

commitment to protect lives, property and the surrounding communities. Senator DASCHLE, myself, and the entire Senate are proud of their efforts. We can't thank them enough.

Mr. MURKOWSKI. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table with no intervening action, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the Jasper Fire started at 2:30 p.m. on Thursday, August 24, 2000, near Jasper Cave in the Black Hills National Forest and was contained at 6:00 p.m. on September 8, 2000;

Whereas two days after it started, the Jasper Fire nearly quadrupled in size in a matter of hours, burned as fast as 100 acres per second, and ultimately became the worst forest fire in the history of the Black Hills, consuming 83,508 acres;

Whereas the Jasper Fire threatened private homes in the Black Hills, including the South Dakota communities of Deerfield, Custer, and Hill City, Jewel Cave National Monument, and Mount Rushmore National Memorial, and forced the evacuation of many residents in northwestern Custer County and southwestern Pennington County;

Whereas volunteers from 67 community fire departments from across South Dakota made up a substantial part of the 1,160 men and women who worked around the clock to contain the Jasper Fire;

Whereas the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills, came from fighting fires in western Wyoming to help fight the Jasper Fire;

Whereas while the Tatanka Hotshot crew has fought several fires throughout the country, the Jasper Fire was the first major fire they fought in their home forest;

Whereas the outpouring of support for the firefighters by local residents and communities, such as Hill City and Custer, helped boost firefighter morale; and

Whereas, in spite of the rugged terrain and the intense speed and size of the fire, the Jasper Fire was contained successfully with only one home lost and with no injuries to any firefighters or local citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Jasper Fire was the largest forest fire in the history of the Black Hills National Forest, consuming 83,508 acres;

(2) the volunteer firefighters from across South Dakota played a crucial role in combating the Jasper Fire and preventing it from destroying hundreds of homes;

(3) the Tatanka Hotshot crew was instrumental in providing the effort, expertise and training necessary to establish a fire line around the Jasper Fire; and

(4) the men and women who fought the Jasper Fire are commended for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property, and the surrounding communities.

UNITED STATES GRAIN STANDARDS ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 4788.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4311

Mr. MURKOWSKI. Mr. President, Senator LUGAR has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. LUGAR, proposes an amendment numbered 4311.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4311) was agreed to.

The bill (H.R. 4788), as amended, was read the third time and passed.

GOOD CITIZENSHIP ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2883, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2883) to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2883) was read the third time and passed.

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AND THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 945, H.R. 3671.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLES; TABLE OF CONTENTS.

(a) SHORT TITLES.—

(1) THIS ACT.—This Act may be cited as the "Wildlife and Sport Fish Restoration Programs Improvement Act of 2000".

(2) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

"SEC. 14. SHORT TITLE.

"This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'."

(3) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

"SEC. 16. SHORT TITLE.

"This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'."

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short titles; table of contents.

TITLE I—WILDLIFE RESTORATION

Sec. 101. Expenditures for administration.

Sec. 102. Firearm and bow hunter education and safety program grants.

Sec. 103. Multistate conservation grant program.

TITLE II—SPORT FISH RESTORATION

Sec. 201. Expenditures for administration.

Sec. 202. Multistate conservation grant program.

Sec. 203. Conforming amendment.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 301. Designation of programs.

Sec. 302. Implementation report.

TITLE I—WILDLIFE RESTORATION

SEC. 101. EXPENDITURES FOR ADMINISTRATION.

(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking "SEC. 4." and all that follows through the end of the first sentence of subsection (a) and inserting the following:

"SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

"(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—

“(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for administrative expenses incurred in implementation of this Act, in accordance with this subsection and section 9.

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

“(i) for fiscal year 2001, \$9,500,000; and

“(ii) for fiscal year 2002 and each fiscal year thereafter, the sum of—

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

“(II) the amount determined by multiplying—

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

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

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

“(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

“(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—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 remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

“(b) APPORTIONMENT TO STATES.—” and

(3) in subsection (b) (as designated by paragraph (2)), by striking “after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,” and inserting “after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion”.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

“(a) AUTHORIZED ADMINISTRATIVE COSTS.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for administrative expenses that directly support the implementation of this Act, consisting of—

“(1) personnel costs of employees who directly administer this Act on a full-time basis;

“(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of an employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

“(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

“(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

“(5) overhead costs, including the costs of general administrative services, that are directly

attributable to administration of this Act and are based on—

“(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

“(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

“(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

“(7) costs of audits under subsection (d);

“(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

“(9) costs of travel to States, territories, and Canada by personnel who—

“(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

“(B) administer grants under section 6, 10, or 11;

“(10) costs of travel by personnel outside the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

“(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

“(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6, 10, or 11.

