

Calendar No. 354117TH CONGRESS
2D SESSION**S. 2372**

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 SENATE OF THE UNITED STATES

JULY 15, 2021

Mr. HEINRICH (for himself, Mr. BLUNT, Mr. TILLIS, Mr. BOOZMAN, Mr. KING, Mr. GRAHAM, Mr. BURR, Mr. MORAN, Mr. PORTMAN, Ms. DUCKWORTH, Mr. RUBIO, Mr. CASEY, Mr. WHITEHOUSE, Mr. LUJÁN, Ms. ROSEN, Mr. PADILLA, Mr. MARSHALL, Ms. STABENOW, Ms. SINEMA, Mr. WICKER, Mr. CRAMER, Mr. SCHATZ, Mr. KELLY, Mr. TUBERVILLE, Mr. COONS, Ms. COLLINS, Ms. KLOBUCHAR, Mr. TESTER, Mrs. FISCHER, Mrs. HYDE-SMITH, Mr. HICKENLOOPER, Mr. HAGERTY, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 27, 2022

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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.**

4 This Act may be cited as the “Recovering America’s
 5 Wildlife Act of 2021”.

6 **TITLE I—WILDLIFE CONSERVA-**
 7 **TION AND RESTORATION**

8 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**
 9 **SUBACCOUNT.**

10 (a) ~~IN GENERAL.~~—Section 3 of the Pittman-Robert-
 11 son Wildlife Restoration Act (16 U.S.C. 669b) is amended
 12 in subsection (c)—

13 (1) by redesignating paragraphs (2) and (3) as
 14 paragraphs (9) and (10); and

15 (2) by striking paragraph (1) and inserting the
 16 following:

17 “(1) ~~ESTABLISHMENT OF SUBACCOUNT.~~—

18 “(A) ~~IN GENERAL.~~—There is established in
 19 the fund a subaccount to be known as the
 20 ‘Wildlife Conservation and Restoration Sub-
 21 account’ (referred to in this section as the ‘Sub-
 22 account’).

23 “(B) ~~AVAILABILITY.~~—Amounts in the Sub-
 24 account shall be available without further ap-

1 appropriation, for each fiscal year, for apportion-
2 ment in accordance with this Act.

3 ~~“(C) DEPOSITS INTO SUBACCOUNT.—~~

4 ~~“(i) IN GENERAL.—Beginning in fis-~~
5 ~~cal year 2022, and for each fiscal year~~
6 ~~thereafter, the Secretary of the Treasury~~
7 ~~shall transfer \$1,300,000,000 from the~~
8 ~~general fund of the Treasury to the Sub-~~
9 ~~account.~~

10 ~~“(ii) FUNDING SOURCE.—~~

11 ~~“(I) DEFINITION.—In this~~
12 ~~clause, the term ‘remaining natural~~
13 ~~resource or environmental-related vio-~~
14 ~~lation revenue’ means the amount of~~
15 ~~all civil or criminal penalties, fines,~~
16 ~~sanctions, forfeitures, or other reve-~~
17 ~~nues resulting from natural resource~~
18 ~~or environmental-related violations or~~
19 ~~enforcement actions by any Federal~~
20 ~~agency that are not directed to be de-~~
21 ~~posited in a fund other than the gen-~~
22 ~~eral fund of the Treasury or have oth-~~
23 ~~erwise been appropriated.~~

24 ~~“(H) USE OF REVENUE.—Begin-~~
25 ~~ning in fiscal year 2022, and for each~~

1 fiscal year thereafter, the total
 2 amount of the remaining natural re-
 3 source or environmental-related viola-
 4 tion revenue with respect to the pre-
 5 vious fiscal year—

6 “(aa) shall be deposited in
 7 the general fund of the Treasury;
 8 and

9 “(bb) shall be available for
 10 the purposes of the transfer
 11 under clause (i).

12 ~~“(2) SUPPLEMENT NOT SUPPLANT.—~~Amounts
 13 transferred to the Subaccount shall supplement, but
 14 not replace, existing funds available to the States
 15 from—

16 “(A) the funds distributed pursuant to the
 17 Dingell-Johnson Sport Fish Restoration Act
 18 ~~(16 U.S.C. 777 et seq.); and~~

19 “(B) the fund.

