### Union Calendar No. 754

118TH CONGRESS 2D SESSION

# H. R. 7408

[Report No. 118-922, Part I]

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.

#### IN THE HOUSE OF REPRESENTATIVES

February 20, 2024

Mr. Westerman (for himself, Mr. Bentz, Ms. Hageman, Mr. Stauber, Mr. Curtis, Mr. Carl, Mr. Lamborn, Ms. Boebert, Mrs. Kiggans of Virginia, Mr. Lamalfa, Mr. Newhouse, Mrs. Radewagen, Mr. Moylan, Mrs. González-Colón, Ms. Maloy, Mr. Carter of Georgia, Mr. Zinke, Mr. Smith of Nebraska, and Mr. Wittman) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

#### December 18, 2024

Additional sponsors: Mrs. Rodgers of Washington, Mr. Rosendale, Mr. Owens, and Mr. Tony Gonzales of Texas

#### December 18, 2024

Reported from the Committee on Natural Resources with an amendment [Strike out all after the enacting clause and insert the part printed in italic]

#### DECEMBER 18, 2024

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed [For text of introduced bill, see copy of bill as introduced on February 20, 2024]

# 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; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "America's Wildlife Habitat Conservation Act".
- 6 (b) Table of Contents.—The table of contents for
- 7 this Act is as follows:
  - Sec. 1. Short title; table of contents.
  - Sec. 2. Statement of purpose.
  - Sec. 3. GAO study.

#### TITLE I—WILDLIFE CONSERVATION AND RESTORATION

- Sec. 101. Wildlife Conservation and Restoration Subaccount.
- Sec. 102. Technical amendments.
- Sec. 103. Savings clause.

#### TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

Sec. 201. Indian Tribes.

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- Sec. 301. Definitions.
- Sec. 302. Good neighbor authority for United States Fish and Wildlife Service.
- Sec. 303. Stewardship end result contracting projects.
- Sec. 304. Technical amendments.

# TITLE IV—INCENTIVIZING WILDLIFE CONSERVATION ON PRIVATE LANDS

- Sec. 401. Candidate Conservation Agreements with Assurances.
- Sec. 402. Designation of critical habitat.
- Sec. 403. Availability of certain information.

#### TITLE V—FOREST INFORMATION REFORM

Sec. 501. No additional consultation required.

# TITLE VI—PROVIDING FOR GREATER INCENTIVES TO RECOVER LISTED SPECIES

Sec. 601. Protective regulations under Endangered Species Act of 1973.

#### TITLE VII—RESCISSIONS AND REPEALS

- Sec. 701. Rescission of funds.
- Sec. 702. Repeal of certain programs.

#### SEC. 2. STATEMENT OF PURPOSE.

2 The purpose of this Act is to extend financial	ıl and tech-
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- 3 nical assistance to States, territories, the District of Colum-
- 4 bia, and Indian Tribes, including under the Pittman-Rob-
- 5 ertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), for
- 6 the purpose of restoring habitat on State, Tribal, Federal,
- 7 and private lands—
- 8 (1) to recover species currently listed as threat-
- 9 ened or endangered under the Endangered Species Act
- 10 of 1973 (16 U.S.C. 1531 et seq.) or under State law;
- 11 *and*
- 12 (2) to prevent the need to list species under the
- Endangered Species Act of 1973 (16 U.S.C. 1531 et
- 14 seq.) or under State law.
- 15 SEC. 3. GAO STUDY.
- Not later than 5 years after the date of enactment of
- 17 this Act, the Comptroller General of the United States shall
- 18 conduct a study to examine the progress of States, terri-
- 19 tories, the District of Columbia, and Indian Tribes toward
- 20 achieving the purpose described in section 2.

### 21 TITLE I—WILDLIFE CONSERVA-

- 22 TION AND RESTORATION
- 23 SEC. 101. WILDLIFE CONSERVATION AND RESTORATION
- 24 SUBACCOUNT.
- 25 (a) In General.—Section 3 of the Pittman-Robertson
- 26 Wildlife Restoration Act (16 U.S.C. 669b) is amended—

1	(1) in subsection (a)—
2	(A) by striking "(1) An amount equal to
3	and inserting "An amount equal to"; and
4	(B) by striking paragraph (2); and
5	(2) in subsection (c)—
6	(A) by inserting after "(c)" the following.
7	"WILDLIFE HABITAT CONSERVATION AND RES-
8	Toration Subaccount.—";
9	(B) by redesignating paragraphs (2) and
10	(3) as paragraphs (10) and (11); and
11	(C) by striking paragraph (1) and inserting
12	$the\ following:$
13	"(1) Definitions.—In this subsection:
14	"(A) Restoration.—The term 'restoration
15	means the implementation of conservation ac-
16	tions and practices that reestablish or enhance
17	environmental conditions and ecosystem func-
18	tions that benefit the diversity, resilience, health,
19	and productivity of plants and animals.
20	"(B) Rewilding.—The term 'rewilding
21	means a restoration approach that prohibits
22	human management activities and relies only on
23	natural processes to maintain or improve habi-
24	tat.

"(C) Territory and territories.—The 1 2 terms 'territory' and 'territories' mean the Commonwealth of Puerto Rico, Guam, American 3 4 Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Is-5 6 lands. 7 "(2) Establishment of subaccount.— 8 "(A) In general.—There is established in 9 the fund a subaccount to be known as the Wild-10 life Habitat Conservation and Restoration Sub-11 account'. 12 "(B) AVAILABILITY.—Amounts in the Sub-13 account shall be available until expended, subject 14 to future appropriations, for apportionment in 15 accordance with this Act. "(C) Deposits into subaccount.—Sub-16 17 ject to the availability of appropriations made in 18 advance for such purposes, the Secretary shall al-19 locate not more than \$300,000,000 to the Sub-20 account for each of fiscal years 2025 through 21 2029. 22 "(D) Treatment of revenue.—Funds re-23 ceived by a State fish and wildlife department as 24 a result of a wildlife conservation and restora-

tion program or project of such department that

1	is carried out on Federal or State land and
2	funded by the Subaccount shall be retained and
3	used by such department to carry out additional
4	authorized wildlife conservation and restoration
5	programs or projects pursuant to the America's
6	Wildlife Habitat Conservation Act.
7	"(E) Sunset.—No funds may be appro-
8	priated to the Subaccount after fiscal year 2029.
9	"(3) Supplement not supplant.—Amounts
10	transferred to the Subaccount shall supplement, but
11	not replace, existing funds available to the States
12	from—
13	"(A) the funds distributed pursuant to the
14	Dingell-Johnson Sport Fish Restoration Act (16
15	U.S.C. 777 et seq.); and
16	"( $B$ ) the fund.
17	"(4) Innovation grants.—
18	"(A) In general.—The Secretary shall dis-
19	tribute 10 percent of amounts in the Subaccount
20	in each fiscal year through a competitive grant
21	program to State fish and wildlife departments,
22	the District of Columbia fish and wildlife de-
23	partment, fish and wildlife departments of terri-
24	tories, or to regional associations of fish and

1	wildlife departments (or any group composed of
2	more than 1 such entity).
3	"(B) Purpose.—Recipients of a grant
4	issued under subparagraph (A) shall use such
5	grant funds for the purpose of catalyzing innova-
6	tion of techniques, tools, strategies, or collabo-
7	rative partnerships that accelerate, expand, or
8	replicate effective and measurable recovery efforts
9	for habitat of species of greatest conservation
10	need and species listed under the Endangered
11	Species Act of 1973 (16 U.S.C. 1531 et seq.).
12	"(C) REVIEW COMMITTEE.—The Secretary
13	shall appoint a review committee comprised of—
14	"(i) 1 State Director from each re-
15	gional association of State fish and wildlife
16	departments;
17	"(ii) the head of a department respon-
18	sible for fish and wildlife management in a
19	territory;
20	"(iii) 1 delegate from the United States
21	Fish and Wildlife Service, for the purpose of
22	$providing\ technical\ assistance;$
23	"(iv) 2 individuals who represent 2
24	different nonprofit organizations, each of
25	which participated in carrying out wildlife

1	conservation and restoration activities
2	using funds apportioned from the Sub-
3	account during the 5-year period ending on
4	the date of appointment of such individual;
5	and
6	"(v) 2 individuals who represent 2 dif-
7	ferent nonprofit hunting and fishing orga-
8	nizations who are each a member of—
9	"(I) the Hunting and Wildlife
10	Conservation Council of the Depart-
11	ment of the Interior and Department
12	of Agriculture and classified as rep-
13	resenting a 'wildlife & habitat con-
14	servation/management  organization';
15	or
16	"(II) the Sport Fishing and Boat-
17	ing Partnership Council of the Depart-
18	ment of the Interior and classified as
19	representing a 'recreational fishery re-
20	$source\ conservation\ organization'.$
21	"(D) Support from united states fish
22	AND WILDLIFE SERVICE.—Using not more than
23	3 percent of the amounts distributed under sub-
24	paragraph (A) to carry out a competitive grant
25	program, the United States Fish and Wildlife

