Regulation and Legislation Updates
WSFR Policy

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SOBA Conference – September 2019
THINGS TO REMEMBER:

- We are currently in the 116th Congress. Convened January 3, 2019 and will conclude January 3, 2021.
- All Public Laws (Pub. L.) during this period will be designated starting with 116- and the second set of numbers is assigned numerically.
- Public Laws are also assigned as a statute. For instance, we will talk about Pub. L. 116-17, which is also cited as 133 Stat. 866. Each session of Congress publishes an official compilation of laws passed during that session. The designation is the session of Congress (133) and the page number on which the Pub. L. starts (866).
- Public Laws are also codified into the U.S. Code. Currently, WSFR program laws are codified at 16 U.S.C. (aka Title 16 of the U.S. Code).

OF INTEREST: The current Title 16 is “non-positive law” which means that in the U.S.C. it is an editorial compilation of Federal statutes. There is currently an effort by the House Office of the Law Revision Council to convert Title 16 to Title 56 and make it “positive law.”
SEC. 4001. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.
(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—
(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and Tribal fish and wildlife agencies, and the public;
(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—
(A) State management authority over wildlife resources; and
(B) private property rights; and
(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.
Target Practice and Marksmanship Training Support Act (Pub. L. 116-17, May 10, 2019)

Focused on giving advantages to States for acquiring land for, expanding, or constructing public target ranges.

The advantages are: 1) 90/10 cost share, 5 year period of availability, and up to 10% of apportioned WR funds may be transferred into a hunter education subaccount for such projects.

WSFR has Interim Guidance out for State and partner comment right now – due this week. Will be issued effective October 1. Regulation update to follow.
<table>
<thead>
<tr>
<th>Bill #</th>
<th>Bill Title</th>
<th>Sponsor</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 1499</td>
<td>Wildlife Corridors Conservation Act</td>
<td>Sen. Udall (D-NM)</td>
<td>Introduced</td>
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<tr>
<td>H.R. 150</td>
<td>Grant Reporting Efficiency and Agreements Transparency Act (GREAT) of 2019</td>
<td>Rep. Foxx (R-NC-5)</td>
<td>Passed House; Reported out of Senate Homeland Security and Government Affairs Committee 6/19/19</td>
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<tr>
<td>H.R. 155</td>
<td>Hearing Protection Act</td>
<td>Rep. Duncan (R-SC-3)</td>
<td>Introduced, Referred to Ways and Means and Judiciary</td>
</tr>
<tr>
<td>H.R. 1809</td>
<td>To amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act, to provide parity for United States territories and the District of Columbia, to make technical corrections to such Acts and related laws, and for other purposes</td>
<td>Rep. Sablan (D-CMNI)</td>
<td>Markup hearing held 5/1/19, and reported out of Committee</td>
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<td>S. 2194</td>
<td>Amends the John D. Dingell, Jr. Conservation, Management, and Recreation Act to establish the Theodore Roosevelt Genius Prize for reducing human-predator conflict, and for other purposes.</td>
<td>Se. Barrasso (R-WY)</td>
<td>Legislative hearing held 7/24/19</td>
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Wallop-Breaux Reauthorization

1950 – Dingell-Johnson Sport Fish Restoration Act – 10% Federal manufacturer’s excise taxes on certain fishing equipment funded projects. Permanently appropriated.

1971 – The Recreational Boating Safety Program established to funds boating safety and education programs
1980 – Amended to draw funds from taxes motorboat fuels

1984 - Wallop-Breaux amendments to the Act. Created Aquatic Resources Trust Fund* that included the Sport Fish Restoration Account and the Boating Safety Account. (USCG) Wallop-Breaux expanded the 10 percent excise tax to nearly all sportfishing products, added some other taxable items, and captured Federal motorboat fuel taxes. Resulted in a significant funding increase!

* 2005 – renamed the Sport Fish Restoration and Boating Trust Fund
1984 - Wallop-Breaux amendments also established the Boating Access and Aquatic Education programs.

However, this changed how funds were available.

Limited funding authorization – needs to be reauthorized every so many years.

Fixing America’s Surface Transportation (FAST) Act – 1/6/2015, Expires Sept. 30, 2022
Regulation and Legislation Updates

Financial Assistance Interior Rule (FAIR)

Published August 30, 2019

Applies to all new or revised awards after the effective date: October 29, 2019

Includes:

- Rights to data under a financial assistance award
- Applies to foreign entities
- Conflict of interest policies
- Merit reviews for competitive awards
- Applies certain requirements to non-for-profit and domestic for-profit entities
- Requires Yellow Book appraisals for all financial assistance real property acquisitions
- Requires certain data elements be collected as related to real property. WSFR hopes to incorporate this requirements through TRACS.
- Deviations from negotiated ICR
Major change is to the way States calculate certified license holders – the State must receive $2 per license holder/year/privilege to hunt or fish. Applies to annual and multiyear licenses.

CHANGES TO SFR:

- Grantees and subgrantees must follow the requirements at 2 CFR part 200 when acquiring equipment, goods, and service under an award, with emphasis on §§ 200.313, 200.317 through 200.326, and 200.439.
- Eligible: provide technical assistance and make payments in lieu of taxes on real property under the control of the State fish and wildlife agency when the payment is: (i) Required by State or local law; and (ii) Required for all State lands including those acquired with Federal funds and those acquired with non-Federal funds.
Regulation and Legislation Updates

50 CFR 85 – Clean Vessel Act

In September 2015 WSFR published an Advance Notice of Proposed Rulemaking to scope some issues related to CVA. Following that opportunity, SOBA was instrumental in assisting WSFR to establish a Clean Vessel Act Regulation Review Team (CVARRT). The CVARRT worked on various topics related to the rule and had a face-to-face meeting at NCTC to prepare for drafting a rule update.

Unfortunately, other priorities and limited resources resulted in a delay moving forward, but WSFR is now ready to reengage fully! With the realization that some on the original CVARRT are no longer available for various reasons, we are looking to rebuild the Team.
Regulation and Legislation Updates

50 CFR 85 – Clean Vessel Act
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