20 ~~“(3) INNOVATION GRANTS.—~~

21 “(A) IN GENERAL.—The Secretary shall
 22 distribute 10 percent of funds apportioned from
 23 the Subaccount through a competitive grant
 24 program to State fish and wildlife departments,
 25 the District of Columbia fish and wildlife de-

partment, fish and wildlife departments of territories, or to regional associations of fish and wildlife departments (or any group composed of more than 1 such entity).

“(B) PURPOSE.—Such grants shall be provided for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for species of greatest conservation need and species listed under the Endangered Species Act of 1973 (15 U.S.C. 1531 et seq.) and the habitats of such species.

“(C) REVIEW COMMITTEE.—The Secretary shall appoint a review committee comprised of—

“(i) a State Director from each regional association of State fish and wildlife departments;

“(ii) the head of a department responsible for fish and wildlife management in a territory; and

“(iii) four individuals representing four different nonprofit organizations each of which is actively participating in car-

rying out wildlife conservation restoration
activities using funds apportioned from the
Subaccount.

“(D) SUPPORT FROM UNITED STATES FISH
AND WILDLIFE SERVICE.—The United States
Fish and Wildlife Service shall provide any per-
sonnel or administrative support services nec-
essary for such Committee to carry out its re-
sponsibilities under this Act.

“(E) EVALUATION.—Such committee shall
evaluate each proposal submitted under this
paragraph and recommend projects for funding,
giving preference to solutions that accelerate
the recovery of species identified as priorities
through regional scientific assessments of spe-
cies of greatest conservation need.

“(4) USE OF FUNDS.—Funds apportioned from
the Subaccount—

“(A) shall be used to implement the Wild-
life Conservation Strategy of a State, territory,
or the District of Columbia, as required under
section 4(d), by carrying out, revising, or en-
hancing existing wildlife and habitat conserva-
tion and restoration programs and developing
and implementing new wildlife conservation and

1 restoration programs to recover and manage
2 species of greatest conservation need and the
3 key habitats and plant community types essen-
4 tial to the conservation of those species as de-
5 termined by the appropriate State fish and
6 wildlife department;

7 “(B) shall be used to develop, revise, and
8 enhance the Wildlife Conservation Strategy of a
9 State, territory, or the District of Columbia, as
10 may be required by this Act;

11 “(C) shall be used to assist in the recovery
12 of species found in the State, territory, or the
13 District of Columbia that are listed as endan-
14 gered species, threatened species, candidate spe-
15 cies or species proposed for listing, or species
16 petitioned for listing under the Endangered
17 Species Act of 1973 (16 U.S.C. 1531 et seq.)
18 or under State law;

19 “(D) may be used for wildlife conservation
20 education and wildlife-associated recreation
21 projects, especially in historically underserved
22 communities;

23 “(E) may be used to manage a species of
24 greatest conservation need whose range is
25 shared with another State, territory, Indian

Tribe, or foreign government and for the conservation of the habitat of such species;

“(F) may be used to manage, control, and prevent invasive species, disease, and other risks to species of greatest conservation need; and

“(G) may be used for law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need and the habitat of such species.

“(5) MINIMUM REQUIRED SPENDING FOR ENDANGERED SPECIES RECOVERY.—Not less than an average of 15 percent over a 5-year period of amounts apportioned to a State, territory, or the District of Columbia from the Subaccount shall be used for purposes described in paragraph (4)(C). The Secretary may reduce the minimum requirement of a State, territory, or the District of Columbia on an annual basis if the Secretary determines that the State, territory, or the District of Columbia is meeting the conservation and recovery needs of all species described in paragraph (4)(C).

“(6) PUBLIC ACCESS TO PRIVATE LANDS NOT REQUIRED.—Funds apportioned from the Sub-

1 account shall not be conditioned upon the provision
2 of public access to private lands, waters, or holdings.

