

116TH CONGRESS
2D SESSION

S. 4144

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

IN THE SENATE OF THE UNITED STATES

JULY 1, 2020

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sport Fish Restoration
5 and Recreational Boating Safety Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Sport Fish Restoration and Boating
9 Trust Fund established by section 9504(a) of the In-

1 ternal Revenue Code of 1986 (referred to in this sec-
2 tion as the “Trust Fund”) was established in 1950
3 to provide dedicated funding for aquatic conserva-
4 tion and boating safety;

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

9 (3) the Trust Fund provides nearly
10 \$650,000,000 annually for recreational infrastruc-
11 ture projects, coastal wetlands restoration, and boat-
12 ing safety and conservation programs in all 50
13 States;

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

19 (5) the recreational boating and angling com-
20 munity, as well as State agencies, recognize the sig-
21 nificant increase in the use of nonmotorized, human-
22 propelled vessels in recent years; and

23 (6) growth of the human-propelled vessel com-
24 munity has required the Coast Guard and State
25 agencies to use significant resources to address

1 human-propelled vessel infrastructure, boating safe-
 2 ty, law enforcement, and search and rescue needs,
 3 all of which are paid for by the Trust Fund.

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

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

8 (1) in subsection (a), by striking “2021” and
 9 inserting “2025”;

10 (2) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (A), by striking
 13 “2021” and inserting “2025”; and

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

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

18 “(i) for the fiscal year that includes
 19 the date of enactment of the Sport Fish
 20 Restoration and Recreational Boating
 21 Safety Act of 2020, the sum obtained by
 22 adding—

23 “(I) the available amount speci-
 24 fied in this subparagraph for the pre-
 25 ceding fiscal year; and

1 “(II) \$979,500; and

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

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

7 “(II) the product obtained by
8 multiplying—

9 “(aa) the available amount
10 specified in this subparagraph for
11 the preceding fiscal year; and

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

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking
19 “2016 through 2021” and inserting “2020
20 through 2025”; and

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

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

1 “(i) for fiscal year 2020, \$12,000,000;

2 and

3 “(ii) for fiscal year 2021 and each fis-
4 cal year thereafter, the sum obtained by
5 adding—

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (A) by inserting “or part-time” after “full-
18 time”; and

19 (B) by inserting “, subject to the condition
20 that the percentage of the relocation expenses
21 paid with funds made available pursuant to this
22 Act may not exceed the percentage of the work
23 hours of the employee that are spent admin-
24 istering this Act” after “incurred”.

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

4 “(3) A portion, as determined by the Sport
 5 Fishing and Boating Partnership Council, of funds
 6 disbursed for the purposes described in paragraph
 7 (2) but remaining unobligated as of October 1,
 8 2020, shall be used to study the impact of derelict
 9 vessels and identify recyclable solutions for rec-
 10 reational vessels.”.

11 (d) RECREATIONAL BOATING SAFETY.—Section
 12 13107(c)(2) of title 46, United States Code, is amended
 13 by striking “No funds available” and inserting “On or
 14 after October 1, 2023, no funds available”.

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

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

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

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

24 “(i) for the fiscal year that includes
 25 the date of enactment of the Sport Fish

1 Restoration and Recreational Boating
 2 Safety Act of 2020, the sum obtained by
 3 adding—

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

7 “(II) \$979,500; and

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

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

13 “(II) the product obtained by
 14 multiplying—

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

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

23 (2) in paragraph (2)—

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

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

“(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

“(i) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remained available for obligation pursuant to subparagraph (A) during that fiscal year and remains unobligated at the end of that fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) user conflicts at waterway access points;
19 and

20 (3) the use of—

21 (A) Sport Fish Restoration Program funds
22 to improve nonmotorized access at waterway
23 entry points and the reasons for providing that
24 access; and

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

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

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