. KELLER,
Assistant Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 7, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 12475, an act "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

H.R. 12475 would amend several sections of the Federal Aid in Wildlife Restoration Act of September 2, 1937, and the Federal Aid in Fish Restoration Act of 1950. The amendments relate, in part, to the manner in which Federal funds are apportioned to the States and to the types of programs and projects which would be eligible for Federal assistance under the Acts.

The Secretary of the Interior is responsible for the administration of the Acts H.R. 12475 would amend. Since the act would not directly affect the responsibilities of the Department of Agriculture, we have no comments regarding its enactment.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 12, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of July 27, 1970, in which you requested our comments on H.R. 12475, entitled: "AN ACT To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes."

We have no special information as to the advantages or disadvantages of this measure and, therefore, make no comments regarding its merits.

The phrase "fish-restoration" in line 4, page 16, should read "fish restoration."

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 21, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 12475 as passed by the House of Representatives, a bill "To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes." The House-passed bill is identical to S. 3927 and S. 3962, which were discussed in our report of June 29. S. 3860, also a subject of our earlier report, is a similar bill.

We strongly recommend that House-passed H.R. 12475 or one of the Senate bills be enacted with the amendments we suggest.

As passed, H.R. 12475 would provide numerous amendments to the Federal aid statutes concerning wildlife and fish restoration, commonly known as the Pittman-Robertson Act and the Dingell-Johnson Act, respectively. In large measure, these amendments relate to the details of administration, and they are likely to be free of controversy. All of the changes effected by H.R. 12475 are explained in the sectional analysis attached to our report of June 29.

Those changes which deal with administrative details and which appear to be both relatively minor and noncontroversial, we believe require no further elaboration. We understand that the States in general support these changes.

Section 101 would expand the Federal aid to wildlife restoration fund by adding to it revenues from the 10 percent Federal excise tax on pistols and revolvers. One-half of this added revenue would be apportioned to the States, in the same manner as is provided by existing law for the established purposes of the Federal Aid in Wildlife Restoration Act. We understand that this tax produced \$4,745,000 in fiscal year 1968.

The other one-half would be apportioned to the States on the basis of relative populations, with each State being limited to not more than 3 percent and not less than one percent of the amount so apportioned. This latter half would be available to the States to finance 50% of the cost of a hunter safety program in each State and, as part of that program, to finance the construction, operation, and maintenance of public outdoor target ranges. If a State did not elect to use these funds for a hunter safety program, the funds would be available to it for the usual purpose of the Federal Aid in Wildlife Restoration Act. The non-Federal share of the costs of the hunter safety programs could be derived from license fees paid by hunters, but it could not be derived from other Federal grant programs.

The bill has three major objectives: To encourage comprehensive planning by the State fish and game departments, to provide additional funds for State wildlife restoration programs, and to provide Federal assistance to State programs for hunter safety.

As to the first objective, a new section 6(a) (1), to be contained in both the Pittman-Robertson Act and the Dingell-Johnson Act, would provide that States could receive Federal aid in fish or wildlife restoration activities, respectively, on the basis of comprehensive, five-year plans. Under existing law, Federal funds are apportioned to the States on the basis of project-by-project applications, as approved by the Secretary of the Interior. While the alternative of applying for and receiving funds on a project basis would remain, a State could also obtain funds on the basis of "a comprehensive fish and wildlife resource management plan"—one designed to "insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people." This Department is anxious to encourage the balanced development which is likely to arise from comprehensive planning and supports this provision of the House-passed bill.

The second major objective would amend the Pittman-Robertson Act to provide additional funds for State wildlife restoration programs. The third objective would provide Federal assistance to the State for hunter safety programs.

Our Department is in favor of hunter safety programs. We believe that such training, including a program of target range construction that would make suitable and safe ranges available to persons wishing to fire various kinds of firearms, is very desirable. However, we cannot support the earmarking of the excise tax on pistols and revolvers for either increasing revenue in the Federal Aid in Wildlife Restoration Fund or for hunter safety programs. Therefore, we recommend deletion from H.R. 12475 of section 101 and those parts of section 102 that add new subsections 4(b) and 8(b) to the Pittman-Robertson Act.

For your information, Federal assistance is now available to the States for the planning, acquisition, and development of outdoor target ranges through the Land and Water Conservation Fund Act of 1965. Such ranges are regarded as a legitimate outdoor recreation activity, for which the State may receive Federal financial assistance on a cost-sharing basis.

Under the Pittman-Robertson Act a 10 percent limitation is imposed on the amounts which a State might use for engineering, inspection, and contingencies. The limitation is in our judgment unrealistic in view of the current level of architect and engineering fees. Section 102 of the bill amends section 6 of the Pittman-Robertson Act by deleting the 10 percent limitation.

The 25 percent limitation, imposed by both Federal aid programs under the Pittman-Robertson and the Dingell-Johnson Acts on the amounts of its apportionment which a State might use for maintenance, as opposed to new restoration projects, would be repealed. This limitation we believe to be unnecessary, for few States use an appreciable amount for maintenance purposes, yet the limitation imposes heavy administrative burdens of record-keeping on both the States and the Federal Government.

The 30 percent limitation, imposed by the Pittman-Robertson Act, on the use of apportioned funds for management of wildlife areas and resources, would be repealed. Management, for the purposes of this limitation, has been defined as measures and facilities for the harvest and control of wild birds and mammals. Under this definition, no State has approached the limitation and most are using less than 5 percent. A recent 5-year average for all States is 4.4 percent. Again, the record-keeping is an unnecessary administrative burden resulting in unnecessary expenditures in funds and manpower for record-keeping. Such a limitation is not contained in the Dingell-Johnson Act.

It is estimated that \$40,000 is needlessly spent each year to keep records necessary to comply with the three limitations mentioned in the two paragraphs preceding this one relating to maintenance in both Federal aid programs and management in the Pittman-Robertson program.

Participation by Puerto Rico, the Virgin Islands, and Guam, currently limited to \$10,000 annually for each area under each Act, would be increased. The level of aid would be on a fluctuating percentage basis as is the case of the States. Under the Pittman-Robertson Act, Puerto Rico would be entitled to one-half of 1 percent of the total available for apportionment each year, and the Virgin Islands and Guam would each be entitled to one-sixth of 1 percent. Under the Dingell-Johnson Act, Puerto Rico would be entitled to 1 percent, and the Virgin Islands and Guam would each be entitled to one-third of 1 percent.

The present amount of \$10,000 which is supplied to the three governments under each of the Acts can, at best be described as a token payment. It is not possible to keep one well-trained man in the field for \$10,000 annually. There is need for the three governments to develop independent programs to manage fish and wildlife resources for the good of their people. The increased allotments under S. 3860 would allow Guam, Puerto Rico, and the Virgin Islands to develop such programs, enable them to recruit and hold adequately trained personnel, and insure continuity in their programs.

American Samoa is not now eligible for assistance under the Federal Aid in Fish Restoration Act. The territorial government has come to recognize the potential of its fishery resources, and has recently developed a small fisheries program administered by an Office of Marine Resources. The program is supported, in part, by funds made available pursuant to the Commercial Fisheries Research and Development Act of 1964. The Governor now seeks eligibility under the Federal Aid in Fish Restoration Act as a means to develop a sport fishery program that would result in economic and recreational benefits. We agree that there is sufficient sport fishery potential to support a viable program, and that the benefits derived therefrom would be valuable to American Samoa. Accordingly, we propose language to effect its inclusion among those jurisdictions eligible for assistance under the Federal Aid in Fish Restoration Act.

We recommend that the amendments set forth in the attachment be adopted. These cover deletion of language relating to the excise tax on pistols and revolvers and the eligibility of American Samoa for assistance under the Federal Aid in Fish Restoration Act. They also cover a variety of lesser, perfecting changes which you may wish to consider.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

AMENDMENTS TO HOUSE-PASSED H.R. 12475 RECOMMENDED BY DEPARTMENT OF
THE INTERIOR

Page 1, lines 5 to 10, and page 2, lines 1 to 6. Delete all of section 101 of the bill.

Page 2, line 7. Change "SEC. 102." to read "SEC. 101."

Page 3, lines 17 to 25, and page 4, lines 1 and 2. Delete all of subsection 4 (b).

Page 6, lines 20 to 25, and page 7, lines 1 and 2. Delete all of subsection 6 (2) (c).

Page 8, line 13. Change "SEC. 8(a)" to read "SEC. 8."

Page 8, lines 23 to 25 and page 9, lines 1 to 8. Delete all of subsection 8 (b).

Page 10, line 7. Change "SEC. 103." to read "SEC. 102."

Page 14, lines 15 to 21. Delete all of subsection 6 (2) (c).

Page 16, line 19. At the beginning thereof, insert the words "the Governor of American Samoa."

Page 16, line 23. Insert the words "American Samoa," after the word "Guam,".

Page 17, lines 1 and 2. Insert the words "for American Samoa one-third of one percentum," following the words "for Guam one-third of one percentum,".

Page 17, line 9. Insert the words "American Samoa," following the word "Guam,".

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., September 9, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the Department of the Treasury's views on H.R. 12475, entitled "AN ACT To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes".

H.R. 12475 would require the Department of the Treasury to pay into the wildlife restoration fund all of the revenues derived from the excise taxes imposed by section 4181 of the Internal Revenue Code. The bill would also make changes in the statutory rules governing the wildlife restoration fund and the sport fish restoration fund. These changes in fund rules are not of direct interest to this Department.

Subject to the exemptions set forth in section 4182, section 4181 of the Internal Revenue Code presently imposes an excise tax at a rate of 10 percent on pistols and revolvers and an excise tax at a rate of 11 percent on firearms (other than rifles and pistols), shells, and cartridges. Under existing law, revenues from the 10 percent excise tax on sales of pistols and revolvers go into the general fund of the Treasury. Revenues from the 11 percent excise tax are set aside in a special fund known as "The Federal aid to wildlife restoration fund". This special treatment of the funds derived from the 11 percent tax is justified because that tax is mainly imposed on rifles, shotguns and ammunition used for recreational purposes. The 11 percent tax is, in effect, a user charge imposed on those hunters who benefit from Federal expenditures for wildlife restoration.

The Department of the Treasury is opposed to the tax provisions of H.R. 12475 because pistols and revolvers are seldom, if ever, used by hunters for recreational purposes. Accordingly, purchasers of pistols and revolvers would not appear to be the primary beneficiaries of expenditures from the wildlife restoration fund. Moreover, even if pistol and revolver purchasers do benefit to some limited extent from the wildlife restoration fund, they presently contribute to that fund through the 11 percent tax on shells and cartridges which includes pistol and revolver cartridges. Under these circumstances, the Department of the Treasury is opposed to an earmarking of funds derived from taxes on pistols and revolvers to support the wildlife restoration fund, because such earmarking would violate the principle that those who pay earmarked taxes should benefit from the programs financed by those taxes.

