

Calendar No. 162

114TH CONGRESS
1ST SESSION**S. 834****[Report No. 114–91]**

To amend the law relating to sport fish restoration and recreational boating safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2015

Mr. THUNE (for himself, Mr. INHOFE, Mr. NELSON, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 23, 2015

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To amend the law relating to sport fish restoration and recreational boating safety, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 3 of the Dingell-Johnson Sport Fish Restora-
 3 tion Act (16 U.S.C. 777b) is amended by striking “57 per-
 4 cent” and inserting “57.42 percent”.

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

6 Section 4 of the Dingell-Johnson Sport Fish Restora-
 7 tion Act (16 U.S.C. 777e) is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
 10 by striking “2014 and for the period beginning
 11 on October 1, 2014, and ending on May 31,
 12 2015,” and inserting “2023,”

13 (B) in paragraph (1), by striking “18.5
 14 percent” and inserting “18.54 percent”;

15 (C) in paragraph (2), by striking “18.5
 16 percent” and inserting “18.04 percent”; and

17 (D) in paragraph (3), by adding at the end
 18 “Not more than 25 percent of such amount
 19 may be used for capital improvement and infra-
 20 structure projects to support facilities that meet
 21 state requires for minimizing the introduction
 22 of pollutants into the waterways.”;

23 (2) by amending the heading in subsection (b)
 24 to read as follows: “SET-ASIDES.—”;

25 (3) in subsection (b)(1)—

(A) in subparagraph (A), by striking “2014, and for the period beginning on October 1, 2014, and ending on May 31, 2015,” and inserting “2023,”

(B) in subparagraph (B), by striking clauses (i), (ii), and (iii), and inserting the following:

“(i) for each of the fiscal years 2016 through 2022, 1.8468 percent of total annual collections under this Act for such fiscal year; and

“(ii) notwithstanding clause (i), an amount that is less than or equal to \$12,299,000.”; and

(C) by adding at the end the following:

“(C) SET-ASIDE FOR BOATING SAFETY.—

“(i) IN GENERAL.—From the annual appropriation made in accordance with section 3, for each fiscal year through 2023, the Secretary shall transfer to the Secretary of the department in which the Coast Guard is operating—

“(I)(aa) 0.34325 percent of total annual collections under this Act for the purposes set forth in section

1 ~~13107(e)~~ of title 46, United States
2 Code; and

3 ~~“(bb) notwithstanding item (aa),~~
4 an amount that is less than or equal
5 to ~~\$2,300,000;~~

6 ~~“(H) not less than \$5,500,000~~
7 for national boating safety activities
8 of national nonprofit public service or-
9 ganizations, including the funding of
10 National Boating Safety Advisory
11 Council established under section
12 ~~13110~~ of title 46, United States Code,
13 and the authorized activities of the
14 Council, including travel for the coun-
15 cil; and

16 ~~“(III) \$1,500,000 shall be made~~
17 available for the National Recreational
18 Boating Survey.

19 ~~“(ii) LIMITATION.—The amounts~~
20 specified in clause (i) for a fiscal year may
21 not be included in the amount of the an-
22 nual appropriation distributed under sub-
23 section (a) of this section for the fiscal
24 year.”;

25 (4) in subsection (b)(2)—

(A) in subparagraph (A), by striking “under paragraph (1) shall remain available for obligation for use under that paragraph” and inserting “under paragraph (1)(B) shall remain available for obligation for use under paragraph (1)(A)”; and

(B) in subparagraph (B)—

(i) by striking “under paragraph (1)” and inserting “under paragraph (1)(B)”; and

(ii) by striking “subsection (c)” and inserting “subsection (e)”;

(5) in subsection (c), by striking “57 percent” and inserting “57.42 percent”;

(6) in subsection (d), by striking “So much of any sum not allocated” and inserting “Except as otherwise provided in this section, so much of any sum not allocated”; and

(7) in subsection (e)—

(A) in paragraph (1), by striking “those subsections” and inserting “those paragraphs”;

