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SENATE

{ REPORT
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THE RECOVERING AMERICA'S WILDLIFE ACT OF 2021

—————
AUGUST 2, 2022.—Ordered to be printed
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Mr. CARPER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 2372]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 2372) to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

GENERAL STATEMENT

The Recovering America's Wildlife Act, as introduced, would amend the Pittman-Robertson Wildlife Restoration Act to provide permanent dedicated funding to states and tribes for wildlife conservation. Specifically, the bill would provide \$1.3 billion annually to States for the implementation of State Wildlife Action Plans and \$97.5 million annually to Tribal agencies to work on the recovery of at-risk species. The bill requires at least 15 percent of the funds to be spent on threatened and endangered species. Puerto Rico, D.C., and U.S. Territories receive a set amount of funding; for all other states, funding allocations are determined by a formula which is based on the State's size (50 percent), the State's population (25 percent), and the share of threatened or endangered species (25 percent).

The Recovering America's Wildlife Act ("Act"), as reported, decreases the amount of funding that would be provided to states in

years one through three of implementation and invests the \$750 million in savings from that decrease into an Endangered Species Recovery and Habitat Conservation Legacy Fund. The Recovering America’s Wildlife Act, as reported, also includes a statement of purpose indicating that the purpose of the legislation is to prevent new species from requiring Endangered Species Act protections and to recover those species that are threatened or endangered under the Endangered Species Act or State law. Further, it ties use of funding provided under the Act to the statement of purpose and mandates a Government Accountability Office (GAO) study to commence seven years after enactment to examine progress towards achieving that purpose.

FUNDING SOURCE

The Recovering America’s Wildlife Act requires that, beginning in fiscal year 2022, all unobligated natural resource or environmental fees and fines from the previous fiscal year shall be deposited in the general fund of the U.S. Treasury for the purpose of funding these programs. The Committee acknowledges that this funding source does not have a budgetary impact on the legislation and that a scorable offset would need to be identified to address the legislation’s mandatory cost.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

The short title is the “Recovering America’s Wildlife Act of 2022.”

Sec. 2. Statement of purpose

The purpose of this Act is to extend financial and technical assistance to States, Territories, the District of Columbia, and Indian Tribes, including under the Pittman-Robertson Wildlife Restoration Act, for the purpose of avoiding the need to list species, or recovering species currently listed as threatened or endangered under the Endangered Species Act or State law.

TITLE I—WILDLIFE CONSERVATION AND RESTORATION

Sec. 101. Wildlife Conservation and Restoration Subaccount

Sec. 101 (a). General

Amends the Pittman-Robertson Wildlife Restoration Act to create the Wildlife Conservation and Restoration Subaccount, amounts of which are apportioned as outlined by this Act. The Secretary of the Treasury shall transfer, in fiscal year 2022 \$850 million, in fiscal year 2023 \$1.1 billion, in fiscal year 2024 \$1.2 billion, and in fiscal year 2025 and each fiscal year thereafter \$1.3 billion from the general fund of the Treasury to the Subaccount. Simultaneously, beginning in fiscal year 2022, and thereafter, the total amount of remaining natural resource or environmental-related violation revenue for the prior fiscal year shall be deposited in the general fund of the Treasury and shall be available for the purposes of the above transfer. The term “remaining natural resource or environmental-related violation revenue” means the amount of all civil or criminal penalties, fines, sanctions, forfeitures or other revenues resulting from such violations or enforcement actions by any Federal agency

that are not directed to be deposited in a fund other than the general fund of the Treasury or have otherwise been appropriated.

Requires the Secretary of the Treasury to distribute 10 percent of the Subaccount's funds through competitive grants to spur innovation of strategies or techniques to accelerate or expand effective and measurable recovery efforts for species of greatest conservation need and species listed under the Endangered Species Act and their habitats. This competitive grant program is available to State fish and wildlife departments, the District of Columbia fish and wildlife department, Territories' departments of fish and wildlife, and affiliated regional associations of those departments. A review committee shall be appointed by the Secretary of the Interior to evaluate proposals for grant awards. The review committee consists of a State director from each regional association of State fish and wildlife departments, the head of a department responsible for fish and wildlife management in a territory, one delegate from the U.S. Fish and Wildlife Service for the purpose of providing technical assistance, and, beginning in fiscal year 2022, four representatives of four different nonprofit organizations, each of which actively participates in carrying out wildlife conservation restoration activities using funds from the Subaccount.

Requires that funds apportioned from the Subaccount shall be used for purposes consistent with the statement of purpose in section 2 of the Act. Funding also shall be used to develop, revise, enhance, and implement the Wildlife Conservation Strategy of a State, Territory, or the District of Columbia. This includes creating new, carrying out, or enhancing existing wildlife and habitat conservation and restoration programs. Funding shall also be utilized for conservation and restoration of wildlife species of greatest conservation need, and those listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act or State law—and no less than an average of 15 percent over a 5-year period of amounts apportioned to a State, Territory, or the District of Columbia must be used for recovery of these species. The Secretary may reduce this minimum if the Secretary determines that the entity is meeting conservation and recovery needs of all such species. Funds may also be used for: wildlife conservation education projects; to manage a species of greatest conservation need whose range is shared by another State, Territory, Tribe, or foreign government; to manage or prevent invasive species, diseases, or other risks to species of greatest conservation need; or law enforcement directly related to protection of a species of greatest conservation need and its habitat.