Legislative enactments setting aside certain budgetary receipts for particular areas or expenditure purposes tend to introduce undesirable rigidities into the budget process and thus limit the flexibility of the President and the Congress in determining priorities on the basis of their evaluation of current needs. This could promote unnecessary public spending by frustrating the application of cost-effectiveness tests. Moreover, a law requiring the earmarking of a certain type of receipt could result in substantial and unintended variations in the amounts provided the recipient areas for designated purposes, since these amounts would be determined largely by happen-stance of unrelated revenue changes rather than on the basis of program needs and sound budgetary planning.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

JOHN S. NOLAN,
Acting Assistant Secretary.

Senator HART. Whereas these bills differ slightly in their approach to some matters, they are uniform in what I believe most would regard as their major provisions. These would transfer the receipts of the 10-percent tax on pistols and revolvers from the general fund to the Pittman-Robertson fund and would provide that one-half of those receipts could be used for the promotion of hunter safety programs. It is also uniformly the purpose of each of the sponsors of these bills to streamline the operation of the Pittman-Robertson and Dingell-Johnson Acts.

In welcoming our witnesses today, we would like to ask them first of all to comment on these uniform purposes and provisions and then, if they wish, to feel free to discuss the differences that may be found among the bills. The general objectives of improved restoration of our fish and wildlife resources and of the promotion of hunter safety are, I am sure, dear to each sponsor of the bills before us as well as to each witness we will be privileged to hear today. It is the purpose of this hearing to resolve any differences which may exist as to the means by which those objectives are to be achieved.

We will hear first today from one who is both a sponsor of one of the bills and a witness, as well as a distinguished member of this committee and our subcommittee, one whose concern for conservation in its broadest aspects has long been acknowledged. We welcome the distinguished minority leader and senior Senator from Pennsylvania.

STATEMENT OF HON. HUGH SCOTT, U.S. SENATOR FROM PENNSYLVANIA

Senator SCOTT. Thank you, Mr. Chairman.

I welcome today's hearing on the wildlife restoration and hunter safety bills now before us, including my own proposal, S. 3860. I am pleased to note for the record that I have been joined this morning by the distinguished Senator from Wyoming, Gale W. McGee, a former member of this committee, as a cosponsor of my bill.

I am encouraged, Mr. Chairman, by the action taken by the House of Representatives in passing the similar measure you have referred to, H.R. 12475. The focus now rests clearly with the Senate, and I view today's hearing as a hopeful indication that we will be able to complete long overdue congressional enactment of final legislation this year.

As you know, all of the bills before us today are designed to amend the Federal Aid in Wildlife and the Federal Aid in Fish Restoration Acts to promote comprehensive long-range planning for the preservation of natural wildlife habitats and the conservation of wildlife and fish.

In addition, they would make available to the wildlife restoration fund—for the first time—proceeds from the Federal 10-percent excise tax now levied on the purchase of handguns; that is, on the purchase of pistols and revolvers. These moneys now go to general revenues where they produce no direct benefit for the very citizens who pay this tax—the Nation's often maligned hunters, sportmen, and gun enthusiasts.

Under my bill this money would now be used in part to make possible some \$3 million annually in new Federal assistance to the States

specifically for firearms safety training, including the construction, operation, and maintenance of target ranges. It is the purpose of this provision of my bill not only to reduce substantially accidents among the Nation's 15 million hunters, but also to encourage an additional recruitment of nearly 1 million new hunters each year, all of whom should be trained.

Two provisions of my bill differ noticeably from those of the others before this subcommittee. First, I am proposing that the maximum State limitation on the apportionment of Federal funds raised from handgun tax receipts be increased to 5 percent rather than the 3 percent proposed in counterpart measures. Second, I am proposing that the cost-sharing requirement for hunter-safety assistance be on the basis of the parent act; that is, on a Federal-State ratio of 3 to 1, rather than on the basis of 50-50 cost sharing.

This, I believe, would make it easier for all States, with their limited resources, to match Federal apportionment and would, therefore, encourage the States to include hunter safety in overall planning. The use of the same cost-sharing formula for the hunter safety training and target range portion of their individual programs would make more States willing to undertake these worthwhile projects and would preclude any additional administrative expense which might result from requiring the States to initiate a second bookkeeping system to account for 50-50 matching.

Hunter safety is, of course, but one aspect of the bills we are discussing. Vital also is the increased Federal assistance which these proposals—including S. 3860—would make available to State fish and game conservation departments which for years have been the most active and potent force, individually and collectively, in the preservation of natural environments.

In view of the projected demand on open spaces for urban development, future transportation corridors, forest products, and outdoor recreational uses not related to fish and wildlife, it is imperative that State fish and game departments be encouraged—and enabled—to enter into the planning process at every level of government.

State agencies employ some of the best trained ecologists in the world. Not only is their expertise needed to protect fish and wildlife habitat, but it is needed by the Nation to guarantee maintenance of an environmental quality suitable for continued human existence.

The Federal aid in wildlife and the Federal aid in fish restoration programs have made available more than \$387 million through the current fiscal year for wildlife restoration projects. They have enabled fish and game departments to control and manage over 1,800 wildlife management areas, comprising 50 million acres of land and water. The annual public benefit resulting from these wildlife restoration projects has been calculated in terms equivalent to 50 million man-days of hunting and another 33 million man-days associated with recreation, including fishing, camping, and hiking.

In short, the Federal-State cooperation made possible by the federally initiated fish and wildlife restoration programs has already established a proven record of success. It is essential that we act now to approve the further amendments encompassed in my bill, and the others now before us, so that these programs may reach the realization of their full potential not only for this, but for future generations.

That is the end of my statement. I thank you very much for your courtesy, Mr. Chairman.

Senator HART. Well, we thank you for taking the time from a demanding schedule to come personally and to voice the kind of strong support you have for the bills. I do know that with the kind of schedule you try to live by you are not going to be able to stay with us very long.

We welcome you so long as you can, and we will certainly not push the statement into the field of questioning, because when we mark this bill up, I know you will be there.

Senator SCOTT. Mr. Chairman, I ask unanimous consent to include in the printed hearing record a letter from the Pennsylvania Federation of Sportsmen's Clubs, Inc., in support of S. 3860.

Senator HART. Hearing no objection, it is so ordered.

(The letter referred to is as follows:)

PENNSYLVANIA FEDERATION OF SPORTSMEN'S CLUBS, INC.,
OFFICE OF THE PRESIDENT,
Beaver, Pa., September 7, 1970.

Senator HUGH SCOTT,
Senate Commerce Committee,
New Senate Office Building, Washington, D.C.

DEAR SIR: It has been brought to our attention that on September 9th a hearing on S 3860 will be held, and those wishing to submit written statements should be in contact with you.

Although the time element, and other circumstances will no doubt not permit us to appear in person, we wish to be placed on record as being in favor of this piece of legislation.

We as sportsmen and conservationists have for an untold number of years been vitally interested in the wise use of our natural resources. At the same time we have aligned our programs to the preservation of our "human resources" through an extensive hunter safety program. In years past we have been assisted financially from monies realized through the Pittman-Robertson Act, which are monies derived from a Federal tax on rifles, shotguns, etc., and although an attempt was made to repeal this act, we deemed it not wise to do so. I dare say, that it was probably the only time in the history of these United States, that the repeal of such a piece of legislation met with such disfavor.

We are of the opinion, that the 10% Federal tax we pay upon purchasing a pistol or revolver should be pro-rated back to the various states, in order that we might not only carry on our programs as in the past, but to also enable us to expand on these programs in the future.

Please consider this letter as putting the 150,000 organized members of The Pennsylvania Federation of Sportsmen's Clubs Inc., on record as being in favor of S 3860.

Sincerely yours,

JOSEPH H. CRAIG, *President.*

Senator HART. Dr. Glasgow, the Assistant Secretary of the Interior for Fish and Wildlife and Parks.

STATEMENT OF DR. LESLIE L. GLASGOW, ASSISTANT SECRETARY OF THE INTERIOR FOR FISH AND WILDLIFE AND PARKS; ACCOMPANIED BY MERWIN MARSTON, CHIEF; AND CHARLES LANE, ASSISTANT CHIEF, DIVISION OF FEDERAL AID IN THE BUREAU OF SPORTS FISHERIES AND WILDLIFE

Dr. GLASGOW. Thank you, Mr. Chairman.

I would like to compliment Senator Scott for the excellent presentation that he just made.

I do have a prepared statement here that is rather lengthy. If it is satisfactory, I would prefer to summarize it and file my statement for the record.

Senator HART. We would welcome that.

The statement will be printed in the record in full, after your summary. If there are any spots we want to pick up, we shall.

Dr. GLASGOW. Thank you.

Mr. Chairman, the Federal Aid to Wildlife Act—the Pittman-Robertson Act—and the Federal Aid to Fisheries Act—the Dingell-Johnson Act—are the backbone of all State fish and game programs.

I had the pleasure of serving as the State director for the Louisiana Fish and Game Commission, and I administered these programs at the State level. So I am really familiar with the importance of them.

Senator Scott has given you some very important accomplishments under these two acts, and I am going to repeat them, because of their importance.

Since 1938, \$387 million has been given to the States for wildlife restoration under the Pittman-Robertson Act. Since 1950, \$112 million has been given to the States for fish restoration work.

The State fish and game departments control and manage over 1,800 wildlife management areas containing over 50 million acres. Many research projects have been completed and there are over 6,000 technical articles that resulted from this program. It has resulted in the reestablishment and/or increase in many species of game, the most notable being the white-tailed deer, which is more common now than it has ever been. And a great deal of progress has been made in restoring the wild turkey to much of its former range.

Under the D-J programs, 272 lakes, totaling 33,700 acres, have been restored or constructed and 1,200 access points to streams have been constructed for fishermen and other people who use these waters.

Both programs—D-J and P-R—have developed many top fish and game administrators. Quite a few have moved into the Federal fish and wildlife program.

They also have developed some of our best scientists who have been the pioneers in working on environmental problems.

In reviewing the history you would find that the fish and game biologists or scientists are the original ecologists, and they are the environmentalists now who know the most about the problems that we face.

These bills do make a few major changes and I think they are desirable. After 20 years' experience, you can always find improvements that should be made. Also in that length of time there are changes in attitudes and trends which require changes in legislation.

The first major change is that the States are given the option of using comprehensive fish and wildlife plans as supporting individual projects. This encourages the States to do more comprehensive and long-range planning, which is certainly desirable. It will promote more effective and efficient use of both Federal and State funds.

This amendment would also reduce the necessary paperwork in the program.

The second major change in the P-R Act is the earmarking of a 10-percent excise tax on pistols to the States for a hunter safety program. We certainly favor a hunter safety program, but we cannot support earmarking of funds. Therefore, we recommend deletion of this feature in the bill.

The third major change is that both bills increase the annual funds for Puerto Rico, Guam, and the Virgin Islands. The present amount

of \$20,000 to each area is inadequate in the face of the tremendous job to be done in these areas.