“(b) REPORTING OF OTHER USES.—If the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an administrative expense other than an administrative expense described in subsection (a), the Secretary—

“(1) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the administrative expense; and

“(2) may use any such available amounts for the administrative expense only after the end of the 30-day period beginning on the date of submission of the report under paragraph (1).

“(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under section 4(a)(1) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

“(d) AUDIT REQUIREMENT.—

“(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for administrative expenses incurred in implementation of this Act.

“(2) AUDITOR.—

“(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit).

“(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of

the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

“(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each audit under this subsection.”.

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking “section 4(b) of this Act” and inserting “section 4(c)”.

SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

“SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

“(a) IN GENERAL.—Of the revenues covered into the fund for a fiscal year, \$7,500,000 shall be apportioned among the States in the manner specified in section 4(b) by the Secretary of the Interior and used to make grants to the States to be used for—

“(1) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

“(2) the enhancement of interstate coordination and development of hunter education and shooting range programs;

“(3) the enhancement of bow hunter and archery education, safety, and development programs; and

“(4) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges.

“(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

“(1) PERIOD OF AVAILABILITY.—A grant under this section shall remain available only for the fiscal year for which the grant is made.

“(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(b) for use by the States in accordance with this section.”.

SEC. 103. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 102) is amended by inserting after section 10 the following:

“SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

“(a) IN GENERAL.—

“(1) AMOUNT FOR GRANTS.—Not more than \$3,500,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

“(A) PERIOD OF AVAILABILITY.—A grant under this subsection shall remain available only for the fiscal year for which the grant is made and the following fiscal year.

“(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the

Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

“(b) SELECTION OF PROJECTS.—

“(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

“(A) at least 26 States;

“(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

“(C) a regional association of State fish and game departments.

“(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may award grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

“(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of projects that the International Association of Fish and Wildlife Agencies—

“(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

“(i) nongovernmental organizations that represent conservation organizations;

“(ii) sportsmen organizations; and

“(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

“(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

“(C) not later than October 1 of each fiscal year, submits to the Chief of the Division of Federal Aid.

“(4) PUBLICATION.—The Chief of the Division of Federal Aid shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

“(c) ELIGIBLE GRANTEEES.—

“(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

“(A) a State or group of States;

“(B) the United States Fish and Wildlife Service for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

“(C) subject to paragraph (2), a nongovernmental organization.

“(2) NONGOVERNMENTAL ORGANIZATIONS.—

“(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

“(i) does not promote or encourage opposition to the regulated hunting or trapping of wildlife; and

“(ii) will use any funds awarded under this section in compliance with subsection (d).

“(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to promote or encourage opposition to the regulated hunting or trapping of wildlife or that does not use funds in compliance with subsection (d) shall return all funds received under this section and be subject to any other penalties under law.

“(d) USE OF GRANTS.—A grant under this section shall not be used for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.”.

TITLE II—SPORT FISH RESTORATION

SEC. 201. EXPENDITURES FOR ADMINISTRATION.

(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

“(d) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—

“(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for administrative expenses incurred in implementation of this Act, in accordance with this subsection and section 9.

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

“(i) for fiscal year 2001, \$9,500,000; and

“(ii) for fiscal year 2002 and each fiscal year thereafter, the sum of—

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

“(II) the amount determined by multiplying—

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

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

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

“(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

“(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—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 remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.”.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

“(a) AUTHORIZED ADMINISTRATIVE COSTS.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d) only for administrative expenses that directly support the implementation of this Act, consisting of—

“(1) personnel costs of employees who directly administer this Act on a full-time basis;

“(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of an employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

“(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

“(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

“(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

“(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

“(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs

per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

“(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

“(7) costs of audits under subsection (d);

“(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

“(9) costs of travel to States, territories, and Canada by personnel who—

“(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

“(B) administer grants under section 6 or 14;

“(10) costs of travel by personnel outside the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

“(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

“(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6 or 14.

“(b) REPORTING OF OTHER USES.—If the Secretary of the Interior determines that available amounts under section 4(d) should be used for an administrative expense other than an administrative expense described in subsection (a), the Secretary—

“(1) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the administrative expense; and

“(2) may use any such available amounts for the administrative expense only after the end of the 30-day period beginning on the date of submission of the report under paragraph (1).

“(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under section 4(d) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

“(d) AUDIT REQUIREMENT.—

“(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for administrative expenses incurred in implementation of this Act.

“(2) AUDITOR.—

“(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit).

“(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

“(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each audit under this subsection.”.

SEC. 202. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—The Dingell-Johnson Sport Fish Restoration Act is amended by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

“SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

“(a) **IN GENERAL.**—

“(1) **AMOUNT FOR GRANTS.**—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than \$3,500,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

“(2) **PERIOD OF AVAILABILITY; APPORTIONMENT.**—

“(A) **PERIOD OF AVAILABILITY.**—A grant under this subsection shall remain available only for the fiscal year for which the grant is made and the following fiscal year.