1 Service shall provide any personnel or adminis-2 trative support services necessary for such committee to carry out its responsibilities under this 3 Act.4 5 "(E) EVALUATION.—Such committee shall 6 evaluate each proposal submitted under this 7 paragraph and recommend projects for funding, 8 giving preference to solutions that accelerate the 9 recovery of habitat for species identified as prior-10 ities through regional scientific assessments of 11 species of greatest conservation need. 12 "(5) USE OF FUNDS.— 13 "(A) In GENERAL.—Funds apportioned 14 from the Subaccount under paragraph (2)(B)— 15 "(i) shall be used for purposes and practices consistent with section 2 of the 16 17 America's Wildlife Habitat Conservation 18 Act; 19 "(ii) shall be used to develop, carry

"(ii) shall be used to develop, carry out, revise, or enhance the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(e), by carrying out, revising, or enhancing existing wildlife conservation and restoration programs or strategies and

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1	developing and implementing new wildlife
2	conservation and restoration programs or
3	strategies, as determined by the appropriate
4	State fish and wildlife department;
5	"(iii) shall be used to assist in the res-
6	toration of habitat for species found in the
7	State, territory, or the District of Columbia
8	that are listed as endangered species, threat-
9	ened species, candidate species or species
10	proposed for listing, or species petitioned for
11	listing under the Endangered Species Act of
12	1973 (16 U.S.C. 1531 et seq.) or under
13	State law;
14	"(iv) may be used for management of
15	animals, including harvesting;
16	"(v) may be used for the conservation
17	and restoration of habitat for species of
18	greatest conservation need whose range is
19	shared with another State, territory, Indian
20	Tribe, or foreign government;
21	"(vi) may be used to manage, control,
22	and prevent invasive species, disease, and
23	other risks to the habitat of species of great-
24	est conservation need;

1	"(vii) may be used for forest and vege-
2	tation management activities if a primary
3	purpose of such activity is to modify, im-
4	prove, enhance, or create wildlife habitat or
5	reduce the risk of damage or destruction to
6	wildlife habitat due to wildfires, insects, or
7	disease, including—
8	"(I) planting, seeding, and har-
9	vesting, including planting, seeding,
10	and harvesting of native seeds;
11	$``(II)\ mechanical\ thinning;$
12	$``(III)\ prescribed\ burning;$
13	"(IV) chemical applications de-
14	signed to restore natural range vari-
15	ation including creating and main-
16	taining early seral communities; and
17	"(V) prescribed haying and graz-
18	ing practices;
19	"(viii) may be used to carry out vol-
20	untary, collaborative conservation work
21	with willing landowners consistent with sec-
22	tion 2 of the America's Wildlife Habitat
23	Conservation Act to keep private lands
24	working; and

1	"(ix) may be used to provide incentives
2	to private landowners to carry out habitat
3	conservation work for threatened and en-
4	dangered species or species of greatest con-
5	servation need on the land owned by such
6	private landowners and to provide financial
7	assistance or technical assistance to such
8	private landowners to carry out such work.
9	"(B) Prohibited Uses.—Funds appor-
10	tioned from the Subaccount may not be used
11	for—
12	"(i) rewilding;
13	"(ii) the reintroduction or management
14	of a species in a manner not supported by
15	the applicable State fish and wildlife man-
16	agement authorities; or
17	"(iii) climate-focused decisions that
18	lack a connection to the State comprehen-
19	sive plan developed under section $4(e)(1)$ .
20	"(6) Minimum required spending for endan-
21	GERED SPECIES RECOVERY.—Not less than 15 percent
22	of the total amount apportioned to a State, territory,
23	or the District of Columbia from the Subaccount dur-
24	ing the period of fiscal years 2025 through 2029 shall

1	be used for purposes described in paragraph
2	(5)(A)(iii).
3	"(7) Public access to private lands not re-
4	QUIRED.—Apportionment of funds from the Sub-
5	account may not be conditioned upon the provision of
6	public access to private lands, waters, or holdings.
7	"(8) Requirements for matching funds.—
8	"(A) In general.—For the purposes of the
9	non-Federal fund matching requirement for a
10	wildlife conservation and restoration program or
11	project funded by the Subaccount, a State, terri-
12	tory, or the District of Columbia may use as
13	matching non-Federal funds—
14	"(i) in-kind contributions of services
15	and materials;
16	"(ii) voluntarily donated privately
17	owned easements;
18	"(iii) in circumstances described in
19	subparagraph (B), revenue generated
20	through the sale of State hunting and fish-
21	ing licenses; and
22	"(iv) other sources consistent with part
23	80 of title 50, Code of Federal Regulations,
24	as in effect on the date of the enactment of

1	the America's Wildlife Habitat Conserva-
2	$tion\ Act.$
3	"(B) CIRCUMSTANCES DESCRIBED.—Rev-
4	enue described in subparagraph (A)(iii) may
5	only be used to fulfill the requirements of such
6	non-Federal fund matching requirement if—
7	"(i) no Federal funds apportioned to
8	the State fish and wildlife department of
9	such State from the Wildlife Restoration
10	Program or the Sport Fish Restoration Pro-
11	gram have been reverted because of a failure
12	to fulfill such non-Federal fund matching
13	requirement by such State during the pre-
14	vious 2 years; and
15	"(ii) the project or program being
16	funded benefits the habitat of a species that
17	is a—
18	"(I) hunted or fished species; and
19	"(II) species of greatest conserva-
20	$tion\ need.$
21	"(9) State Land acquired
22	by a State, territory, or the District of Columbia
23	using funds apportioned from the Subaccount—
24	"(A) may only be purchased from a willing
25	seller;

1	"(B) may only be so acquired for the pur-
2	poses described in paragraph (5)(A)(iii);
3	"(C) may only be so acquired when no other
4	source of Department of the Interior funding is
5	available to purchase such land; and
6	"(D) shall be open to the public for wildlife-
7	related outdoor recreation, including hunting,
8	trapping, fishing, or recreational shooting to the
9	extent allowed by State law.".
10	(b) Allocation and Apportionment of Available
11	$Amounts\!\!-\!Section~4~of~the~Pittman-Robertson~Wildlife$
12	Restoration Act (16 U.S.C. 669c) is amended—
13	(1) in subsection (d)—
14	(A) in paragraph (1)—
15	(i) by inserting ", after deducting the
16	amount distributed pursuant to section
17	3(c)(4)," after "Secretary of the Interior
18	shall";
19	(ii) in subparagraph (A)—
20	(I) by striking "to the District of
21	Columbia and to the Commonwealth of
22	Puerto Rico, each" and inserting "To
23	the District of Columbia"; and
24	(II) by striking "one-half" and
25	inserting "one-fourth":

1	(iii) in subparagraph (B)—
2	(I) by striking "to Guam" and
3	inserting "To Guam"; and
4	(II) by striking "not more than
5	one-fourth of 1 percent" and inserting
6	"not less than one-third of 1 percent";
7	and
8	(iv) by adding at the end the following:
9	"(C) To the Commonwealth of Puerto Rico,
10	a sum equal to not less than 1 percent thereof.";
11	(B) in paragraph $(2)(A)$ —
12	(i) by amending clause (i) to read as
13	follows:
14	"(i) half of which is based on the ratio to
15	which the land and water area of such State
16	bears to the total land and water area of all such
17	States;";
18	(ii) in clause (ii)—
19	(I) by striking "two-thirds" and
20	inserting "one-quarter"; and
21	(II) by striking the period and in-
22	serting "; and"; and
23	(iii) by adding at the end the fol-
24	lowing:

1	"(iii) one quarter of which is based upon
2	the ratio to which the number of species listed as
3	endangered or threatened under the Endangered
4	Species Act of 1973 in such State bears to the
5	total number of such species listed in all such
6	States.";
7	(C) by amending paragraph (2)(B) to read
8	as follows:
9	"(B) The amounts apportioned under this para-
10	graph shall be adjusted equitably so that no such
11	State, unless otherwise designated, shall be appor-
12	tioned a sum which is less than 1 percent or more
13	than 5 percent of the amount available for apportion-
14	ment under—
15	"(i) $subparagraph (A)(i);$
16	"(ii) subparagraph (A)(ii); and
17	"(iii) the overall amount available for sub-
18	paragraph (A)."; and
19	(D) in paragraph (3), by striking "3 per-
20	cent" and inserting "one-third of 1 percent";
21	(2) in subsection (e) in paragraph (3), by strik-
22	ing "75" and inserting "90"; and
23	(3) by adding at the end following:
24	"(f) Accountability.—

