

115TH CONGRESS  
1ST SESSION

# H. R. 4647

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.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2017

Mr. FORTENBERRY (for himself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

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.

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 the following:

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 million citizens of the  
6 United States participate in outdoor recreation  
7 through hunting, fishing, birding, and other wildlife-  
8 dependent recreation, all of which have significant  
9 value to the citizens who engage in those activities  
10 and provide economic benefits to local communities.

11           (3) It is in the interest of the United States—

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

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

23                 (C) to support collaborative and proactive  
24 conservation that will sustain the diverse fish  
25 and wildlife populations of the United States.

1           (4) The first nongovernmental conservation or-  
2           ganizations to instill fish and wildlife conservation  
3           values in hunters, anglers, bird watchers, and all  
4           citizens were founded during the 1880s to 1890s at  
5           the behest of hunters and anglers, including Theo-  
6           dore Roosevelt and naturalist George Bird Grinnell,  
7           who were alarmed that game and sportfish could not  
8           sustain unregulated harvest and that avifauna need-  
9           ed protection from commercial take.

10           (5) At the turn of the 20th century, the  
11           States—

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

14                   (B) required hunters and anglers to obtain  
15                   licenses and established regulations for game  
16                   seasons, bag and creel limits, and legal means  
17                   of take for game and sportfish; and

18                   (C) used the funds received for such li-  
19                   censes largely for enforcement of such regula-  
20                   tions.

21           (6) In 1937, an alliance between hunters and  
22           conservation organizations, States, the Federal Gov-  
23           ernment, and the shooting sports industry convinced  
24           Congress to transfer to the States receipts from an  
25           existing Federal excise tax on sporting arms and

1 ammunition, matched by State hunting license dol-  
2 lars, for the management of wildlife and conserva-  
3 tion of habitat under the Pittman-Robertson Wildlife  
4 Restoration Act (16 U.S.C. 669 et seq.), which  
5 greatly enhanced the States' ability to move from  
6 primarily enforcing game seasons and bag limits to  
7 science-based research and management of wildlife.

8 (7) In 1951, an alliance between anglers and  
9 conservation organizations, States, the Federal Gov-  
10 ernment, and the sportfishing industry convinced  
11 Congress to impose a Federal excise tax on fishing  
12 equipment under the Dingell-Johnson Sportfish Res-  
13 toration Act (16 U.S.C. 777 et seq.) and to transfer  
14 to the States such receipts, matched by State fishing  
15 license revenues, to manage sportfish and conserve  
16 aquatic habitats, enhancing the State fish and wild-  
17 life agency's ability to use science-based research  
18 and management of fish species.

19 (8) Such user-pay, public-benefits means of  
20 funding fish and wildlife conservation is unique in  
21 the world, having been started in the United States  
22 by sportsmen and sportswomen who were willing to  
23 pay these fees to ensure dedicated funds went to fish  
24 and wildlife conservation delivered by the States.

1           (9) Such user-pay funds (licenses and excise  
2 taxes)—

3           (A) have benefitted not only hunters and  
4 anglers, but all citizens of the United States by  
5 providing abundant fish and wildlife (including  
6 both game and nongame species), clean water,  
7 outdoor recreation, healthy activities, and qual-  
8 ity of life; and

9           (B) provide, and will continue to provide,  
10 a majority of the funds that are available to  
11 State fish and wildlife agencies for science-  
12 based research and management of fish and  
13 wildlife.

14          (10) State fish and wildlife agencies are respon-  
15 sible for the conservation and management of all  
16 fish and wildlife in the State, but are grossly under-  
17 funded because there are few funds available at the  
18 State level for fish and wildlife conservation, except  
19 those driven by hunting and fishing license revenues  
20 and Federal excise tax revenues.

21          (11) Congress created a subaccount known as  
22 the Wildlife Conservation and Restoration Sub-  
23 account under section 3(a)(2) of the Pittman-Rob-  
24 ertson Wildlife Restoration Act (16 U.S.C.  
25 669b(a)(2)) to support the full array of fish and

1 wildlife conservation needs identified by State fish  
2 and wildlife agencies, including for species that are  
3 not hunted or fished, but only authorized appropri-  
4 ations for the Subaccount for one year.

