

RECOVERING AMERICA'S WILDLIFE ACT OF 2019

DECEMBER 24, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3742]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3742) 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 and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recovering America’s Wildlife Act of 2019”.

TITLE I—WILDLIFE CONSERVATION AND RESTORATION

SEC. 101. WILDLIFE CONSERVATION AND RESTORATION SUBACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended in subsection (c)—

(1) by redesignating paragraphs (2) and (3) as paragraphs (9) and (10); and
(2) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT OF SUBACCOUNT.—

“(A) IN GENERAL.—There is established in the fund a subaccount to be known as the ‘Wildlife Conservation and Restoration Subaccount’ (referred to in this section as the ‘Subaccount’).

“(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.—Beginning in fiscal year 2020, the Secretary of the Treasury shall transfer \$1,300,000,000 from the general fund of the treasury each fiscal year to the fund for deposit in the Subaccount.

“(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 (15 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; and

“(iii) 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.—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—

“(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(d), 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;

“(E) may be used to manage a species of greatest conservation need whose range is shared with another State, territory, 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 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 2019.

“(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) SPECIES OF GREATEST CONSERVATION NEED.—The term ‘species of greatest conservation need’ has the meaning given to it by each State fish and wildlife department, with respect to funds apportioned to such State.

“(B) 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.

“(C) 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.”

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

(1) by redesignating the second subsection (c), relating to the apportionment of the Wildlife Conservation and Restoration Account, and subsection (d) as subsections (d) and (e) respectively;

(2) in subsection (d), as redesignated—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “to the District of Columbia and to the Commonwealth of Puerto Rico, each” and inserting “To the District of Columbia”;

(ii) in subparagraph (B)—

(I) by striking “to Guam” and inserting “To Guam”; and

(II) by striking “not more than one-fourth of one percent” and inserting “not less than one-third of one percent”; and

(iii) by adding at the end the following:

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

(B) in paragraph (2)(A)—

(i) by amending clause (i) to read as follows:

“(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) in clause (ii)—

(I) by striking “two-thirds” and inserting “one-quarter”; and

(II) by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) one-quarter of which is based upon the ratio to which the number of vertebrate and invertebrate species listed as endangered or threatened under the Endangered Species Act of 1973 (15 U.S.C. 1531 et seq.) in such State bears to the total number of such species listed in all such States.”; and

(C) in paragraph (3), by striking “3 percent” and inserting “1.85 percent”; (3) by amending subsection (e)(4)(B), as redesignated, to read as follows:

“(B) Not more than an average of 15 percent over a 5-year period of amounts apportioned to each State under this section for a State’s wildlife conservation and restoration program may be used for wildlife conservation education and wildlife-associated recreation.”; and

(4) by adding at the end following:

“(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.—Not more than one year after the date of enactment of the Recovering America’s Wildlife Act of 2019 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 (c)(4) during the previous 3 years to—

“(1) the Committee on Environment and Public Works of the Senate;

“(2) the Committee on Natural Resources of the House of Representatives;

and

“(3) the United States Fish and Wildlife Service.”.

SEC. 102. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(3) in paragraph (6), as redesignated by paragraph (2), by inserting “Indian Tribes, academic institutions,” before “wildlife conservation organizations”.

(b) CONFORMING AMENDMENTS.—The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a et seq.) is amended—

(1) in section 3—

(A) in subsection (a)—

(i) by striking “(1) An amount equal to” and inserting “An amount equal to”; and

(ii) by striking paragraph (2);

(B) in subsection (c)—

(i) in paragraph (9), as redesignated by section 101(a)(1), by striking “or an Indian tribe”; and

(ii) in paragraph (10), as redesignated by section 101(a)(1), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”; and

(C) in subsection (d), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”;

(2) in section 4 (16 U.S.C. 669c)—

(A) in subsection (d), as redesignated—

(i) in the heading, by striking “ACCOUNT” and inserting “SUBACCOUNT”; and

(ii) by striking “Account” each place it appears and inserting “Subaccount”; and

(B) in subsection (e)(1), as redesignated, by striking “Account” and inserting “Subaccount”; and

(3) in section 8 (16 U.S.C. 669g), in subsection (a), by striking “Account” and inserting “Subaccount”.