1	"(1) In general.—Not later than 1 year after
2	the date of the enactment of the America's Wildlife
3	Habitat Conservation Act and every 2 years there-
4	after until the last day of fiscal year 2029, the head
5	of each State fish and wildlife department shall sub-
6	mit to the Director of the United States Fish and
7	Wildlife Service a report describing, with respect to
8	such department during the preceding 2 years, the fol-
9	lowing:
10	"(A) A summary of each activity carried
11	out using funds apportioned from the Sub-
12	account, including—
13	"(i) an accounting of the administra-
14	tive costs associated with each such activity;
15	"(ii) an accounting of land acquired, if
16	any, from willing sellers by each State fish
17	and wildlife department using funds from
18	the Subaccount, including—
19	"(I) the number of acres acquired;
20	"(II) the endangered species,
21	threatened species, candidate species or
22	species proposed for listing, or species
23	petitioned for listing under the Endan-
24	gered Species Act of 1973 (16 U.S.C.

1	1531 et seq.) or State law associated
2	with the land acquired;
3	"(III) the justification for such
4	land acquisition; and
5	"(IV) a detailed explanation re-
6	garding why other sources of funding
7	were not used for the land acquisition;
8	and
9	"(iii) the number of acres of habitat re-
10	stored, enhanced, created, or conserved by
11	each such activity.
12	"(B) A summary of the results and effective-
13	ness of each activity carried out using funds ap-
14	portioned from the Subaccount, including, if de-
15	terminable—
16	"(i) any change in the population
17	trends of species of greatest conservation
18	$need;\ and$
19	"(ii) any reduction in threats to spe-
20	cies of greatest conservation need.
21	"(2) Summary report.—The Secretary shall,
22	not later than 180 days after each deadline for the
23	submission of reports under paragraph (1), submit a
24	report summarizing each report received by the Sec-
25	retary under paragraph (1) to—

1	"(A) the Committee on Environment and
2	Public Works of the Senate; and
3	"(B) the Committee on Natural Resources of
4	the House of Representatives.
5	"(3) State defined.—In this subsection, the
6	term 'State' includes the District of Columbia, the
7	Commonwealth of Puerto Rico, Guam, American
8	Samoa, the Commonwealth of the Northern Mariana
9	Islands, and the United States Virgin Islands.".
10	SEC. 102. TECHNICAL AMENDMENTS.
11	(a) Definitions.—Section 2 of the Pittman-Robertson
12	Wildlife Restoration Act (16 U.S.C. 669a) is amended—
13	(1) in paragraph (7), by striking "including
14	fish,";
15	(2) in paragraph (6), by striking the period at
16	the end and inserting a semicolon; and
17	(3) in paragraph (9)—
18	(A) by striking "section 304(d)" and insert-
19	ing "section 4(e)"; and
20	(B) by inserting "Indian Tribes," before
21	"wildlife conservation organizations".
22	(b) Conforming Amendments.—The Pittman-Rob-
23	ertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is
24	amended—
25	(1) in section 2—

1	(A) by redesignating paragraphs (6)
2	through (11) as paragraphs (7) through (12), re-
3	spectively;
4	(B) by inserting after paragraph (5) the fol-
5	lowing:
6	"(6) the term 'species of greatest conservation
7	need' means, with respect to funds apportioned to a
8	State, terrestrial, aquatic, or marine fauna or flora
9	that the State fish and wildlife department of such
10	State determines are—
11	"(A) of low or declining population; or
12	"(B) facing threats and in need of conserva-
13	tion attention;";
14	(C) by redesignating paragraphs (8)
15	through (12), as so redesignated by subpara-
16	graph (A) of this paragraph, as paragraphs (9)
17	through (13), respectively; and
18	(D) by inserting after paragraph (7), as so
19	redesignated by subparagraph (A) of this para-
20	graph, the following:
21	"(8) the term 'Subaccount' means the Wildlife
22	Habitat Conservation and Restoration Subaccount es-
23	tablished by section $3(c)(2)(A)$ ;";
24	(2) in section 3—
25	(A) in subsection (c)—

1	(i) in paragraph (10), as so redesig-
2	nated by section $101(a)(2)(B)$ of this Act,
3	by striking "or an Indian tribe"; and
4	(ii) in paragraph (11), as so redesig-
5	nated by section 101(a)(2)(B) of this Act—
6	(I) by striking "Wildlife Con-
7	servation and Restoration Account"
8	and inserting "Subaccount"; and
9	(II) by striking "those species
10	with the greatest conservation need as
11	defined by the State wildlife conserva-
12	tion and restoration program" and in-
13	serting "species of greatest conservation
14	need"; and
15	(B) in subsection (d), by striking "Wildlife
16	Conservation and Restoration Account" and in-
17	serting "Subaccount";
18	(3) in section 4 (16 U.S.C. 669c)—
19	(A) in subsection (d)—
20	(i) in the heading, by striking "WILD-
21	LIFE CONSERVATION AND RESTORATION AC-
22	COUNT" and inserting "SUBACCOUNT"; and
23	(ii) by striking "Wildlife Conservation
24	and Restoration Account" each place it ap-
25	pears and inserting "Subaccount"; and

1	(B) in subsection (e)(1), by striking "Wild-
2	life Conservation and Restoration Account" and
3	inserting "Subaccount"; and
4	(4) in section 8 (16 U.S.C. 669g), in subsection
5	(a), by striking "Wildlife Conservation and Restora-
6	tion Account" and inserting "Subaccount".
7	SEC. 103. SAVINGS CLAUSE.
8	The Pittman-Robertson Wildlife Restoration Act (16
9	U.S.C. 669 et seq.) is amended—
10	(1) by redesignating section 14 as section 16;
11	and
12	(2) by inserting after section 13 the following:
13	"SEC. 14. SAVINGS CLAUSE.
14	"(a) In General.—Nothing in this Act may be con-
15	strued to enlarge or diminish the authority, jurisdiction,
16	or responsibility of a State, territory, or the District of Co-
17	lumbia to manage, control, or regulate fish and wildlife on
18	lands and waters within the State, territory, or the District
19	of Columbia including on Federal lands and waters.
20	"(b) No Funds Authorized for Dam Removal or
21	Modification.— None of the funds made available under
22	this Act may be used to remove a federally owned dam or
23	modify a federally owned dam in a manner that reduces
24	storage or diversion capacity.

- 1 "(c) Prohibition on Land Transfers.—The Fed-
- 2 eral Government may not accept a transfer, donation, or
- 3 exchange of land or an interest in land from a State govern-
- 4 ment, a fish and wildlife department of the District of Co-
- 5 lumbia or a territory, or a regional association of fish and
- 6 wildlife departments if such land or interest in land was
- 7 purchased using funds apportioned under this Act.
- 8 "(d) Territory Defined.—In this section, the term
- 9 'territory' has the meaning given the term in section
- 10 3(c)(1).
- 11 "SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO
- 12 ALASKA.
- "If any conflict arises between any provision of this
- 14 Act and any provision of the Alaska National Interest
- 15 Lands Conservation Act or the Alaska Native Claims Settle-
- 16 ment Act, then the provision in the Alaska National Interest
- 17 Lands Conservation Act or the Alaska Native Claims Settle-
- 18 ment Act shall prevail.".
- 19 TITLE II—TRIBAL WILDLIFE
- 20 **CONSERVATION AND RES-**
- 21 **TORATION**
- 22 SEC. 201. INDIAN TRIBES.
- 23 (a) DEFINITIONS.—In this section:

1	(1) Account.—The term "Account" means the
2	Tribal Wildlife Conservation and Restoration Account
3	$established\ by\ subsection\ (b)(1).$
4	(2) Conservation.—The term "conservation"
5	has the meaning given such term in section 2 of the
6	Pittman-Robertson Wildlife Restoration Act (16
7	U.S.C. 669a).
8	(3) Indian Tribe.—The term "Indian Tribe"
9	has the meaning given such term in section 4 of the
10	Indian Self-Determination and Education Assistance
11	Act (25 U.S.C. 5304).
12	(4) Restoration.—The term "restoration"
13	means the implementation of conservation actions
14	and practices that reestablish or enhance environ-
15	mental conditions and ecosystem functions that ben-
16	efit the diversity, resilience, health, and productivity
17	of plants and animals.
18	(5) Rewilding.—The term "rewilding" means a
19	restoration approach that prohibits human manage-
20	ment activities and relies only on natural processes to
21	maintain or improve habitat.
22	(6) Secretary.—The term "Secretary" means
23	the Secretary of the Interior.
24	(7) Tribal organization.—The term "Tribal

