

Pittman-Robertson Act & Dingell-Johnson Act

Federal Aid in Wildlife Restoration Act aka **Pittman-Robertson Act**, was passed by Congress September 2, 1937 and **effective July 1, 1938**. The **purpose** of this Act was to **provide funding** for the **selection, restoration, rehabilitation and improvement of wildlife habitat, wildlife management research, and the distribution of information produced** by the **projects**. **Funds** are **derived** from an **11% Federal excise tax on sporting arms, ammunition, and archery equipment**, and a **10% tax on handguns**.

The **Federal Aid in Sport Fish Restoration Act** aka **Dingell-Johnson Act**, passed by Congress **August 9, 1950**, was an Act parallel to the Pittman-Robertson Act **to create parallel programs for management, conservation, and restoration of fishery resources**. **Funds** for this program are **derived from revenues collected** from the **manufacture of fishing rods, reels, creels, lures, flies and artificial baits** from which an **excise tax** is **paid** to the **U.S. Treasury**. The 1984 amendment (Wallop-Breaux Amendment) added **new provisions** that extended the **excise tax** to previously untaxed items of **sport fishing equipment**.

These **funds** are collected from manufacturers by the Department of the Treasury; and **apportioned** each year **to the States** and Territorial areas by the Department of the Interior **based on formulas set forth in the Act**. **State agencies** are the **only entities eligible to receive grant funds**, but were to make grant funds available to Tribes. Each **state's apportionment** is **determined** by a **formula** that **considers the total land area of the state and the number of licensed sportsmen** in the state.

Both Tribal members and non-Tribal members pay these Federal excise taxes for hunting and fishing on State and Tribal lands. In addition, **States** that encompass Indian reservations **are using the Tribal land base in the calculations that determines the respective state's apportionment**.

In **2001**, NAFWS led a **national effort to introduce legislation to correct the inequity of States' failure to extend these grant funds to Tribes**. NAFWS worked with Senators Daniel Inouye and Ben Nighthorse Campbell to introduce legislation called the **Native American Fish and Wildlife Management Act**. However, due to lack of adequate Tribal support and extreme opposition from the International Association of Fish and Wildlife Agencies comprised of State Fish and Wildlife agencies, **the proposed Act did not make it through the Senate**.

Today, in **2010**, with the **new Obama administration and new Congress**, there is an **opportunity to reinvigorate the efforts to correct this inequity, and provide equitable treatment of Tribal fish and wildlife resources and habitat under these amended Pittman-Robertson and Dingell-Johnson Acts**. Tribal members, Tribal Councils, and Tribal organizations as NCAI, NAFWS, Native American Advisor to the White House, Congressional staff, Tribal leaders and other partners are **working toward obtaining the fair share of the Federal excise taxes for Tribal projects and programs across the nation**. NAFWS in conjunction with partner Tribal Councils, Tribal organizations

and other **important partners** are now working on a new focus to correct these inequities to Tribes. NAFWS request that **all Tribes support** this effort with **Letters of Support** and/or **Tribal Resolutions** to **request a GOA Audit** on the current **States' funding expenditures** on **programs** and **projects** under both the **Pittman-Robertson** and **Dingell-Johnson Acts** as amended. In addition, **NAFWS is requesting** that these **funds be made available directly to the Tribes**, and not go through the States.

A **GOA Audit** would **show** that **Tribes are not receiving PR/DJ funds**; and yet, **Tribal lands are included** in the **formula** for the State to receive PR/DJ funds; and **Tribal members are paying excise taxes** on sport fishing equipment, sporting arms, ammunition, archery equipment, handguns. In addition **the excise tax on manufacturers** is collected **for funding** the selection, restoration, rehabilitation, improvement of wildlife habitat, wildlife management research, and the distribution of information produced by such projects; and for the management, conservation and restoration of fishery resources **by all who conduct** such **programs** and **projects** including **Tribes**.

To assist Tribes in this effort, **NAFWS** has created this **white paper** of the background and **relevant language** of the **Acts**; has sample **draft Tribal Resolutions** and **draft Letter of Support** on the **NAFWS web site**; and **copies** of the **GOA Audit report** that was requested and received **by USDA**. For further information please call the **NAFWS Office, D. Fred Matt**, at **303-466-1725**.