Mandates that funds apportioned from the Subaccount shall not be conditioned upon the provision of public access to private lands, waters, or holdings.

Establishes requirements for non-Federal matching funds (to meet the underlying matching threshold of Pittman-Robertson), including stating that funds from Federal agencies other than the Department of Interior and Department of Agriculture can qualify, as can donated private lands and waters, and under certain circumstances revenue from the sale of State hunting and fishing licenses.

Defines the terms “partnerships,” “species of greatest conservation need,” “territory and territories,” and “wildlife.”

Sec. 101 (b). Allocation and apportionment of available amounts

Adjusts apportionment levels in the Pittman-Robertson Wildlife Restoration Act for specific territories and the District of Columbia. Specifically, states that: Puerto Rico will receive at least 1 percent; Guam, American Samoa, the Virgin Islands, and Northern Mariana Islands will receive at least 0.33 percent; and the District of Columbia will receive no more than 0.5 percent.

Following the above apportionment for territories and the District of Columbia, the Department of the Interior apportions the remaining amount in the Subaccount for each fiscal year among States in the following manner: one half of which is based on the ratio of the State’s land and water area compared to the total land and water area of all States; one quarter is based on the State’s population as compared to the total population of all States; and one quarter is based on the ratio of the number of endangered or threatened species in that State compared to the total number of endangered or threatened species in all States. Amounts apportioned to States in this manner are adjusted so that no State unless otherwise designated receives a sum that is less than 1 percent or more than 5 percent of the amount available for States.

Sets certain limitations and bonuses. No more than 1.85 percent of funds transferred to the Subaccount may be available for any Federal expenses arising during administration and execution of programs. States, Territories, or the District of Columbia may not use more than an average of 15 percent over a 5-year period of apportioned amounts for wildlife conservation education and wildlife-associated recreation. States that include plants in their species of greatest conservation need and habitat prioritization in their Wildlife Conservation Strategy receive an additional 5 percent of their apportioned amount, and 5 percent of the total is reserved for this purpose.

Clarifies that the bill does not require a state to create a comprehensive strategy related to conservation education or outdoor recreation. Outlines requirements for State fish and wildlife departments’ reporting of Wildlife Conservation Strategy work plan, budget, and results to the U.S. Fish and Wildlife Service, which then submits a summary report to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives within a year of enactment and every 3 years thereafter. The U.S. Fish and Wildlife Service shall establish, in consultation with the Association of Fish and Wildlife Agencies, a format for State budgets, work plans and reports. Within 7 years of the date of enactment of the bill, a GAO study will be conducted to examine the progress of States, Territories, D.C., and Tribes towards achieving the purpose of the bill.

Sec. 102. Technical amendments

Outlines technical amendments, including inserting Indian Tribes and academic institutions among the entities that can collaborate in projects under a wildlife and conservation restoration program. Also includes conforming amendments.

Sec. 103. Savings clause

States that nothing in the Act shall be construed to enlarge or diminish the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife on lands and waters within the State under the law and regulations of the State.

Also states that if any conflicts arise between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act (ANILCA) or the Alaska Native Claims Settlement Act (ANCSA), then that provision of ANILCA or ANCSA will prevail.

TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

Sec. 201. Indian Tribes

Sec. 201(a). Definitions

Provides definitions for “Account,” “Indian Tribe,” “Secretary,” “Tribal species of greatest conservation need,” and “Wildlife.”

Sec. 201(b). Tribal Wildlife Conservation and Restoration Account

Establishes within the Treasury the Tribal Wildlife Conservation and Restoration Account, amounts of which are apportioned as outlined by this Act. Beginning in fiscal year 2022, and thereafter, the Secretary of the Treasury shall transfer \$97,500,000 from the general fund of the Treasury to the Account. Also beginning in fiscal year 2022, and thereafter, the total amount of remaining natural resource or environmental-related violation revenue for the prior fiscal year shall be deposited in the general fund of the Treasury and shall be available for the purposes of the above transfer. The term “remaining natural resource or environmental-related violation revenue” means the amount of all civil or criminal penalties, fines, sanctions, forfeitures, or other revenue resulting from such violations or enforcement actions by any Federal agency that are not directed to be deposited in a fund other than the Treasury general fund or have otherwise been appropriated.

Sec. 201(c). Distribution of funds to Indian Tribes

States that funds shall be distributed through a noncompetitive application process according to guidelines and criteria, and reporting requirements determined by the Secretary of the Interior, acting through the Director of the Bureau of Indian Affairs, in consultation with Indian Tribes.

Sec. 201(d). Wildlife management responsibilities

States that distribution guidelines and criteria described in subsection (c) shall be based, in part, upon Indian Tribes’ wildlife management responsibilities. Any funding allocated to an Indian Tribe in Alaska may only be used in a manner consistent with ANCSA, ANILCA, and the Alaska Statehood Act. Alaska Native Corporations or Tribes may enter into cooperative agreements with the State of Alaska on conservation projects of mutual concern.