 $organization"\ has\ the\ meaning\ given\ such\ term\ in$ 

1	section 4 of the Indian Self-Determination and Edu-
2	cation Assistance Act (25 U.S.C. 5304).
3	(8) Tribal species of greatest conserva-
4	TION NEED.—The term "Tribal species of greatest
5	conservation need" means, with respect to an Indian
6	Tribe, any terrestrial, aquatic, or marine fauna or
7	flora that such Indian Tribe determines is—
8	(A) of low or declining population,
9	(B) facing threats and in need of conserva-
10	tion attention; or
11	(C) of cultural importance to such Indian
12	Tribe.
13	(9) Wildlife.—The term "wildlife" means any
14	species of—
15	(A) wild, free-ranging fauna, including fish;
16	and
17	(B) fauna in a captive breeding program
18	the object of which is to reintroduce individuals
19	of a depleted indigenous species into previously
20	occupied range of such species.
21	(b) Tribal Wildlife Conservation and Restora-
22	TION ACCOUNT.—
23	(1) In general.—There is established in the
24	Treasury an account to be known as the "Tribal
25	Wildlife Conservation and Restoration Account".

1	(2) Availability.—Amounts in the Account
2	shall be available until expended, subject to future ap-
3	propriations, for each fiscal year for apportionment
4	in accordance with this section.
5	(3) Deposits into account.—There is author-
6	ized to be appropriated to the Account \$20,000,000
7	for each of fiscal years 2025 through 2029.
8	(4) Sunset.—No funds may be appropriated to
9	the Account after fiscal year 2029.
10	(c) Distribution of Amounts to Indian Tribes
11	AND TRIBAL ORGANIZATIONS.—Each fiscal year, the Sec-
12	retary shall distribute amounts in the Account through a
13	noncompetitive grant program according to guidelines, cri-
14	teria, and reporting requirements determined by the Sec-
15	retary, acting through the Director of the Bureau of Indian
16	Affairs, in consultation with Indian Tribes and Tribal or-
17	ganizations.
18	(d) Wildlife Management Responsibilities.—
19	(1) In General.—The distribution guidelines
20	and criteria described in subsection (c) shall be based,
21	in part, upon the wildlife management responsibil-
22	ities of an Indian Tribe.
23	(2) Indian tribes and tribal organizations
24	IN ALASKA.—

1	(A) In General.—Any amounts allocated
2	to an Indian Tribe or Tribal organization in
3	Alaska under this section may only be used in
4	a manner consistent with the Alaska Native
5	Claims Settlement Act (43 U.S.C. 1601 et seq.),
6	the Alaska National Interest Lands Conservation
7	Act (16 U.S.C. 3101 et seq.), and Public Law
8	85–508 (commonly known as the "Alaska State-
9	hood Act") (48 U.S.C. note prec. 21).
10	(B) Cooperative agreements.—An In-
11	dian Tribe or Tribal organization in Alaska
12	may enter into a cooperative agreement with the
13	State of Alaska regarding a conservation project
14	of mutual concern.
15	(e) Use of Amounts.—
16	(1) In general.—Except as provided in para-
17	graph (2), amounts distributed to an Indian Tribe or
18	Tribal organization under subsection (c)—
19	(A) shall be used for purposes consistent
20	with section 2;
21	(B) shall be used to carry out, develop, or
22	enhance wildlife and habitat conservation and
23	$restoration\ programs;$
24	(C) shall be used to assist in the restoration
25	of habitat for species found in the lands and

waters of such Indian Tribe or Tribal organization that are listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing
under the Endangered Species Act of 1973 (16
U.S.C. 1531 et seq.) or under State or Tribal
law;

- (D) may be used for management of animals, including harvesting;
- (E) may be used for the conservation and restoration of habitat for Tribal species of greatest conservation need whose range is shared with another State, territory, Indian Tribe, or foreign government;
- (F) may be used to manage, control, and prevent invasive species, disease, and other risks to the habitat of Tribal species of greatest conservation need; and
- (G) may be used for forest and vegetation management activities if the primary purpose of such activity is to modify, improve, enhance, or create wildlife habitat or reduce the risk of damage or destruction to wildlife habitat due to wildfires, insects, or disease, including—

1	(i) planting, seeding, and harvesting,
2	including planting, seeding, and harvesting
3	$of\ native\ seeds;$
4	(ii) mechanical thinning;
5	$(iii)\ prescribed\ burning;$
6	(iv) chemical applications designed to
7	restore natural range of variation including
8	creating and maintaining early seral com-
9	munities; and
10	(v) prescribed haying and grazing
11	practices.
12	(2) Prohibited uses.—Amounts distributed to
13	an Indian Tribe or Tribal organization under sub-
14	section (c) may not be used for—
15	(A) rewilding; or
16	(B) the reintroduction or management of a
17	species in a manner not supported by the appli-
18	cable Tribal fish and wildlife management au-
19	thorities.
20	(f) Matching Requirement.—With respect to any
21	grant issued under subsection (c) that exceeds \$100,000, the
22	Federal share of total costs of the project funded through
23	such grant may not exceed 90 percent.
24	(g) Public Access Not Required.—Amounts dis-
25	tributed to an Indian Tribe or Tribal organization under

1	subsection (c) may not be conditioned upon the provision
2	of public or non-Tribal access to Tribal or private lands,
3	waters, or holdings.
4	(h) Administrative Costs.—Of the amounts depos-
5	ited under subsection (b)(3) for each fiscal year, not more
6	than 3 percent may be used by the Secretary for adminis-
7	trative costs.
8	(i) ACCOUNTABILITY.—
9	(1) Tribal reports.—Not later than the last
10	day of fiscal year 2029, each Indian Tribe and Tribal
11	organization that receives funds under this section
12	shall submit to the Director of the Bureau of Indian
13	Affairs a report describing, with respect to such In-
14	dian Tribe or Tribal organization during the pre-
15	ceding 5 years, the following:
16	(A) A summary of each activity carried out
17	using funding received under subsection (c), in-
18	cluding—
19	(i) an accounting of the administrative
20	costs associated with each such activity; and
21	(ii) the number of acres of habitat re-
22	stored, enhanced, or conserved by each such
23	activity.
24	(B) A summary of the results and effective-
25	ness of each activity carried out using funding

1	received under subsection (c), including, if deter-
2	minable—
3	(i) any change in the population
4	trends of species of greatest conservation
5	need; and
6	(ii) any reduction in threats to species
7	of greatest conservation need.
8	(2) Summary report.—The Director of the Bu-
9	reau of Indian Affairs shall, not later than 180 days
10	after each deadline for the submission of reports
11	under paragraph (1), submit a report summarizing
12	each report received by the Director under paragraph
13	(1) to—
14	(A) the Committee on Environment and
15	Public Works of the Senate; and
16	(B) the Committee on Natural Resources of
17	the House of Representatives.
18	(j) Savings Clause.—Nothing in this section may be
19	construed as modifying or abrogating a treaty with any
20	Indian Tribe, or as enlarging or diminishing the authority,
21	jurisdiction, or responsibility of an Indian Tribe or Tribal
22	organization to manage, control, or regulate wildlife.
23	(k) Statutory Construction With Respect to
24	Alaska.—If any conflict arises between any provision of
25	this section and any provision of the Alaska National Inter-

1	est Lands Conservation Act (16 U.S.C. 3101 et seq.) or the
2	Alaska Native Claims Settlement Act (43 U.S.C. 1601 et
3	seq.), then the provision in the Alaska National Interest
4	Lands Conservation Act or the Alaska Native Claims Settle-
5	ment Act shall prevail.
6	TITLE III—CONSERVATION AND
7	MANAGEMENT FOR WILDLIFE
8	REFUGES
9	SEC. 301. DEFINITIONS.
10	In this title:
11	(1) Authorized recreation services.—The
12	term "authorized recreation services" means similar
13	and complementary recreation enhancement or im-
14	provement services carried out—
15	(A) on lands and waters administered by
16	the United States Fish and Wildlife Service,
17	non-Federal land, or lands and waters owned by
18	or held in trust for an Indian Tribe; and
19	(B) by the Secretary or a Governor, Indian
20	Tribe, or county, as applicable, pursuant to a
21	good neighbor agreement.
22	(2) Authorized restoration services.—The
23	term "authorized restoration services" means similar
24	and complementary forest, rangeland, and watershed
25	restoration services—