3 ~~“(7) REQUIREMENTS FOR MATCHING FUNDS.—~~

4 ~~“(A) For the purposes of the non-Federal~~
5 ~~fund matching requirement for a wildlife con-~~
6 ~~servation or restoration program or project~~
7 ~~funded by the Subaccount, a State, territory, or~~
8 ~~the District of Columbia may use as matching~~
9 ~~non-Federal funds—~~

10 ~~“(i) funds from Federal agencies~~
11 ~~other than the Department of the Interior~~
12 ~~and the Department of Agriculture;~~

13 ~~“(ii) donated private lands and~~
14 ~~waters, including privately owned ease-~~
15 ~~ments;~~

16 ~~“(iii) in circumstances described in~~
17 ~~subparagraph (B), revenue generated~~
18 ~~through the sale of State hunting and fish-~~
19 ~~ing licenses; and~~

20 ~~“(iv) other sources consistent with~~
21 ~~part 80 of title 50, Code of Federal Regu-~~
22 ~~lations, in effect on the date of enactment~~
23 ~~of the Recovering America’s Wildlife Act of~~
24 ~~2021.~~

1 “(B) Revenue described in subparagraph
 2 (A)(iii) may only be used to fulfill the require-
 3 ments of such non-Federal fund matching re-
 4 quirement if—

5 “(i) no Federal funds apportioned to
 6 the State fish and wildlife department of
 7 such State from the Wildlife Restoration
 8 Program or the Sport Fish Restoration
 9 Program have been reverted because of a
 10 failure to fulfill such non-Federal fund
 11 matching requirement by such State dur-
 12 ing the previous 2 years; and

13 “(ii) the project or program being
 14 funded benefits the habitat of a hunted or
 15 fished species and a species of greatest
 16 conservation need.

17 “(8) DEFINITIONS.—In this subsection, the fol-
 18 lowing definitions apply:

19 “(A) PARTNERSHIPS.—The term ‘partner-
 20 ships’ may include collaborative efforts with
 21 Federal agencies, State agencies, local agencies,
 22 Indian Tribes, nonprofit organizations, aca-
 23 demic institutions, industry groups, and private
 24 individuals to implement a State’s Wildlife Con-
 25 servation Strategy.

“(B) SPECIES OF GREATEST CONSERVATION NEED.—The term ‘species of greatest conservation need’ may be fauna or flora, and may include terrestrial, aquatic, marine, and invertebrate species that are of low population, declining, rare, or facing threats and in need of conservation attention, as determined by each State fish and wildlife department, with respect to funds apportioned to such State.

“(C) TERRITORY AND TERRITORIES.—The terms ‘territory’ and ‘territories’ mean the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

“(D) WILDLIFE.—The term ‘wildlife’ means any species of wild, freeranging fauna, including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.”.

(b) ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended—

(1) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “to the District of Columbia and to the
4 Commonwealth of Puerto Rico, each” and
5 inserting “To the District of Columbia”;

6 (ii) in subparagraph (B)—

7 (I) by striking “to Guam” and
8 inserting “To Guam”; and

9 (II) by striking “not more than
10 one-fourth of one percent” and insert-
11 ing “not less than one-third of one
12 percent”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(C) To the Commonwealth of Puerto
16 Rico, a sum equal to not less than 1 percent
17 thereof.”;

18 (B) in paragraph (2)(A)—

19 (i) by amending clause (i) to read as
20 follows:

21 “(i) one-half of which is based on the ratio
22 to which the land and water area of such State
23 bears to the total land and water area of all
24 such States.”;

25 (ii) in clause (ii)—

1 (I) by striking “two-thirds” and
2 inserting “one-quarter”; and

3 (II) by striking the period and
4 inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(iii) one-quarter of which is based upon
8 the ratio to which the number of species listed
9 as endangered or threatened under the Endan-
10 gered Species Act of 1973 (15 U.S.C. 1531 et
11 seq.) in such State bears to the total number of
12 such species listed in all such States.”;

13 (C) by amending paragraph (2)(B) to read
14 as follows:

15 “(B) The amounts apportioned under this
16 paragraph shall be adjusted equitably so that
17 no such State, unless otherwise designated,
18 shall be apportioned a sum which is less than
19 1 percent or more than 5 percent of the amount
20 available for apportionment under—

21 “(i) subparagraph (A)(i);

22 “(ii) subparagraph (A)(ii); and

23 “(iii) the overall amount available for
24 subparagraph (A).”;

(D) in paragraph (2), by striking “2 percent” and inserting “1.85 percent”;

(2) in subsection (c)(4), as redesignated—

(A) by amending subparagraph (B) to read as follows:

“(B) Not more than an average of 15 percent over a 5-year period of amounts apportioned to each State, territory, or the District of Columbia under this section for a wildlife conservation and restoration program may be used for wildlife conservation education and wildlife-associated recreation.”; and

(B) by inserting after subparagraph (B), as so amended, the following:

“(C) \$55 million shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.”; and

(3) by adding at the end following:

1 “(f) MINIMIZATION OF PLANNING AND REPORT-
 2 ING.—Nothing in this Act shall be interpreted to require
 3 a State to create a comprehensive strategy related to con-
 4 servation education or outdoor recreation.”