(B) by amending paragraph (2) to read as follows:

“(2) MAXIMUM AMOUNT.—For fiscal year 2016, the Secretary of the Interior may use not

more than \$1,200,000 in accordance with paragraph (1). For each fiscal year thereafter, the maximum amount that the Secretary of the Interior may use in accordance with paragraph (1) shall be determined under paragraph (3).”; and

(C) by adding at the end the following:

~~“(3) ANNUAL ADJUSTED MAXIMUM AMOUNT.—~~

The maximum amount referred to in paragraph (2) for fiscal year 2016 and each fiscal year thereafter shall be the sum of—

~~“(A) the available maximum amount for the preceding fiscal year; and~~

~~“(B) the amount determined by multiplying—~~

~~“(i) the available maximum amount for the preceding fiscal year; and~~

~~“(ii) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”.~~

SEC. 4. EXTENSION OF EXCEPTION TO LIMITATION ON TRANSFERS TO FUND.

Section 9504(d)(2) of the Internal Revenue Code of 1986 is amended by striking “2015,” and inserting “2023,”.

1 **SEC. 5. RECREATIONAL BOATING SAFETY ALLOCATIONS.**

2 Section 13104 of title 46, United States Code, is
3 amended by striking subsection (c).

4 **SEC. 6. RECREATIONAL BOATING SAFETY.**

5 Section 13107(c) of title 46, United States Code, is
6 amended—

7 (1) in paragraph (1)—

8 (A) by striking “subsection (a)(2)” and in-
9 serting “subsection (b)(1)(C)”; and

10 (B) by striking “(16 U.S.C. 777e(a)(2))”
11 and all that follows through the end and insert-
12 ing “(16 U.S.C. 777e(b)(1)(C))—

13 “(A)(i) 0.34325 percent of total annual
14 collections under this Act is available to the
15 Secretary for payment of expenses of the Coast
16 Guard for personnel and activities directly re-
17 lated to coordinating and carrying out the na-
18 tional recreational boating safety program
19 under this title; and

20 “(ii) notwithstanding clause (i), the
21 amount referred to in (i) may not exceed
22 \$2,300,000; and

23 “(B) not less than \$5,500,000 is available
24 for national boating safety activities of national
25 nonprofit public service organizations, including
26 the funding of National Boating Safety Advi-

1 sory Council established under section 13110 of
 2 title 46, United States Code, and the authorized
 3 activities of the Council, including travel for the
 4 council.”; and

5 (2) in paragraph (3), by striking “Amounts
 6 made available” and inserting “Except for amounts
 7 made available by paragraph (1)(B), amounts made
 8 available”.

9 **SEC. 7. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

10 Section 13110(e) of title 46, United States Code, is
 11 amended by striking “2020” and inserting “2023”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Sport Fish Restoration*
 14 *and Recreational Boating Safety Act”.*

15 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

16 *Section 3 of the Dingell-Johnson Sport Fish Restora-*
 17 *tion Act (16 U.S.C. 777b) is amended by striking “57 per-*
 18 *cent” and inserting “57.42 percent”.*

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

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

22 (1) *in subsection (a)—*

23 (A) *in the matter preceding paragraph (1),*
 24 *by striking “2014 and for the period beginning*

1 *on October 1, 2014, and ending on May 31,*
 2 *2015,” and inserting “2023,”;*

3 *(B) in paragraph (1), by striking “18.5*
 4 *percent” and inserting “18.54 percent”;*

5 *(C) in paragraph (2), by striking “18.5 per-*
 6 *cent” and inserting “18.04 percent”; and*

7 *(D) in paragraph (3), by adding at the end*
 8 *“Not more than 25 percent of such amount may*
 9 *be used for capital improvement and infrastruc-*
 10 *ture projects to support facilities that meet State*
 11 *requirements for minimizing the introduction of*
 12 *pollutants into the waterways.”;*

13 *(2) by amending the heading in subsection (b) to*
 14 *read as follows: “SET-ASIDES.—”;*