1	(A) carried out—
2	(i) on lands and waters administered
3	by the United States Fish and Wildlife
4	Service, non-Federal land, or lands and
5	waters owned by an Indian Tribe; and
6	(ii) by the Secretary or a Governor,
7	Indian Tribe, or county, as applicable, pur-
8	suant to a good neighbor agreement; and
9	(B) in the case of forest, rangeland, and wa-
10	tershed restoration services carried out on lands
11	and waters administered by the United States
12	Fish and Wildlife Service, such services shall be
13	consistent with the purposes for which such lands
14	$were\ established.$
15	(3) County.—The term "county" means—
16	(A) the appropriate executive official of an
17	affected county or parish; or
18	(B) in any case in which multiple counties
19	or parishes are affected, the appropriate execu-
20	tive official of a compact of the affected counties
21	or parishes.
22	(4) Forest, rangeland, and watershed res-
23	TORATION SERVICES.—
24	(A) The term "forest, rangeland, and water-
25	shed restoration services" means—

1	(i) activities to reduce hazardous fuels;
2	(ii) activities to restore or improve
3	fish, wildlife, and their habitats;
4	(iii) activities to remove vegetation or
5	other activities to promote healthy forest
6	structure and composition;
7	(iv) activities to treat insect- or dis-
8	$ease\-infected$ $trees;$
9	(v) activities to control noxious or ex-
10	$otic\ weeds;$
11	(vi) activities to reestablish native
12	plant species;
13	(vii) activities to maintain a road or
14	trail to restore or maintain water quality;
15	(viii) any other activities to restore or
16	improve forest, rangeland, and watershed
17	health, including fish and wildlife habitat;
18	or
19	(ix) any combination of activities de-
20	scribed in clauses (i) through (viii).
21	(B) The term "forest, rangeland, and water-
22	shed restoration services" does not include—
23	(i) construction, reconstruction, repair,
24	or restoration of paved roads or parking
25	areas, other than—

1	(I) activities described in sub-
2	paragraph (A)(vii); or
3	(II) the reconstruction, repair, or
4	restoration of a National Wildlife Ref-
5	uge System road or other road on
6	United States Fish and Wildlife Serv-
7	ice land that is necessary to carry out
8	authorized restoration services pursu-
9	ant to a good neighbor agreement; or
10	(ii) construction, alteration, repair, or
11	replacement of public buildings or works.
12	(5) GOOD NEIGHBOR AGREEMENT.—The term
13	"good neighbor agreement" means a cooperative
14	agreement or contract, including a sole source con-
15	tract, entered into between the Secretary and a Gov-
16	ernor, Indian Tribe, or county, as applicable, to
17	carry out authorized recreation services or authorized
18	restoration services.
19	(6) Governor.—The term "Governor" means
20	the Governor or any other appropriate executive offi-
21	cial of an affected State, Indian Tribe, or territory or
22	possession of the United States.
23	(7) Indian Tribe.—The term "Indian Tribe"
24	has the meaning given such term in section 4 of the

1	Indian Self-Determination and Education Assistance
2	Act (25 U.S.C. 5304).
3	(8) Recreation enhancement or improve-
4	MENT SERVICES.—The term "recreation enhancement
5	or improvement services" means—
6	(A) establishing, repairing, restoring, im-
7	proving, relocating, constructing, or recon-
8	structing new or existing—
9	(i) trails or trailheads;
10	(ii) picnic areas or other day use
11	areas;
12	(iii) restroom or shower facilities;
13	(iv) shooting ranges;
14	(v) paved or permanent roads or park-
15	ing areas that serve existing recreation fa-
16	cilities or areas;
17	(vi) fishing piers, wildlife viewing
18	platforms, docks, or other constructed fea-
19	tures at a recreation site;
20	(vii) boat landings;
21	(viii) hunting or fishing sites;
22	(ix) visitor centers or other interpreta-
23	tive sites; or
24	(x) levees and drainage structures to
25	improve wetland habitat; and

1	(B) activities that create, improve, or re-
2	store access to existing recreation facilities or
3	areas.
4	(9) Secretary.—The term "Secretary" means
5	the Secretary of the Interior, acting through the Di-
6	rector of the United States Fish and Wildlife Service.
7	SEC. 302. GOOD NEIGHBOR AUTHORITY FOR UNITED
8	STATES FISH AND WILDLIFE SERVICE.
9	(a) In General.—The Secretary may enter into a
10	good neighbor agreement with a Governor, Indian Tribe,
11	or county to carry out authorized restoration services or
12	authorized recreation services in accordance with this title.
13	(b) Restoration Activities Requiring Timber
14	SALES.—
15	(1) Approval of silviculture prescriptions
16	AND MARKING GUIDES.—The Secretary shall provide
17	or approve all silviculture prescriptions and marking
18	guides to be applied on Federal land in all timber
19	sale projects conducted under this section.
20	(2) Treatment of restoration services
21	REVENUE.—Funds received from the sale of timber by
22	a Governor, Indian Tribe, or county under a good
23	neighbor agreement shall be retained and used by the
24	Governor, Indian Tribe, or county, as applicable—

1	(A) to carry out authorized restoration serv-
2	ices under the good neighbor agreement; and
3	(B) if there are funds remaining after car-
4	rying out subparagraph (A), to carry out au-
5	thorized restoration services or authorized recre-
6	ation services under other good neighbor agree-
7	ments.
8	(3) Termination of Authority.—The author-
9	ity provided under paragraph (2) shall terminate on
10	October 1, 2032.
11	(c) Recreation Services Fees.—Nothing in this
12	title may be construed to allow a Governor, Indian Tribe,
13	or county to charge entrance, standard amenity, or ex-
14	panded amenity fees on National Wildlife Refuge System
15	lands and waters as described in section 803 of the Federal
16	Lands Recreation Enhancement Act (16 U.S.C. 6802).
17	(d) Retention of National Environmental Pro-
18	TECTION ACT OF 1969 RESPONSIBILITIES.—Any decision
19	required to be made under the National Environmental Pol-
20	icy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to
21	any authorized restoration services or authorized recreation
22	services carried out under this section on lands and waters
23	administered by the United States Fish and Wildlife Serv-
24	ice may not be delegated to a Governor, Indian Tribe, or
25	county.

1	(e) Public Availability.—The Secretary shall make
2	each good neighbor agreement available to the public.
3	(f) Exclusions.—The authority provided by this sec-
4	tion does not apply to—
5	(1) a component of the National Wilderness Pres-
6	ervation System;
7	(2) Federal land on which the removal of vegeta-
8	tion is prohibited or restricted by an Act of Congress
9	or a Presidential proclamation (including the appli-
10	cable implementation plan); or
11	(3) a wilderness study area.
12	SEC. 303. STEWARDSHIP END RESULT CONTRACTING
	SEC. 303. STEWARDSHIP END RESULT CONTRACTING PROJECTS.
<ul><li>12</li><li>13</li><li>14</li></ul>	
13	PROJECTS.
13 14 15	PROJECTS.  (a) In General.—The Secretary, through an agree-
13 14 15 16	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into steward-
13 14 15 16 17	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into stewardship contracting projects with a private person or other
13 14 15 16 17	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into stewardship contracting projects with a private person or other public or private entity to perform forest, rangeland, and
13 14 15 16 17	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into stewardship contracting projects with a private person or other public or private entity to perform forest, rangeland, and watershed restoration services on lands and waters admin-
13 14 15 16 17 18	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into stewardship contracting projects with a private person or other public or private entity to perform forest, rangeland, and watershed restoration services on lands and waters administered by the United States Fish and Wildlife Service that
13 14 15 16 17 18 19 20	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into stewardship contracting projects with a private person or other public or private entity to perform forest, rangeland, and watershed restoration services on lands and waters administered by the United States Fish and Wildlife Service that meet local and rural community needs.
13 14 15 16 17 18 19 20 21	PROJECTS.  (a) In General.—The Secretary, through an agreement or contract, as appropriate, may enter into stewardship contracting projects with a private person or other public or private entity to perform forest, rangeland, and watershed restoration services on lands and waters administered by the United States Fish and Wildlife Service that meet local and rural community needs.  (b) Agreements or Contracts.—