5 “(g) ACCOUNTABILITY.—Not more than one year
 6 after the date of enactment of the Recovering America’s
 7 Wildlife Act of 2021 and every 3 years thereafter, each
 8 State fish and wildlife department shall submit a 3-year
 9 work plan and budget for implementing its Wildlife Con-
 10 servation Strategy and a report describing the results de-
 11 rived from activities accomplished under subsection (e)(4)
 12 during the previous 3 years to—

13 “(1) the Committee on Environment and Public
 14 Works of the Senate;

15 “(2) the Committee on Natural Resources of
 16 the House of Representatives; and

17 “(3) the United States Fish and Wildlife Serv-
 18 ice.”.

19 **SEC. 102. TECHNICAL AMENDMENTS.**

20 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-
 21 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-
 22 ed—

23 (1) in paragraph (7), by striking “including
 24 fish,”;

1 (2) by redesignating paragraphs (6) through
 2 (9) as paragraphs (5) through (8), respectively; and
 3 (3) in paragraph (6), as redesignated by para-
 4 graph (2), by inserting “Indian Tribes, academic in-
 5 stitutions,” before “wildlife conservation organiza-
 6 tions”.

7 (b) CONFORMING AMENDMENTS.—The Pittman-Rob-
 8 ertson Wildlife Restoration Act (16 U.S.C. 669a et seq.)
 9 is amended—

10 (1) in section 3—

11 (A) in subsection (a)—

12 (i) by striking “(1) An amount equal
 13 to” and inserting “An amount equal to”;
 14 and

15 (ii) by striking paragraph (2);

16 (B) in subsection (c)—

17 (i) in paragraph (9), as redesignated
 18 by section 101(a)(1), by striking “or an
 19 Indian tribe”; and

20 (ii) in paragraph (10), as redesignated
 21 by section 101(a)(1), by striking “Wildlife
 22 Conservation and Restoration Account”
 23 and inserting “Subaccount”; and

1 (C) in subsection (d), by striking “Wildlife
2 Conservation and Restoration Account” and in-
3 serting “Subaccount”;

4 (2) in section 4 (16 U.S.C. 669e)—

5 (A) in subsection (d), as redesignated—

6 (i) in the heading, by striking “Ac-
7 count” and inserting “SUBACCOUNT”;
8 and

9 (ii) by striking “Account” each place
10 it appears and inserting “Subaccount”;
11 and

12 (B) in subsection (e)(1), as redesignated,
13 by striking “Account” and inserting “Sub-
14 account”; and

15 (3) in section 8 (16 U.S.C. 669g), in subsection
16 (a), by striking “Account” and inserting “Sub-
17 account”.

18 **SEC. 103. SAVINGS CLAUSE.**

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

21 (1) by redesignating section 13 as section 15;
22 and

23 (2) by inserting after section 12 the following:

1 **~~“SEC. 13. SAVINGS CLAUSE.~~**

2 ~~“Nothing in this Act shall be construed to enlarge~~
 3 ~~or diminish the authority, jurisdiction, or responsibility of~~
 4 ~~a State to manage, control, or regulate fish and wildlife~~
 5 ~~under the law and regulations of the State on lands and~~
 6 ~~waters within the State, including on Federal lands and~~
 7 ~~waters.~~

8 **~~“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO~~**
 9 **~~ALASKA.~~**

10 ~~“If any conflict arises between any provision of this~~
 11 ~~Act and any provision of the Alaska National Interest~~
 12 ~~Lands Conservation Act (Public Law 46–487, 16 U.S.C.~~
 13 ~~3101 et seq.), then the provision in the Alaska National~~
 14 ~~Interest Lands Conservation Act shall prevail.”.~~