Had the proposed act been in effect in 1969, Puerto Rico would have received \$271,225; Guam, \$90,408; and Virgin Islands, \$90,408. These are more realistic figures. For \$20,000 you could not support a single fish and game man in the field.

These areas have important programs. They are rather extensive, and they certainly do need more money for their fish and game work.

Another change is that American Samoa is not now eligible for funds. We propose that an amendment be added to make this area eligible. Under the terms of the amendment, American Samoa would have received \$37,667 in the 1970 allocation.

We support the provisions of these bills with our proposed amendments. We believe their enactment will serve to modernize and make more effective programs of Federal aid in fish and wildlife restoration.

That concludes my summary. We will be glad to answer questions.

Senator SCOTT (presiding). I know the chairman will certainly have some questions, Dr. Glasgow.

We have the very highest regard for you and for the very fine work which your Department has been doing over the years.

As you know, my own bill does provide for the earmarking of funds for the purposes listed. I wonder if you could give us some further reason as to why you would prefer the deletion of this suggestion?

I don't want to embarrass you, since I have one point of view and you have another, and I certainly will not. But objectively, I would appreciate it.

Dr. GLASGOW. Senator Scott, I favored your version of this bill as a State director—the earmarking of funds for a specific purpose. At that time I was representing the Louisiana Wildlife and Fisheries Commission.

Now I am here in Washington representing the Department of the Interior and this administration. Therefore, I speak today from a different perspective.

Senator SCOTT. Well, I fully understand, Doctor.

The State officials are very anxious for some such provision and I have tried to respond to what I believe is a fairly generalized opinion on the part of the State administrators.

I can, of course, understand that there would be policies in Interior which you would regard as necessary to support. And we would hope that perhaps we could eventually prove to be more persuasive with the Department of Interior.

In any event, we have to consider all of the bills and I believe the chairman would agree with me that we do desire to be able to report out some bill in this session as evidence of our very strong interest in the continuance of the program and in its improvement.

Dr. GLASGOW. As a State director, I supported your version vigorously.

Senator SCOTT. Well, I appreciate that.

Dr. Glasgow, in your statement you note that you favor the long-range plan provisions of the bills under consideration and you cite examples of the redtape and paperwork that can be eliminated.

You also state you feel that it is important to have the option of approving projects individually if the States are not geared to long-range planning.

It is implied in your statement, I believe, that an increasing number of States will plan in this manner.

Could we expect any overall reduction in administrative costs in the future with correspondingly larger amounts of money being available to the actual projects, rather than the wastage which would occur through paper shuffling?

Dr. GLASGOW. I don't think there is any doubt that you would have savings in administrative expenses that could then be applied to the field programs.

Senator SCOTT. In your statement you say you favor eliminating three of the percentage limitations on the amount of Pittman-Robertson and Dingell-Johnson funds that may be spent for such activities as engineering, inspection, maintenance, and management of the projects.

I gather that certain amounts of bookkeeping money could be saved by eliminating the percentage limitations. And I am aware of what you have said in your statement regarding the lack of realism in this limitation, that engineering often involves 15 percent of the costs and sometimes more, and therefore an open-ended situation would be better than an unrealistic limitation.

But, do you have any idea as to how much could be saved, and could thereby be devoted to actual field projects if these changes were to be enacted?

Dr. GLASGOW. Senator Scott, I have with me this morning two men I neglected to introduce. I would like to do that at this time and call on one of them for some help.

I have on my right, Mr. Merwin A. Marston, Chief of the Division of Federal Aid in the Bureau of Sport Fisheries and Wildlife; and on my left, Mr. Charles Lane, who is Assistant Chief for the Division of Federal Aid in the Bureau of Sport Fisheries and Wildlife.

I would like to ask Mr. Marston to comment on your question.

Senator SCOTT. Yes; would you do that, Mr. Marston?

Mr. MARSTON. Yes, sir.

There would not be much saving on the engineering limitation, because we are not required to keep records on that.

The States are required to keep records and make reports on the maintenance limitation and management limitation. We made an estimate at one time that we could save about \$40,000 a year in administrative costs to the States and the Bureau in keeping track of these expenditures, and reporting them.

Senator SCOTT. Well, I appreciate that.

I will turn the hearing back to the chairman.

Senator HART (presiding). I apologize, Doctor; there was a phone call I had to return as soon as I could.

Dr. GLASGOW. That is quite all right, I understand this sort of thing.

Senator HART. Mr. Bickwit?

Mr. BICKWIT. You said the Interior Department objects to the earmarking provision, and that because you are here representing the Interior Department, you are supporting that position.

I would like to, if I could, try to clarify exactly what that position is.

In a letter to the House Committee on Merchant Marine and Fisheries on one of the bills under consideration, H.R. 12475, the Treasury Department took the same position, as I understood it. In that letter,

however, they stated that they believed the current earmarking of the 11-percent tax on rifles and shotguns to be justifiable.

Do you support them in this?

Do you feel that the current tax for the benefit of the Pittman-Robertson fund is justifiable?

Dr. GLASGOW. This has not been raised as a point in Interior since I have been there.

Since the funds have been earmarked and the program has been so successful, I would conclude then that it is justifiable.

Mr. BICKWIT. Your objection then is not to earmarking in general, but rather to earmarking when it is done in an inequitable manner?

Dr. GLASGOW. I think the present position of Interior is that they are opposed to the earmarking of any future funds.

Mr. BICKWIT. And that this is because of some inequity that might result in the earmarking of future funds?

Dr. GLASGOW. No; I think it is because earmarking of funds is not the most efficient way to handle Government funds. This is true on the State level. It is also true on the national level.

Mr. BICKWIT. My only problem with that is that you have said that with regard to the presently earmarked tax of 11 percent on rifles and shotguns, you are quite happy with the results and therefore you are pleased with earmarking there?

Dr. GLASGOW. Yes. That is a fact.

Mr. BICKWIT. And we do have the sort of rigidities there that you seem to object to when you oppose future earmarking of funds?

Dr. GLASGOW. I think if we were to return to the point of initiation of the original bill, that Interior would oppose the earmarking of funds.

Mr. BICKWIT. In your report on page 3, the report on these bills, after arguing against earmarking, you take the position that Federal assistance for target ranges is already available under the land and water conservation fund.

Who is it that pays the moneys into that fund?

Dr. GLASGOW. It comes from several sources—

Senator HART. I would suggest we state the income to that fund at this point.

Mr. BICKWIT. We have \$5 to \$7 million coming from entrance and user fees to Federal recreation areas, \$25 million from a tax on motorboat fuel, \$20 to \$50 million from the proceeds from the sale of excess real property, and \$218 to \$250 million from the proceeds of offshore oil leases which make up the differences up to \$300 million total.

This is merely for the record.

Dr. GLASGOW. Yes.

I might add a comment here. That I don't know of a single case in which land and water conservation funds have been used to establish a hunter safety program, nor a firing range where you could get training, this type of thing.

There may be cases that I am not familiar with, but I don't know of any.

Mr. BICKWIT. What you are saying, although you had said in your report that Federal assistance for target ranges is available under the land and water conservation fund, to your knowledge it has not been used for that purpose?

Dr. GLASGOW. I don't know of any areas in which it has been used. There may be some.

If there were many, I am sure I would know of a few.

Mr. BICKWIT. In other words, we can't really rely on the land and water conservation funds for the building of target ranges, and we better look elsewhere for a source of funds?

Dr. GLASGOW. I think that is a good assumption.

Mr. BICKWIT. Again, on the earlier points, if we did rely on the land and water conservation funds for the building of target ranges, we would be sanctioning earmarking provisions which the Department of the Interior now opposes for all future legislation, and so to some extent, we would be inconsistent with that opposition?

Dr. GLASGOW. Yes.

Mr. BICKWIT. Thank you.

I have no further questions. I might have, had not the House established a very fine record on this point and we plan to use that record when we take it to the committee.

Senator HART. Thank you very much, Doctor.

And gentlemen, thank you.

I hope, as I know Senator Scott does, we can move from this subcommittee and through the full committee to the floor with legislation that will achieve the purposes that are common to all of these bills.

Dr. GLASGOW. Yes; we hope that you can move it to the floor.

(The statement follows:)

STATEMENT OF DR. LESLIE L. GLASGOW, ASSISTANT SECRETARY OF THE INTERIOR FOR FISH AND WILDLIFE AND PARKS

Mr. Chairman and members of the subcommittee, I am pleased to appear before you this morning in support of the enactment of legislation in the form of S. 3860, S. 3927 and S. 3962 with our proposed amendments. These bills propose to amend the Federal Aid in Fish and Wildlife Restoration Acts. I should like to begin by discussing these two great programs which have contributed so much to the conservation of fish and wildlife resources, and to the pleasure of our people through utilization of these resources during the last 32 years.

The Federal Aid in Wildlife Restoration Act of September 2, 1937, also known as the Pittman-Robertson Act, has made available nearly \$387 million to State fish and game departments for wildlife restoration projects through fiscal year 1970. I am sure the committee is aware of the high esteem in which this program is held by conservationists, both professional and lay, throughout the country. Some highlights of accomplishments to date are these:

State game and fish departments now control and manage over 1,800 wildlife management areas acquired or developed with Federal Aid funds, including over 50 million acres of land and water.

Wildlife research programs in 49 of the States and in Guam, Puerto Rico and the Virgin Islands, continue to increase our know-how for managing game populations and insure a sound basis for decision-making by State administrators. An added output from this research effort has been the publication of over 6,000 technical articles on wildlife and associated subjects.

State game departments in the late 1930's were able to employ a cadre of young, energetic, and well-trained people who now have advanced to top administrative positions in most States, and are continuing to serve in a very effective manner.

Currently, the annual nationwide public benefits from wildlife restoration projects include an estimated 50 million man-days of hunting and an estimated 45 million man-days of associated recreation such as camping, bird watching, fishing, and picnicking.

Less measurable but equally important accomplishments include the successes in reestablishing and managing local populations of resident game for human benefit. Particularly noteworthy has been the work on big game such as white-

tailed deer, elk, and wild turkey. A better understanding of population dynamics has led to improved utilization of such game as rabbits, deer, squirrels, and quail. State research and development of lands and waters for waterfowl and other migratory game birds such as mourning doves, have contributed materially to the programs of the Bureau of Sport Fisheries and Wildlife to conserve and manage these migratory species.

The Federal Aid in Fish Restoration Act of August 9, 1950, also known as the Dingell-Johnson Act, was patterned after the Pittman-Robertson Act.

Under this Act, the State fish and game departments have received apportionments through fiscal year 1970 of somewhat more than \$112 million. There have been many accomplishments under this program. For the record, I will point out the following highlights:

Through 1969, 272 lakes totalling 33,700 acres were constructed or restored to a productive capacity.

Over 3,000 miles of public streams and three million acres of open water were made accessible to public use by the acquisition and development of more than 1,200 access points.