1	basis, including consideration of source under other
2	public and private agreements or contracts.
3	(2) Contract for sale of timber or forest
4	PRODUCTS.—A contract entered into under this sec-
5	tion may, at the discretion of the Secretary, be con-
6	sidered a contract for the sale of timber or forest
7	products under such terms as the Secretary may pre-
8	scribe without regard to any other provision of law.
9	(3) TERM.—The Secretary may enter into an
10	agreement or contract under subsection (a) for an ini-
11	tial period of not more than 20 years.
12	(4) Offsets.—
13	(A) In General.—The Secretary may
14	apply the value of timber or forest products re-
15	moved as an offset against the cost of forest,
16	rangeland, and watershed restoration services re-
17	ceived pursuant to an agreement or contract
18	under this section.
19	(B) Value of offset.—The value of tim-
20	ber or other forest products used as an offset—
21	(i) shall be determined using appro-
22	priate methods of appraisal commensurate
23	with the quantity of products to be removed,
24	and
25	(ii) may—

1	(I) be determined using a unit of
2	measure appropriate to the contracts;
3	and
4	(II) may include valuing products
5	on a per-acre basis.
6	(C) Contracting officer.—Notwith-
7	standing any other provision of law, the Sec-
8	retary may determine the appropriate con-
9	tracting officer to enter into and administer an
10	agreement or contract under this section.
11	(c) Receipts.—
12	(1) In General.—The Secretary may collect
13	monies from an agreement or contract under this sec-
14	tion if the collection is a secondary objective of negoti-
15	ating the contract that will best achieve the purpose
16	of this section.
17	(2) Disposition and availability of mon-
18	EYS.—Monies from an agreement or contract under
19	this section shall remain available until expended for
20	forest, rangeland, and watershed restoration services
21	at the project site from which the monies are collected,
22	or at another project site.
23	(d) Relation to Other Laws.—Notwithstanding
24	any other provision of law, the value of services received
25	by the Secretary under a stewardship contract project con-

- 1 ducted under this section, and any payments made or re-
- 2 sources provided by the contractor or Secretary, shall not
- 3 be considered monies received from United States Fish and
- 4 Wildlife Service lands.
- 5 (e) Costs of Removal.—Notwithstanding the fact
- 6 that a contractor did not harvest the timber or forest prod-
- 7 uct, the Secretary may collect deposits from a contractor
- 8 covering the costs of removal of timber or other forest prod-
- 9 ucts.

19

### 10 (f) Performance and Payment Guarantees.—

- 11 (1) In General.—The Secretary may require 12 performance and payment bonds under sections 13 28.103-2 and 28.103-3 of the Federal Acquisition 14 Regulation, in an amount that the contracting officer 15 considers sufficient to protect the investment in re-16 ceipts by the Federal Government generated by the 17 contractor from the estimated value of the forest prod-18 ucts to be removed under a contract under this sec-
- 20 (2) Excess offset value.—If the offset value 21 of the timber or forest products exceeds the value of 22 the resource improvement treatments, the Secretary 23 may—

tion.

1	(A) use the excess to satisfy any outstanding
2	liabilities from cancelled agreements or contracts;
3	or
4	(B) if there are no outstanding liabilities
5	described in subparagraph (A), apply the excess
6	to other authorized stewardship projects.
7	(g) Cancellation Ceilings.—Notwithstanding sec-
8	tion 3903(b)(1) of title 41, United States Code, the Sec-
9	retary may obligate funds in stages that are economically
10	or programmatically viable to cover any potential cancella-
11	tion or termination costs for an agreement or contract
12	under this section.
13	(h) Monitoring and Evaluation.—
14	(1) In General.—The Secretary shall establish
15	a monitoring and evaluation process that accesses the
16	stewardship contracting projects conducted under this
17	section.
18	(2) Participants.—Other than the Secretary,
19	participants in the process described in this para-
20	graph may include—
21	(A) any cooperating governmental agencies,
22	including Tribal governments; and
23	(B) other interested groups or individuals.

## 1 SEC. 304. TECHNICAL AMENDMENTS.

2	(a) Good Neighbor Authority.—Section 8206 of
3	the Agricultural Act of 2014 (16 U.S.C. 2113a) is amend-
4	ed—
5	(1) in subsection (a)—
6	(A) in paragraph $(1)(B)$ , by inserting ",
7	Indian tribe," after "Governor";
8	(B) in paragraph $(3)(A)$ —
9	(i) in clause (i), by striking "or" at
10	$the\ end;$
11	(ii) in clause (iii), by striking "; or"
12	at the end and inserting a period; and
13	(iii) by striking clause (iv).
14	(C) in paragraph $(4)(B)(i)$ , by striking
15	"National Park Service, or National Wildlife
16	Refuge" and inserting "or National Park Serv-
17	ice";
18	(D) in paragraph (5), by inserting ", In-
19	dian tribe," after "Governor"; and
20	(E) in paragraph (6), by striking "or In-
21	dian tribe"; and
22	(2) in subsection (b)—
23	(A) in paragraph (1)(A), by inserting ", In-
24	dian tribe," after "Governor";
25	(B) in paragraph $(2)(C)$ —

1	(i) by amending clause (i) to read as
2	follows:
3	"(i) In General.—Funds received
4	from the sale of timber by a Governor, In-
5	dian tribe, or county under a good neighbor
6	agreement shall be retained and used by the
7	Governor, Indian tribe, or county, as appli-
8	cable—
9	"(I) to carry out authorized res-
10	toration services under the good neigh-
11	bor agreement; and
12	"(II) if there are funds remaining
13	after carrying out subclause (I), to
14	carry out authorized restoration serv-
15	ices under other good neighbor agree-
16	ments."; and
17	(ii) in clause (ii), by striking "2024"
18	and inserting "2029";
19	(C) in paragraph (3), by inserting ", In-
20	dian tribe," after "Governor"; and
21	(D) by striking paragraph (4).
22	(b) APPLICABILITY.—The amendments made by this
23	title apply to any project initiated pursuant to a good
24	neighbor agreement (as defined in 8206(a) of the Agricul-
25	tural Act of 2014 (16 U.S.C. 2113a(a))—

1	(1) before the date of the enactment of this Act,
2	if the project was initiated after the date of the enact-
3	ment of the Agriculture Improvement Act of 2018
4	(Public Law 115–334); or
5	(2) on or after the date of the enactment of this
6	Act.
7	TITLE IV—INCENTIVIZING WILD-
8	LIFE CONSERVATION ON PRI-
9	VATE LANDS
10	SECTION 401. CANDIDATE CONSERVATION AGREEMENTS
11	WITH ASSURANCES.
12	(a) Listing Determinations.—Section 4(b)(1) of the
13	Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is
14	amended by adding at the end the following:
15	"(C) Candidate conservation agree-
16	MENTS WITH ASSURANCES.—In making a deter-
17	$mination \ under \ subsection \ (a)(1) \ with \ respect \ to$
18	a species, the Secretary shall take into account
19	and document the effect of any net conservation
20	benefit (as that term is defined in section 10(k))
21	of any Candidate Conservation Agreement with
22	Assurances or any programmatic Candidate
23	Conservation Agreement with Assurances (as
24	those terms are defined in that subsection) relat-
25	ing to such species.".

1	(b) Candidate Conservation Agreements With
2	Assurances.—Section 10 of the Endangered Species Act
3	of 1973 (16 U.S.C. 1539) is amended by adding at the end
4	the following:
5	"(k) Candidate Conservation Agreements With
6	Assurances.—
7	"(1) Proposed Agreement.—A covered party
8	may submit a proposed Agreement to the Secretary.
9	"(2) APPROVAL.—Not later than 120 days after
10	the date of the receipt of a proposed Agreement under
11	paragraph (1), the Secretary shall approve the pro-
12	posed Agreement if the Secretary determines that the
13	proposed Agreement—
14	"(A) sets forth specific management activi-
15	ties that the covered party will undertake to con-
16	serve the covered species;
17	"(B) provides a positive estimate of the net
18	conservation benefit of such management activi-
19	ties to the covered species;
20	"(C) describes, to the maximum extent prac-
21	ticable, the existing population levels of the cov-
22	ered species or the existing quality of habitat;
23	"(D) includes a monitoring plan to be car-
24	ried out by the parties to the Agreement; and