15 **~~TITLE H—TRIBAL WILDLIFE~~**
 16 **~~CONSERVATION AND RES-~~**
 17 **~~TORATION~~**

18 **~~SEC. 201. INDIAN TRIBES.~~**

19 ~~(a) DEFINITIONS.—In this section:~~

20 ~~(1) ACCOUNT.—The term “Account” means the~~
 21 ~~Tribal Wildlife Conservation and Restoration Ac-~~
 22 ~~count established by subsection (b)(1).~~

23 ~~(2) INDIAN TRIBE.—The term “Indian Tribe”~~
 24 ~~has the meaning given such term in section 4 of the~~
 25 ~~Indian Self-Determination and Education Assistance~~
 26 ~~Act (25 U.S.C. 5304).~~

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRIBAL SPECIES OF GREATEST CONSERVA-
4 TION NEED.—The term “Tribal species of greatest
5 conservation need” means any species identified by
6 an Indian Tribe as requiring conservation manage-
7 ment because of declining population, habitat loss,
8 or other threats, or because of their biological or cul-
9 tural importance to such Tribe.

10 (5) WILDLIFE.—The term “wildlife” means—

11 (A) any species of wild flora or fauna in-
12 cluding fish and marine mammals;

13 (B) flora or fauna in a captive breeding,
14 rehabilitation, and holding or quarantine pro-
15 gram, the object of which is to reintroduce indi-
16 viduals of a depleted indigenous species into
17 previously occupied range or to maintain a spe-
18 cies for conservation purposes; and

19 (C) does not include game farm animals.

20 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
21 Toration Account.—

22 (1) IN GENERAL.—There is established in the
23 Treasury an account to be known as the “Tribal
24 Wildlife Conservation and Restoration Account”.

1 (2) AVAILABILITY.—Amounts in the Account
2 shall be available for each fiscal year without further
3 appropriation for apportionment in accordance with
4 this title.

5 (3) DEPOSITS INTO ACCOUNT.—

6 (A) IN GENERAL.—Beginning in fiscal year
7 2022, and for each fiscal year thereafter, the
8 Secretary of the Treasury shall transfer
9 \$97,500,000 from the general fund of the
10 Treasury to the Account.

11 (B) FUNDING SOURCE.—

12 (i) DEFINITION.—In this subpara-
13 graph, the term “remaining natural re-
14 source or environmental-related violation
15 revenue” means the amount of all civil or
16 criminal penalties, fines, sanctions, forfeit-
17 ures, or other revenues resulting from nat-
18 ural resource or environmental-related vio-
19 lations or enforcement actions by any Fed-
20 eral agency that are not directed to be de-
21 posited in a fund other than the general
22 fund of the Treasury or have otherwise
23 been appropriated.

24 (ii) USE OF REVENUE.—Beginning in
25 fiscal year 2022, and for each fiscal year

thereafter, the total amount of the remaining natural resource or environmental-related violation revenue with respect to the previous fiscal year—

(I) shall be deposited in the general fund of the Treasury; and

(II) shall be available for the purposes of the transfer under subparagraph (A).

(c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—

Each fiscal year, the Secretary of the Treasury shall deposit funds into the Account and distribute such funds through a noncompetitive application process according to guidelines and criteria, and reporting requirements determined by the Secretary of the Interior, acting through the Director of the Bureau of Indian Affairs, in consultation with Indian Tribes. Such funds shall remain available until expended.

(d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

The distribution guidelines and criteria described in subsection (c) shall be based, in part, upon Indian Tribes' wildlife management responsibilities.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may distribute funds from

1 the Account to an Indian Tribe for any of the fol-
2 lowing purposes:

3 (A) To develop, carry out, revise, or en-
4 hance wildlife conservation and restoration pro-
5 grams to manage Tribal species of greatest con-
6 servation need and the habitats of such species
7 as determined by the Indian Tribe.

8 (B) To assist in the recovery of species
9 listed as an endangered or threatened species
10 under the Endangered Species Act of 1973 (16
11 U.S.C. 1531 et seq.).

12 (C) For wildlife conservation education and
13 wildlife-associated recreation projects.

14 (D) To manage a Tribal species of greatest
15 conservation need and the habitat of such spe-
16 cies, the range of which may be shared with a
17 foreign country, State, or other Indian Tribe.

18 (E) To manage, control, and prevent
19 invasive species as well as diseases and other
20 risks to wildlife.

