

The AFWA Strategist

Update for Members and Partners of the Association of Fish & Wildlife Agencies

Spring 2022

AFWA Government Affairs

FY22/23 Appropriations and Continuing Resolution- For FY22, the Federal Government continues to be funded under a short-term funding extension or Constitution Resolution (CR), since agreement on the budget could not be reached. This is the third such extension this fiscal year. The current CR expires on March 11, 2022. There are reports that Congress had reached a bicameral, bipartisan framework for the FY22 omnibus, but with an interest including funding for Ukraine and COVID-19 now being considered for inclusion in the omnibus, agreement on a final omnibus may be delayed suggesting another possible short-term CR. While most funding levels in previous FY22 bills were favorable, we continue to advocate for increased funding to cover the new Cooperative Research Units. Meanwhile, even without agreement on an FY22 budget, and without the President's Budget being released, the FY23 process is already underway with a [deadline to submit testimony](#) to the House Appropriations Interior, Environment, and Related Agencies Subcommittee for Department of the Interior programs of March 10. AFWA is coordinating testimonies with regional associations to ensure full coverage, as well as with coalition partners to align wherever possible.

Implementing the Infrastructure Investment and Jobs Act (IIJA/BIL) – The Association solicited state priorities for shovel ready infrastructure related projects shortly after IIJA's passage. This list was shared with our federal agency partners, including the US Fish and Wildlife Service. The fish passage, fish habitat and connectivity projects were shared with the Service's regional offices for consideration while FY22 spending priorities were being established.

In February, the White House released the [IIJA implementation guidebook](#) as a tool to navigate and identify funding opportunities. AFWA also [submitted comments](#) in response to the Federal Highway Administration's Request for Information on implementation of the IIJA, requesting that they direct coordination/consultation with state agencies via regulation. In early March, AFWA and the Theodore Roosevelt Conservation Partnership [authored a letter](#) cosigned by 51 hunting, fishing, conservation, landowner, and business organizations to the Administration with recommendations for implementation. These included building on existing partnerships, prioritizing durable conservation and outdoor recreation at scale, waiving match requirements, and improving NEPA processes

CWD Research and Management Act – The conservation community is anxiously waiting for the release for a Senate companion bill to the House Chronic Wasting Disease Research and Management Act ([HR 5608](#)). The bill is expected to mirror its companion legislation, HR 5608, sponsored by Representatives Ron Kind (D-WI-3) and Glenn Thompson (R-PA-15). After moving quickly through the House Committee on Agriculture via voice vote, HR 5608 was approved by the full House with an overwhelmingly bipartisan majority of 393-33.

With the full authorized appropriation, the bill would provide \$35 million for research into CWD transmission, resistance, and diagnosis, as well as \$35 million to fund management and control efforts. Critically, 75% of management funds would be set aside for state and tribal fish and wildlife agencies. In addition, the bill directs a review of the herd certification program, which has proven insufficient to prevent outbreaks of CWD originating in farmed deer populations from spreading to wild deer.

COMPETES Act – Lacey Act Revisions – In early February, HR4521, the *America Competes Act of 2022*, passed the House by a party line vote. If passed by the Senate and enacted in its current version, the legislation would result in 4 primary changes to the Lacey Act:

- Overturn the USARK ruling, establishing in statute that Title 18 prohibitions apply to interstate movement of injurious species.
- Change the current strict liability standard under Title 18 by adding “knowingly”, which would require authorities to prove violations are intentional in order to prosecute and enforce.
- Give the Secretary of the Interior authority to make emergency designations prohibiting importation of any species for a period of 3 years before establishing the designation by regulation.
- Establish a “presumptive prohibition” on importation of any non-native species not currently in trade.

While title 18 of the Lacey Act was historically interpreted to prohibit interstate movement of injurious species, this was successfully challenged by the U.S. Association of Reptile Keepers (USARK), resulting in a decision by the D.C. Circuit Court in 2017. The decision held that title 18 only applies to importation of injurious species *into* the United States, and not shipment between the states. Since then, AFWA has supported legislative changes that would return implementation of Title 18 to prohibiting interstate transport. The Association is actively engaging its members as we develop a position on this legislation.

What is next? The bill's Senate counterpart, the [US Innovation and Competition Act of 2021](#), that passed with the support of 19 Republican Senators in June of last year is vastly different. For instance, it does not include the Lacey Act revisions – but that is but one example. With all the differences, a conference committee to work out the compromises to agree on one bill could take more time. We have heard that either Chamber may want to take up the other's version of the bill...that may be easier for the House to do than the Senate.