SEC. 103. SAVINGS CLAUSE.

The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended—

- (1) by redesignating section 13 as section 15; and
- (2) by inserting after section 12 the following:

“SEC. 13. 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. 14. 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 (Public Law 46–487, 16 U.S.C. 3101 et seq.), then the provision in the Alaska National Interest Lands Conservation Act shall prevail.”.

SEC. 104. EXCLUSION FROM PAYGO SCORECARDS.

(a) **STATUTORY PAY-AS-YOU-GO SCORECARDS.**—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

SEC. 201. INDIAN TRIBES.

(a) **DEFINITIONS.**—In this section—

(1) **ACCOUNT.**—The term “Account” means the Tribal Wildlife Conservation and Restoration Account established by subsection (b)(1).

(2) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRIBAL SPECIES OF GREATEST CONSERVATION NEED.**—The term “Tribal species of greatest conservation need” means any species identified by an Indian Tribe as requiring conservation management because of declining population, habitat loss, or other threats, or because of their biological or cultural importance to such Tribe.

(5) **WILDLIFE.**—The term “wildlife” means—

(A) any species of wild flora or fauna including fish and marine mammals;

(B) flora or fauna in a captive breeding, rehabilitation, and holding or quarantine program, the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range or to maintain a species for conservation purposes; and

(C) does not include game farm animals.

(b) **TRIBAL WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.**—

(1) **IN GENERAL.**—There is established in the Treasury an account to be known as the “Tribal Wildlife Conservation and Restoration Account”.

(2) **AVAILABILITY.**—Amounts in the Account shall be available for each fiscal year without further appropriation for apportionment in accordance with this title.

(3) **DEPOSITS.**—Beginning in fiscal year 2020, and each fiscal year thereafter, the Secretary of the Treasury shall transfer \$97,500,000 to the Account.

(c) **DISTRIBUTION OF FUNDS TO INDIAN TRIBES.**—Each fiscal year, the Secretary of the Treasury shall deposit funds into the Account and distribute such funds through a noncompetitive application process according to guidelines and criteria determined by the Secretary of the Interior, acting through the Director of the Bureau of Indian Affairs, in consultation with Indian Tribes. Such funds shall remain available until expended.

(d) **WILDLIFE MANAGEMENT RESPONSIBILITIES.**—The distribution guidelines and criteria described in subsection (c) shall be based, in part, upon Indian Tribes’ wildlife management responsibilities.

(e) **USE OF FUNDS.**—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may distribute funds from the Account to an Indian Tribe for any of the following purposes:

(A) To 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.

(B) To assist in the recovery of species listed as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) For wildlife conservation education and wildlife-associated recreation projects.

(D) To manage a Tribal species of greatest conservation need and the habitat of such species, the range of which may be shared with a foreign country, State, or other Indian Tribe.

(E) To manage, control, and prevent invasive species as well as diseases and other risks to wildlife.

(F) For law enforcement activities that are directly related to the protection and conservation of wildlife.

(G) To develop, revise, and implement comprehensive wildlife conservation strategies and plans for such Tribe.

(H) For the hiring and training of wildlife conservation and restoration program staff.

(2) CONDITIONS ON THE USE OF FUNDS.—

(A) REQUIRED USE OF FUNDS.—In order to be eligible to receive funds under subsection (c), a Tribe's application must include a proposal to use funds for at least one of the purposes described in subparagraphs (A) and (B) of paragraph (1).

(B) IMPERILED SPECIES RECOVERY.—In distributing funds under this section, 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 of 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

(C) LIMITATION.—In distributing funds under this section, the Secretary shall distribute not more than 15 percent of all funds distributed under this section for the purpose described in paragraph (1)(C).

(f) NO MATCHING FUNDS REQUIRED.—No Indian Tribe shall be required to provide matching funds to be eligible to receive funds under this Act.