21 (F) For law enforcement activities that are
22 directly related to the protection and conserva-
23 tion of wildlife.

(G) To develop, revise, and implement comprehensive wildlife conservation strategies and plans for such Tribe.

(H) For the hiring and training of wildlife conservation and restoration program staff.

~~(2) CONDITIONS ON THE USE OF FUNDS.—~~

~~(A) REQUIRED USE OF FUNDS.—~~In order to be eligible to receive funds under subsection (e), a Tribe's application must include a proposal to use funds for at least one of the purposes described in subparagraphs (A) and (B) of paragraph (1).

~~(B) IMPERILED SPECIES RECOVERY.—~~In distributing funds under this section, the Secretary shall distribute not less than 15 percent of the total funds distributed to proposals to fund the recovery of a species, subspecies, or distinct population segment listed as a threatened species, endangered species, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

~~(C) LIMITATION.—~~In distributing funds under this section, the Secretary shall distribute not more than 15 percent of all funds distrib-

1 uted under this section for the purpose de-
 2 scribed in paragraph (1)(C).

3 (f) NO MATCHING FUNDS REQUIRED.—No Indian
 4 Tribe shall be required to provide matching funds to be
 5 eligible to receive funds under this Act.

6 (g) PUBLIC ACCESS NOT REQUIRED.—Funds appor-
 7 tioned from the Tribal Wildlife Conservation and Restora-
 8 tion Account shall not be conditioned upon the provision
 9 of public or non-Tribal access to Tribal or private lands,
 10 waters, or holdings.

11 (h) ADMINISTRATIVE COSTS.—Of the funds depos-
 12 ited under subsection (b)(3) for each fiscal year, not more
 13 than 3 percent shall be used by the Secretary for adminis-
 14 trative costs.

15 (i) SAVINGS CLAUSE.—Nothing in this Act shall be
 16 construed as modifying or abrogating a treaty with any
 17 Indian Tribe, or as enlarging or diminishing the authority,
 18 jurisdiction, or responsibility of an Indian Tribe to man-
 19 age, control, or regulate wildlife.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Recovering America’s*
 22 *Wildlife Act of 2022”.*

23 **SEC. 2. STATEMENT OF PURPOSE.**

24 *The purpose of this Act is to extend financial and tech-*
 25 *nical assistance to States, territories, the District of Colum-*

1 *bia, and Indian Tribes, including under the Pittman-Rob-*
 2 *ertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), for*
 3 *the purpose of avoiding the need to list species, or recovering*
 4 *species currently listed as a threatened species or an endan-*
 5 *gered species, under the Endangered Species Act of 1973*
 6 *(16 U.S.C. 1531 et seq.) or under State law.*

7 ***TITLE I—WILDLIFE CONSERVA-*** 8 ***TION AND RESTORATION***

9 ***SEC. 101. WILDLIFE CONSERVATION AND RESTORATION***

10 ***SUBACCOUNT.***

11 *(a) IN GENERAL.—Section 3 of the Pittman-Robertson*
 12 *Wildlife Restoration Act (16 U.S.C. 669b) is amended in*
 13 *subsection (c)—*

14 *(1) by redesignating paragraphs (2) and (3) as*
 15 *paragraphs (10) and (11); and*

16 *(2) by striking paragraph (1) and inserting the*
 17 *following:*

18 *“(1) ESTABLISHMENT OF SUBACCOUNT.—*

19 *“(A) IN GENERAL.—There is established in*
 20 *the fund a subaccount to be known as the ‘Wild-*
 21 *life Conservation and Restoration Subaccount’*
 22 *(referred to in this section as the ‘Subaccount’).*

23 *“(B) AVAILABILITY.—Amounts in the Sub-*
 24 *account shall be available without further appro-*

priation, for each fiscal year, for apportionment
in accordance with this Act.

“(C) *DEPOSITS INTO SUBACCOUNT.*—

“(i) *IN GENERAL.*—The Secretary of
the Treasury shall transfer from the general
fund of the Treasury to the Subaccount—

“(I) for fiscal year 2022,
\$850,000,000;

“(II) for fiscal year 2023,
\$1,100,000,000;

“(III) for fiscal year 2024,
\$1,200,000,000; and

“(IV) for fiscal year 2025, and for
each fiscal year thereafter,
\$1,300,000,000.