5 (12) While appropriated funds have been made  
6 available through the State and Tribal Wildlife  
7 Grants program of the United States Fish and Wild-  
8 life Service, the lack of assured and sufficient dedi-  
9 cated funding for the Wildlife Conservation and Res-  
10 toration Subaccount has left unrealized the goals of  
11 the Subaccount, thereby allowing fish and wildlife  
12 populations to continue to decline across the United  
13 States and resulting in hundreds of species being  
14 listed as threatened species or endangered species  
15 under the Endangered Species Act of 1973 (16  
16 U.S.C. 1531 et seq.).

17 (13) Under the Pittman-Robertson Wildlife  
18 Restoration Act (16 U.S.C. 669 et seq.), each State  
19 and territory is required to seek public input and  
20 produce a comprehensive fish and wildlife conserva-  
21 tion strategy, otherwise known as a State Wildlife  
22 Action Plan, to guide the State-led conservation of  
23 the full array of fish, wildlife, and their habitats.

24 (14) Providing assured and sufficient dedicated  
25 funding to the Wildlife Conservation and Restoration

1 Subaccount will advance the national interest by as-  
2 suring sustainable populations of fish and wildlife  
3 species are available for the use and enjoyment of  
4 citizens of the United States through implementing  
5 the comprehensive fish and wildlife conservation  
6 strategy of each State and territory.

7 (15) As funds become available for the purposes  
8 of this Act, sportsmen and sportswomen expect  
9 States to secure the needed non-Federal match from  
10 sources other than revenue generated by sportsmen  
11 and sportswomen through the sale of State hunting  
12 and fishing licenses (except when projects or pro-  
13 grams benefit habitat for species that are hunted or  
14 fished and other associated wildlife).

15 **SEC. 3. WILDLIFE CONSERVATION AND RESTORATION SUB-**  
16 **ACCOUNT.**

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

20 (1) in subsection (a)—

21 (A) by striking “(1) An amount equal to”  
22 and inserting “An amount equal to”; and

23 (B) by striking paragraph (2); and

24 (2) in subsection (c)—

1 (A) by striking “(c)(1) Amounts trans-  
2 ferred to the Wildlife Conservation and Res-  
3 toration Account” and inserting the following:

4 “(c) WILDLIFE CONSERVATION AND RESTORATION  
5 SUBACCOUNT.—

6 “(1) ESTABLISHMENT OF SUBACCOUNT.—

7 “(A) IN GENERAL.—There is established in  
8 the Federal Aid to Wildlife Restoration Fund a  
9 subaccount to be known as the ‘Wildlife Con-  
10 servation and Restoration Subaccount’ (referred  
11 to in this subsection as the ‘Subaccount’).

12 “(B) AVAILABILITY.—Amounts in the Sub-  
13 account shall be available without further ap-  
14 propriation, for each fiscal year, for apportion-  
15 ment in accordance with this Act.

16 “(C) DEPOSITS INTO SUBACCOUNT.—Be-  
17 ginning in fiscal year 2018, the Secretary of the  
18 Treasury shall transfer to the fund for deposit  
19 in the Subaccount the following:

20 “(i) OUTER CONTINENTAL SHELF  
21 REVENUES.—From amounts deposited in  
22 the Treasury under section 9 of the Outer  
23 Continental Shelf Lands Act (43 U.S.C.  
24 1338), \$650,000,000.



1                   “(ii) MINING REVENUES.—From  
2                   amounts deposited in the Treasury under  
3                   section 35 of the Mineral Leasing Act (30  
4                   U.S.C. 191), after the withdrawal of funds  
5                   to the States under subsection (a) of that  
6                   section, \$650,000,000.

