



Wildlife and Sport Fish Restoration Program



Policy Advisory FY21-001: America's Conservation Enhancement (ACE) Act amendments to the Wildlife Restoration Act

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The America's Conservation Enhancement Act (ACE Act) (P. Law 116-188) was signed by the President on October 30, 2020 and became effective the same day. Section 303 of the ACE Act amends the Wildlife Restoration Act by adding the following language:

Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.

The Amendment authorizes States to use as match an interest in land that a land-grant institution acquired directly from the U.S. Department of Agriculture (USDA) or with funds received from the USDA. The amendment applies only to awards in a program authorized under the Wildlife Restoration Act. All other requirements related to match in 50 CFR 80 and 2 CFR 200 continue to apply.

Land grant institutions are those defined by the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601). These institutions play a key role in the operation of the Cooperative Extension Service. There are currently 112 land-grant institutions with at least one in each State, commonwealth, and territory. Both the District of Columbia and the Federated States of Micronesia have a land-grant institution but neither is eligible to receive financial assistance from the programs authorized under the Wildlife Restoration Act. A complete list is at <https://nifa.usda.gov/land-grant-colleges-and-universities>.

SUPPORTING INFORMATION

DEFINITION: The Solicitor's Office has determined that the word "institutions," as used in the ACE Act, means land-grant institutions. This interpretation is based on the definitions in

the Agricultural Research, Extension, and Education Reform Act of 1998. The Senate legislative report that accompanied the ACE Act specifically mentions land-grant institutions.

BACKGROUND: In 2018, a State applied for a grant to build a public target range on land owned by a land-grant university. The site of the proposed target range was committed as match. However, the Solicitor's Office confirmed a preliminary determination that the land was ineligible as match because the USDA had acquired the land and given it to the university. A member of the State's congressional delegation then proposed a bill that would allow a land-grant institution to use its land as match despite the Federal nexus. The proposed bill evolved into section 303 of the ACE Act.

REFERENCES

A. Senate Report 116-239 (To accompany S. 3051):

General Statement and Background ... Land-grant Institutions and Pittman-Robertson (Justifying the need for the Amendment)

Pittman-Robertson funds can be used to benefit wildlife resources and to provide opportunities for hunter education. However, USFWS has determined that land previously purchased by land-grant institutions with federal dollars, or donated to them by the federal government, is ineligible to be used to fulfill the grant matching requirements of Pittman-Robertson because of its previous federal status.

Section by Section Analysis ... Section 404 – Use of Value of Land for Cost Sharing

This section permits any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.), including land grant institutions, to satisfy the matching portion under Pittman Robertson with the value of any land they own as in-kind match. This is regardless of whether the land was purchased with Federal funds.

Pittman-Robertson Wildlife Restoration Act... SEC. 13. VALUE OF LAND [New Section inserted in PR Act by ACE Act]

Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.

B. 7 U.S.C. 7601

... includes the following definitions:

(1) 1862 Institution

The term “[1862 Institution](#)” means a college or university eligible to receive funds under the Act of July 2, 1862 ([12 Stat. 503](#), chapter 130; [7 U.S.C. 301](#) et seq.).

(2) 1890 Institution

The term “[1890 Institution](#)” means a college or university eligible to receive funds under the Act of August 30, 1890 ([26 Stat. 419](#), chapter 841; [7 U.S.C. 321](#) et seq.), including Tuskegee University.

(3) 1994 Institution

The term “[1994 Institution](#)” means 1 of the [1994 Institutions](#) (as defined in section 532 of the [Equity in Educational Land-Grant Status Act of 1994](#) ([Public Law 103–382](#); [7 U.S.C. 301](#) note)) (as amended by section 251(a)).

C. America’s Conservation Enhancement (ACE) Act

SEC. 303. USE OF VALUE OF LAND FOR COST SHARING.

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

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

(2) by inserting after section 12 the following:

“SEC. 13. VALUE OF LAND.

“Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.”.