“(B) **APPORTIONMENT.**—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

“(b) **SELECTION OF PROJECTS.**—

“(1) **STATES OR ENTITIES TO BE BENEFITED.**—A project shall not be eligible for a grant under this section unless the project will benefit—

“(A) at least 26 States;

“(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

“(C) a regional association of State fish and game departments.

“(2) **USE OF SUBMITTED PRIORITY LIST OF PROJECTS.**—The Secretary of the Interior may award grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

“(3) **PRIORITY LIST OF PROJECTS.**—A priority list referred to in paragraph (2) is a priority list of projects that the International Association of Fish and Wildlife Agencies—

“(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

“(i) nongovernmental organizations that represent conservation organizations;

“(ii) sportsmen organizations; and

“(iii) industries that fund the sport fish restoration programs under this Act;

“(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

“(C) not later than October 1 of each fiscal year, submits to the Chief of the Division of Federal Aid.

“(4) **PUBLICATION.**—The Chief of the Division of Federal Aid shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

“(c) **ELIGIBLE GRANTEES.**—

“(1) **IN GENERAL.**—The Secretary of the Interior may make a grant under this section only to—

“(A) a State or group of States;

“(B) the United States Fish and Wildlife Service for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

“(C) subject to paragraph (2), a nongovernmental organization.

“(2) **NONGOVERNMENTAL ORGANIZATIONS.**—

“(A) **IN GENERAL.**—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

“(i) does not promote or encourage opposition to the regulated taking of fish; and

“(ii) will use any funds awarded under this section in compliance with subsection (d).

“(B) **PENALTIES FOR CERTAIN ACTIVITIES.**—Any nongovernmental organization that is found to promote or encourage opposition to the regulated taking of fish or that does not use funds in compliance with subsection (d) shall return all funds received under this section and be subject to any other penalties under law.

“(d) **USE OF GRANTS.**—A grant under this section shall not be used for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

“(e) **FUNDING FOR OTHER ACTIVITIES.**—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a), \$2,100,000 shall be made available for—

“(1) the Atlantic States Marine Fisheries Commission;

“(2) the Gulf States Marine Fisheries Commission;

“(3) the Pacific States Marine Fisheries Commission;

“(4) the Great Lakes Fisheries Commission;

“(5) the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service;

“(6) construction and renovation of pumpout stations and waste reception facilities under the Clean Vessel Act of 1992 (33 U.S.C. 1322 note; subtitle F of title V of Public Law 102-587);

“(7) coastal wetlands conservation grants under section 305 of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3954);

“(8) boating infrastructure grants under section 7404 of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 779g-1); and

“(9) the National Outreach and Communications Program established under section 8(d).”

(b) **CONFORMING AMENDMENTS.**—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting “and after deducting amounts used for grants under section 14,” after “respectively.”

SEC. 203. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “(as in effect on the date of the enactment of the TEA 21 Restoration Act)” and inserting “(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)”.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS**SEC. 301. DESIGNATION OF PROGRAMS.**

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the “Federal Assistance Program for State Wildlife and Sport Fish Restoration”.

SEC. 302. IMPLEMENTATION REPORT.

(a) **TIMING.**—At the time at which the President submits a budget request for the Department of the Interior for the third fiscal year that begins after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this Act and the amendments made by this Act.

(b) **CONTENTS.**—The report under subsection (a) shall—

(1) describe—

(A) the extent to which compliance with this Act and the amendments made by this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this Act or the amendments made by this Act that would be desirable in order for the Secretary of the Interior to ade-

quately administer the Programs and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this Act and the amendments made by this Act that the Secretary of the Interior considers appropriate; and

(2) certify, with respect to the period beginning on the date of enactment of this Act—

(A)(i) the amounts used under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)); and

(ii) a breakdown of the categories for which the amounts were used;

(B) the amounts apportioned to States under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(C) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d)) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(D) that all amounts used under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)) were necessary for administrative expenses incurred in implementation of those Acts;

(E) that all amounts used to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(F) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Chief of the Division of Federal Aid each properly discharged their duties under those Acts.

(c) **LIMITATION ON DELEGATION.**—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (b)(2) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

(d) **PUBLICATION OF CERTIFICATIONS.**—The Secretary of the Interior shall promptly publish in the Federal Register each certification under subsection (b)(2).

AMENDMENT NO. 4312

Mr. MURKOWSKI. Mr. President, Senator SMITH of New Hampshire has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4312.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

DOG FIELD TRIALS

Mr. CRAPO. I would like to engage the distinguished Senator from New Hampshire, Mr. SMITH, in a colloquy regarding the Federal Aid bill and concerns that have been raised with respect to the use of Pittman-Robertson Act-acquired lands for dog field trials.