In the States and in Guam, Puerto Rico, and the Virgin Islands, a research effort on fisheries has improved management techniques for increased production and utilization of fishery resources in marine, estuarine, warm and cold water areas.

The annual nationwide public benefits currently include an estimated 75 million fisherman-days and 15 million days of associated recreation, such as boating, picnicking, and hunting.

The program has developed many of the top fishery administrators in the United States today, both at Federal and State level.

Mr. Chairman, as successful as these programs may be, and we believe them to be tremendously successful, we recognize that times are changing and that we are no longer dealing with the same kinds of State organizations that were responsible for fish and wildlife resources in the late 1930's.

These bills represent commendable efforts to modernize the Federal Aid in Fish and Wildlife Restoration Acts to meet the needs of changing times. Our Department's report on these bills contains a section-by-section analysis and presents several amendments for your consideration. Most of these are of a technical or editorial nature. At this time, it would seem more useful to comment on the need for, and anticipated results to be gained from, its several provisions. Before discussing a number of administrative or housekeeping improvements, I would like to comment on what we consider to be the two major changes proposed in this legislation.

The first major change in the Federal Aid Acts (section 6 of each Act) would give the States the option of using comprehensive fish and wildlife plans as supporting documents for grant proposals instead of documents supporting individual proposals, that is, on a project-by-project basis.

In view of the projected demand on open spaces for future urban programs, transportation corridors, forest products, and outdoor recreational uses not related to fish and wildlife, it is imperative that the State fish and game departments enter into the planning process at every level of government to insure a continuing effective national program of conservation for our fish and wildlife resources. These State agencies employ some of the best trained ecologists in the world. Not only is their expertise needed to protect fish and wildlife habitat, it is needed by the Nation to insure the maintenance of environmental quality suitable for continued human existence. The tremendous total Federal grant program, which may reach \$28 billion by 1971, representing over 25 percent of the total funds available to State and local governments, is expected to support a large development program. The possibilities for destruction of fish and wildlife habitat under such a development program makes it imperative that agencies responsible for these resources plan adequately to protect their interests.

For the past several years, we have attempted to stimulate State agencies to join in the planning processes through a series of instructional seminars which have been conducted for us by those who were primarily responsible for the California Fish and Game Department's excellent comprehensive planning effort.

We view the option of using comprehensive long-range plans, which are proposed in these bills, as the added inducement needed to mount a concerted fish and wildlife resource planning effort in most of the States.

Another significant reason for long-range comprehensive planning is that it will promote more efficient and effective use of Federal Aid funds and the States'

hunting and fishing license revenues as well. In our management of the Federal Aid programs under existing statutes, the States make all the choices and we approve their projects unless they are obviously ill-considered. In promoting efficiency, we concern ourselves mainly with how the States do the things that they elect to do. Under the proposed legislation, the States would continue to make choices, but the Federal managers would assist the States in developing the capability to make well-reasoned program choices based on demographic as well as ecological studies, and thorough consideration of the cost and effectiveness of a broad range of alternative actions. As was pointed out earlier, these are not the same organizations that we were dealing with 30 years ago. They have become expert in the application of techniques. The opportunity for increasing efficiency now lies in program planning and the selection of activities with the greatest payoff in terms of human benefits.

Another substantial benefit can be derived from the comprehensive planning option. This is a reduction in red tape and paper work. About 6 years ago, an effort was started to simplify the administration of these programs. Working with representatives of the States, the Bureau of Sport Fisheries and Wildlife developed new procedures which reduced paper work as much as was possible under existing statutes. Our efforts to date have reduced the number of contracts handled annually from nearly 1,200 in 1964 to slightly less than 900 in 1970. The planning option, if implemented by each State, could reduce our annual contract workload, and this workload falls more heavily on the States than on us, to 50 contracts—one for each State. It will probably take a long time to reach this ideal; but we would venture to predict that in 10 years, the number of annual contracts would drop to around 300.

The proposed revision of section 6 of each Act gives the States the option of continuing the preesnt system of documentation. While we firmly believe in the growing necessity of the State game and fish departments entering into the comprehensive planning process, we recognize that the planning must be meaningful and that the States have continuing programs of immense value to fish and wildlife resources which should not be interrupted. By giving the States the option, we feel that worthwhile programs can be continued in the usual manner while the comprehensive plans are being formulated. Once they are completed, we would expect the States to utilize those plans in the administrative procedures of the Federal Aid programs. And, of course, we recognize one other point. Some State game and fish departments may not have the capabilities adequate to prepare comprehensive plans. This may be due to a lack of funds or lack of adequately-trained personnel. We do not feel the best interests of the fish and wildlife resources would be served by a mandatory provision for planning at this time.

A second major change in the Pittman-Robertson Act would provide Federal assistance to the States for hunter safety programs while also providing additional funds for wildlife restoration. Sections 101 and 102 of these Acts would, among other things, earmark receipts from the excise tax on pistols and revolvers for wildlife conservation and hunter safety purposes.

Our Department is in favor of hunter safety programs in the States. We believe that such training, including a program of target range construction that would make suitable and safe ranges available to persons wishing to fire various kinds of firearms, is very desirable. However, we cannot support the earmarking of the excise tax on pistols and revolvers for either increasing revenue in the Federal Aid in Wildlife Restoration Fund or for a hunter safety program. Therefore, we recommend deletion of Sections 101 and those parts of Section 102 that add new subsections 4(b) and 8(b) to the Pittman-Robertson Act.

Mr. Chairman, now we will come back to the administrative, or housekeeping, changes. We foresee no problems with the repeal of the three percentage limitations currently imposed on the States by the Acts. Limiting the funds the States can receive for engineering, inspection, and unforeseen contingencies in connection with any construction work to 10 percent of the cost of such work is unrealistic in today's market. Adequate engineering and inspection is an integral part of any construction work and as such should be eligible for reimbursement from Federal Aid funds to the amount dictated by the type of construction. Our Bureau of Sport Fisheries and Wildlife has found that engineering and inspection costs for construction work of a similar nature on its own installations in the recent market averages about 15 percent, and, often, on smaller projects greatly exceeds this figure. We support the removal of this limitation on engineering and inspection from both the Federal Aid in Wildlife Restoration Act

and the Federal Aid in Fish Restoration Act. These limitations are excluded from the revised section 6 of each Act.

In recent years, the percent of apportioned money used for maintenance work on facilities acquired or constructed with Federal Aid funds has run approximately 7.7 percent for the Wildlife Restoration Program. During the life of both Acts, the limitation of 25 percent for maintenance work has seldom been approached by the States. In the period 1963-1967, for which data was analyzed, there were 28 States which used no Dingell-Johnson funds, and 12 which used no Pittman-Robertson funds, for maintenance. Thirty-six States used 5 percent or less of their Pittman-Robertson funds for maintenance activities. Only two States approach a 20 percent expenditure for maintenance for wildlife projects and only one for fish projects. We have found that the record keeping necessary to insure that the States do not exceed this 25 percent limitation for maintenance work is a burdensome chore, both to the Bureau of Sport Fisheries and Wildlife and to the States. We support the repeal of this limitation in the revised version of section 8 in both the Federal Aid in Wildlife Restoration Act and in the Federal Aid in Fish Restoration Act.

The limitation on the expenditure of not more than 30 percent of the funds for management of wildlife areas and resources (section 8 of the existing Pittman-Robertson Act) is equally unnecessary. The 5-year average for all States is 4.4 percent of the annual funds apportioned and appears to be decreasing. Only one State approached using 20 percent of their funds for maintenance; 27 used 5 percent or less and 14 States used none. This limitation has caused the same administrative problems in keeping records to assure the provisions of the Acts are upheld.

We are pleased to note that the bills amend section 8(a) of the Pittman-Robertson Act and section 12 of the Dingell-Johnson Act, respectively, to increase the annual amount of funds available to Guam, Puerto Rico, and the Virgin Islands. Our recent experience indicates that the present amount of \$10,000, which is supplied to each of the three governments under each of the Acts, can at best be described as a token payment. When you consider the location of these areas and the present value of a dollar, you find it is not possible to employ one well-trained man for \$10,000 annually. Frankly, we have not been pleased with the progress of the Federal Aid programs being carried out in these areas, because they too frequently lose their identity due to the need to bring in other funds with the resulting dilution of emphasis on the objectives of these programs. It is not practical to attempt to operate an effective project for a year with \$10,000. The Commonwealth of Puerto Rico is comparable in size to some of our minimum States (3,500 square miles), and should receive comparable funding. In population, it outranks 35 of the States. Guam and the Virgin Islands are smaller and less populous and, therefore, should receive proportionately smaller allocations. Fish and wildlife resources are important recreational and commercial assets in these island areas. The island governments need to develop independent programs to manage these resources for the good of their people. The increased allotments would allow the territorial governments and the Commonwealth of Puerto Rico to develop such programs, enable them to recruit and hold adequately-trained personnel, and insure continuity in their programs. We, therefore, strongly support these provisions of increasing financial assistance to Guam, Puerto Rico, and the Virgin Islands.

At this point, I refer you to Chart No. 1 which compares the acreage and populations of these three areas with those of typical States receiving minimum apportionments. I also refer you to Table No. 2 showing the amounts which these areas would have received had the proposed legislation been in effect in 1969.

CHART I

Population and Area--Puerto Rico, Guam, and the Virgin Islands Compared to Three Minimum States under the Fish and Wildlife Restoration Program (Source of Data--Statistical Abstract of the United States 1969)