1	"(E) provides assurances to the covered
2	party that no additional conservation measures
3	will be required and additional land, water, or
4	resource use restrictions will not be imposed on
5	the covered party if the covered species becomes
6	listed after the effective date of such Agreement.
7	"(3) Denial.—Not later than 120 days after the
8	date of the receipt of a proposed Agreement under
9	paragraph (1), the Secretary shall—
10	"(A) deny the proposed Agreement if the
11	Secretary determines that the proposed Agree-
12	ment does not meet the requirements described in
13	paragraph (2); and
14	"(B) provide the submitting covered party a
15	written explanation for such determination and
16	the adjustments required for the Secretary to ap-
17	prove such proposed Agreement.
18	"(4) Programmatic candidate conservation
19	AGREEMENT WITH ASSURANCES.—
20	"(A) In General.—The Secretary may
21	enter into a Candidate Conservation Agreement
22	with Assurances with a covered party that au-
23	thorizes such covered party—
24	"(i) to administer such Candidate
25	Conservation Agreement with Assurances;

1	"(ii) to hold any permit issued under
2	this section with regard to such Candidate
3	Conservation Agreement with Assurances;
4	"(iii) to enroll other covered parties
5	within the area covered by such Candidate
6	Conservation Agreement with Assurances in
7	such Candidate Conservation Agreement
8	with Assurances; and
9	"(iv) to convey any permit authoriza-
10	tion held by such covered party under
11	clause (ii) to each covered party enrolled
12	under clause (iii).
13	"(B) Publication.—Upon receipt of a pro-
14	posed programmatic Candidate Conservation
15	Agreement with Assurances under paragraph (1)
16	and before approving or denying such a proposed
17	programmatic Candidate Conservation Agree-
18	ment with Assurances under paragraph (2) or
19	(3), respectively, the Secretary shall—
20	"(i) not later than 30 days after the
21	date of such receipt, publish the proposed
22	programmatic  Candidate  Conservation
23	Agreement with Assurances in the Federal
24	Register for public comment for a period of
25	not less than 60 days;

1	"(ii) review any comments received
2	under clause (i); and
3	"(iii) after the close of the public com-
4	ment period for the proposed programmatic
5	Candidate Conservation Agreement with As-
6	surances, publish in the Federal Register—
7	"(I) any comments received under
8	clause (i); and
9	"(II) the approval or denial of the
10	proposed programmatic Candidate
11	Conservation Agreement with Assur-
12	ances under paragraph (2) or (3), re-
13	spectively.
14	"(5) Incidental take authorization.—If a
15	covered species is listed under section 4, the Secretary
16	shall issue a permit to the relevant covered party
17	under this section allowing incidental take of and
18	modification to the habitat of such covered species
19	consistent with the Agreement.
20	"(6) Technical assistance.—The Secretary
21	shall, upon request, provide a covered party with
22	technical assistance in developing a proposed Agree-
23	ment.
24	"(7) Applicability to federal land.—An
25	Agreement may apply to a covered party that con-

1	ducts activities on land administered by any Federal
2	agency pursuant to a permit or lease issued to the
3	covered party by that Federal agency.
4	"(8) Exemption from consultation require-
5	MENT.—An Agreement approved under this subsection
6	shall be deemed to have been granted an exemption
7	under section 7(h) for the purposes of that section.
8	"(9) Exemption from disclosure.—Informa-
9	tion submitted by a private party to the Secretary
10	under this subsection shall be exempt from disclosure
11	under section 552(b)(3)(B) of title 5, United States
12	Code.
13	"(10) Definitions.—In this subsection:
14	"(A) AGREEMENT.—The term 'Agreement'
15	means—
16	"(i) a Candidate Conservation Agree-
17	ment with Assurances; or
18	"(ii) a programmatic Candidate Con-
19	servation Agreement with Assurances.
20	"(B) Candidate conservation agree-
21	MENT WITH ASSURANCES.—The term 'Candidate
22	Conservation Agreement with Assurances' means
23	any voluntary agreement, including a conserva-
24	tion benefit agreement, between the Secretary
25	and a covered party in which—

1	"(i) the covered party commits to im-
2	plementing mutually agreed upon conserva-
3	tion measures for a candidate species; and
4	"(ii) the Secretary provides assurances
5	that, if such candidate species is listed pur-
6	suant to section 4—
7	"(I) the covered party shall incur
8	no additional obligations beyond ac-
9	tions agreed to in the agreement with
10	respect to conservation activities re-
11	quired under this Act; and
12	"(II) no additional land, water,
13	or resource use restrictions shall be im-
14	posed on the covered party beyond
15	those included in the agreement.
16	"(C) Candidate species.—The term 'can-
17	didate species' means a species—
18	"(i) designated by the Secretary as a
19	candidate species under this Act; or
20	"(ii) proposed to be listed pursuant to
21	section 4.
22	"(D) Covered party.—The term 'covered
23	party' means a—
24	"(i) party that conducts activities on
25	land administered by a Federal agency pur-

1	suant to a permit or lease issued to the
2	party;
3	"(ii) private property owner;
4	$``(iii)\ county;$
5	"(iv) State or State agency; or
6	"(v) Tribal government.
7	"(E) Covered species.—The term 'cov-
8	ered species' means, with respect to an Agree-
9	ment, the species that is the subject of such
10	Agreement.
11	"(F) Net conservation benefit.—The
12	term 'net conservation benefit' means the net ef-
13	fect of an Agreement, determined by comparing
14	the existing situation of the candidate species
15	without the Agreement in effect and a situation
16	in which the Agreement is in effect, on a can-
17	didate species, including—
18	"(i) the net effect on threats to such
19	species;
20	"(ii) the net effect on the number of in-
21	dividuals of such species; or
22	"(iii) the net effect on the habitat of
23	such species.
24	"(G) Programmatic candidate con-
25	SERVATION AGREEMENT WITH ASSURANCES.—

1	The term 'programmatic Candidate Conservation
2	Agreement with Assurances' means a Candidate
3	Conservation Agreement with Assurances de-
4	scribed in paragraph (4)(A).".
5	SEC. 402. DESIGNATION OF CRITICAL HABITAT.
6	Section 4(a)(3) of the Endangered Species Act of 1973
7	(16 U.S.C. 1533(a)(3)) is amended by adding at the end
8	the following:
9	"(C) Privately owned or controlled
10	LAND.—The Secretary may not designate as crit-
11	ical habitat under subparagraph (A) any pri-
12	vately owned or controlled land or other geo-
13	graphical area that is subject to a land manage-
14	ment plan that—
15	"(i) the Secretary determines is simi-
16	lar in nature to an integrated natural re-
17	sources management plan described in sec-
18	tion 101 of the Sikes Act (16 U.S.C. 670a);
19	"(ii)(I) is prepared in cooperation
20	with the Secretary and the head of each ap-
21	plicable State fish and wildlife agency of
22	each State in which such land or other geo-
23	graphical area is located; or
24	"(II) is submitted to the Secretary
25	in a manner that is similar to the

1	manner in which an applicant submits
2	a conservation plan to the Secretary
3	under section $10(a)(2)(A)$ ;
4	"(iii) includes an activity or a limita-
5	tion on an activity that the Secretary deter-
6	mines will likely conserve the species con-
7	cerned;
8	"(iv) the Secretary determines will re-
9	sult in—
10	"(I) an increase in the population
11	of the species concerned above the pop-
12	ulation of such species on the date that
13	such species is listed as threatened or
14	endangered; or
15	"(II) maintaining the same popu-
16	lation of such species on the land or
17	other geographical area as the popu-
18	lation that would likely occur if such
19	land or other geographical area is des-
20	ignated as critical habitat; and
21	"(v) to the maximum extent prac-
22	ticable, will minimize and mitigate the im-
23	pacts of any activity that will likely result
24	in an incidental taking of the species con-
25	cerned.".