Mr. SMITH of New Hampshire. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the Environment and Public Works Committee knows, there is nothing that precludes the use Pittman-Robertson

lands for dog field trials, and, that in fact, this is a legitimate use of these lands, provided that the field trials are consistent with the objectives of the Pittman-Robertson Act.

Mr. SMITH of New Hampshire. I agree that Pittman-Robertson lands can certainly be used for field trials in a way that is consistent with the act.

Mr. CRAPO. Concerns have been raised that Pittman-Robertson lands should not be used for field trials. As the Senator from New Hampshire knows, the sportsmen who pay this excise tax have varied interests—they are hunters, field trialers, and shooting enthusiasts. The primary goal of the Pittman-Robertson Act is wildlife conservation, but it is also important that these lands support multiple uses.

Mr. SMITH of New Hampshire. I agree with the chairman of the Fisheries, Wildlife, and Water Subcommittee.

Mr. CRAPO. Multiple uses of public lands necessarily require the balancing of occasionally competing interests and objectives. The most appropriate parties to make decisions regarding wildlife habitat development and other uses and activities are state wildlife managers who are most familiar with site specific conditions, habitat needs, and the impact of sporting activities.

Mr. SMITH of New Hampshire. I agree wholeheartedly with the Senator from Idaho. It is those closest to the land who can help determine on a case-by-case basis how to balance wildlife needs with users who engage in various sporting activities, while remaining consistent with the objectives of the Pittman-Robertson Act.

ASSISTANT DIRECTOR

Mr. BAUCUS. Mr. President, I want to make a point about one provision of the amendment and ask the committee chairman, Senator SMITH, whether he agrees. Section 132 of the bill establishes a new position, in the Fish and Wildlife Service, of Assistant Director for Wildlife and Sport Fish Restoration Programs. The provision also specifies the Assistant Director's responsibilities.

Although this provision is similar to section 302 of the version of the bill that passed the House, it differs in one significant respect. The House report said that "individuals in the Regional offices who are responsible for administering the Wildlife and Sport Fish Restoration Programs will also report to the Assistant Director." We considered and rejected this approach. The Fish and Wildlife Service operates through a system of regional offices. Employees in the regional offices report to the regional directors, and the regional directors report to the Director of the Fish and Wildlife Service. In light of this, it would be potentially disruptive to require that individuals who are responsible for administering the federal aid program to report directly to the Assistant Director, in Washington, D.C., rather than to the regional director. We do not intend sec-

tion 132 to mandate such a change. Does the chairman agree?

Mr. SMITH of New Hampshire. Yes. By approving section 132, we intend to elevate the role of the head of the Federal Aid program, as part of our overall effort, in this bill, to give the program the full attention that it deserves. We do not intend, however, to mandate a change in the general Fish and Wildlife Service's administrative structure. No case has been made for such a change, and it could potentially be counterproductive.

FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM

Mr. BAUCUS. Mr. President, the manager's amendment amends the Firearm and Bow Hunter Education and Safety Program that was included in the bill as reported out of the Committee. It is my understanding that the manager's amendment authorizes \$7.5 million for fiscal year 2001 and 2002, and \$8 million for fiscal year 2003 and every year thereafter. The authorized funds would be provided to the States in the form of direct grants. Would you please briefly explain how this new grant program will impact the States, especially States like Montana and New Hampshire that are spending a considerable amount on these type of projects already?

Mr. SMITH of New Hampshire. As you know, under current law, States are authorized to use one half of the revenue collected from taxes on handguns and archery equipment for hunter education and the development of target ranges. Under our provision, any State that is fully utilizing the authorized amount for these purposes can spend the grant money on any project that is authorized in the Pittman-Robertson Act. States that are spending less than the authorized amount have to use the grant funds for hunter education and range development until they utilize the amount authorized by the Pittman-Robertson Act for those purposes. The States can then spend any remaining funds above the authorized level on hunter education, range development or any other project that is authorized in Pittman-Robertson. For example, say New Hampshire is authorized to use \$270 thousand of Pittman-Robertson funds on hunter education and range development but is only spending \$266 thousand. New Hampshire would be then required to spend \$4 thousand of its grant money on hunter education and range development. After that New Hampshire could use any remaining amount on any project that is consistent with the purposes of the Pittman-Robertson Act.

Mr. BAUCUS. I think it is very important for us to recognize that the vast majority of states spend a considerable sum of money, both Pittman-Robertson and state funds, on hunter education and target range develop-

ment.

Mr. SMITH of New Hampshire. Mr. President, I rise today to encourage my colleagues to support final passage of

H.R. 3671, the Fish and Wildlife Programs Improvement Act. I believe that this bill will enhance State wildlife conservation programs across the country. I am proud to be a cosponsor of this important legislation.