(g) PUBLIC ACCESS NOT REQUIRED.—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.

(h) ADMINISTRATIVE COSTS.—Of the funds deposited under subsection (b)(3) for each fiscal year, not more than 3 percent shall be used by the Secretary for administrative costs.

(i) SAVINGS CLAUSE.—Nothing in this 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.

PURPOSE OF THE BILL

The purpose of H.R. 3742 is 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.

BACKGROUND AND NEED FOR LEGISLATION

America's wildlife face numerous threats, including habitat loss and fragmentation, climate change, invasive species, and emerging diseases. For example:

- A recent report in the journal *Science* estimated that North American bird populations have declined by nearly three billion or 29 percent since 1970;¹
- Chronic Wasting Disease, a fatal disease to North America's deer, elk, and moose has spread to 24 states, posing significant risks to those populations;² and
- Forty percent of America's freshwater fish species are now rare or imperiled due to diminished water quality, over-fishing, and aquatic invasive species.³

In the United States, the majority of wildlife management is carried out by states, territories, and tribes, with most of the funding coming from federal sources such as the Pittman-Robertson Wildlife Restoration Act and Farm Bill programs. The Pittman-Robertson Act provides significant funding for state conservation programs through an excise tax on hunting equipment; however, non-hunted species do not have a similar conservation funding stream. To qualify for funds, states, territories, and the District of Columbia draft their own Wildlife Action Plans, which are approved by the U.S. Fish and Wildlife Service (FWS).⁴ To fully implement these Wildlife Action Plans, a Blue Ribbon Panel comprised of state representatives, sportsmen's groups, and conservationists recommended \$1.3 billion per year in federal funding. This number was based on a survey of state wildlife agencies.⁵

H.R. 3742, the Recovering America's Wildlife Act of 2019, amends the Pittman-Robertson Act to provide an additional \$1.3 billion per year for states and territories, and \$97.5 million per year for tribes, to assist in their efforts to conserve, restore, and protect wildlife and wildlife habitat under their Wildlife Action Plans.

COMMITTEE ACTION

H.R. 3742 was introduced on July 12, 2019, by Representative Debbie Dingell (D–MI). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Water, Oceans, and Wildlife. On October 17, 2019, the Subcommittee held a hearing on the bill. On December 5, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Ral M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. Representative Garret Graves (R–LA) offered an amendment designated Graves #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 11 yeas, 20 nays, and 1 present, as follows:

¹Daley. 2019. "Silent Skies: Billions of North American Birds Have Vanished." <https://www.scientificamerican.com/article/silent-skies-billions-of-north-american-birds-have-vanished/>.

²CDC. 2019. "Chronic Wasting Disease." <https://www.cdc.gov/prions/cwd/occurrence.html>.

³McCormick. 2018. "One-Third of American Wildlife at Increased Risk of Extinction." <https://www.nwf.org/Latest-News/Press-Releases/2018/03-29-18-Wildlife-Crisis-Report>.

⁴Crafton, R. Eliot. CRS Report. *Pittman-Robertson Wildlife Restoration Act: Understanding Apportionments for States and Territories*. April 5, 2019. <https://www.crs.gov/reports/pdf/R45667>.

⁵https://www.fishwildlife.org/application/files/7715/1382/2284/BRP-FAQ_expanded-updated_9-7-16.pdf.

Date: December 5, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 3742**Amendment:** Rep. Graves #1 amendment to the Grijalva amendment in the nature of a substitute.**Disposition:** Not agreed to by a roll call vote of 11 yeas, 20 nays, and 1 present.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD		X	
2	Mr. Cartwright, PA			
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA		X	
6	Mr. Cox, CA		X	
7	Mr. Cunningham, SC		X	
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ		X	
11	Mr. Grijalva, AZ (<i>Chair</i>)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV			
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO		X	
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU			
22	Mr. Soto, FL		X	
23	Mr. Tonko, NY			
24	Mr. Van Drew, NJ		X	
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (<i>Ranking</i>)			
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT			
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR			X
8	Mr. Gosar, AZ			
9	Mr. Graves, LA	X		
10	Mr. Hern, OK			
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Webster, FL	X		
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA		X	
19	Mr. Young, AK			
	TOTALS	11	20	1
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