7                   “(2) SUPPLEMENT NOT SUPPLANT.—Amounts  
8                   transferred to the Wildlife Conservation and Res-  
9                   toration Subaccount”;

10                   (B) in paragraph (2), as added by sub-  
11                   paragraph (A)—

12                   (i) by striking “wildlife restoration ac-  
13                   count and” and inserting “wildlife restora-  
14                   tion account.”; and

15                   (ii) by striking “shall be used for the  
16                   development,” and all that follows through  
17                   “existing programs and projects.” and in-  
18                   serting the following:

19                   “(3) USE OF FUNDS.—Funds appropriated  
20                   from the Subaccount—

21                   “(A) shall be used to carry out, revise, or  
22                   enhance existing wildlife conservation and res-  
23                   toration programs and to develop and imple-  
24                   ment new wildlife conservation and restoration  
25                   programs to manage wildlife species of greatest

1 conservation need, including species that are  
2 not hunted or fished, and their habitats as de-  
3 termined by the appropriate State fish and  
4 wildlife department;

5 “(B) shall be used to develop, revise and  
6 implement a wildlife conservation strategy of  
7 the State as may be required by this Act;

8 “(C) shall be used for wildlife conservation  
9 education and wildlife-associated recreation  
10 projects;

11 “(D) may be used to assist in the recovery  
12 of a species listed as an endangered species or  
13 threatened species under the Endangered Spe-  
14 cies Act of 1973 (16 U.S.C. 1531 et seq.);

15 “(E) may be used to manage a species of  
16 greatest conservation need whose range is  
17 shared with a foreign government and the habi-  
18 tat of such species;

19 “(F) may be used to manage, control, and  
20 prevent invasive and nuisance species and other  
21 risks to species of greatest conservation need;  
22 and

23 “(G) may be used for law enforcement ac-  
24 tivities that are directly related to the protec-  
25 tion and conservation of a species of greatest

1 conservation need and the habitat of such spe-  
2 cies.”;

3 (C) by adding at the end the following:

4 “(4) PUBLIC ACCESS NOT REQUIRED.—Funds  
5 apportioned from the Wildlife Conservation and Res-  
6 toration Subaccount shall not be conditioned upon  
7 the provision of public access to private lands,  
8 waters, or holdings.

9 “(5) REQUIREMENTS FOR MATCHING FUNDS.—

10 “(A) IN GENERAL.—For the purposes of  
11 the non-Federal fund matching requirement for  
12 a wildlife conservation or restoration program  
13 or project funded by the Wildlife Conservation  
14 Restoration Subaccount, a State—

15 “(i) may use as matching non-Federal  
16 funds—

17 “(I) funds from Federal agencies  
18 other than the Department of the In-  
19 terior and the Department of Agri-  
20 culture; and

21 “(II) donated private lands and  
22 waters, including privately-owned  
23 easements; and

24 “(ii) may not use as matching non-  
25 Federal funds—

1                   “(I) revenue from the sale of  
2                   State hunting and fishing licenses, ex-  
3                   cept if all available Federal funds ap-  
4                   portioned to a State fish and wildlife  
5                   agency from the Wildlife Restoration  
6                   Program or the Sport Fish Restora-  
7                   tion Program have been obligated by  
8                   the State, then revenue generated  
9                   through the sale of State hunting and  
10                  fishing licenses may be used as non-  
11                  Federal match for projects and pro-  
12                  grams that benefit the habitat of spe-  
13                  cies that are hunted or fished and  
14                  other species that have greatest con-  
15                  servation need.

16                  “(6) DEFINITIONS.—For the purposes of this  
17                  subsection—

18                         “(A) WILDLIFE.—The term ‘wildlife’  
19                         means any species of wild, freeranging fauna,  
20                         including fish, and also fauna in captive breed-  
21                         ing programs the object of which is to reintro-  
22                         duce individuals of a depleted indigenous spe-  
23                         cies into previously occupied range.”;

24                         (D) by redesignating paragraphs (2) and  
25                         (3) as paragraphs (7) and (8), respectively; and

1 (E) in paragraph (2), as redesignated by  
2 subparagraph (D), by striking “or an Indian  
3 tribe”.

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

7 (1) in subsection (c)(2)(A)—

8 (A) in clause (i), by striking “one-third”  
9 and inserting “one-half”; and

10 (B) in clause (ii), by striking “two-thirds”  
11 and inserting “one-half”; and

12 (2) by adding at the end following:

13 “(e) MINIMIZATION OF PLANNING AND REPORT-  
14 ING.—Nothing in this Act shall be interpreted to require  
15 a State to create a comprehensive strategy related to con-  
16 servation education or outdoor recreation.”.

17 **SEC. 4. CLARIFYING AMENDMENTS.**

18 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-  
19 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-  
20 ed—

21 (1) by striking paragraph (4);

22 (2) by redesignating paragraphs (5) through  
23 (8) as paragraphs (4) through (7), respectively; and

24 (3) in paragraph (5), as so redesignated by  
25 paragraph (2), by inserting “Indian Tribes, aca-

1       demic institutions,” before “wildlife conservation or-  
2       ganizations”.

3       (b) CONFORMING AMENDMENTS.—The Pittman-Rob-  
4       ertson Wildlife Restoration Act (16 U.S.C. 669a et seq.)  
5       is amended—

6             (1) in section 3 (16 U.S.C. 669b)—

7                 (A) in subsection (c)(3), by striking “Ac-  
8                 count” and inserting “Subaccount”; and

9                 (B) in subsection (d), by striking “Ac-  
10                count” and inserting “Subaccount”;

11            (2) in section 4 (16 U.S.C. 669c)—

12                 (A) in subsection (c)—

13                     (i) in the subsection heading, by strik-  
14                     ing “ACCOUNT” and inserting “SUB-  
15                     ACCOUNT”;

16                     (ii) in the matter preceding subpara-  
17                     graph (A), by striking “Account” and in-  
18                     serting “Subaccount”;

19                     (iii) in the matter preceding para-  
20                     graph (2)(A)(i), by striking “Account” and  
21                     inserting “Subaccount”; and

22                     (iv) in paragraph (3), by striking “Ac-  
23                     count” and inserting “Subaccount”; and

24                 (B) in subsection (d)(1), by striking “Ac-  
25                 count” and inserting “Subaccount”; and

1           (3) in section 8 (16 U.S.C. 669g), in subsection  
2           (a), by striking “Account” and inserting “Sub-  
3           account”.

4           (c) TECHNICAL AMENDMENTS.—Section 4 of the  
5 Pittman-Robertson Wildlife Restoration Act (16 U.S.C.  
6 669e) is amended—

7           (1) in the second subsection (c), by striking  
8           “(c)” and inserting “(d)”; and

9           (2) by redesignating subsection (d) as sub-  
10          section (e).

11 **SEC. 5. SAVINGS CLAUSE.**

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

14          (1) by redesignating section 13 as section 14;  
15          and

16          (2) by inserting after section 12 the following:

17 **“SEC. 13. SAVINGS CLAUSE.**

18          “Nothing in this Act shall be construed to affect the  
19 authority, jurisdiction, or responsibility of a State to man-  
20 age, control, or regulate fish and wildlife under the law  
21 and regulations of the State on lands and waters within  
22 the State, including on Federal lands and waters.

1 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**  
2 **ALASKA.**

3 “(a) IN GENERAL.—Nothing in this Act shall be con-  
4 strued to affect—

5 “(1) the provisions for subsistence uses in Alas-  
6 ka set forth in the Alaska National Interest Lands  
7 Conservation Act (16 U.S.C. 3101 et seq.), including  
8 the such provisions in titles III and VIII of that Act;

9 “(2) the provisions of section 102 of the Alaska  
10 National Interest Lands Conservation Act (16  
11 U.S.C. 3101 et seq.), the jurisdiction over subsist-  
12 ence uses in Alaska, or any assertion of subsistence  
13 uses in Alaska in the Federal courts; or

14 “(3) the manner in which section 810 of the  
15 Alaska National Interest Lands Conservation Act  
16 (16 U.S.C. 3120) is implemented on Federal lands  
17 and waters in Alaska.

18 “(b) CONFLICTS OF LAWS.—If any conflict arises be-  
19 tween any provision of this Act and any provision of the  
20 Alaska National Interest Lands Conservation Act (16  
21 U.S.C. 3101 et seq.), then the provision in the Alaska Na-  
22 tional Interest Lands Conservation Act shall prevail.”.

○