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Backdoor Talks Give Wildlife Bill Backers Reason for Optimism

By Kellie Lunney 2023-06-28T05:45:11000-04:00

- Westerman drafting a GOP alternative to conservation bill
- Heinrich is confident funding won't be 'deal-killer' this year

House and Senate lawmakers are working behind the scenes to revive popular bipartisan legislation to conserve wildlife, and steer it away from prior funding battles.

House Republicans are drafting a new version of the "Recovering America's Wildlife Act" to appease spending concerns that have only hardened this year, as Republicans focus on cutting government funding. Senators have released their own bipartisan bill (S. 1149), and are eyeing paths to negotiate with the House while moving forward with a floor vote as early as this fall.

The wildlife act would set aside billions of dollars for plant and animal recovery and habitat management. The legislation has been a shared priority for Democrats and Republicans who also see the effort as a way to save species from reaching threatened or endangered status, potentially saving business and local governments hefty compliance costs. State conservation agencies have identified more than 12,000 wildlife and plant species in need of greater protection, while more than 1,600 species are endangered or threatened, according to the US Fish and Wildlife Service.

Natural Resources Chairman Bruce Westerman (R-Ark.) said his staff is drafting a GOP version of the wildlife bill to pay for the approximately \$1.4 billion in annual funding proposed in the bill for states, tribes, and territories for conservation projects. The bill would also include a sunset provision for the program, allowing Congress to assess effectiveness before renewing it.



A Wood Stork, which is an endangered species, hunts for food at Orlando Wetlands Park in Christmas, Fla., in February 2023.

Photographer: Jim Watson/AFP via Getty Images

“The bill from last Congress has permanent mandatory spending, no offset, no sunset,” Westerman said in an interview. “We’ve got to change that to have a chance of it passing in the House.” Westerman said his bill also would focus even more on maintaining healthy habitats for wildlife than the current Senate version.

Previously: [Popular Wildlife Conservation Bill to Aid States Passes House](#)

Westerman said his legislation could come before the Natural Resources Committee this fall. “It’s a priority of mine to get this done,” he said.

Senate Democratic sponsor Martin Heinrich (N.M.), in response to Westerman’s potential alternative, said he’s trying to “maintain a very open approach to this; clearly the House is going to have a lot of input into what the final product is.”

It isn't clear if the legislation will win enough support to clear a divided Congress this session. Still, Heinrich pledged to work with Westerman and other Republicans to "try and reconcile our approach with their approach."

Funding Negotiations

Heinrich and Republican cosponsor Thom Tillis (N.C.) reintroduced RAWA in March with placeholder language for an offset for the bill's costs in order to placate Republicans — and some Democrats— concerned with the original legislation's funding mechanism.

The House passed that bill in 2022, but it died in the Senate. Last year's legislation would have gotten the \$1.4 billion over 10 years by relying on revenue from environmental penalties, rather than going through the annual congressional appropriations process.

The Congressional Budget Office [estimated](#) at the time that the measure would increase direct spending by \$12.7 billion between 2022 and 2032.

Heinrich said the pay-for issue hasn't been resolved yet, but he didn't view it "as a deal-killer this time around." He wouldn't elaborate on what could eventually emerge as the funding mechanism, but said it will come out of the congressional tax-writing committees: the Senate Finance and House Ways and Means committees.

"There are several things floating out there that we could use but I'm not going to settle on one today because I do want to be respectful of the House probably doing the first step on that," the New Mexico Democrat said in an interview.

The Heinrich-Tillis bill now has eight Republicans signed on, which means it's close to having enough support to move as a stand-alone bill in the Senate. Most legislation in the Senate needs to have 60 senators on board to overcome a filibuster threat and advance to a floor vote. Heinrich said he would like to see 12 to 13 Republicans on the bill, and tee it up for a floor vote as early as the fall.

Building Support

Tillis said he has worked with Heinrich on building bipartisan support since the bill's reintroduction in March. "We have made good progress on this important legislation to keep more fish and wildlife off the endangered species list, saving tens of millions of dollars in compliance costs for Americans, and protect our country's rich natural resources," the Republican said in a statement.

Heinrich has called RAWA the "Great American Outdoors for wildlife." Advocates of the legislation consider it a clear follow-up to the 2020 Great American Outdoors Act (Public Law 116-152), which made funding permanent for a land and water conservation fund.

Rep. Debbie Dingell (Mich.), the lead Democratic cosponsor of the wildlife legislation in the last Congress, hasn't yet reintroduced a bill this year. Dingell has worked with Republicans since the last Congress on trying to alleviate their funding concerns. "Rep. Dingell remains committed to defending America's imperiled wildlife from attack and is continuing to work with groups and colleagues on the reintroduction of RAWA," Dingell spokeswoman Michaela Johnson said in a statement.

Westerman said he has talked with Dingell, though "not in a lot of detail," about figuring out a path forward. "I think she knows we are working on this bill," he said of the Republican alternative. "We need to get our thoughts on paper."

RAWA is "very much alive," said Collin O'Mara, president and CEO of the National Wildlife Federation. The group has long supported the legislation. O'Mara said Sen. Kyrsten Sinema (I-Ariz.), who is a cosponsor of S. 1149, also has been involved in bicameral negotiations with lawmakers.

Senate Majority Leader Chuck Schumer (D-N.Y.) is aware of the legislation's momentum. "He saw the breadth of support in our caucus last year, and I think that got his attention," Heinrich said.

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