The Pittman-Robertson Act and the Wallop-Breaux Act created user-pay benefit trust funds. Together, these programs are called the Sport Fish and Wildlife Restoration Programs and are known more generally as the Federal Aid Program. The States are primarily responsible for managing the Federal Aid Program. They identify eligible projects and then pay for the projects up front. The projects must be directly related to old and sport fish restoration efforts. Projects that are eligible for funding through the Pittman-Robertson and Wallop Breaux Programs include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas fish stocking, boating and fishing access; and facility development and maintenance. States are reimbursed for up to 75 percent of the total cost of each project from the Federal Aid funds.

I am offering a manager's amendment in the nature of a substitute that makes several important changes to the Federal Aid bill that reported by the Committee on Environment and Public Works. I believe that in adopting these changes, we will not only improve the bill, but will also ensure that this important legislation is signed into law this year. In addition, the manager's package includes the National Fish and Wildlife Refuge System Centennial bill, and reauthorized the National Fish and Wildlife Foundation. This package has been negotiated with the House Committee on Natural Resources.

Earlier this year, the Environment and Public Works Subcommittee on Fisheries, Wildlife and Water held a hearing on the Fish and Wildlife Service's Administration of the Wallop-Breaux and Pittman-Robertson Acts and what we discovered was shocking.

The Pittman-Robertson and Wallop-Breaux Restoration Funds were created over 50 years ago. Congress intended to allow sportsmen to contribute to the preservation and enhancement of the fields, streams and great outdoors that they enjoy so much. These two programs together authorize the collection of excise taxes from the manufacturers and importers of hunting and fishing equipment. Congress entrusted the Fish and Wildlife Service, through the Federal Aid Division, with the responsibility of managing these programs and distributing the funds to the States. Unfortunately, a report issued by the General Accounting Office indicates that the Fish and Wildlife Service has violated that trust.

These are significant wildlife programs, with substantial resources to fund them. Last year alone, sportsmen contributed over \$430 million to the

programs. Every time a hunter buys a gun, or an angler buys a rod, they know a portion of the cost is supposed to be given to the States to fund conservation projects, such as fish stocking or habitat restoration. I say "supposed to" because GAO recently found that not all of the money the States are entitled to is, in fact, being given to them. Both the Wallop-Breaux and Pittman-Robertson Acts allowed the Fish and Wildlife Service to reserve a percentage of the mounts received from the excise tax. However, the Acts also require that any excess amounts not needed for administration of the programs be distributed among the States. Unfortunately, for years, the Fish and Wildlife Service just ignored that requirement and shortchanged the States.

The problems that plague these programs are numerous. The Service created several grant programs which they had, at best, questionable authority to do. Initially, they failed to account for millions of dollars. They ignored their own established guidelines for approving travel. This is unacceptable behavior.

I believe that the manager's amendment will put an end to the mismanagement that plagues the programs today. At the same time, it will institute a more effective way in which to manage these programs in the future. We address the problems that were identified in the GAO report and in the hearing by making four fundamental changes to the wildlife restoration and sport fish programs. These changes are intended to enhance accountability within the Fish and Wildlife Service with respect to the administration of the Federal Aid Program; to provide further clarity regarding the use of administrative funds; to encourage safe hunting through education; and to provide additional flexibility to the States for regional conservation projects.

First, the manager's amendment authorizes \$18 million in fiscal years 2001 and 2002, and \$16.4 million in fiscal year 2003 and subsequent years, with an increase relative to the Consumer Price Index for the Secretary of the Interior to administer both the Pittman-Robertson and Wallop-Breaux Programs. I felt that it was extremely important for the Secretary to have enough resources to administer the program effectively, but not so much money that there would be an incentive to waste it needlessly. Although I am confident that the program can run effectively on the authorized amount, it is extremely important to revisit this issue in several years. This is particularly important because the administration was unable to justify many of its costs. The manager's amendment requires a biennial audit that will give the Committee additional information on whether or not the authorized amount needs to be adjusted.

Second, the manager's amendment enumerates legitimate administrative

costs and limits the use of Federal Aid funds to those expenses. The General Accounting Office investigation found that the Fish and Wildlife Service, among other things, failed to maintain adequate controls over funds, expenditures, and grants, and used administrative funds inconsistently among different FWS regional offices. By specifically listing what constitutes appropriate administrative costs, these problems should not arise in the future.

Third, the manager's amendment creates a new Firearm and Bow Hunter Education and Safety Grant Program authorized at \$7.5 million in fiscal years 2001 and 2002, and \$8 million in fiscal year 2003 and every year thereafter. The authorized funds would be provided to the States in the form of direct grants. Under current law, States are authorized to use half of the revenue collected from taxes on handguns and archery equipment for hunter education and the development of target ranges. This new provision would allow any State that is fully utilizing the authorized amount for these purposes to spend the grant money on any project that is authorized in the Pittman-Robertson Act. States that are spending less than the authorized amount would be required to use the grant funds for hunter education and range development until they utilize the amount authorized by the Pittman-Robertson Act for those purposes. At that point, the States can spend any remaining funds above the authorized level on hunter education, range development or any other project that is authorized in Pittman-Robertson.