Representative Graves offered an amendment designated Graves #2 to the amendment in the nature of a substitute. The amendment was withdrawn. No additional amendments were offered. The amendment in the nature of a substitute offered by Chair Grijalva was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 6 nays, as follows:

Date: December 5, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 3742

Amendment:

Disposition: Final Passage: H.R. 3742, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 6 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD	X		
2	Mr. Cartwright, PA			
3	Mr. Case, HI	X		
4	Mr. Clay, MO	X		
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ	X		
11	Mr. Grijalva, AZ (<i>Chair</i>)	X		
12	Ms. Haaland, NM	X		
13	Mr. Horsford, NV			
14	Mr. Huffman, CA	X		
15	Mr. Levin, CA	X		
16	Mr. Lowenthal, CA	X		
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA	X		
19	Mr. Neguse, CO	X		
20	Mr. Sablan, CNMI	X		
21	Mr. San Nicolas, GU			
22	Mr. Soto, FL	X		
23	Mr. Tonko, NY			
24	Mr. Van Drew, NJ	X		
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (<i>Ranking</i>)			
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT			
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ			
9	Mr. Graves, LA		X	
10	Mr. Hern, OK			
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS	X		
16	Mr. Webster, FL	X		
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA	X		
19	Mr. Young, AK			
	TOTALS	26	6	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

On July 1, 2020, the House of Representatives passed H.R. 2, the Moving Forward Act, which included a version of the text of H.R. 3742.⁶

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 3742: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on October 17, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 2. Findings. This section describes the status of wildlife in the United States and the role of state wildlife agencies in the conservation of wildlife.

Title 1—Wildlife Conservation and Restoration

Section 101. Wildlife Conservation and Restoration Subaccount. This section amends the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b et seq.) to establish a \$1.3 billion per year Wildlife Conservation and Restoration Subaccount that is not subject to appropriations. The funds would be distributed in the following manner:

- 10 percent for a competitive grant program to spur innovative tools, techniques, strategies, and partnerships that effectively recover species and their habitats, with a focus on endangered and threatened species.
- 90 percent apportioned to the states and territories to carry out wildlife conservation and habitat restoration activities focused on species of greatest conservation need and to update and carry out wildlife conservation plans. Funds may also be used to combat invasive species, engage in law enforcement activities directly related to conservation, carry out education and recreational programs associated with wildlife, and coordinate with other states, territories, and tribes. At least 15 percent of each state’s spending over a 5-year period must be spent on species listed under the ESA unless the Secretary of the Interior reduces that minimum spending amount for a certain state. “Species of greatest conservation need” is defined by each state and territory. Apportionment ratios under the Pittman-Robertson Act would also be amended to give minimums rather than maximum amounts for the District of Columbia and insular areas, and a new formula for allocations would be based:
 - 50% on land and water area of a state,
 - 25% on population of a State, and
 - 25% on the number of threatened and endangered animals in the state.

The section also would require each state to report to Congress every five years on the results of funded activities.

⁶H.R. 2, 116th Cong. (as passed by and engrossed in the House, July 1, 2020).

Section 102. Technical amendments. This section would make technical corrections to the Pittman-Robertson Wildlife Restoration Act.

Section 103. Savings clause. This section would add a savings clause clarifying that nothing in the Pittman-Robertson Act interferes with state authorities to manage wildlife, and that nothing overrides the State of Alaska's authorities under the Alaska National Interest Lands Conservation Act.

Section 104. Exclusion from PAYGO scorecards. This section would exempt this Act from PAYGO Scorecards.