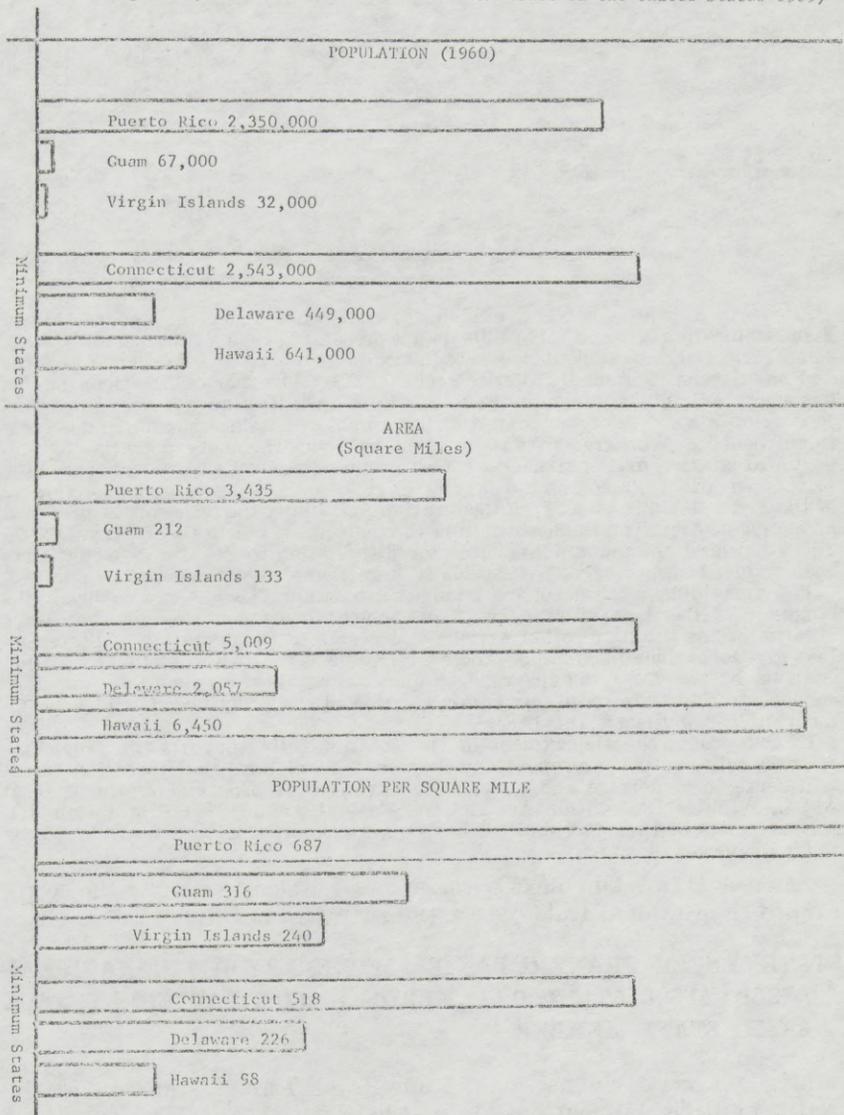


TABLE II.—COMPARISON OF APPORTIONMENTS TO PUERTO RICO, GUAM, AND THE VIRGIN ISLANDS UNDER PRESENT LAW AND S. 3860 (USING FISCAL YEAR 1970 AMOUNTS)

	Fish restoration projects	Wildlife restoration projects
Present law:		
Amount available for apportionment.....	\$11,330,000.00	\$31,675,000.00
Puerto Rico.....	10,000.00	10,000.00
Guam.....	10,000.00	10,000.00
Virgin Islands.....	10,000.00	10,000.00
Remainder available for apportionment to the States.....	11,300,000.00	31,645,000.00
Proposed by S.3860:		
Amount available for apportionment.....	11,330,000.00	31,675,000.00
Puerto Rico.....	113,000.00	158,225.00
Guam.....	37,666.67	52,741.67
Virgin Islands.....	37,666.67	52,741.67
Remainder available for apportionment to the States.....	11,141,666.66	31,411,291.66

American Samoa is not now eligible for assistance under the Federal Aid in Fish Restoration Act and these bills do not presently provide for such assistance. The Territorial Government now recognizes the potential of its fishery resources and has developed a small fisheries program. The Governor of American Samoa has sought eligibility under the Federal Aid in Fish Restoration Act as a means to develop a sport fishing program that would result in economic and recreational benefits. We agree that there is sufficient sport fishery potential to support a program. Our Department's report proposed language to amend these bills so that American Samoa would become eligible for assistance under Section 12 of the Federal Aid in Sport Fish Restoration Act. Under the terms of the proposed amendment, American Samoa would have received \$37,667 in the fiscal year 1970 allocation, and the amount available for distribution to the States would have been reduced accordingly. We especially urge that this amendment be adopted.

The remaining administrative changes are minor. They serve to bring the language of the Acts into line with procedures which have become necessary because of the timing of other actions and events in the operation of State and Federal Governmental systems. These are well-covered in the section-by-section analysis of the Department's report; and, unless there are specific questions concerning their effects on our administration of the programs, I will not comment further on them at this time.

In conclusion, the Department of the Interior fully supports the provisions of these bills, with our proposed amendments. We believe that their enactment will serve to modernize and make more effective the programs of the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act.

If members of the subcommittee have questions, my staff and I will be happy to try to answer them.

Senator HART. Our next witness, and I welcome him, is the secretary of the National Rifle Association, Mr. Frank Daniel.

STATEMENT OF FRANK C. DANIEL, SECRETARY OF THE NATIONAL RIFLE ASSOCIATION OF AMERICA; ACCOMPANIED BY JACK BASIL, STAFF MEMBER

Mr. DANIEL. Mr. Chairman, I am Frank Daniel, secretary of the National Rifle Association. My associate with me is Mr. Jack Basil from the association staff.

The National Rifle Association is the largest and the oldest sportsman's organization in the United States. We presently have a membership in excess of 1 million.

The NRA has, since its founding 99 years ago, taken a leading role in encouraging public interest in the shooting sports in the United States, promoting firearms safety, furthering the cause of conserva-

tion and administering programs of instruction and competition with firearms. We have found that each of these categories has been so closely associated and interdependent as to be virtually inseparable.

I am particularly pleased to be invited to appear before this subcommittee to speak in support of S. 3860, 3927, 3962, and H.R. 12475, sponsored, respectively, by Senators Scott, Hart, and Metcalf and by Representative Dingell to authorize the Federal Government to make available half the revenue from the excise tax on pistols and revolvers on a matching-fund basis to the several States for target ranges and firearms safety training programs and to make the other half of such revenues available to the Federal aid to wildlife restoration fund. The NRA appeared at a hearing in the House in 1969 to express the association's support of H.R. 12475 and in 1968 of similar legislation.

Under the Federal Aid in Wildlife Restoration Act of 1937, commonly known as the Pittman-Robertson Act, funds derived from the 11 percent excise tax on the sale of rifles and shotguns and all ammunition by the manufacturer, producer or importer, are made available to the States for wildlife restoration programs by means of the Federal aid to wildlife restoration fund.

However, revenues from the 10 percent excise tax on manufacturers' sales of pistols and revolvers become part of the general fund of the Treasury.

Unlike the tax on longarms and all ammunition, no portion of the approximate annual average of over \$4 million tax yield on the sale of pistols and revolvers is used for any purpose of the Pittman-Robertson Act.

Designated as part of the general fund, this tax is lost to conservation and related activities. The Senate and House bills before this subcommittee seek to rectify this inconsistency by making a percentage of the excise tax on handguns applicable to firearms training and safety, with the remainder to be utilized for badly needed and important game conservation and management purposes.

In this connection it should be a particularly pertinent consideration that the greatest part of the tax money paid on handguns and ammunition is paid by target shooters. Without question, far more ammunition is expended for the purposes of target shooting in practice or competition than is expended in the hunting of game.

Clearly, it would be equitable and in furtherance of conservation generally if a portion of the tax revenues realized from sales of handguns could be used for public ranges and marksmanship safety programs.

For many years the principal source of Federal funds for wildlife restoration programs has been the 11 percent tax on sporting arms and ammunition. This revenue has served as the bulwark of our entire conservation effort and has played an instrumental role in earning the United States a justly deserved reputation for its concern with and interest in preserving its natural resources and environment. However, under the existing law, no part of the revenue collected from the excise tax on sales of firearms or ammunition can be used for firearms safety or range construction programs. The measures before you would remedy this situation.

The provisions of the handgun excise-tax bills making half of the handgun excise tax available to the states for wildlife restoration

would provide a much needed boost to programs to increase wildlife populations and to improve wildlife management without requiring any new sources of revenue.

The excise tax on handguns was not originally included under the provisions of the Pittman-Robertson Act because it was thought that pistol shooting had little relationship to recreational hunting and shooting activities. However, over the last several years there has been a pronounced increase in pistol shooting. As a result, many States have even enacted legislation to permit hunting with handguns.

Regardless of whether a firearm is owned for sport and recreation or for defense and security purposes, with millions of firearms in private hands in an estimated 60 million households and with over 15 million licensed hunters in 1969, there is obviously a great need for adequate range facilities where marksmanship may be practiced, where hunting firearms may be sighted in, so as to be assured that any shot that is fired will go where it is aimed and, especially, to learn basic firearms safety.

The current population explosion in America, however, has acted to produce a serious loss of range facilities. Generally as urban areas expand, ranges disappear. I estimate that two ranges are being lost for every new range constructed presently.

Hence, this country needs new ranges everywhere for marksmanship training and for training in proper and safe gun handling and game hunting for the safety of the hunter himself as well as the public at large. This need is shared by those engaged in competitive shooting activities, as well as those possessing firearms in the home for sporting and security purposes. Many gun owners simply do not possess adequate means to join private gun clubs, and few localities possess adequate private or public range facilities to accommodate the demand.

Practice firing on ranges by hunters should be a must as more hunters take to the field in ever more confined areas. More public ranges must be constructed throughout the Nation for teaching marksmanship and hunter safety. The National Rifle Association has been the foremost leader in organizing and implementing program promoting safe and effective use of firearms. However, we are the first to point out the necessity of more and better training and recreational facilities for firearms users.

The only source of revenue by which to conduct firearms safety and training programs comes from the sale of hunting licenses in the respective States. No other funds are available for this worthwhile and necessary function. However, the financial burden placed on State governments today has acted to discourage or severely handicap the formation of adequate State-financed programs of this nature.

The only supplement to the State programs is the extensive national program conducted as a public service by the National Rifle Association. As these programs are largely conducted and operated by volunteer workers on their own time, there is a ceiling on the scope of such activities that falls short of what is actually needed or recommended. Despite these handicaps, however, existing hunter safety courses have been astoundingly popular and more than 4 million hunters have graduated from them.

At present, 17 States require successful completion of a State-sponsored hunter safety course prior to being issued a hunting license

for the first time. Twenty-four States have voluntary safety training programs on a Statewide basis. On the average, these courses are from 4 to 6 hours duration and are taught by unpaid volunteer instructors.

There is great diversity among the 41 States as to the amounts spent on their programs. For example, Minnesota spends approximately \$100,000; Colorado, \$90,000; California, \$77,000; and Pennsylvania, \$50,000. Thirteen States spend more than \$10,000; 21 spend from a few hundred up to \$10,000; and three expended no funds. Also consider that these figures represent only amounts spent by States with hunter safety programs. Nine States have no formal hunter safety programs.

The fact that all 50 States have some form of hunter safety training available to its citizens, most of which is administered by volunteer workers acting under the auspices of the NRA and/or State Fish and Game Commissions, has played an instrumental role in achieving a low handgun accident rate in hunting and shooting.

There is ample evidence to support the conclusion that rerouting funds as provided in the handgun excise-tax bills for range facilities and hunter safety programs would reduce the accident rate even further.

The only existing Federal program—National Board for the Promotion of Rifle Practice—related to civilian use of firearms has as its purpose the training of young men of military age in the use of the military rifle for future military service. Even this program, Mr. Chairman, is, most unfortunately, not presently adequately funded by the Federal Government.