In my home State of New Hampshire, for example, the Department of Fish and Game is authorized to use \$270 thousand of Pittman-Robertson funds on hunter education and range development, but is currently only spending \$266 thousand. Under this bill, New Hampshire would be required to spend \$4 thousand of its grant money on hunter education and range development; after that, however, the State would have the discretion to spend the remaining amount on any project that is consistent with the purposes of the Pittman-Robertson Act. This strikes a good balance between the interests of the hunting community that wanted states to spend the 50 percent level authorized under the law, and the States who want discretion to spend Pittman-Robertson funds to meet their priorities, both education and conservation programs.

Finally, the manager's amendment authorizes a new Multistate Conservation Grant Program at \$6 million to allow for Federal Aid funds to be used for regional projects. The Multistate Grant program requires the International Association of Fish and Wildlife Agencies International to submit a list to the Secretary of the Interior recommending projects that should receive funding. The bill as reported out of Committee prohibited the International from considering any grant

submitted by an organization that opposes hunting or fishing. Shortly before the markup, we realized this approach raised First Amendment concerns, and I promised to work with interested parties to resolve this problem. The manager's amendment prohibits any grant funds from supporting, in whole or in part, any activity that promotes opposition to hunting and fishing. Any organization can apply for a grant but it can't use these funds in any activity that targets the individuals who pay the excise tax. This is a common sense solution that protects the first amendment rights of all, without penalizing sportsmen who help fund the programs.

This manager's amendment also reauthorizes the National Fish and Wildlife Foundation Establishment Act of 1984. The manager's amendment makes important changes in the Foundation's charter, changes that I believe will allow the Foundation to build on its fine record of providing funding for the conservation of our nation's fish, wildlife and plant resources.

The National Fish and Wildlife Foundation was established in 1984 to bring together diverse groups to engage in conservation projects across America and, in some cases, around the world. Since its inception, the Foundation has made more than 3,400 grants totaling over \$435 million. This is an impressive record of accomplishment. The Foundation has pioneered some notable conservation programs, including implementing the North American Waterfowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name just a few.

The Foundation has funded these programs by raising private funds to match federal appropriations on at least a 2 to 1 basis. During this time of fiscal constraint, this is an impressive record of leveraging federal dollars. Moreover, all of the Foundation's operating costs are covered by separate private sources, which means that Federal and private dollars given for conservation are spent only on conservation projects.

The National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to implement solutions to some difficult natural resource problems and is becoming widely recognized for its innovative approach to solving environmental problems. For example, when Atlantic salmon neared extinction in the U.S. due to overharvest in Greenland, the Foundation and its partners bought Greenland Salmon quotas. I, like many others in Congress, want the Foundation to continue its important conservation efforts.

This legislation is quite simple. The manager's amendment would expand the Foundation's governing Board of Directors from 15 members to 25 members. This will allow a greater number

of individuals with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities. Also, it would authorize appropriations to the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration through 2003.

Finally, the manager's amendment would authorize the "National Wildlife Refuge System Centennial Commemoration Act of 2000." This landmark provision commemorates the centennial of the first national wildlife refuge in the United States, established on March 14, 1903, by a great man and conservationist, President Theodore Roosevelt. By setting aside land at Indian River Lagoon on Pelican Island, Florida as a haven for birds, President Roosevelt began a conservation legacy known as the National Wildlife Refuge System.

Today, the National Wildlife Refuge System has evolved into the most comprehensive system of lands devoted to wildlife protection and management in the world—spanning nearly 93 million acres across the United States and its territories. By placing special emphasis on conservation, our nation's network of refuges ensures the continued protection of our wildlife resources, including threatened and endangered species, and land areas with significant wildlife-oriented recreational, historical and cultural value.

Currently, there are more than 500 refuges in the United States and its territories, providing important habitat for 700 bird species, 220 mammal species, 250 species of amphibians and reptiles, and over 200 fish species. The Refuge System also hosts some of our country's premiere fisheries, and serves a vital role in the protection of threatened and endangered species by preserving their critical habitats.

Approximately 98 percent of the Refuge System land is open to the public. Each year, the System attracts more than 34 million visitors to participate in a variety of recreational activities that include observing and photographing wildlife, fishing, hunting and taking part in system-sponsored educational programs. By providing the public with an opportunity to participate in these activities, refuges promote a sense of appreciation for the natural wonders of this nation and emphasize our important role as stewards of these lands.

The manager's amendment commemorates the Refuge System by creating a Commission that will oversee the Centennial anniversary and promote public awareness and understanding of the importance of refuges to our nation. Additionally, the manager's amendment directs the Fish and Wildlife Service to prepare a long-term plan for the Refuge System that will enable the Service to look ahead and determine the future needs and priorities of the system network.