Martha Williams Confirmed as USFWS Director- The Senate voted to confirm the nomination of Ms. Martha Williams to serve as the next Director of the U.S. Fish and Wildlife under a voice vote, a sign of the wide-spread and bipartisan support. AFWA issued a [press release](#) in support.

WSFR Apportionments Announced- USFWS announced a record \$1.5 billion in annual funding through the Wildlife and Sport Fish Restoration Program. State-by-state listing of the Service's final apportionment of Wildlife and Sport Fish Restoration program funds for Fiscal Year 2022 can be found on the [WSFR webpage](#). AFWA issued a [press release](#) praising the historic funding.



Save the date...

112th AFWA Annual Meeting
Omni Hotel
Forth Worth, Texas
September 18-21, 2022



www.fishwildlife.org

Annual Awards Call for Nominations

Please take a minute and think of a team or individual within your agency as well as private stakeholders who are deserving of national recognition for their outstanding work to advance fish and wildlife conservation.

**Nominations are due
July 1, 2021**

For awards criteria and nomination details, go to:

www.fishwildlife.org/afwa-acts/annual-awards/nominations-criteria



2021 AFWA Annual Report

The Association recently released its 2021 Annual Report in which we focus on building resilience and the power of adaptation.

Download at www.fishwildlife.org

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Alliance for America's Fish & Wildlife

There has been a lot of good work done recently by members of the [Alliance for America's Fish & Wildlife](#) and conversations continue to occur as we identify the path to passage for the Recovering America's Wildlife Act this year. We currently stand at [165 bipartisan cosponsors](#) (123D – 37R) in the House. If you recall, there was a successful mark-up and vote (29-15...including 4R) to pass the bill out of the House Natural Resources (HNR) committee on January 19. The bill hasn't been officially discharged out of committee yet, but we expect that to occur in advance of any floor action in the House. During the interim, the extra time allows additional time to add cosponsors. Partner outreach to congressional offices with a cosponsor request now is very valuable and greatly appreciated.

In the Senate, we remain at [32 bipartisan co-sponsors](#). The Senate bill sponsors remain very optimistic, engaged and looking forward to seeing the Environment and Public Works (EPW) committee vote on the bill so that it can reach the floor by summer. Senate EPW committee staff have been actively engaged, as has the AFWA leadership, in discussing opportunities to find a path through their committee that addresses some of the issues raised during the December 2021 hearing while maintaining strong bipartisan support for the bill. Additional cosponsors in the Senate, especially Republicans, would be helpful in advance of a markup, so again your assistance in making touches to potential Senate supporters would be valuable. It is possible that by the time we're at the North American together, we'll have more details on committee action in the Senate and next steps.

Finally, if you were not able to attend the February 15 hill briefing on "wildlife in crisis," the recording of the briefing can be viewed [here](#). The briefing was led by The American Fisheries Society, The Wildlife Society, The National Wildlife Federation and the Native American Fish & Wildlife Society and included remarks from the bill's sponsors and other representatives from the conservation community. It was well attended by staff from both current sponsors of the Senate and House bills and non-sponsors as well. This gives us a great list of potential targets for further outreach. As always, don't hesitate to reach out to Sean Saville at ssaville@fishwildlife.org; (202) 441-4214 with any questions or requests for information and we appreciate your continued support and advocacy for this historic legislation.

International Relations

March is a busy month for international conventions and negotiations. The UN Environment Assembly is meeting February 28th to March 4th. There are several resolutions (E.g. animal welfare and sustainable development and biodiversity and human health) that are of interest. The Convention on International Trade in Endangered Species Wild Fauna and Flora (CITES) is meeting regarding policy related to international wildlife trade and use from March 7-11. Members will be represented by the MAFWA CITES Technical Work Group representative, Stewart Liley of New Mexico Department of Game and Fish. Deb Hahn, AFWA's International Relations Director, will attend as a member of the US Government delegation to ensure state, provincial and territorial member voices are included. From March 12th to March 29th the Convention for Biological Diversity (CBD) will negotiate the wording of the Global Biodiversity Framework. Deb Hahn will attend some of that meeting to share AFWA's recommendations.

National Fish Habitat Partnership Update

The National Fish Habitat Board hosted their first meeting of 2022 on February 16-17. The Board discussed future conservation priorities and also had a roundtable with federal partners about the Bi-partisan Infrastructure Law. The Board also seated new [Tribal Board members, Adam Ringia and Karen Linnell, at their meeting](#). Presentations and resources from the February Board Meeting can be found [here](#).