15 *(3) in subsection (b)(1)—*

16 *(A) in subparagraph (A), by striking*
 17 *“2014, and for the period beginning on October*
 18 *1, 2014, and ending on May 31, 2015,” and in-*
 19 *serting “2023,”;*

20 *(B) in subparagraph (B), by striking*
 21 *clauses (i), (ii), and (iii), and inserting the fol-*
 22 *lowing:*

23 *“(i) for each of the fiscal years 2016*
 24 *through 2023, 1.8468 percent of total an-*

1 *nual collections under this Act for such fis-*
 2 *cal year; and*

3 “(ii) *notwithstanding clause (i), an*
 4 *amount that is less than or equal to*
 5 *\$12,299,000.*”; and

6 *(C) by adding at the end the following:*

7 “(C) *SET-ASIDE FOR BOATING SAFETY.*—

8 “(i) *IN GENERAL.*—*From the annual*
 9 *appropriation made in accordance with sec-*
 10 *tion 3, for each fiscal year through 2023,*
 11 *the Secretary shall transfer to the Secretary*
 12 *of the department in which the Coast Guard*
 13 *is operating—*

14 “(I)(aa) *0.3435 percent of total*
 15 *annual collections under this Act to*
 16 *pay the costs of investigations, per-*
 17 *sonnel, and activities related to admin-*
 18 *istering those programs under section*
 19 *4(a)(2) (16 U.S.C. 777c(a)(2)); and*

20 “(bb) *notwithstanding item (aa),*
 21 *an amount that is less than or equal to*
 22 *\$2,300,000; and*

23 “(II) *\$1,500,000 shall be made*
 24 *available for the National Recreational*
 25 *Boating Survey, that shall be available*

1 until expended and may be awarded as
2 a contract or grant by the Secretary.

3 “(ii) *LIMITATION.*—The amounts speci-
4 fied in clause (i) for a fiscal year may not
5 be included in the amount of the annual ap-
6 propriation distributed under subsection (a)
7 of this section for the fiscal year.”;

8 (4) in subsection (b)(2)—

9 (A) in subparagraph (A), by striking
10 “under paragraph (1) shall remain available for
11 obligation for use under that paragraph” and
12 inserting “under paragraph (1)(B) shall remain
13 available for obligation for use under paragraph
14 (1)(A)”; and

15 (B) in subparagraph (B)—

16 (i) by striking “under paragraph (1)”
17 and inserting “under paragraph (1)(B)”;
18 and

19 (ii) by striking “subsection (e)” and
20 inserting “subsection (c)”;

21 (5) in subsection (c), by striking “57 percent”
22 and inserting “57.42 percent”;

23 (6) in subsection (d), by striking “So much of
24 any sum not allocated” and inserting “Except as oth-

erwise provided in this section, so much of any sum
not allocated”; and

(7) in subsection (e)—

(A) in paragraph (1), by striking “those
subsections” and inserting “those paragraphs”;

(B) by amending paragraph (2) to read as
follows:

“(2) *MAXIMUM AMOUNT.*—For fiscal year 2016,
the Secretary of the Interior may use not more than
\$1,200,000 in accordance with paragraph (1). For
each fiscal year thereafter, the maximum amount that
the Secretary of the Interior may use in accordance
with paragraph (1) shall be determined under para-
graph (3).”; and

(C) by adding at the end the following:

“(3) *ANNUAL ADJUSTED MAXIMUM AMOUNT.*—
The maximum amount referred to in paragraph (2)
for fiscal year 2016 and each fiscal year thereafter
shall be the sum of—

“(A) the available maximum amount for the
preceding fiscal year; and

“(B) the amount determined by multi-
plying—

“(i) the available maximum amount
for the preceding fiscal year; and

1 “(ii) the change, relative to the pre-
 2 ceding fiscal year, in the Consumer Price
 3 Index for All Urban Consumers published
 4 by the Department of Labor.”.