Mr. President, I strongly urge my colleagues to support adoption of this bill.

Mr. CRAPO. Mr. President, I rise today in support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. The bill we have before us today is the culmination of a bi-partisan, bi-cameral effort. I want to thank Chairman BOB SMITH, Ranking Member BAUCUS, and Senator BOXER for their hard work and recognition of how important it was to pass this bill this year. I also thank Representative DON YOUNG, Chairman of the House Resources Committee, for his efforts and investigation into the program.

I think we have a bill that everyone can support. It will reduce Government waste and prevent misuse of funds, while enhancing the program. The federal aid program has been a conservation success story. This bill will ensure that this success continues by restoring accountability and responsibility to the program. Ultimately, this legislation will restore trust in the program, without affecting the effectiveness of the program.

Senator CRAIG and I introduced the Senate version of this bill because there was a problem and America's hunters and fishermen needed trust returned to the administration of the Wildlife and Sport Fish Restoration Programs. The bill we have before us today restricts the amount of money that the U.S. Fish and Wildlife Service can spend on administrative expenses, while clearly identifying authorized expenses. The bill also improves the program by funding a multi-state grant program, and ensuring that hunter education and shooting range programs are funded at the level hunters and shooting enthusiasts expect and deserve. These changes are good for the program, good for hunters, fishermen, and shooting enthusiasts, and are simply good government.

Congressional investigations and a General Accounting Office audit of the U.S. Fish and Wildlife Service revealed that, contrary to existing law, money had been routinely diverted to administrative slush funds, withheld from states, and generally misused for purposes unrelated to either fisheries or wildlife conservation. In addition, the GAO called the Division of Federal Aid, "if not the worst, one of the worst-managed programs we have encountered." As an avid outdoorsman, I was particularly disturbed by this abuse. As a legislator, I am pleased to have an opportunity to prevent such abuses in the future.

This bill reestablishes the trust between the hunters and anglers who pay the excise taxes and the Federal Government. It is an opportunity to repair a system that has been lauded as one of the nation's most successful conservation efforts. I hope my colleagues will join me in passing this bipartisan effort to restore accountability and responsibility to the Federal Aid programs and the Fish and Wildlife Service.

I thank the Chair.

Mr. BAUCUS. Mr. President, I support H.R. 3671, the Wildlife Sport Fish Restoration Programs Improvement Act of 2000, and the substitute amendment proposed by the chairman of the Environment and Public Works Committee, Senator SMITH.

The Federal aid program, embodied in the Pittman-Robertson Act and the Wallop-Breaux Act, uses the revenue derived from the excise taxes on firearms and fishing equipment to support state efforts to promote wildlife conservation, sport fish conservation, hunter education, and related activities. It's a good program. It has provided more than \$7 billion to support state wildlife conservation and sport fish projects. To give you a more specific idea about the benefits of the program, in 1999 Montana received almost \$5 million dollars under these programs, for activities ranging from our hunter education program, to improving habitat for white tail deer, waterfowl, and upland birds, to acquisition of access rights to private land, to our program to reduce conflicts between grizzly bears and people. A few years ago, the program helped us complete the Galatin land exchange.

Over the years, problems developed in the administration of the program. In particular, the General Accounting Office and others found that money that was set aside, by statute, for administration of the program was being used for unrelated activities. There also were considerable problems with budgeting and overall management.

The bill is designed to address these problems. It makes several reforms. Among other things, it reduces the amount available for administrative expenses, clarifies what constitutes a proper administrative expense, and establishes a new multistate grant program, in part, codifying a previous practice.

These reforms are important. They will assure that taxpayers' money is well spent and that states receive the funds that they are entitled to. In addition, both the bill reported by the Environment and Public Works Committee and the substitute amendment improve on the version of the bill that passed the House. The bill and amendment provide a level of funding for administration that, while significantly lower than the previous level, will fully fund the current activities of the federal aid office of the Fish and Wildlife Service. They also provide the Service with some limited flexibility in determining what is an appropriate administrative expense and avoid prescribing the Service's activities in such detail that we risk "micromanaging." These changes make a good bill even better.

I am pleased that the bill also includes two other important provisions, one reauthorizing the National Fish and Wildlife Foundation and another establishing a program to recognize the upcoming centennial of the National Wildlife Refuge System. Both have previously passed the Senate.

I urge adoption of the amendment and passage of the bill.

MULTI-STATE CONSERVATION GRANT PROGRAM

Mr. BAUCUS. Mr. President, as you know H.R. 3671 establishes a new Multi-State Conservation Grant program. This program requires the International Association of Fish and Wildlife Agencies, representing State fish and wildlife agencies, to submit a list to the Secretary of the Interior of recommendation projects eligible for funding under this program prior to October 1 of each year. It is my understanding that the International submitted a list to the Secretary of the Interior prior to October 1 of this year for consideration. Senator SMITH, is it your understanding that the list should be considered submitted in accordance with the provisions of this bill?