Sec. 201(e). Use of funds

Outlines eligible funding uses, including that a Tribe’s application must include a proposal to use funds for at least one of the

following purposes: develop, carry out, revise, or enhance wildlife conservation and restoration programs to manage Tribal species of greatest conservation need and the habitats of such species as determined by the Indian Tribe, or to assist in the recovery of species listed as endangered or threatened under the Endangered Species Act. The Secretary may also distribute funds to a Tribe for wildlife conservation education and wildlife-associated recreation projects, to manage a Tribal species of greatest conservation need and the habitat of such species, to manage or prevent invasive species or diseases or other risks to wildlife, for law enforcement activities that are directly related to the protection and conservation of wildlife, for the hiring and training of wildlife conservation and restoration program staff, or to develop, revise, and implement comprehensive wildlife conservation strategies and plans of such Tribe.

States that the Secretary shall distribute not less than 15 percent of the total funds distributed to proposals to fund the recovery of a species, subspecies, or distinct population segment listed as a threatened species, endangered species, or candidate species under the Endangered Species Act or Tribal law.

States that the Secretary shall not distribute more than 15 percent of all funds under this section for wildlife conservation education and wildlife-associated recreation projects.

Sec. 201(f). No matching funds required

States that no Indian Tribe shall be required to provide matching funds to be eligible to receive funds under the Act.

Sec. 201(g). Public access not required

States that funds apportioned from the Tribal Wildlife Conservation and Restoration Account shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

Sec. 201(h). Administrative costs

States that of the funds deposited into the Account for each fiscal year, not more than 3 percent shall be used by the Secretary for administrative costs.

Sec. 201(i). Savings clause

States that nothing in the Act shall be construed as modifying or abrogating a treaty with any Indian Tribe, or as enlarging or diminishing the authority, jurisdiction, or responsibility of an Indian Tribe to manage, control, or regulate wildlife.

Sec. 201(j). Statutory construction with respect to Alaska

States that if any conflict arises between any provision of the bill and any provision of ANILCA or ANCSA, then the provision of ANILCA or ANCSA will prevail.

TITLE III—ENDANGERED SPECIES RECOVERY AND HABITAT
CONSERVATION LEGACY FUND*Sec. 301(a). Establishment*

Establishes within the Treasury the Endangered Species Recovery and Habitat Conservation Legacy Fund (hereafter “Fund” for the purposes of this Title).

Sec. 301(b). Funding

For each of fiscal years 2022 through 2025, the Secretary of the Treasury shall transfer from the general fund of the Treasury to this Fund \$187.5 million.

Sec. 301(c). Availability of funds

States that amounts in the Fund are available to the Secretary of Interior as outlined in the bill without further appropriation or fiscal year limitation.

Sec. 301(d). Investment of amounts

States that the Secretary may request that the Secretary of Treasury invest any portion of the Fund the Secretary determines is not needed to meet the current needs of the Fund. If such investment occurs, it will be in a public debt security with a suitable maturity and bearing interest at a rate determined by the Secretary of Treasury. Income on any investments of the Fund would become part of the Fund.

Sec. 301(e). Use of funds

States that amounts in the Fund shall be used for recovering species managed under the Endangered Species Act, as follows:

1. Endangered Species Recovery Grant Program: \$75 million for each of fiscal years 2022 through 2025, to remain available until expended. Shall be used to establish and implement a grant and technical assistance program run by the National Fish and Wildlife Foundation (with an agreement with the Secretary). The Endangered Species Recovery Grant Program provides competitive matching grants to recover species listed as threatened or endangered under Section 4 of the Endangered Species Act by addressing the backlog in the development of recovery plans and implementing backlog of activities identified in existing recovery plans.

2. Interagency Consultation Responsibilities: \$75 million for each of fiscal years 2022 through 2025, to remain available until expended. Shall be used for Fish and Wildlife Service to address interagency consultation responsibilities under Section 7 of the Endangered Species Act.

3. Conservation Activities: \$28.125 million for each of fiscal years 2022 through 2025, to remain available until expended. Shall be used by the Fish and Wildlife Service to work with non-Federal entities, including through the Partners for Fish and Wildlife Program, the Coastal Program, and North American Wetlands Conservation Act. Conservation activities pertain to at-risk, candidate, proposed, listed or threatened species, including through rescue and rehabilitation efforts, and conserving wildlife habitat.

4. Voluntary Conservation Agreements: \$9.375 million for each of fiscal years 2022 through 2025, to remain available until expended.

Shall be used for the Fish and Wildlife Service to address development and permitting of voluntary conservation agreements under Section 10 of the Endangered Species Act.

Sec. 301(f). Supplement, not supplant

States that amounts available under this section will supplement and not replace any other amounts made available to carry out activities described in this section in annual appropriations.

Sec. 301(g). Submission of species lists to Congress

States that no later than 90 days after enactment, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate, Committee on Natural Resources of the House, and the Appropriations Committees of the Senate and the House a list of threatened and endangered species for which recovery plans will be developed or implemented for fiscal year 2023. Until funds are expended, the President will annually submit to Congress a list of threatened and endangered species for which recovery plans will be developed and implemented with amounts from the Fund.

Sec. 301(h). Public donations

States that the Secretary may accept, and credit to the Fund, public donations that advance efforts to address the backlog in development and implementation of recovery plans, and to encourage relevant public-private partnerships. The Secretary may also reject a donation when it's in the interest of the Federal government to do so.

Sec. 301(i). Allocation authority

States that the President shall submit to Congress detailed allocations by program element of the amount recommended for allocation in a fiscal year from the Fund, consistent with the Use of Funds subsection, within 90 days of enactment. For each fiscal year thereafter until all funds are allocated, these cost estimates will be included as part of the President's annual budget submission.

States that the Committees on Appropriations of the Senate and the House of Representatives may provide for alternate allocation of amounts in a given fiscal year, consistent with the Use of Funds subsection. If Congress has not enacted legislation establishing alternate allocations, including by program, by the date on which the bill that includes annual Interior appropriations for that fiscal year is enacted, only then will amounts recommended for allocation (and consistent with the Use of Funds subsection) be allocated by the President or apportioned or allotted by program. If Congress enacts legislation establishing alternative allocations for amounts for a given fiscal year (consistent with the Use of Funds subsection) that are less than the full amount recommended for allocation for that fiscal year, the difference between those amounts shall be allocated by the President and apportioned and allotted by program.

Sec. 301(j). Prohibitions

States that no amounts from the Fund shall be used to make any listing determination relating to the endangered or threatened status of any species under Section 4 of the Endangered Species Act.

States that no amounts from the Fund shall be used on any non-essential experimental population under Section 10(j) of the Endangered Species Act.

States that no amounts from the Fund shall be used outside of the United States.

States that no amounts from the Fund shall be used to acquire any Federal land.

LEGISLATIVE HISTORY

On July 15, 2021, Senator Martin Heinrich (D–NM) introduced S. 2372, the Recovering America’s Wildlife Act. Senator Roy Blunt (R–MO) joined as an original cosponsor of the legislation. The bill was referred to the Committee on Environment and Public Works.

On April 7, 2022, the Committee on Environment and Public Works conducted a Business Meeting to consider S. 2372. The Committee ordered S. 2372 to be favorably reported with an amendment in the nature of a substitute by a roll call vote of 15 ayes and 5 nays. In addition, the Committee agreed by unanimous consent to make a part of the official Business Meeting record stakeholder comments and letters regarding the legislation.

HEARINGS

The Committee on Environment and Public Works held a legislative hearing on December 8, 2021, entitled “*A legislative hearing to examine S. 2372, the Recovering America’s Wildlife Act.*” The hearing provided the Committee with member and stakeholder views on S. 2372 and wildlife conservation funding needs, including those of State and Federal agencies and other partners.

ROLL CALL VOTES

The Committee on Environment and Public Works met to consider S. 2372 on April 7, 2022. With the agreement of Chairman Carper and Ranking Member Capito, Carper #1—an amendment in the nature of the substitute to S. 2372 as introduced—was used as the base text in Committee’s consideration of the following additional amendments, all of which failed:

Cardin #1—An amendment to authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend. Failed by a roll call vote of 10 ayes and 10 nays. (Senators Cardin, Carper, Duckworth, Kelly, Markey, Merkley, Padilla, Sanders, Stabenow, and Whitehouse voted aye. Senators Boozman, Capito, Cramer, Ernst, Graham, Inhofe, Lummis, Shelby, Sullivan, and Wicker voted nay.)

Cramer #4—An amendment to revert back to the Recovering America’s Wildlife Act as introduced. Failed by a roll call vote of 9 ayes and 11 nays. (Senators Boozman, Capito, Cramer, Ernst, Graham, Inhofe, Lummis, Sullivan, and Wicker voted aye. Senators Cardin, Carper, Duckworth, Kelly, Markey, Merkley, Padilla, Sanders, Shelby, Stabenow, and Whitehouse voted nay.)

Lummis #1—An amendment to require disclosure to States of the basis of determinations under the Endangered Species Act of 1973.

Failed by a roll call vote of 10 ayes and 10 nays. (Senators Boozman, Capito, Cramer, Ernst, Graham, Inhofe, Lummis, Shelby, Sullivan, and Wicker voted aye. Senators Cardin, Carper, Duckworth, Kelly, Markey, Merkley, Padilla, Sanders, Stabenow, and Whitehouse voted nay.)

Sullivan #1—An amendment to make additional Federal public land available for selection under the Alaska Native Vietnam era veterans allotment program. Failed by a roll call vote of 10 ayes and 10 nays. (Senators Boozman, Capito, Cramer, Ernst, Graham, Inhofe, Lummis, Shelby, Sullivan, and Wicker voted aye. Senators Cardin, Carper, Duckworth, Kelly, Markey, Merkley, Padilla, Sanders, Stabenow, and Whitehouse voted nay.)

Sullivan #2—An amendment to clarify the treatment of authentic Alaska Native articles of handicraft containing nonedible migratory bird parts under the Migratory Bird Treaty Act. Failed by a roll call vote of 10 ayes and 10 nays. (Senators Boozman, Capito, Cramer, Ernst, Graham, Inhofe, Lummis, Shelby, Sullivan and Wicker voted aye. Senators Cardin, Carper, Duckworth, Kelly, Markey, Merkley, Padilla, Sanders, Stabenow, and Whitehouse voted nay.)

Sullivan #3—An amendment to make the Wildlife Conservation and Restoration Subaccount and the Tribal Wildlife Conservation and Restoration Account subject to appropriations. Failed by a roll call vote of 10 ayes and 10 nays. (Senators Boozman, Capito, Cramer, Ernst, Graham, Inhofe, Lummis, Shelby, Sullivan and Wicker voted aye. Senators Cardin, Carper, Duckworth, Kelly, Markey, Merkley, Padilla, Sanders, Stabenow, and Whitehouse voted nay.)

Final committee vote to report

The Committee ordered the S. 2372, as amended by Carper #1, ordered to be favorably reported to the Senate by a roll call vote of 15 ayes and 5 nays (Senators Boozman, Capito, Cardin, Carper, Duckworth, Graham, Inhofe, Kelly, Markey, Merkley, Padilla, Sanders, Stabenow, Whitehouse, and Wicker voted aye. Senators Cramer, Ernst, Lummis, Shelby, and Sullivan voted nay) with a quorum present.

CONFORMING CHANGES

The Recovering America's Wildlife Act, as reported and filed with the Clerk, contains a paragraph numbering error, which the Committee acknowledges will need to be corrected prior to consideration by the Senate and enactment. Section 101(a)(1) redesignates paragraphs (2) and (3) of section 3(c) of the Pittman-Robertson Act as paragraphs (10) and (11). The Committee intended for these paragraphs to be redesignated as paragraphs (9) and (10). The "changes in existing law" section below reflects the necessary correction and the legislation as the Committee intended to report it.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that the regulatory impact of S. 2372 is expected to be minimal. This bill does not regulate individuals or business or create any additional regulatory bur-

dens and will not have any adverse effect on the personal privacy of individuals.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with section 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in S. 2372 meet the definition of congressional directed spending items under the rule.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, the Committee on Environment and Public Works notes that the Congressional Budget Office found that S. 2372 contains no intergovernmental or private-sector mandates as defined in UMRA.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 26, 2022.

Hon. THOMAS CARPER,
*Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2372, the Recovering America's Wildlife Act of 2022.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
S. 2372, Recovering America's Wildlife Act of 2022			
As reported by the Senate Committee on Environment and Public Works on April 27, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	7,049	14,082
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	7,049	14,082
Spending Subject to Appropriation (Outlays)	0	1	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	> \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

The bill would

- Make funds available to the Department of the Interior for grants and other support for wildlife conservation by states, territories, and Indian tribes
- Allow the department to spend interest accrued on certain unspent balances for wildlife conservation

Estimated budgetary effects would mainly stem from

- Spending without further appropriation on authorized activities
- Spending of interest credited from amounts invested in Treasury securities

Bill summary: S. 2372 would amend the Pittman-Robertson Wildlife Restoration Act and appropriate funds for the Department of the Interior to support efforts by state, local, and tribal governments to conserve endangered and threatened species. The bill also would allow interest accrued on unspent balances in one account to be available without further appropriation for those activities.

The bill would require the President to provide the Congress each year with a list of threatened or endangered species and to estimate the amount of funding allocated for their conservation. S. 2372 also would direct the Government Accountability Office to study the progress of states, territories, the District of Columbia, and Indian tribes in protecting endangered and threatened species and to report its findings seven years after enactment.

Estimated Federal cost: The estimated budgetary effect of S. 2372 is shown in Table 1. The costs of the legislation fall within budget function 300 (natural resources and environment).

Basis of estimate: For this estimate, CBO assumes that S. 2372 will be enacted near the end of fiscal year 2022. On that basis, CBO expects that outlays from funds provided in 2022 would occur in 2023. Using information from the affected agencies and historical spending patterns for similar activities, CBO estimates that enacting S. 2372 would increase direct spending by \$14.1 billion over the 2022–2032 period.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 2372

	By fiscal year, millions of dollars—												2022– 2032	2022– 2032		
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2032				
Increases in Direct Spending																
Title I, U.S. Fish and Wildlife Service:																
Budget Authority	850	1,100	1,200	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	13,550
Estimated Outlays	0	645	1,218	1,336	1,359	1,293	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	12,351
Title II, Bureau of Indian Affairs:																
Budget Authority	98	98	98	98	98	98	98	98	98	98	98	98	98	98	98	1,073
Estimated Outlays	0	98	78	94	107	99	98	98	98	98	98	98	98	98	98	963
Title III, U.S. Fish and Wildlife Service:																
Estimated Budget Authority	188	191	192	193	3	1	*	0	0	0	0	0	0	0	0	768
Estimated Outlays	0	191	154	185	120	73	38	8	0	0	0	0	0	0	0	768
Total Changes in Direct Spending:																
Estimated Budget Authority	1,135	1,388	1,489	1,590	1,401	1,399	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	1,398	15,390
Estimated Outlays	0	933	1,450	1,615	1,586	1,465	1,435	1,405	1,398	1,398	1,398	1,398	1,398	1,398	1,398	14,082

Components may not sum to totals because of rounding. * = between zero and \$500,000.
S. 2372 would require annual reports whose cost would total \$1 million over the 2022–2027 period, subject to the availability of appropriated funds.

Direct Spending

S. 2372 would establish new accounts in the Treasury, specify the amounts to be deposited into those accounts each year, and make the funds in those accounts available to the Secretary of the Interior to spend without further appropriation. In 2021, the U.S. Fish and Wildlife Service (USFWS) spent \$713 million for similar activities.

Title I would make \$850 million available in 2022 for USFWS to make grants to state, local, and tribal governments for wildlife conservation. The amounts made available would increase in 2023 and 2024. In 2025 and every year thereafter, title I would make \$1.3 billion available for those purposes. CBO estimates that enacting this title would increase direct spending by \$12.4 billion over the 2022–2032 period.

Title II would make \$97.5 million available in 2022 and every year thereafter for the Bureau of Indian Affairs to help Indian tribes conserve species on tribal land that have the greatest need for conservation. CBO estimates that enacting this title would increase direct spending by \$963 million over the 2022–2032 period.

Title III would make \$187.5 million available each year from 2022 through 2025 for USFWS to make grants to states and Indian tribes for the conservation of endangered and threatened species and to carry out other authorities under the Endangered Species Act. A portion of those amounts—\$75 million each year—would be made available to the National Fish and Wildlife Foundation to recover threatened or endangered species. CBO estimates that enacting this provision in title III would increase direct spending by \$750 million over the 2022–2032 period.

In addition, title III would direct the Department of the Treasury to credit interest on unspent balances made available under that title to USFWS. That interest would be available to spend without further appropriation for recovery efforts under the Endangered Species Act. (Crediting interest to an account in the Treasury is an intragovernmental transfer and thus would have no budgetary effect but allowing the agency to spend the accrued amounts would increase direct spending.) Using the interest rates underlying the May 2022 baseline projections, CBO estimates that under this provision, \$18 million would be accrued and spent over the 2022–2032 period.

The bill would permit USFWS to accept and spend donations. CBO estimates that the effect on net direct spending from donations would be negligible over the 2022–2032 period.

The bill would authorize the transfer of some penalties collected under current law to the accounts established under title I and title II, but S. 2372 would not authorize any new penalty collections.

Spending Subject to Appropriation

S. 2372 would require the President to submit to the Congress lists of threatened or endangered species for which recovery efforts would be funded under the bill and to report annually on the amounts allocated for endangered species recovery, interagency consultation, and conservation activities. Using information about similar activities, CBO estimates that producing the annual reports

would cost \$1 million over the 2022–2027 period; any spending would be subject to the availability of appropriated funds.

Under the bill, the Government Accountability Office would report in 2029 or 2030 on conservation efforts authorized in the bill. Based on the cost of similar reports, CBO estimates that the cost of that report would be insignificant.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 2.

TABLE 2.—CBO’S ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF S. 2372, THE RECOVERING AMERICA’S WILDLIFE ACT, AS REPORTED BY THE SENATE COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS ON APRIL 27, 2022

	By fiscal year, millions of dollars—												
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2022–2027	2022–2032
	Net Increase in the Deficit												
Pay-As-You-Go Effect	0	933	1,450	1,615	1,586	1,465	1,435	1,405	1,398	1,398	1,398	7,049	14,082

Increase in long-term deficits: CBO estimates that enacting S. 2372 would increase on-budget deficits by more than \$5 billion in all of the four consecutive 10-year periods beginning in 2033.

Mandates: None.

Estimate prepared by: Federal costs: Madeleine Fox, Mandates: Lilia Ledezma.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis; Theresa Gullo, Director of Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

SEC. 2. [16 U.S.C. 669a] DEFINITIONS.

As used in this Act—

(1) * * *

* * * * *

(7) the term “wildlife” means any species of wild, free-ranging fauna [including fish,] and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

* * * * *

(9) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), *Indian Tribes, academic institutions*, wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

* * * * *

SEC. 3. [16 U.S.C. 669b] (a)[(1) An amount equal to] *An amount equal to* all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1986 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the “fund”) and is authorized to be appropriated and made available until expended to carry out the purposes of this Act. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

[(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the “Wildlife Conservation and Restoration Account”. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).]

* * * * *

(c)[(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.]

(1) *Establishment of subaccount.*—

(A) *In general.*—*There is established in the fund a subaccount to be known as the ‘Wildlife Conservation and Res-*

toration Subaccount' (referred to in this section as the 'Sub-account').

(B) *Availability.*—Amounts in the Subaccount shall be available without further appropriation, for each fiscal year, for apportionment in accordance with this Act.

(C) *Deposits into subaccount.*—

(i) *In general.*—The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Subaccount—

(I) for fiscal year 2022, \$850,000,000;

(II) for fiscal year 2023, \$1,100,000,000;

(III) for fiscal year 2024, \$1,200,000,000; and

(IV) for fiscal year 2025, and for each fiscal year thereafter, \$1,300,000,000.

(ii) *Funding source.*—

(I) *Definition.*—In this clause, the term 'remaining natural resource or environmental-related violation revenue' means the amount of all civil or criminal penalties, fines, sanctions, forfeitures, or other revenues resulting from natural resource or environmental-related violations or enforcement actions by any Federal agency that are not directed to be deposited in a fund other than the general fund of the Treasury or have otherwise been appropriated.

(II) *Use of revenue.*—Beginning in fiscal year 2022, and for each fiscal year thereafter, the total amount of the remaining natural resource or environmental-related violation revenue with respect to the previous fiscal year—

(aa) shall be deposited in the general fund of the Treasury; and

(bb) shall be available for the purposes of the transfer under clause (i).

(2) *Supplement not supplant.*—Amounts transferred to the Subaccount shall supplement, but not replace, existing funds available to the States from—

(A) the funds distributed pursuant to the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.); and

(B) the fund.

(3) *Innovation grants.*—

(A) *In general.*—The Secretary shall distribute 10 percent of funds apportioned from the Subaccount through a competitive grant program to State fish and wildlife departments, the District of Columbia fish and wildlife department, fish and wildlife departments of territories, or to regional associations of fish and wildlife departments (or any group composed of more than 1 such entity).

(B) *Purpose.*—Such grants shall be provided for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for species of greatest conservation need and species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the habitats of such species.

(C) *Review committee.*—The Secretary shall appoint a review committee comprised of—

(i) a State Director from each regional association of State fish and wildlife departments;

(ii) the head of a department responsible for fish and wildlife management in a territory;

(iii) one delegate from the United States Fish and Wildlife Service, for the purpose of providing technical assistance; and

(iv) beginning in fiscal year 2022, four individuals representing four different nonprofit organizations each of which is actively participating in carrying out wildlife conservation restoration activities using funds apportioned from the Subaccount.

(D) *Support from united states fish and wildlife service.*—Using not more than 3 percent of the amounts apportioned under subparagraph (A) to carry out a competitive grant program, the United States Fish and Wildlife Service shall provide any personnel or administrative support services necessary for such Committee to carry out its responsibilities under this Act.

(E) *Evaluation.*—Such committee shall evaluate each proposal submitted under this paragraph and recommend projects for funding, giving preference to solutions that accelerate the recovery of species identified as priorities through regional scientific assessments of species of greatest conservation need.

(4) *Use of funds.*—Funds apportioned from the Subaccount shall be used for purposes consistent with section 2 of the Recovering America’s Wildlife Act of 2022 and—

(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(e), by carrying out, revising, or enhancing existing wildlife and habitat conservation and restoration programs and developing and implementing new wildlife conservation and restoration programs to recover and manage species of greatest conservation need and the key habitats and plant community types essential to the conservation of those species, as determined by the appropriate State fish and wildlife department;

(B) shall be used to develop, revise, and enhance the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as may be required by this Act;

(C) shall be used to assist in the recovery of species found in the State, territory, or the District of Columbia that are listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law;

(D) may be used for wildlife conservation education and wildlife-associated recreation projects, especially in historically underserved communities;

(E) may be used to manage a species of greatest conservation need whose range is shared with another State, terri-

tory, Indian Tribe, or foreign government and for the conservation of the habitat of such species;

(F) may be used to manage, control, and prevent invasive species, disease, and other risks to species of greatest conservation need; and

(G) may be used for law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need and the habitat of such species.

(5) *Minimum required spending for endangered species recovery.*—Not less than an average of 15 percent over a 5-year period of amounts apportioned to a State, territory, or the District of Columbia from the Subaccount shall be used for purposes described in paragraph (4)(C). The Secretary may reduce the minimum requirement of a State, territory, or the District of Columbia on an annual basis if the Secretary determines that the State, territory, or the District of Columbia is meeting the conservation and recovery needs of all species described in paragraph (4)(C).

(6) *Public access to private lands not required.*—Funds apportioned from the Subaccount shall not be conditioned upon the provision of public access to private lands, waters, or holdings.

(7) *Requirements for matching funds.*—

(A) *For the purposes of the non-Federal fund matching requirement for a wildlife conservation or restoration program or project funded by the Subaccount, a State, territory, or the District of Columbia may use as matching non-Federal funds—*

(i) *funds from Federal agencies other than the Department of the Interior and the Department of Agriculture;*

(ii) *donated private lands and waters, including privately owned easements;*

(iii) *in circumstances described in subparagraph (B), revenue generated through the sale of State hunting and fishing licenses; and*

(iv) *other sources consistent with part 80 of title 50, Code of Federal Regulations, in effect on the date of enactment of the Recovering America's Wildlife Act of 2022.*

(B) *Revenue described in subparagraph (A)(iii) may only be used to fulfill the requirements of such non-Federal fund matching requirement if—*

(i) *no Federal funds apportioned to the State fish and wildlife department of such State from the Wildlife Restoration Program or the Sport Fish Restoration Program have been reverted because of a failure to fulfill such non-Federal fund matching requirement by such State during the previous 2 years; and*

(ii) *the project or program being funded benefits the habitat of a hunted or fished species and a species of greatest conservation need.*

(8) *Definitions.*—In this subsection, the following definitions apply:

(A) *Partnerships.*—The term ‘partnerships’ may include collaborative efforts with Federal agencies, State agencies, local agencies, Indian Tribes, nonprofit organizations, academic institutions, industry groups, and private individuals to implement a State’s Wildlife Conservation Strategy.