5 (b) *CONFORMING AMENDMENT.*—Section 9 of the Din-
 6 gell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h)
 7 is amended—

8 (1) in subsection (a), by striking “section 4(b)”
 9 and inserting “section 4(b)(1)(B)”; and

10 (2) in subsection (b)(1), by striking “section
 11 4(b)” and inserting “section 4(b)(1)(B)”.

12 **SEC. 4. EXTENSION OF EXCEPTION TO LIMITATION ON**
 13 **TRANSFERS TO FUND.**

14 Section 9504(d)(2) of the Internal Revenue Code of
 15 1986 is amended by striking “June 1, 2015,” and inserting
 16 “October 1, 2023,”.

17 **SEC. 5. RECREATIONAL BOATING SAFETY ALLOCATIONS.**

18 Section 13104 of title 46, United States Code, is
 19 amended by striking subsection (c).

20 **SEC. 6. RECREATIONAL BOATING SAFETY.**

21 Section 13107 of title 46, United States Code, is
 22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “(1) Sub-
 2 ject to paragraph (2) and subsection (c),” and
 3 inserting “Subject to subsection (c),”; and

4 (B) by striking paragraph (2); and
 5 (2) in subsection (c)(1), by striking “title,” and
 6 all that follows through the end and inserting “title—

7 “(A) including the funding of the National
 8 Boating Safety Advisory Council established
 9 under section 13110 of this title and the author-
 10 ized activities of the Council, including travel for
 11 the council; and

12 “(B) of the funds referred to in paragraph
 13 (1), not less than \$2,500,000 shall be available to
 14 the Secretary only to ensure compliance with
 15 chapter 43 of this title.”.

16 **SEC. 7. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

17 Section 13110(e) of title 46, United States Code, is
 18 amended by striking “2020” and inserting “2023”.

19 **SEC. 8. PLAN EVALUATION.**

20 Section 303(b)(7) of the Coastal Wetlands Planning,
 21 Protection and Restoration Act (16 U.S.C. 3952(b)(7)) is
 22 amended by inserting “and improvements made to the qual-
 23 ity of fish and wildlife habitat conditions” after “enhancing
 24 coastal wetlands”.

1 **SEC. 9. REPORT TO CONGRESS.**

2 *The Director of the United States Fish and Wildlife*
3 *Service shall annually evaluate and report on the adminis-*
4 *trative services of such Service for the trust fund to the*
5 *States and the sportfishing community, including the fol-*
6 *lowing categories of information:*

7 (1) *The percent of grant actions completed with-*
8 *in 45 days of receipt, average number of days to proc-*
9 *ess new grants, and average number of days to proc-*
10 *ess grant amendments.*

11 (2) *Which wildlife and sport fish restoration*
12 *policies are currently being updated, the start time*
13 *for each update, and the anticipated completion time.*

14 (3) *The number of Federal assistance workshops*
15 *held with States and such Service in efforts to com-*
16 *municate fiscal policies and procedures with the State*
17 *agencies.*

18 (4) *The response time to States based on initial*
19 *notification or assistance requests initiated by a*
20 *State.*

21 (5) *The number of States with unresolved rec-*
22 *onciliation of land records and number of corrective*
23 *action plans with open actions.*

24 (6) *The number of employees of such Service*
25 *with grants management training and outstanding*
26 *training requirements and the percent of State fish*

1 *and wildlife staff to have received training from*
2 *Wildlife and Sport Fish Restoration Fund Program*
3 *of such Service.*

4 (7) *The number of full-time equivalents contrib-*
5 *uting to grant processing and related grant manage-*
6 *ment in each region.*

7 (8) *The number of in-field state project reviews*
8 *and site visits by the Wildlife and Sport Fish Res-*
9 *toration Fund Program.*

10 (9) *The number of audits per year originating*
11 *from such Service and response time to related ac-*
12 *tions and correspondence.*

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114TH CONGRESS
1ST Session

S. 834

[Report No. 114-91]

A BILL

To amend the law relating to sport fish restoration and recreational boating safety, and for other purposes.

JULY 23, 2015

Reported with an amendment