# 1 SEC. 403. AVAILABILITY OF CERTAIN INFORMATION.

2	(a) In General.—Except as provided in subsection
3	(b), information regarding the occurrence of, including the
4	specific location of, a species of fish or wildlife or plant
5	may not be made available to the public under section 552
6	of title 5, United States Code.
7	(b) Exception.—
8	(1) Voluntary public disclosure of occur-
9	RENCES ON FEDERAL LAND.—The Secretary may
10	make publicly available information described in sub-
11	section (a) with respect to Federal land.
12	(2) Sharing information with particular
13	ENTITIES.—
14	(A) In general.—The Secretary may make
15	available, to an entity listed in subparagraph
16	(B), information described in subsection (a)
17	upon receipt—
18	(i) of a written request submitted by
19	that entity; and
20	(ii) written permission from each
21	owner or manager of the land or water
22	within which the species of fish or wildlife
23	or plant occurs.
24	(B) Entities.—An entity referred to in
25	clause (i) is—
26	(i) a Federal agency;

1	(ii) a State governmental agency;
2	(iii) an Indian Tribe (as such term is
3	defined in section 4 of the Indian Self-De-
4	termination and Education Assistance Act
5	(25 U.S.C. 5304));
6	(iv) a bona fide educational or research
7	$institution;\ or$
8	(v) a landowner or land manager of
9	privately owned land.
10	(C) Requirements.—A written request
11	submitted under subparagraph (A) by an entity
12	listed in subparagraph (B) shall—
13	(i) describe the specific site or area for
14	which information described in subsection
15	(a) is sought;
16	(ii) explain the purpose for which such
17	information is sought; and
18	(iii) describe the manner and degree to
19	which the entity is able to maintain the
20	confidentiality of such information.
21	TITLE V—FOREST INFORMATION
22	REFORM
23	SEC. 501. NO ADDITIONAL CONSULTATION REQUIRED.
24	(a) Forest Service Plans.—Section 6(d)(2) of the
25	Forest and Rangeland Renewable Resources Planning Act

of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as fol-2 lows: 3 "(2) No additional consultation required 4 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding 5 any other provision of law, the Secretary shall not be 6 required to reinitiate consultation under section 7 7(a)(2) of the Endangered Species Act of 1973 (16 8 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code 9 of Federal Regulations (or a successor regulation), on 10 a land management plan approved, amended, or re-11 vised under this section when— 12 "(A) a new species is listed or critical habi-13 tat is designated under the Endangered Species 14 Act of 1973 (16 U.S.C. 1531 et seg.); or 15 "(B) new information reveals effects of the 16 land management plan that may affect a species 17 listed or critical habitat designated under that 18 Act in a manner or to an extent not previously 19 considered.". 20 (b) Bureau of Land Management Plans.—Section 21 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end 23 the following: 24 "(q) No Additional Consultation Required Under Certain Circumstances.—Notwithstanding any

1	other provision of law, the Secretary shall not be required
2	to reinitiate consultation under section 7(a)(2) of the En-
3	dangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or sec-
4	tion 402.16 of title 50, Code of Federal Regulations (or a
5	successor regulation), on a land use plan approved, amend-
6	ed, or revised under this section when—
7	"(1) a new species is listed or critical habitat is
8	designated under the Endangered Species Act of 1973
9	(16 U.S.C. 1531 et seq.); or
10	"(2) new information reveals effects of the land
11	use plan that may affect a species listed or critical
12	habitat designated under that Act in a manner or to
13	an extent not previously considered.".
14	TITLE VI—PROVIDING FOR
15	GREATER INCENTIVES TO RE-
16	COVER LISTED SPECIES
17	SEC. 601. PROTECTIVE REGULATIONS UNDER ENDANGERED
18	SPECIES ACT OF 1973.
19	(a) Amendment to Definition.—Section 3(3) of the
20	Endangered Species Act of 1973 (16 U.S.C. 1532(3)) is
21	amended by striking "and transplantation, and, in the ex-
22	traordinary case where population pressures within a given
23	ecosystem cannot be otherwise relieved, may include" and
24	inserting "transplantation, and, at the discretion of the

25 Secretary,".

1	(b) Protective Regulations.—Section 4 of the En-
2	dangered Species Act of 1973 (16 U.S.C. 1533) is amend-
3	ed—
4	(1)
5	"(d) Protective Regulations.—
6	"(1) In general.—Whenever any species is list-
7	ed as a threatened species pursuant to subsection (c),
8	the Secretary shall issue such regulations as are nec-
9	essary and advisable to provide for the conservation
10	of that species.
11	"(2) Recovery goals.—If the Secretary issues
12	a regulation under paragraph (1) that prohibits an
13	act described in section 9(a), the Secretary shall, with
14	respect to the species that is the subject of such regula-
15	tion—
16	"(A) establish objective, incremental recov-
17	ery goals;
18	"(B) provide for the stringency of such reg-
19	ulation to decrease as such recovery goals are
20	met; and
21	"(C) provide for State management within
22	such State, if such State is willing to take on
23	such management, beginning on the date on
24	which the Secretary determines all such recovery
25	goals are met and, if such recovery goals remain

1	met, continuing until such species is removed
2	from the list of threatened species published pur-
3	suant to subsection (c).
4	"(3) Cooperative agreement.—A regulation
5	issued under paragraph (1) that prohibits an act de-
6	scribed in section $9(a)(1)$ with respect to a resident
7	species shall apply with respect to a State that has
8	entered into a cooperative agreement with the Sec-
9	retary pursuant to section 6(c) only to the extent that
10	such regulation is adopted by such State.
11	"(4) State recovery strategy.—
12	"(A) In general.—A State may develop a
13	recovery strategy for a threatened species or a
14	candidate species and submit to the Secretary a
15	petition for the Secretary to use such recovery
16	strategy as the basis for any regulation issued
17	under paragraph (1) with respect to such species
18	within such State.
19	"(B) Approval or denial of petition.—
20	Not later than 120 days after the date on which
21	the Secretary receives a petition submitted under
22	subparagraph (A), the Secretary shall—
23	"(i) approve such petition if the recov-
24	ery strategy is reasonably certain to be im-
25	plemented by the petitioning State and to

1	be effective in conserving the species that is
2	the subject of such recovery strategy; or
3	"(ii) deny such petition if the require-
4	ments described in clause (i) are not met.
5	"(C) Publication.—Not later than 30 days
6	after the date on which the Secretary approves or
7	denies a petition under subparagraph (B), the
8	Secretary shall publish such approval or denial
9	in the Federal Register.
10	"(D) Denial of Petition.—
11	"(i) Written explanation.—If the
12	Secretary denies a petition under subpara-
13	graph (B), the Secretary shall include in
14	such denial a written explanation for such
15	denial, including a description of the
16	changes to such petition that are necessary
17	for the Secretary to approve such petition.
18	"(ii) Resubmission of Denied Peti-
19	tion.—A State may resubmit a petition
20	that is denied under subparagraph (B).
21	"(E) Use in protective regulations.—
22	If the Secretary approves a petition under sub-
23	paragraph (B), the Secretary shall—
24	"(i) issue a regulation under para-
25	graph (1) that adopts the recovery strategy

1	as such regulation with respect to the spe-
2	cies that is the subject of such recovery
3	strategy within the petitioning State; and
4	"(ii) establish objective criteria to
5	evaluate the effectiveness of such recovery
6	strategy in conserving such species within
7	such State.
8	"(F) REVISION.—If a recovery strategy that
9	is adopted as a regulation issued under para-
10	graph (1) is determined by the Secretary to be
11	ineffective in conserving the species that is the
12	subject of such recovery strategy in accordance
13	with the objective criteria established under sub-
14	paragraph $(E)(ii)$ for such recovery strategy, the
15	Secretary shall revise such regulation and reissue
16	such regulation in accordance with paragraph
17	(1)."; and
18	(2) in subsection $(f)(1)(B)$ —
19	(A) in clause (ii), by striking "and" at the
20	end;
21	(B) in clause (iii), by striking the period at
22	the end and inserting "; and"; and
23	(C) by adding at the end the following:
24	"(iv) with respect to an endangered species,
25	objective, incremental recovery goals in accord-

1	ance with subsection $(d)(2)(A)$ for use under that
2	subsection if such endangered species is changed
3	in status from an endangered species to a threat-
4	ened species under subsection $(c)(2)(B)(ii)$ .".
5	TITLE VII—RESCISSIONS AND
6	REPEALS
7	SEC. 701. RESCISSION OF FUNDS.
8	(a) In General.—Any unobligated covered funds are
9	hereby rescinded.
10	(b) Covered Funds Defined.—In this section, the
11	term "covered funds" means—
12	(1) any funds appropriated or otherwise made
13	available by sections 40002, 50224, 50232, 60401,
14	and 60402 of Public Law 117–169 (commonly known
15	as the "Inflation Reduction Act"); and
16	(2) \$700,000,000 of the \$2,600,000,000 appro-
17	priated to the National Oceanic and Atmospheric Ad-
18	ministration in section 40001 of Public Law 117–169
19	(commonly known as the "Inflation Reduction Act").
20	SEC. 702. REPEAL OF CERTAIN PROGRAMS.
21	The following sections of division AA of the Consoli-
22	dated Appropriations Act, 2021 (Public Law 116–260) are
23	repealed (and by conforming the items in the table of con-
24	tents accordingly):
25	(1) Section 507 (16 U.S.C. 4701 note).

- 1 (2) Section 508 (16 U.S.C. 742b note).
- 2 (3) Section 510 (16 U.S.C. 742b note).

# Union Calendar No. 754

118TH CONGRESS H. R. 7408

[Report No. 118-922, Part I]

# 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.

DECEMBER 18, 2024

Reported from the Committee on Natural Resources with an amendment

DECEMBER 18, 2024

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed