

115TH CONGRESS
2D SESSION

S. 3223

To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for the management of fish and wildlife species of greatest conservation need, as determined by State fish and wildlife agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2018

Mr. RISCH (for himself, Mr. MANCHIN, Mr. ALEXANDER, and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for the management of fish and wildlife species of greatest conservation need, as determined by State fish and wildlife agencies, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recovering America’s
5 Wildlife Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) a diverse array of species of fish and wild-
2 life is of significant value to the United States for
3 aesthetic, ecological, educational, cultural, rec-
4 reational, economic, and scientific reasons;

5 (2) more than 100,000,000 citizens of the
6 United States participate in outdoor recreation
7 through hunting, fishing, birding, and other wildlife-
8 dependent recreation, all of which—

9 (A) have significant value to those citizens;

10 and

11 (B) provide economic benefits to local com-
12 munities;

13 (3) it is in the interest of the United States—

14 (A) to retain for present and future gen-
15 erations the opportunity to hunt, fish, observe,
16 understand, and appreciate a wide variety of
17 fish and wildlife;

18 (B) to recover species of fish and wildlife
19 listed as threatened species or endangered spe-
20 cies under the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.) and to prevent fish
22 and wildlife species from declining to the point
23 of requiring Federal protection under that Act;
24 and

1 (C) to support collaborative and proactive
2 conservation that will sustain the diverse fish
3 and wildlife populations of the United States;

4 (4) the first nongovernmental conservation or-
5 ganizations to instill fish and wildlife conservation
6 values in hunters, anglers, bird watchers, and all
7 citizens were founded during the 1880s and 1890s
8 at the behest of hunters and anglers, including
9 Theodore Roosevelt and naturalist George Bird
10 Grinnell, who were alarmed that—

11 (A) game and sportfish could not sustain
12 unregulated harvest; and

13 (B) avifauna needed protection from com-
14 mercial take;

15 (5) at the turn of the 20th century, the
16 States—

17 (A) realized the need to regulate the har-
18 vest of game and sportfish for sustainable use;

19 (B) required hunters and anglers to obtain
20 licenses and established regulations for game
21 seasons, bag and creel limits, and legal means
22 of take for game and sportfish; and

23 (C) used the funds received for the licenses
24 largely for enforcement of those regulations;

1 (6) in 1937, an alliance among hunters and
2 conservation organizations, States, the Federal Gov-
3 ernment, and the shooting sports industry convinced
4 Congress to transfer to the States receipts from an
5 existing Federal excise tax on sporting arms and
6 ammunition, matched by State hunting license dol-
7 lars, for the management of wildlife and conserva-
8 tion of habitat under the Pittman-Robertson Wildlife
9 Restoration Act (16 U.S.C. 669 et seq.), which
10 greatly enhanced the ability of the States to transi-
11 tion from primarily enforcing game seasons and bag
12 limits to science-based research and management of
13 wildlife;

14 (7) in 1951, an alliance among anglers and con-
15 servation organizations, States, the Federal Govern-
16 ment, and the sportfishing industry convinced Con-
17 gress to impose a Federal excise tax on fishing
18 equipment under the Dingell-Johnson Sportfish Res-
19 toration Act (16 U.S.C. 777 et seq.) and to transfer
20 to the States those receipts, matched by State fish-
21 ing license revenues, to manage sportfish and con-
22 serve aquatic habitats, enhancing the ability of State
23 fish and wildlife agencies to use science-based re-
24 search and management of fish species;

1 (8) those user-pay, public-benefits means of
2 funding fish and wildlife conservation is unique in
3 the world, having been initiated in the United States
4 by sportsmen and sportswomen who were willing to
5 pay the fees to ensure dedicated funds went to fish
6 and wildlife conservation delivered by the States;

7 (9) those user-pay funds (such as license fees
8 and excise taxes)—

9 (A) have benefitted not only hunters and
10 anglers, but all citizens of the United States by
11 providing abundant fish and wildlife (including
12 game and nongame species), clean water, out-
13 door recreation, healthy activities, and quality
14 of life; and

15 (B) provide, and will continue to provide,
16 a majority of the funds that are available to
17 State fish and wildlife agencies for science-
18 based research and management of fish and
19 wildlife;

20 (10) State fish and wildlife agencies are—

21 (A) responsible for the conservation and
22 management of all fish and wildlife in the
23 State; but

24 (B) grossly underfunded because there are
25 few funds available at the State level for fish

1 and wildlife conservation, except those driven
2 by—

3 (i) hunting and fishing license reve-
4 nues; and

5 (ii) Federal excise tax revenues;

6 (11) a subaccount known as the “Wildlife Con-
7 servation and Restoration Account” was established
8 by Congress by section 3(a)(2) of the Pittman-Rob-
9 ertson Wildlife Restoration Act (16 U.S.C.
10 669b(a)(2)) (as in effect on the day before the date
11 of enactment of this Act) to support the full array
12 of fish and wildlife conservation needs identified by
13 State fish and wildlife agencies (including for species
14 that are not hunted or fished), but only authorized
15 appropriations for the subaccount for 1 year;

16 (12) while appropriated funds have been made
17 available through the State and Tribal Wildlife
18 Grants program of the United States Fish and Wild-
19 life Service, the lack of assured and sufficient dedi-
20 cated funding for the Wildlife Conservation and Res-
21 toration subaccount has left unrealized the goals of
22 the subaccount—

23 (A) allowing fish and wildlife populations
24 to continue to decline across the United States;
25 and

1 (B) resulting in hundreds of species being
2 listed as threatened species or endangered spe-
3 cies under the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.);

5 (13) under the Pittman-Robertson Wildlife Res-
6 toration Act (16 U.S.C. 669 et seq.), each State and
7 territory is required to seek public input and
8 produce a comprehensive fish and wildlife conserva-
9 tion strategy, commonly known as a “State Wildlife
10 Action Plan”, to guide the State-led conservation of
11 the full array of fish, wildlife, and habitat;

12 (14) providing sufficient dedicated funding to
13 the Wildlife Conservation and Restoration sub-
14 account will advance the national interest by ensur-
15 ing sustainable populations of fish and wildlife spe-
16 cies are available for the use and enjoyment of resi-
17 dents of the United States through implementing
18 the comprehensive fish and wildlife conservation
19 strategy of each State and territory; and

20 (15) as funds become available for the purposes
21 of this Act and the amendments made by this Act,
22 sportsmen and sportswomen expect States to secure
23 the needed non-Federal match from sources other
24 than revenue generated by sportsmen and sports-
25 women through the sale of State hunting and fishing

1 licenses (except when projects or programs benefit
 2 habitat for species that are hunted or fished and
 3 other associated wildlife).

4 **SEC. 3. DEFINITIONS.**

5 Section 2 of the Pittman-Robertson Wildlife Restora-
 6 tion Act (16 U.S.C. 669a) is amended—

7 (1) in the matter preceding paragraph (1), by
 8 striking “As used in this Act—” and inserting “In
 9 this Act:”;

10 (2) by striking paragraph (4);

11 (3) by redesignating paragraphs (5) through
 12 (8) as paragraphs (4) through (7), respectively; and

13 (4) in paragraph (5) (as so redesignated)—

14 (A) by striking “section 304(d)” and in-
 15 serting “section 4(e)”; and

16 (B) by inserting “Indian Tribes, institu-
 17 tions of higher education,” before “wildlife con-
 18 servation organizations”.

19 **SEC. 4. WILDLIFE CONSERVATION AND RESTORATION SUB-**
 20 **ACCOUNT.**

21 (a) IN GENERAL.—Section 3 of the Pittman-Robert-
 22 son Wildlife Restoration Act (16 U.S.C. 669b) is amend-
 23 ed—

24 (1) in subsection (a)—

25 (A) by striking paragraph (2); and

1 (B) in paragraph (1)—

2 (i) in the third sentence, by striking

3 “Any amount” and inserting the following:

4 “(3) OTHER UNEXPENDED AND UNOBLIGATED
5 FUNDS.—Any amount”; and

6 (ii) in the second sentence, by striking

7 “So much of such appropriation” and in-
8 serting the following:

9 “(2) UNEXPENDED AMOUNTS.—Any amount
10 appropriated under paragraph (1) and”;

11 (2) by striking the section designation and all
12 that follows through “(a)(1) An” and inserting the
13 following:

14 **“SEC. 3. FUNDING.**

15 **“(a) AUTHORIZATION OF APPROPRIATIONS.—**

16 **“(1) IN GENERAL.—An”;**

17 **(3) in subsection (c)—**

18 **(A) by redesignating paragraphs (2) and**

19 **(3) as paragraphs (7) and (8), respectively;**

20 **(B) by striking “(c)(1) Amounts” and all**

21 **that follows through the end of paragraph (1)**

22 **and inserting the following:**

23 **“(c) WILDLIFE CONSERVATION AND RESTORATION**
24 **SUBACCOUNT.—**

25 **“(1) DEFINITIONS.—In this subsection:**

1 “(A) SUBACCOUNT.—The term ‘Sub-
 2 account’ means the Wildlife Conservation and
 3 Restoration Subaccount established by para-
 4 graph (2)(A).

5 “(B) WILDLIFE.—The term ‘wildlife’
 6 means—

7 “(i) any species of wild, freeranging
 8 fauna (including fish); and

9 “(ii) any fauna in a captive breeding
 10 program, the object of which is to reintro-
 11 duce individuals of a depleted indigenous
 12 species into previously occupied range.

13 “(2) ESTABLISHMENT.—

14 “(A) IN GENERAL.—There is established in
 15 the fund a subaccount, to be known as the
 16 ‘Wildlife Conservation and Restoration Sub-
 17 account’.

18 “(B) AVAILABILITY.—There are author-
 19 ized to be appropriated from the Subaccount
 20 for each fiscal year such amounts as are nec-
 21 essary for apportionment in accordance with
 22 this Act.

23 “(C) DEPOSITS.—Beginning in fiscal year
 24 2018, the Secretary of the Treasury shall trans-

1 fer to the fund for deposit in the Subaccount
2 the following:

3 “(i) Of the amounts deposited in the
4 Treasury under section 9 of the Outer
5 Continental Shelf Lands Act (43 U.S.C.
6 1338), \$650,000,000.

7 “(ii) Of the amounts deposited in the
8 Treasury under section 35 of the Mineral
9 Leasing Act (30 U.S.C. 191), after the
10 withdrawal of funds to the States under
11 subsection (a) of that section,
12 \$650,000,000.

13 “(3) SUPPLEMENT NOT SUPPLANT.—Amounts
14 transferred to the Subaccount shall supplement, but
15 not supplant, existing funds available to the States
16 from the sport fish restoration account and wildlife
17 restoration account.

18 “(4) USE OF FUNDS.—The funds apportioned
19 from the Subaccount—

20 “(A) shall be used—

21 “(i) to carry out, revise, or enhance
22 existing wildlife conservation and restora-
23 tion programs;

24 “(ii) to develop and implement new
25 wildlife conservation and restoration pro-

grams to manage wildlife species of greatest conservation need, including species that are not hunted or fished, and the habitats of those species, as determined by the appropriate State fish and wildlife department;

“(iii) to develop, revise, and implement a wildlife conservation strategy of the State in accordance with this Act; and

“(iv) for wildlife conservation education and wildlife-associated recreation projects; and

“(B) may be used—

“(i) to assist in the recovery of a species listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to conserve a species from becoming a threatened species or an endangered species in the State under that Act;

“(ii) to manage a species of greatest conservation need, the range of which is shared with a foreign government, and the habitat of such a species;

1 “(iii) to manage, control, and prevent
 2 invasive and nuisance species and other
 3 risks to species of greatest conservation
 4 need; or

5 “(iv) for law enforcement activities
 6 that are directly related to the protection
 7 and conservation of a species of greatest
 8 conservation need and the habitat of such
 9 a species.

10 “(5) PUBLIC ACCESS TO PRIVATE LAND NOT
 11 REQUIRED.—The funds apportioned from the Sub-
 12 account shall not be conditioned on the provision of
 13 public access to any private land, water, or holding.

14 “(6) REQUIREMENTS FOR MATCHING FUNDS.—
 15 For purposes of the non-Federal fund matching re-
 16 quirement for a wildlife conservation or restoration
 17 program or project funded by the Subaccount, a
 18 State—

19 “(A) may use as matching non-Federal
 20 funds—

21 “(i) funds from a Federal department
 22 or agency other than—

23 “(I) the Department of the Inte-
 24 rior; or

1 “(II) the Department of Agri-
2 culture; and

3 “(ii) donated private land or water,
4 including any privately owned easement;
5 and

6 “(B) may not use as matching non-Federal
7 funds any revenue from the sale of State hunt-
8 ing and fishing licenses, unless all available
9 Federal funds apportioned to a State fish and
10 wildlife agency from the wildlife restoration ac-
11 count or the sport fish restoration account have
12 been obligated by the State, in which case rev-
13 enue generated through the sale of State hunt-
14 ing and fishing licenses may be used as non-
15 Federal matching funds for a project or pro-
16 gram that benefits the habitat of a species that
17 is hunted or fished or another species with the
18 greatest conservation need.”;

19 (C) in paragraph (7) (as redesignated by
20 subparagraph (A)), in the first sentence—

21 (i) by striking “or an Indian tribe”;

22 and

23 (ii) by striking “sections 4(d) and (e)
24 of this Act” and inserting “section 4(e)”;

1 (D) in paragraph (8) (as redesignated by
 2 subparagraph (A)), by striking “Wildlife Con-
 3 servation and Restoration Account” and insert-
 4 ing “Subaccount”; and

5 (E) by adding at the end the following:

6 “(9) EFFECT ON OTHER REVENUES.—Nothing
 7 in this subsection affects the disposition of revenues
 8 that—

9 “(A) are due to the United States, special
 10 funds, trust funds, or States from mineral and
 11 energy development on Federal land and water;
 12 or

13 “(B) have been otherwise appropriated
 14 under Federal law, including the Gulf of Mexico
 15 Energy Security Act of 2006 (43 U.S.C. 1331
 16 note; Public Law 109–432), the Mineral Leas-
 17 ing Act (30 U.S.C. 181 et seq.), and chapter
 18 2003 of title 54, United States Code.”; and

19 (4) in subsection (d), by striking “Wildlife Con-
 20 servation and Restoration Account” and inserting
 21 “Wildlife Conservation and Restoration Sub-
 22 account”.

23 (b) ALLOCATION AND APPORTIONMENT OF AVAIL-
 24 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
 25 Wildlife Restoration Act (16 U.S.C. 669c) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e);

3 (2) by redesignating the second subsection (c)
4 (relating to apportionment of the Wildlife Conserva-
5 tion and Restoration Account) as subsection (d);

6 (3) in paragraph (2)(A) of subsection (d) (as so
7 redesignated)—

8 (A) in clause (i)—

9 (i) by striking “one-third of” and in-
10 serting “ $\frac{1}{2}$ of”; and

11 (ii) by striking “States; and” and in-
12 serting “States.”; and

13 (B) in clause (ii), by striking “two-thirds
14 of” and inserting “ $\frac{1}{2}$ of”;

15 (4) in paragraph (1) of subsection (e) (as so re-
16 designated), in the first sentence of the matter pre-
17 ceding subparagraph (A), by striking “Wildlife Con-
18 servation and Restoration Account” and inserting
19 “Wildlife Conservation and Restoration Sub-
20 account”; and

21 (5) by adding at the end following:

22 “(f) MINIMIZATION OF PLANNING AND REPORT-
23 ING.—Nothing in this Act requires a State to create a
24 comprehensive strategy relating to—

25 “(1) conservation education; or

1 “(2) outdoor recreation.”.

2 (c) CONFORMING AMENDMENT.—Section 8(a) of the
3 Pittman-Robertson Wildlife Restoration Act (16 U.S.C.
4 669g) is amended, in the fourth sentence, by striking “Ac-
5 count” and inserting “Subaccount”.

6 **SEC. 5. SAVINGS CLAUSE.**

7 The Pittman-Robertson Wildlife Restoration Act is
8 amended—

9 (1) by redesignating section 13 (16 U.S.C. 669
10 note; 50 Stat. 917, chapter 899; 114 Stat. 1763) as
11 section 14; and

12 (2) by inserting after section 12 (16 U.S.C.
13 669i) the following:

14 **“SEC. 13. SAVINGS CLAUSE.**

15 “(a) IN GENERAL.—Nothing in this Act affects the
16 authority, jurisdiction, or responsibility of a State to man-
17 age, control, or regulate fish and wildlife under the law
18 and regulations of the State on land or water within the
19 State (including Federal land and water).

20 “(b) STATE OF ALASKA.—

21 “(1) IN GENERAL.—Nothing in this Act af-
22 fects—

23 “(A) the provisions for subsistence uses in
24 the State of Alaska under the Alaska National
25 Interest Lands Conservation Act (16 U.S.C.

1 3101 et seq.), including titles III and VIII of
2 that Act;

3 “(B) section 102 of the Alaska National
4 Interest Lands Conservation Act (16 U.S.C.
5 3102);

6 “(C) the jurisdiction of the Federal courts
7 over—

8 “(i) subsistence uses in the State of
9 Alaska; or

10 “(ii) any assertion of subsistence uses
11 in that State; or

12 “(D) the manner in which section 810 of
13 the Alaska National Interest Lands Conserva-
14 tion Act (16 U.S.C. 3120) is implemented on
15 Federal land or water in the State of Alaska.

16 “(2) CONFLICTS OF LAWS.—If any conflict
17 arises between a provision of this Act and a provi-
18 sion of the Alaska National Interest Lands Con-
19 servation Act (16 U.S.C. 3101 et seq.), the provision
20 of the Alaska National Interest Lands Conservation
21 Act (16 U.S.C. 3101 et seq.) shall control.”.

1 **SEC. 6. SENSE OF CONGRESS REGARDING OFFSET.**

2 It is the sense of Congress that the costs of carrying
3 out this Act and the amendments made by this Act shall
4 be offset.