Title II—Tribal Wildlife Conservation and Restoration

Section 201. Indian Tribes. This section would establish a \$97.5 million annual noncompetitive Tribal Wildlife Conservation and Restoration grant program to assist tribes to carry out wildlife conservation and habitat restoration activities, update and carry out wildlife conservation plans, combat invasive species, engage in law enforcement activities directly related to conservation, carry out education and recreational programs associated with wildlife, and coordinate with other states, territories, and tribes. At least 15 percent of the funds would need to be spent on recovery of species listed under the ESA or considered threatened or endangered under tribal law.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Section 101(a) of the bill, as reported, would require the Secretary to appoint a review committee. In reporting the bill favorably to the House of Representatives, the Committee on Natural Resources finds that these functions would be better performed by the proposed review committee than by one or more agencies or an existing advisory committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139. The Wildlife Restoration and Basic Hunter Education (CFDA No. 15.611) modified by this bill is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Sport Fish Restoration (CFDA No. 15.605), Cooperative Endangered Species Conservation Fund (CFDA No. 15.615), and Enhanced Hunter Education and Safety (CFDA No. 15.626). The Tribal Wildlife Conservation and Restoration program authorized by Section 201 of the bill, as reported, is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Partners for Fish and Wildlife (CFDA No. 15.631) and Tribal Wildlife Grants (CFDA No. 15.639).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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 italics, and existing law in which no change is proposed is shown in roman):

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) the term “public target range” means a specific location that—

(A) is identified by a governmental agency for recreational shooting;

(B) is open to the public;

(C) may be supervised; and

(D) may accommodate archery or rifle, pistol, or shotgun shooting;

(3) the term “Secretary” means the Secretary of the Interior;

(4) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(5) 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;]

[(6)] (5) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(7)] (6) 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;

[(8)] (7) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(9)] (8) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

SEC. 3. (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).]

(b)(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may—

- (A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and
- (B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund—

- (A) shall be credited to the fund;
- (B) constitute the sums available for allocation by the Secretary under section 8 of the North American Wetlands Conservation Act; and

(C) shall become available for apportionment under this Act at the beginning of fiscal year 2026.

(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 Restoration Subaccount” (referred to in this section as the “Subaccount”).*

(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.*—*Beginning in fiscal year 2020, the Secretary of the Treasury shall transfer \$1,300,000,000 from the general fund of the treasury each fiscal year to the fund for deposit in the Subaccount.*

(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 (15 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; and

(iii) four individuals representing four different non-profit organizations each of which is actively participating in carrying out wildlife conservation restoration activities using funds apportioned from the Sub-account.

(D) SUPPORT FROM UNITED STATES FISH AND WILDLIFE SERVICE.—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 Sub-account—

(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(d), 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;

(E) may be used to manage a species of greatest conservation need whose range is shared with another State, territory, 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 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 2019.

(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) **SPECIES OF GREATEST CONSERVATION NEED.**—The term “species of greatest conservation need” has the mean-

ing given to it by each State fish and wildlife department, with respect to funds apportioned to such State.

(B) *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.

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

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

(i) for each of fiscal years 2001 and 2002, \$9,000,000;

(ii) for fiscal year 2003, \$8,212,000; and

(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

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

(II) the amount determined by multiplying—

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

(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for

All Urban Consumers published by the Department of Labor.

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

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

(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

(b) APPORTIONMENT TO STATES.—The Secretary of the Interior, after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

(c) One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues and Guam, the Virgin Islands, American Samoa, Puerto Rico, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

[(c)] (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~~ *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 vertebrate and invertebrate species listed as endangered or threatened under the Endangered Species Act of 1973 (15 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 shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.

(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.

~~(d)~~ *(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) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

(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

(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

(D) WILDLIFE CONSERVATION STRATEGY.—Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

- (i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

- (ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

- (iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

- (iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

- (v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

- (vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

- (vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

(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 (c) an amount that shall

not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

[(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.]

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

(5) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(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.—Not more than one year after the date of enactment of the Recovering America's Wildlife Act of 2019 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 (c)(4) during the previous 3 years to—

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

(2) the Committee on Natural Resources of the House of Representatives; and

(3) the United States Fish and Wildlife Service.

