

Committee on Natural Resources

Rob Bishop Chairman
Markup Memorandum

June 4, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Brandon Miller
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 5875 (Rep. Madeleine Z. Bordallo)**, To amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Federal Aid in Sport Fish Restoration Act, to provide parity for United States territories and the District of Columbia, to make technical corrections to such Acts and related laws, and for other purposes.
June 6, 2018, 10:15 AM; 1324 Longworth House Office Building

Summary of the Bill

H.R. 5875, introduced by Congresswoman Madeleine Z. Bordallo (D-Guam-At Large), would provide parity for the five U.S. territories and the District of Columbia with the 50 states under the Pittman-Robertson and Dingell-Johnson federal funding formulas. This bill removes the existing caps under current law that limit the amount of Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration funds that the U.S. territories are eligible to receive.

Cosponsors

Rep. Aumua Amata Coleman Radewagen [R-AS]

Rep. Jennifer González-Colón [R-PR]

Rep. Eleanor Holmes Norton [D-DC]

Rep. Stacey E. Plaskett [D-USVI]

Rep. Gregorio Kilili Camacho Sablan [D-CNMI]

Background

The Pittman-Robertson Wildlife Restoration Act of 1937 (Sept. 2, 1937, ch. 899, §1, 50 Stat. 917) uses the proceeds of federal excise tax on firearms ammunition and archery equipment to fund grants for wildlife resource projects to States' territorial fish and wildlife agencies, and to conduct hunter education programs. The excise tax is set at 10% of the wholesale price for pistols and revolvers, 11% for other firearms as well as shells or cartridges, and is collected by the manufacturer. An 11% tax on archery equipment is also deposited into the fund. The tax is applied whether the equipment is likely to be used for hunting or not. Total apportionments to

the States and territories were \$780,031,696 in Fiscal Year 2017 and \$695,141,699 in Fiscal Year 2016.¹

Similar to the fund established by the Pittman-Robertson Act, the Dingell-Johnson Sport Fish Restoration Act of 1950 (Aug. 9, 1950, ch. 658, 64 Stat. 430) uses the proceeds of federal excise taxes levied on sport fishing equipment, as well as import duties on fishing tackle, yachts and pleasure boats.

The taxes paid by hunters, fishers, boaters, and recreational shooters provide funds that support the management of marine and terrestrial wildlife populations and their habitats. Preserving and enhancing this volunteer revenue source has enabled State agencies to provide additional outdoor recreational opportunities. This “user pay/public benefits” approach aids hunters, recreational shooters, and all citizens through the delivery of on the ground wildlife and habitat conservation activities by the State fish and wildlife agencies.

Under current statute, each State is guaranteed *at least* a 1% share of the yearly Pittman-Robertson apportionment. However, current statute caps Puerto Rico’s share at 0.25% and the 4 other U.S. territories’ shares at just 0.167%.² H.R. 5875 would specifically remove the existing caps on funds for basic hunter education programs and would mandate that each territory and State receive not less than 1% in any given year.

The bill also removes additional percentage restrictions on apportionments for wildlife and sport fish restoration projects. The absence of the caps will allow the Secretary of the Interior to exercise discretion in apportioning Pittman-Robertson and Dingell-Johnson funds to the 5 U.S. territories, in proportion to their populations, as is done currently for each of the 50 States.

The Subcommittee on Federal Lands held a legislative hearing on H.R. 5875 on May 22, 2018.

Major Provisions/Analysis of H.R. 5875

Section 1: Apportionment Under Pittman-Robertson Wildlife Restoration Act

Removes caps in current statute (16 U.S.C. 669c) for yearly Pittman-Robertson apportionment to American Samoa, Guam the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands under the Pittman-Robertson Act which are currently set at 0.167% and 0.25%.

Each State and territory shall not be apportioned less than 1 percent of such revenue.

¹ United States [Fish and Wildlife Service Certificates of Apportionment](#) for Fiscal Years 2016 and 2017.

² [16 U.S.C. 669g-1 - Payment of funds to and cooperation with Puerto Rico, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands](#)

Allows Secretary of the Interior to exercise his/her discretion in apportioning Pittman-Robertson funds to the 5 U.S. territories, in proportion to their populations, as is done currently for each of the 50 States.

Section 3: Technical Corrections to Pittman-Robertson Wildlife Restoration Act.

Section 4: Apportionment Under Dingell-Johnson Sportfish Restoration Act

Removes caps in current statute (16 U.S.C. 777k) for yearly apportionment to American Samoa, Guam the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands under the Dingell-Johnson Act, which are currently set at 1% for Puerto Rico, and .333% for the District of Colombia, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands.

Allows the Secretary of the Interior to exercise his/her discretion in apportioning Pittman-Robertson funds to the 5 U.S. territories, in proportion to their populations, as is done currently for each of the 50 States.

Section 5: Technical Corrections to Dingell-Johnson Act.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration's position is currently unknown.

Anticipated Amendments

[Effect on Current Law \(Ramseyer\)](#)