(B) *Species of greatest conservation need.*—The term ‘species of greatest conservation need’ may be fauna or flora, and may include terrestrial, aquatic, marine, and invertebrate species that are of low population, declining, rare, or facing threats and in need of conservation attention, as determined by each State fish and wildlife department, with respect to funds apportioned to such State.

(C) *Territory and territories.*—The terms ‘territory’ and ‘territories’ mean the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(D) *Wildlife.*—The term ‘wildlife’ means any species of wild, freeranging fauna, including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.

[(2)] (9) Funds may be used by a State [or an Indian tribe] for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

[(3)] (10) Priority for funding from the [Wildlife Conservation and Restoration Account] *Subaccount* shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the [Wildlife Conservation and Restoration Account] *Subaccount*, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.

SEC. 4. [16 U.S.C. 669c] ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) IN GENERAL.—

(A) SET-ASIDE.—

* * * * *

(d) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION [Account] *Subaccount*.—

(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration [Account] *Subaccount*:

(A) [to the District of Columbia and to the Commonwealth of Puerto Rico, each] *To the District of Columbia* a sum equal to not more than one-half of 1 percent thereof.

(B) **[to Guam]** *To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to **[not more than one-fourth of 1 percent]** not less than one-third of one percent thereof.*

(C) *To the Commonwealth of Puerto Rico, a sum equal to not less than 1 percent thereof.*

(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remaining amount in the Wildlife Conservation and Restoration **[Account]** *Subaccount* for each fiscal year among the States in the following manner:

(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

(i) *one-half of which is based on the ratio to which the land and water area of such State bears to the total land and water area of all such States;*

(ii) **[two-thirds]** *one-quarter* of which is based on the ratio to which the population of such State bears to the total population of all such States**[.]** ; and

(iii) *one-quarter of which is based upon the ratio to which the number of species listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in such State bears to the total number of such species listed in all such States.*

(B) *The amounts apportioned under this paragraph shall be adjusted equitably so that no such State, unless otherwise designated, shall be apportioned a sum which is less than 1 percent or more than 5 percent of the amount available for apportionment under—*

(i) *subparagraph (A)(i);*

(ii) *subparagraph (A)(ii); and*

(iii) *the overall amount available for subparagraph*

(A).

(3) Of the amounts transferred to the Wildlife Conservation and Restoration **[Account]** *Subaccount*, not to exceed **[3 percent]** *1.85 percent* shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

(e) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration **[Account]** *Subaccount*, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

(A) * * *

* * * * *

[B] provisions for the development and implementation of—

[i] wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

[ii] wildlife-associated recreation projects; and

[(iii) wildlife conservation education projects pursuant to programs under section 8(a); and]

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (d), as redesignated an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) * * *

* * * * *

(B) *Not more than an average of 15 percent over a 5-year period of amounts apportioned to each State, territory, or the District of Columbia under this section for a wildlife conservation and restoration program may be used for wildlife conservation education and wildlife-associated recreation.*

(C) *5 percent of amounts apportioned to each State, each territory, or the District of Columbia under this section for a wildlife conservation and restoration program shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.*

(f) *Minimization of Planning and Reporting.—Nothing in this Act shall be interpreted to require a State to create a comprehensive strategy related to conservation education or outdoor recreation.*

(g) *Accountability.—*

(1) *In general.—Not more than one year after the date of enactment of the Recovering America’s Wildlife Act of 2022 and every 3 years thereafter, each State fish and wildlife department shall submit a 3-year work plan and budget for implementing its Wildlife Conservation Strategy and a report describing the results derived from activities accomplished under subsection (e) during the previous 3 years to the United States Fish and Wildlife Service for review, which shall summarize such findings and submit a report to—*

(A) *the Committee on Environment and Public Works of the Senate; and*

(B) *the Committee on Natural Resources of the House of Representatives.*

(2) *Requirements.—The format of the 3-year work plans, budgets, and reports required under paragraph (1) shall be established by the United States Fish and Wildlife Service, in consultation with the Association of Fish and Wildlife Agencies.*

(3) *GAO study.—Not later than 7 years after the date of enactment of the Recovering America’s Wildlife Act of 2022, the Comptroller General of the United States shall conduct a study to examine the progress of States, territories, the District of Co-*

lumbia, and Indian Tribes towards achieving the purpose described in section 2 of that Act.

* * * * *

SEC. 8. [16 U.S.C. 669g] (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term "wildlife-restoration project", as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration [Account] *Subaccount* may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

* * * * *

SEC. 13. [16 U.S.C. 669I] VALUE OF LAND.

Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.

SEC. 14. SAVINGS CLAUSE.

Nothing in this Act shall be construed to enlarge or diminish the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the law and regulations of the State on lands and waters within the State, including on Federal lands and waters.

SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.

SEC. [14] 16. [16 U.S.C. 669 note] SHORT TITLE.

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

* * * * *