There are no Federal programs to encourage hunter safety or general firearms safety, but there is a direct connection between hunter safety training and the incidence of hunting accidents involving firearms. The following are two excerpts from among the reports of some 30 States reporting on their 1969 hunter safety programs, which reports offer convincing evidence of the necessity and desirability of such programs:

Has hunter safety training paid off? Our answer would be a definite YES. Since the beginning of hunter safety training and according to department records, firearm accidents have progressively declined each year. This may be attributed to the fact, in part, that hunter safety programs are publicized year-around in Oklahoma and that the training of a youth is having an impact on other interested individuals. Further, firearm education is of assistance to firearms enforcement. (Oklahoma)

Since the program began over 11 years ago, we have graduated 84,813 students. This potentially represents over 55 percent of our hunting population. * * * during the license year 1968-69 there were twelve hunting accidents reported in Montana, two of which were fatal. This is the smallest number of hunting accidents and fatalities that we have had since the beginning of our recordkeeping. (Montana)

In conclusion, I should like to point out that there has been a decrease in hunting accidents despite an increased number of hunters resulting from the general population explosion.

The reason for this is, as I have said, largely attributable to the existing program being conducted by the States with the aid of NRA volunteer instructors.

The National Safety Council has indicated that hunting is one of the few areas where there is a declining rate of accidents. Despite the comparatively "good" record, however, much more needs to be done.

I am convinced that with proper training and access to adequate facilities, the existing accident fatality rate could be reduced to a very small fraction of the present number. In short, there is a demonstrated need for which there is a practical and feasible solution at no additional cost to the government.

Of late, there has been much criticism of firearms ownership and use in this country but little in the way of sound, positive action to help control or reduce any difficulties stemming therefrom, other than by imposing harsh controls on the availability and possession of firearms. Believe me, all factions involved with the debate over gun control legislation agree as to the necessity and worth of increased training and safety programs.

In addition, handgun enthusiasts justifiably fail to see any reason why the tax revenues received from their purchases should not be viewed in the same light as that received from purchases of rifles, shotguns, and ammunition. The present system is discriminatory in that it makes an arbitrary distinction that is not supported by existing circumstances.

For these reasons, I urge favorable consideration and passage of one of the handgun excise bills now under consideration by the distinguished members of this subcommittee.

Senator HART. Mr. Daniel, thank you for a good, logical, and, I hope, persuasive statement. It was persuasive to me, and I hope to the Senate.

I would underscore one point you make, that while there are at least a half dozen views on what we should do about the availability of weapons in this country, whatever point of view a man may find himself holding on that question, all factions, as you say, agree to the necessity and worth of increased training and safety programs. There is just no difference of opinion whatever on that, whatever other differences there may be with respect to licensing, permits, all of the rest.

Mr. DANIEL. I think that is right, Senator Hart. The record speaks for itself. The number of hunting licenses that are sold each year indicates the tremendous volume of interest, and the problem is there and is not going to go away. And the proven solution, I think, is in hunter safety training. I think we have demonstrated it.

Senator HART. And the Association has not voiced concern over a State requiring, as a condition for the granting of a first hunting license, successful completion of such a course?

Mr. DANIEL. In certain States that has worked beautifully, the mandatory system has worked well. There are, however, some other States where a voluntary system has worked equally well. It seems to depend a good bit on circumstances. California, which is a State with a tremendous population and tremendous hunting pressure, sells more licenses than all States except Michigan and Pennsylvania. There is a compulsory program, and it has worked beautifully for them. New York's has always been compulsory and has worked beautifully for them.

Senator HART. I know this gets us a little off the point, but it relates to other concerns we have in pending legislation. Do you recall what agency is authorized under the California law to make the judgment as to whether a person has completed the course satisfactorily?

Mr. DANIEL. It is the State conservation department, the Fish and Game Department of the State of California. They also pass approval on all their hunter safety instructors. But the instructors are trained by us. They are certified by us and then appointed by the State.

Senator HART. Is the New York plan about the same?

Mr. DANIEL. New York is very similar, yes.

Senator HART. Thank you.

You made the point that hunting with pistols over the years has increased and that target shooting accounts for still a greater amount of pistol use. Do you have for the record figures as to what percentage of pistol use is recreational and what percentage of rifle use is recreational?

Mr. DANIEL. We register approximately 1,500 pistol tournaments a year, and those would be the larger tournaments, either regional or sectional. And that has been going up steadily for the past several years. Just what relationship that would bear percentagewise to the total use of handguns would be very difficult to say. I do know that the sale of handguns has increased markedly in recent years. One of the reasons has been that many of the manufacturers, most of the manufacturers, have introduced a number of new models of strictly target handguns that have been very well received and extensively sold.

Even more recently the manufacturers have started producing centennial weapons, or commemorative firearms. Just as a for instance, the basic sidearm of the soldier both in World War II and World War I was the old Colt 45. The manufacturer has just recently brought out a commemorative issue of the World War I pistol as issued, and a commemorative model of the World War II pistol as issued. They have sold very, very extensively.

Senator HART. I will not get off on that track. But is it identical with the issue?

Mr. DANIEL. Yes, except it is fancied up, more decorated, gold plating, fancy grips, that sort of thing. They are bought mainly by collectors.

Senator HART. The reason I thought it might be useful if we could get some indication of the percentage of pistol use that was for recreation compared to the percentage of recreational use of the rifle was that if they were about the same in percentage it would argue strongly that the two taxes should be treated the same way; namely, that the pistol tax, the tax on handguns, should be earmarked for the same purpose as now we earmark the tax on rifles.

Mr. DANIEL. Well, I can file with the committee a letter that would give our statistics, the number of registered rifle tournaments versus the number of registered pistol tournaments in all various categories, if that would be helpful.

Senator HART. It would.

Mr. DANIEL. I have the figures here, but it would take a few minutes to dig them out. I will send in a letter, if that is satisfactory.

(The following information was subsequently received for the record:)

NRA SANCTIONED COMPETITIVE EVENTS

Year and number of tournaments	Total entries
High-power rifle:	
1969—466 (conventional) ¹	20,030
1969—486 (international) ²	20,501
Smallbore rifle:	
1969—712 (conventional)	27,765
1969—731 (international)	33,958
Pistol and revolver:	
1969—1,255 (conventional)	41,041
1969—1,355 (international)	44,271
1969—44 (police combat)	2,797

¹ By conventional is meant tournaments fired under NRA rules.

² By international is meant tournaments fired under International Shooting Union (ISU) rules.

Senator HART. All right.

Now, I take it it is your feeling that the money for target ranges available through the land and water conservation fund is not adequate.

Mr. DANIEL. We have been very hopeful and have been striving desperately to promote additional use of the funds available. But up to now it has not been particularly encouraging. Now, there have been some. Next month we will conduct the world's shooting championships in Phoenix, Ariz., on range facilities that were provided in part by the land and water conservation fund to the recreation department of Maricopa County. It is one of the outstanding range facilities in the United States. But that is just one isolated example, and there have not been really enough.

Senator HART. Most of the bills call for a 50-50 Federal-State apportionment on the hunter safety programs. One of the bills advocates a 75-25 balance. Do you have any position on this?

Mr. DANIEL. Only that we would like to see the States get the maximum amount of help. It is a tremendously worthwhile program that they are conducting under terrific odds, and we would like to see them helped as much as we reasonably can.

Senator HART. Are you disturbed at all, or impressed is the better word. Are you impressed with the argument that a State might drift toward wildlife restoration projects when the split is 75-25, rather than hunter safety programs if the State knows it can get more Federal money for State expenditures if it does?

Mr. DANIEL. We are very much in favor of the wildlife restoration programs also. They are very badly needed.

Senator HART. On the business of life protection, this may be asking for an estimate that simply is not possible, but you note the relationship between hunter safety programs and the prevention of fatalities. Could you estimate how many lives might be saved by the adoption of a bill similar to these?

Mr. DANIEL. I would not have a hard and fast figure, but we can demonstrate that the hunter safety program in the 20 years it has been in operation has substantially reduced hunting accidents, and additional emphasis on hunting safety programs can only reduce that amount even further.

Senator HART. Maybe a fairer question, one in which you would be more comfortable in making an estimate, would be what percentage you think accidents have been reduced by training programs?

Mr. DANIEL. In most States it has been most dramatic. Some States have reported up to a 50-percent reduction in the accident rate, based on their own records. That has not been uniformly true.

Senator HART. Anything in that range is a very desirable thing.

Mr. DANIEL. Yes, sir.

Senator HART. At one point in your testimony you say that the fatality rate could be reduced at no additional cost to the Government. How should we understand that contention?

Mr. DANIEL. What I mean there is that the tax is currently being paid; it is not an additional revenue; it is just a diversion from the general fund to the Federal aid to wildlife program. And the sportsmen have consistently supported that use of the tax fund.

Senator HART. Mr. Bickwit.

Mr. BICKWIT. No questions, Mr. Chairman.

Senator HART. Thank you very much. I subscribe completely to the point you made in your paper that the National Rifle Association has been the foremost leader in organizing and implementing programs promoting safe and effective use of firearms. There is no doubt about it.

Mr. DANIEL. Thank you, Senator, very much.

Senator HART. Our next witness is Mr. Richard Wettersten.

Mr. Wettersten speaks as the representative of the International Association of Game, Fish, and Conservation Commissioners, and speaks from frequent experience in Minnesota.

STATEMENT OF RICHARD WETTERSTEN, DIRECTOR OF DIVISION OF GAME AND FISH, STATE OF MINNESOTA, REPRESENTATIVE, INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS

Mr. WETTERSTEN. Mr. Chairman and members of the committee, my name is Richard Wettersten. I am the director of the division of game and fish for the State of Minnesota. I appear today, however, to represent the International Association of Game, Fish, and Conservation Commissioners.

The international, as the name implies, is composed of game, fish, and conservation administrators from all 50 States as well as United States, Canadian, and other conservation agencies and organizations. It has been and continues to be actively concerned with fish and game Federal-aid programs.

We speak today in support of S. 3860 and other similar bills including S. 3927, S. 3962 and H.R. 12475. This proposed legislation pertains to the Federal Aid to Wildlife Restoration Act (Pittman-Robertson, or P-R) enacted by Congress in 1937 and the Federal Aid to Fish Restoration Act (Dingell-Johnson or D-J) enacted by Congress in 1950.

The international has several specific recommendations pertaining to the pending bills. First, however, we wish to applaud the authors and this subcommittee for considering several general needs: One, the D-J and P-R programs have functioned very well for two and three decades, respectively. Times have changed, however, and there is a need for updating and modernizing these programs. Proposed changes which we might call housekeeping are commendable,

We refer specifically to removal of the 10-percent limitation on engineering costs, the 25-percent limitation on maintenance costs and the Pittman-Robertson 30-percent management limitation. At today's prices, the engineering limitation is unrealistic. Necessary engineering costs approximate 15 percent and are unavoidable.

Maintenance and management costs have never approached the stated limitations. Keeping the required cost and expenditure records to prove that we have not exceeded these limitations has been a burdensome and unnecessary chore.