* * * * *

SEC. 8. (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 and public relations) 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.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State may use the funds apportioned to it under section 4(c) to pay up to 75 per centum of the costs of a hunter safety program and the operation and maintenance of public target ranges, as a part of such program.

(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.

(3) NON-FEDERAL SHARE.—The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs.

(4) REGULATIONS.—The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public target ranges under this subsection.

* * * * *

SEC. 13. 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. 14. 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 (Public Law 46-487, 16 U.S.C. 3101 et seq.), then the provision in the Alaska National Interest Lands Conservation Act shall prevail.

SEC. [13.] 15. SHORT TITLE.

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

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

COMMITTEE CORRESPONDENCE

ROB BISHOP OF UTAH
RANKING REPUBLICAN

DAVID WATKINS
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

December 16, 2020

The Honorable John Yarmuth
Chair
Committee on the Budget
U.S. House of Representatives
204 Cannon House Office Building
Washington, D.C. 20515

Dear Chair Yarmuth:

I write to you concerning H.R. 3742, the "Recovering America's Wildlife Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Budget. I request that your Committee waive formal consideration of H.R. 3742 and acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member
The Honorable Jason Smith, Parliamentarian

JOHN YARMUTH, KENTUCKY
CHAIRMAN
ELLEN BALIS, STAFF DIRECTOR
(202) 226-7200



STEVE WOMACK, RANKING MEMBER
BFOKY RELIC, MINORITY STAFF DIRECTOR
(202) 226-7270

U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, DC 20515

December 21, 2020

The Honorable Raúl M. Grijalva
Chairman, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Grijalva:

I write to confirm our mutual understanding regarding H.R. 3742, the *Recovering America's Wildlife Act of 2019*. H.R. 3742 contains provisions that fall within the rule X jurisdiction of the Committee on the Budget. However, the committee agrees to waive formal consideration of the bill.

The Committee on the Budget takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The committee also reserves the right to seek appointment to any House-Senate conference convened on this legislation or similar legislation and requests your support if such a request is made.

Thank you for ensuring our exchange of letters is included in the *Congressional Record* during floor consideration of the bill, and I look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

John A. Yarmuth
Chairman

cc: The Honorable Steve Womack, Ranking Member, Committee on the Budget
The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

ADDITIONAL VIEWS

Protecting and conserving America's countless species of plants and wildlife is a noble cause, one that every Member of the Natural Resources Committee supports. However, H.R. 3742 does not address this very serious issue in a realistic way.

Congress must work together to tackle the problems facing America's at-risk wildlife and plant species, propose workable solutions and fund these solutions. Unfortunately, rather than addressing the root of the problem and working to improve the Endangered Species Act (ESA), Democrats have simply proposed to increase mandatory spending. Simply throwing billions of taxpayer dollars at a problem is hardly a well thought out solution to the difficult reality wildlife and plant species are facing in our country today. Moreover, this bill does not propose any offset to the over \$1.3 billion in new annual mandatory spending provided by this bill. Rather, the bill exempts itself from statutory PAY-GO requirements.

Some proponents of this legislation have falsely claimed this bill is the answer to a broken ESA. They argue the overall cost of this bill will be a cheaper way to protect vulnerable species before they are listed as threatened or endangered under that Act. However, this approach turns a blind eye to the fact that States and federal agencies are at the mercy of serial litigants who abuse the ESA to wage ideologically-fueled environmental wars, causing serious harm to local communities and economies of these affected areas. Ironically, these actions only serve to suck up precious resources that could be used to benefit the species the litigants claim to be fighting to protect.

By appropriating almost \$1.4 billion every year in perpetuity, without any Congressional oversight, H.R. 3742 fails to address the underlying statutory and regulatory failures of the ESA. While the bill sponsors have noble intent in offering the legislation, H.R. 3742 is not a logical solution to protect American's endangered and threatened species.

ROB BISHOP.
PAUL A. GOSAR.
JODY B. HICE.

○