Mr. SMITH of New Hampshire. Yes, it is. I do not believe that the grant recipients, many of whom are States, should be penalized because we were unable to pass a bill prior to October 1.

Mr. BAUCUS. The multi-state grant program also requires the International to consult with the various non-governmental organizations and interests involved in this program in preparing this list. It is my understanding that this provision should ensure that these groups are involved both in preparing the request for grant proposals and in evaluating them. Is this also the view of the Chairman?

Mr. SMITH of New Hampshire. Yes, it is. This bill requires that the various interests involved in the Sport Fish and Wildlife Restoration programs be fully and meaningfully consulted in the process, as indicated by the Senator. This should be carefully adhered to in the development of future recommendations.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4312) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 3671), as amended, was read the third time and passed.

The title was amended so as to read:

An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

MAKING CERTAIN CORRECTIONS IN COPYRIGHT LAW

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5107, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5107) to make certain corrections in copyright law.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, with the imminent passage of the work made for hire legislation today, I believe a few comments are in order. Last year a technical amendment was included in the Intellectual Property and Communications Omnibus Reform Act of 1999 which added sound recordings to the list of works eligible for, or considered as having, the status of works made for hire under the Copyright Act. Works made within the scope of employment or large collaborative works such as motion pictures are most often accorded the status of works made for hire, and the copyright for those works resides in the employer or the corporation doing the hiring, such as the movie studio. The status of sound recordings had been in some doubt because sound recordings did not obtain the status of copyrighted works until relatively recently, and, when added to the list of copyrightable works was not added to the list of works made for hire.

When the technical amendment was raised for consideration in the conference, our research indicated that the practice of the Copyright Office has uniformly been to register sound recordings as works made for hire. The technical amendment therefore seemed a reasonable codification of the ongoing practice at the Copyright Office, and was adopted.

Soon thereafter, however, it became clear that while the technical amendment aligned the code with long-time Copyright Office practice, it was not uncontroversial. Indeed many recording artists had believed that the work-for-hire clauses of their contracts were unenforceable because contrary to the copyright code: i.e., sound recordings are not listed as works made for hire. They view their contracts as operating as assignments or transfers of copyright. This distinction is important because under work-for-hire, the copyright is owned by the record company for the life of the copyright and the artists' rights are extinguished; under a transfer or assignment, the artist may recapture his or her copyright after 35 years and then either renegotiate more favorable terms with the same company or sell the remaining copyright to another label on more favorable terms. The basic premise of this recapture is that the initial assignment of copyright might not fully reward the unproven artist who is an unknown quantity in a risky business.

Once the artist's commercial value is better proven an opportunity is given the artist to reap the rewards of his or her creations that have stood the test of time. That the assumptions of the artists and labels about the status of these works have been diametrically opposed might not have appeared until 35 years after the 1978 effective act of the current Copyright Act, but for this technical amendment.

What ought the status of sound recordings be then? Sound recordings can be something of a hybrid art form lying on a continuum between the individual author writing a song or book and the motion picture where possibly hundreds of employees collaborate on the final work. Sound recordings can be more like the former or the latter, depending on the circumstances. Because the facts can vary so widely—some albums are primarily the product of the producer, some of one artist, some of a group, many have hired musicians or technicians who contribute but do so as part of their normal employment, some recordings are compilations of smaller recordings—it is not clear what general rule would be either most fair to all concerned or would most encourage the continued creativity of recording artists. Since it may take some time, and will require the input of all the affected parties, it seems reasonable at this time to undo last years' technical amendment without prejudice to either side in case litigation should arise later, while we explore whether a more comprehensive rule can be crafted. That is why we have made this change today, containing in the legislative language the congressional intent that neither enactment prejudice any future litigation.

It is my hope that the dialogue on this issue is beginning, rather than ending, with this legislation. I think it is important to avoid costly litigation if possible. And I believe it of paramount importance that artists are fairly compensated for the work they do. Without the creativity of the artist, the record companies would have nothing to market, and the audience would have nothing to enjoy. For the sake of the future of music, I hope that using new technologies, artists and audience can begin having a closer relationship, where artists are encouraged to stretch themselves creatively and fans are enabled to enjoy artists' work more fully. I think a focused conversation on the relative roles of artists and label, as well as the artist's role in controlling their work in traditional and new media, can hasten that day. If the legislative roundabout on the work-for-hire issue concluded today can serve as such a beginning, then it has served a useful purpose.

I commend this legislation to my colleagues. At this time I also wish to thank my colleagues in the House and Senate who have supported this legislation, and the recording artists and labels who have worked together on this legislation and who will begin the task