Two: Over the years the need for individual or annual project documentation has increased. As a result, administrative efforts required per unit of fish or wildlife restoration has gone up dramatically. To resolve this problem, the proposed legislation provides for comprehensive long-range fish and wildlife resource management plans as an alternative to annual plans.

The advantages of this long range planning alternative are many. States will be more inclined toward long-term works of improvement, States can better mesh Federal aid programs with their own program budgeting procedures and the P-R and D-J programs will be better coordinated with related programs such as outdoor recreation plans financed in part by land and water funds administered by the Bureau of Outdoor Recreation.

By providing long-range plans as an option, States not presently active in such planning can continue present procedures without internal program disruption.

Three: Excise taxes, 10 percent, have been collected on handgun sales but receipts from these taxes have been used for other than wildlife restoration and related purposes. We urge your support for including handgun excise taxes in the P-R fund.

Four: In line with the foregoing, congressional recognition of the need for firearm safety training programs is greatly appreciated. Use of handgun excise tax receipts to further these programs and to provide Federal aid for shooting ranges is very desirable.

The State fish and game agencies urgently need assistance in conducting hunter safety training programs, and can certainly make good use of additional funds for wildlife restoration work.

The current rate of training by the States under the National Rifle Association's hunter safety training programs probably represents about one-third of the annual recruitment that requires training. In all, there are probably about 4 million youngsters that now require this training but are not getting it. This aspect of pending bills could be most significant.

Five: This legislation properly provides for increased apportionment of funds for Guam, Puerto Rico, and the Virgin Islands. While this will divert a small amount of funds away from State programs, we recognize the equity of increased apportionments for the territories. No significant project activities can be undertaken for \$10,000 per year, the present amount available to the territories under the P-R and D-J Acts.

Mr. Chairman, as indicated earlier, we do have some specific recommendations for your consideration:

One: Various rates of funding hunter safety programs have been suggested. It is the recommendation of many States that program costs

be eligible for 75 percent Federal aid reimbursement just as for other P-R activities. This would provide for program consistency and, more importantly, would provide maximum incentive to rapidly upgrade this vital program.

Two: The maximum apportionment of funds for hunter safety programs in any one State has been suggested at 3 percent by some and 5 percent by others.

It is our belief that the greatest need exists in States having relatively high population centers. Therefore, we recommend that the maximum apportionment be set at 5 percent.

Three: Administrative service charges against P-R and D-J State apportionments have been of growing concern to many States. Such charges represent a new and relatively unproven policy resulting from Bureau of the Budget Circular A-87. We cannot at this time estimate the total future impact on fish and wildlife restoration program funding. It is this inability to predict impact that causes most concern by fish and game agency administrators.

It is for this reason that we support the concept of limiting such overhead charges. Accordingly, we recommend for your consideration that pending legislation include a maximum of 3 percent of the States' annual apportionment for administrative services.

Four: We have stated our endorsement of the provision for long-range plans. This option will be most beneficial to all concerned. May we suggest, however, that long-range plan schedules be the same as for Bureau of Outdoor Recreation Plans to the extent possible. Presently, State outdoor recreation plans are on a 10-year projection basis with provisions for updating every 5 years.

Mr. Chairman, the Pittman-Robertson and Dingell-Johnson Acts have done more than any other thing to put the management of our fish and game resources on a sound, scientific basis.

It is the view of an overwhelming majority of State conservation agencies that the pending legislation will, if enacted, modernize and strengthen these two important cooperative grants-in-aid programs.

In support of this statement, Mr. Chairman, I have attached to my presentation for the record a copy of Resolution No. 7 adopted by the International Association of Game, Fish, and Conservation Commissioners.

This resolution was passed a year ago and at that time pertained only to H.R. 12475 which passed the House in July.

I should parenthetically add that that resolution, you will note, endorses the 50-50 splitting on firearm safety training. This endorsement of the 50-50 split was an endorsement of the concept as contained in H.R. 12475 and is not to be construed as an indication of a limitation suggested by the States.

Thank you for this opportunity to appear on behalf of the international association. We strongly urge adoption of this legislation. (The resolution follows:)

International Association of Game & Fish and Conservation Commissioners' 59th annual convention (1969) in New Orleans, Louisiana, adopted the following resolution:

RESOLUTION NO. 7

Amendments to Federal aid acts:

Whereas, the state fish and game agencies have recognized the need to clarify and modernize the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act; and

Whereas, the provisions of H.R. 12475 will delete the engineering, maintenance and management limitations and effect other housekeeping changes which are long overdue; and

Whereas, the bill's provision would add the revenue from the 10 percent federal excise tax on pistols and revolvers to the Federal Aid in Wildlife Restoration program; and

Whereas, one-half of these revenues would be apportioned among the states to pay up to 50% of the cost of hunter safety programs including construction, operation, and maintenance of target ranges; and

Whereas, the bill provides the option of documenting our Federal Aid programs on the basis of a comprehensive fish and wildlife resource plan which will encourage long-range, worthwhile planning and reduce the red tape in annual documentation: Now, therefore, be it

Resolved, That the International Association of Game, Fish and Conservation Commissioners endorses H.R. 12475 and urges its early enactment by the Congress.

Senator HART. Thank you very much. One of the points you made as you concluded is that the resolution of last year endorses the concept only. I can see that from a financial point of view, a money point of view, that 75 percent for hunter safety would be more attractive to the States.

Are there reasons other than just the money?

Mr. WETTERSTEN. Mr. Chairman, I think perhaps the most important reason is the incentive. If a portion of these funds are to be split 75-25 for habitat improvement and then 50-50 for hunter safety training, I can see in a number of instances where States might be inclined to go the direction of greatest reimbursement to the detriment of the hunter safety training program.

I would further state that this might be the case for States that may, because of lack of State financing, have difficulty in obligating their entire Federal apportionment.

Senator HART. You were here when Mr. Daniel testified. He described the hunter safety program offered by the National Rifle Association. Does Minnesota participate in that program?

Mr. WETTERSTEN. Mr. Chairman, I believe Minnesota has a fine firearms safety training program. We make extensive use of materials and information from the National Rifle Association; we receive a great deal of support from that association. We have trained to date in the neighborhood of 280,000 youngsters in our program. It has been very worth while.

Senator HART. Yours is not a State which requires as a condition for the first hunting license successful completion of the hunter training program?

Mr. WETTERSTEN. No, sir. Perhaps we are unique in this respect. It is an optional feature. Youths desiring to hunt must have either the safety training certificate or a license, and this has been quite an incentive for safety training I judge.

Senator HART. Did you say that in order to hunt—you are permitted to hunt with either a license or the certificate?

Mr. WETTERSTEN. Yes.

Senator HART. How does it work out?

Mr. WETTERSTEN. Most of the youths, I cannot give you a precise figure on this, but most of the youths interested in hunting do go through the firearms safety program. We have in the State approximately 4,000 instructors around the State and they are very active in most of the major communities in Minnesota. The training program is in the handling of firearms but it delves into, in some degree, related

conservation matters of general interest, so there is wide support and interest in this program.

Senator HART. Has Minnesota constructed target ranges by way of grants received from the land and water conservation fund?

Mr. WETTERSTEN. No, sir, we have not.

Senator SCOTT. Is the money not there, or the bureaucracy too difficult or what?

Mr. WETTERSTEN. A combination of things, Mr. Chairman, but basically there are many demands on the land and water conservation fund. In Minnesota priority has been placed on the acquisition and development of park-type facilities, State parks, as well as municipal and county parks. The need here, and this is consistent with the Bureau of Outdoor Recreation criteria, the need is for public use areas. And by virtue of the number of visitor days and so on, this rates higher on the priority scale than target ranges would. I would say, Mr. Chairman, we do have a need, particularly in the metropolitan centers of the Nation, where you can no longer walk or take a short drive to a gravel pit to do target shooting and where there are too many ordinances, there is a need for areas near large municipalities where people know they can go to discharge firearms and they will know they are legal in doing so.

Senator HART. You indicated that you agree with the limitation that some of the bills before us provide with respect to 3 percent on the amount of administrative overhead costs.

Mr. WETTERSTEN. Right.

Senator HART. What would happen without the limitation? Would those costs zoom up and result in a lessened amount of money available for the projects themselves?

Mr. WETTERSTEN. We cannot accurately predict that, or at least I am not in a position to accurately predict this. Administrative charges by State administration is a new thing. I doubt if half of the States at this time have submitted actual costs charged against the Federal-aid program. But I think we can look forward to seeing more participation on the part of State administrative services in this area and as I indicated, it is the unknown about this that raises the concern of the game and fish administrators.

It is the unknown direction that this might take that leads us to believe a limitation should be placed on it.

Mr. BICKWIT. Mr. Daniel told us that about 4 million, or over 4 million hunters at this point are receiving hunter safety training. I guess we should have asked him this, but since you are here, can you tell us about how many hunters there are nationwide at this point?

Mr. WETTERSTEN. I don't have that figure on the tip of my tongue. I imagine one of the Federal-aid fellows or Mr. Daniel could elaborate on that. We have about 500,000 in Minnesota.

Senator HART. Mr. Daniel, could you give us that figure?

Mr. DANIEL. The annual hunting license sales are running around 15 million. But you have to bear in mind that in many States a property owner, for example, hunts on his own property without a license. So there are considerably more than 15 million hunters.

Mr. BICKWIT. Have you any idea what age group comprises the greatest number of those without hunter safety training?

Mr. DANIEL. In most of the States, the concentration has been on the young hunters. Many States have specified age limits. For example, New York started training only those under 18 and later went to 21, and then subsequently removed all age limitations, so they now train everybody applying for his first license. But the program has traditionally been aimed toward the younger hunters.

Mr. BICKWIT. So it is the older hunters who don't have the training?

Mr. DANIEL. That is correct; yes.

Mr. BICKWIT. I have no further questions, Mr. Chairman.

Senator HART. As a very specific example, two of the Hart boys have had training, but their father has not. It is clear to me who are the safer members of the Hart family.

Senator HART. Thank you very much.

Mr. WETTERSTEN. Thank you, Mr. Chairman.

Senator HART. I conclude as I opened, by thanking all of the witnesses who came today, not alone for their support now but for their efforts over the months that persuaded the House to move and I hope will culminate in success here in the Senate. Certainly I will make every effort to resolve the technical disagreements and move an effective bill through the committee.

We are adjourned.

(Whereupon, at 11 :30 a.m., the hearing was adjourned.)

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Louis S. Clapper, Director of Conservation for the National Wildlife Federation, which has national headquarters at 1412 Sixteenth Street, N.W., here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The National Wildlife Federation has independent affiliates in all 50 States and the Virgin Islands. These Affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2½ million persons.

We welcome the invitation to appear here today to comment upon amendments to the Federal aid to Fish and Wildlife Acts.

We strongly support the enactment of S 3297 or HR 12475 as previously passed by the House, particularly those provisions which relate to hunter safety training and public shooting ranges. We believe that these proposals offer a fair and equitable solution to a problem that has long vexed persons involved with administration of the so-called Pittman-Robertson Act or the Federal Aid in Wildlife Restoration Act of 1937.

Monies accruing annually from Federal excise taxes upon sales of arms and ammunition replenish the Wildlife Restoration Fund. Monies in this Fund then finance up to 75 percent of approved State projects, thereby helping to restore or enhance the populations of wildlife, particularly those which are hunted.

Thus, shooters contribute directly to wildlife programs. However, many of these projects—especially those which improve wildlife habitat—are of material value to species which are not hunted, such as song birds; therefore, as a result, the general public benefits directly from work financed by hunters who not only buy licenses and stamps and permits to support wildlife conservation programs but also contribute to specific projects through this Federal excise tax.

Owners of pistols and revolvers, however, do not benefit directly from this wildlife restoration work, except through firearms safety courses and as general citizens, who may participate in bird-watching or other non-hunting activities. In short, owners or users of handguns contribute materially to a program which up to now has been of limited direct value to them.

The Federal excise tax upon sales of handguns is levied at the rate of 10 per cent, as compared to 11 per cent for so-called "long guns" and ammunition. Monies from the Federal excise tax upon sales of handguns do not now go into the Wildlife Restoration Fund while monies from sales of handgun ammunition do. Monies from sales of handguns now go into miscellaneous receipts of the U.S. Treasury. Thus, enactment of either of these bills would earmark these monies for addition to the Wildlife Restoration Fund, but one half of the funds are to be used for specific projects on hunting safety training and public outdoor target ranges.

Different apportionment and matching procedures are proposed. While apportionments deriving from the regular Pittman-Robertson Act are made on the basis of land areas and numbers of paid hunting license holders, these funds would be allocated to the States entirely on the basis of populations. And, the Federal contribution can provide only up to one half of the matching rather than 75 per cent, as in the case of regular P-R projects.

The States have questioned certain aspects of the program, particularly with respect to limitations on the use of non-Federal funds for matching monies. They do, however, generally support these changes.

It is our understanding that the other provisions in S 3297 generally are of a "house-keeping" type which will clarify and improve the efficiency of administration of the program. At least most of these have been agreed to by both the Bureau of Sport Fisheries and Wildlife and the State fish and wildlife agencies concerned. These are the agencies directly concerned with administration of the

program and know how it can be improved. As an organization which represents many citizen sportsmen, we are concerned that they realize the greatest possible returns for their monies and support any mutually-agree upon procedure which improved efficiency while safeguarding the public interest against improper diversion or uses.

Thank you again for the opportunity of making these observations.

STATEMENT OF DANIEL A. POOLE, PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am Daniel A. Poole, president of the Wildlife Management Institute. The Institute is one of the older national conservation organizations, and its program has been devoted to the restoration and improved management of renewable natural resources in the public interest since 1911.

The Institute has worked closely with the administration of the Federal Aid in Wildlife Restoration Act at state and federal levels since its inception. We cooperate with the Bureau of Sport Fisheries and Wildlife in publishing the annual reports on the program and on the similar Fish Restoration Act, also included in the pending legislation. We are pleased to support the objectives of the several bills before the committee.

Conditions have changed greatly since the original Wildlife Restoration Act was passed in 1937. The excise tax on handguns, imposed in the Revenue Act of 1932, was excluded originally because pistol shooting had little relationship to recreational hunting, and shooting game with handguns was prohibited by most states. With the development of more powerful pistol ammunition, many states liberalized their game codes to permit the use of handguns, including for deer and other big game. Allocation of part of the long-standing handgun taxes to wildlife restoration is justified now.

We also strongly urge that part of the handgun tax be made available to the states for firearm safety training and for the construction and operation of public shooting ranges. It is difficult for many sportsmen to find opportunities and facilities suitable for shooting or sighting in their firearms. Hunters of ordinary means usually cannot afford to join private shooting clubs, and in most urban communities there are not enough private ranges to accommodate the demand. The result is that many hunters take to the fields and woods with little more than a passing familiarity with their firearms. Wildlife conservation programs and public safety will be furthered when hunters know their guns and have had more practice in placing their shots.

At last count, 41 states have hunter safety training programs, with 15 requiring that youths and first-time hunting license applicants complete such a course before a license will be issued. These programs have reduced hunting accidents. Some groups have estimated that current training programs reach about one third of those requiring such special instruction. As contemplated in the bills, the availability of up to one-half of the annual excise tax collection on handguns for hunter safety training and public ranges would be a positive force in upgrading state training programs.

With respect to the formula that would be followed for allocating handgun tax receipts among the states, Mr. Chairman, The Institute urges that (1) it be based on the population of each state, (2) that no state receive less than one percent nor more than 5 percent of the total amount available annually for distribution to all of the states, and (3) that the matching grants requirements of the parent Act, i.e. \$1 from the state for each \$3 received from the Federal Government, be adhered to in the amendment relating to safety training programs and shooting ranges.

With reference to Point No. 1, population density is a major factor in firearms accidents. The states with the largest populations have the most severe problem. Hence, allocation of the available money on the basis of population, land area or other factors, offers the most direct approach to the problem we seek to alleviate.

We believe that a distribution formula ranging from a minimum of one percent to a maximum of five percent, as contained in S. 3860, is preferable to the one percent minimum-three percent maximum suggested S. 3927, S. 3962, and H.R. 12475. The 1% to 5% range is more in keeping with the parent Act, except that its lower level is set at $\frac{1}{2}$ of 1%. Use of the minimum of the parent Act would yield some states only a token amount of the handgun tax money, however.

Finally, it is suggested that the state matching requirements for the handgun tax revenues—where the money is used for safety training or shooting ranges—be changed from the 50-50 requirement of most of the bills before the committee to \$1 state for every \$3 federal, again the same as the parent Act. All of the bills, with the exception of S. 3860, would require 50-50 matching for up to one-half of the federal aid handgun tax money used for safety training and/or public shooting ranges and 25 percent state-75 percent federal for the remaining half used for traditional wildlife restoration purposes. If a state chooses to use all of its handgun tax allocation for straight wildlife restoration, however, then the matching would be 25 percent state-75 percent federal.

My point is that the 50-50 provision for use of the money in one way and the 25-75 provision for its use in the other way serves only to burden an otherwise excellent program with extra bookkeeping and confusion. We urge that the 25-75 matching requirement of the parent Act be used throughout.

Turning to the other provisions of the several bills, the Institute believes that the recommended amendments are constructive. Most of the suggested changes have been worked out in consultation with the state agencies and have their support. The striking of the percentages of a state's apportionment that may be used for maintenance and management of completed projects and for engineering appears reasonable. The Bureau of Sport Fisheries and Wildlife and the state agencies have more than three decades of operating experience with this program. They know where it can be improved, and their own best interest requires them to make sure that the program yields continued benefits to wildlife and outdoorsmen.

There has been some scattered reaction to the change that would be authorized with respect to a state's participation in the program as suggested in Section 6. As an alternative to the traditional procedure, which would continue, any state can select the option of basing its projects on a comprehensive, long-range plan that is updated regularly. A number of the larger state wildlife agencies now are required by the legislatures or other authority to have such plans. The optional plan that is proposed would be beneficial, in our opinion. It would aid the states that are prepared to make project submissions in the suggested manner and would not penalize those that desired to follow the current system. One of the most obvious deficiencies in natural resources management today is the lack of long-range planning. The amendment of the Act in the manner suggested would help overcome this deficiency in the wildlife field because more states could adopt the new procedure as they shift to long-range programming.

A number of the bills, in Section 6(2)(c), advocate that not more than three percent of a state fish and game department's annual allocation be siphoned off by other state agencies for central service activities. We know there is some dispute over the advisability of including such a provision, especially since the current levy is less in most states. There is apprehension that the 3 percent could become a floor rather than a ceiling. No matter what the Congress decides on this point, however, the Institute believes that charges of this kind against the relatively limited Federal Aid to Wildlife Restoration Funds should be kept at an absolute minimum.

It is hoped that this constructive and widely supported proposal will be enacted during this session, Mr. Chairman. We commend the committee for scheduling this hearing and for giving interested parties an opportunity to be heard.

Izaak Walton League of America, Inc.,
Washington, D.C., September 9, 1970.

HON. PHILIP A. HART,
*Chairman, Subcommittee on Energy, Natural Resources and the Environment,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Please have the record show that the Izaak Walton League of America heartily supports S. 3927, S. 3860 and H.R. 12475.

The use of the 10 percent excise tax on hand guns, now going into general receipts, for wildlife restoration, firearms safety programs and shooting ranges is logical, appropriate and desirable. The legislation is strongly supported by all State game agencies, sportsmen and citizens concerned with wildlife species for their own sake.

We respectfully urge that the legislation be favorably reported to the full Committee and to the Senate.

Sincerely,

J. W. PENFOLD,
Conservation Director.

STATE OF MICHIGAN,
DEPARTMENT OF NATURAL RESOURCES,
Lansing, Mich., September 9, 1970.

HON. PHILIP A. HART,
*Chairman, Subcommittee on Energy, Natural Resources, and Environment,
Senate Commerce Committee, Old Senate Office Building, Washington, D.C.*

DEAR SENATOR HART: In behalf of the Michigan Department of Natural Resources, I wish to strongly urge the enactment of S. 3927 or H.R. 12475 which would revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act.

This is extremely important legislation to the state of Michigan, and we are particularly impressed with the following features of this legislation:

1. The earmarking of the excise tax on pistols and revolvers for state hunter safety programs and target ranges which is highly desirable. We believe an equitable apportionment of these funds would be to provide that no state should receive less than one-half of one percent nor more than five percent of the total amount of the apportionment. We would further recommend that the cost-share rate be on a three-to-one basis so as to conform with the other apportionment procedures involving the Pittman-Robertson program.

2. We are in complete accord with the administrative revisions in the Pittman-Robertson and Dingell-Johnson programs which would eliminate the management and maintenance limitations.

3. We heartily endorse the concept of requiring on an optional basis the promulgation of a comprehensive fish and wildlife plan as a prerequisite for state participation in the two programs.

4. Our Department approves of Section 6 (c) which would impose a ceiling of three percent on administrative costs in the form of overhead and indirect costs for services provided by state central service agencies.

5. We would propose amending Section 6 (a) (1) so that line 25, page 4, and lines 1, 2, 3, 4 & 5, page 5, would read as follows: "Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than *ten* years. It shall include provisions for updating at intervals of not more than *five* years and be provided in a format as may be required by the Secretary of the Interior."

This would then conform to the criteria established by the Bureau of Outdoor Recreation for the State Outdoor Recreation Plan.

These two important grant-in-aid programs have been classic examples of successful state-federal partnerships in the management of our natural resources. The amendments proposed in these two bills will further strengthen these programs and thereby make cooperative fish and game management more viable in terms of meeting the needs of our people.

We respectfully urge that the Senate give immediate consideration to this important legislation.

Sincerely,

A. GENE GAZLAY,
Assistant Director.