“(ii) *FUNDING SOURCE.*—

“(I) *DEFINITION.*—In this clause,
the term ‘remaining natural resource
or environmental-related violation rev-
enue’ means the amount of all civil or
criminal penalties, fines, sanctions,
forfeitures, or other revenues resulting
from natural resource or environ-
mental-related violations or enforce-
ment actions by any Federal agency

1 *that are not directed to be deposited in*
 2 *a fund other than the general fund of*
 3 *the Treasury or have otherwise been*
 4 *appropriated.*

5 “(II) *USE OF REVENUE.—Beginning*
 6 *in fiscal year 2022, and for each*
 7 *fiscal year thereafter, the total amount*
 8 *of the remaining natural resource or*
 9 *environmental-related violation rev-*
 10 *enue with respect to the previous fiscal*
 11 *year—*

12 “(aa) *shall be deposited in*
 13 *the general fund of the Treasury;*
 14 *and*

15 “(bb) *shall be available for*
 16 *the purposes of the transfer under*
 17 *clause (i).*

18 “(2) *SUPPLEMENT NOT SUPPLANT.—Amounts*
 19 *transferred to the Subaccount shall supplement, but*
 20 *not replace, existing funds available to the States*
 21 *from—*

22 “(A) *the funds distributed pursuant to the*
 23 *Dingell-Johnson Sport Fish Restoration Act (16*
 24 *U.S.C. 777 et seq.); and*

25 “(B) *the fund.*

1 “(3) INNOVATION GRANTS.—

2 “(A) IN GENERAL.—*The Secretary shall dis-*
 3 *tribute 10 percent of funds apportioned from the*
 4 *Subaccount through a competitive grant pro-*
 5 *gram to State fish and wildlife departments, the*
 6 *District of Columbia fish and wildlife depart-*
 7 *ment, fish and wildlife departments of terri-*
 8 *tories, or to regional associations of fish and*
 9 *wildlife departments (or any group composed of*
 10 *more than 1 such entity).*

11 “(B) PURPOSE.—*Such grants shall be pro-*
 12 *vided for the purpose of catalyzing innovation of*
 13 *techniques, tools, strategies, or collaborative part-*
 14 *nerships that accelerate, expand, or replicate ef-*
 15 *fective and measurable recovery efforts for species*
 16 *of greatest conservation need and species listed*
 17 *under the Endangered Species Act of 1973 (16*
 18 *U.S.C. 1531 et seq.) and the habitats of such spe-*
 19 *cies.*

20 “(C) REVIEW COMMITTEE.—*The Secretary*
 21 *shall appoint a review committee comprised of—*

22 “(i) *a State Director from each re-*
 23 *gional association of State fish and wildlife*
 24 *departments;*

1 “(ii) the head of a department respon-
2 sible for fish and wildlife management in a
3 territory;

4 “(iii) one delegate from the United
5 States Fish and Wildlife Service, for the
6 purpose of providing technical assistance;
7 and

8 “(iv) beginning in fiscal year 2022,
9 four individuals representing four different
10 nonprofit organizations each of which is ac-
11 tively participating in carrying out wildlife
12 conservation restoration activities using
13 funds apportioned from the Subaccount.

14 “(D) SUPPORT FROM UNITED STATES FISH
15 AND WILDLIFE SERVICE.—Using not more than
16 3 percent of the amounts apportioned under sub-
17 paragraph (A) to carry out a competitive grant
18 program, the United States Fish and Wildlife
19 Service shall provide any personnel or adminis-
20 trative support services necessary for such Com-
21 mittee to carry out its responsibilities under this
22 Act.

23 “(E) EVALUATION.—Such committee shall
24 evaluate each proposal submitted under this
25 paragraph and recommend projects for funding,

1 *giving preference to solutions that accelerate the*
2 *recovery of species identified as priorities*
3 *through regional scientific assessments of species*
4 *of greatest conservation need.*

5 *“(4) USE OF FUNDS.—Funds apportioned from*
6 *the Subaccount shall be used for purposes consistent*
7 *with section 2 of the Recovering America’s Wildlife*
8 *Act of 2022 and—*

9 *“(A) shall be used to implement the Wildlife*
10 *Conservation Strategy of a State, territory, or*
11 *the District of Columbia, as required under sec-*
12 *tion 4(e), by carrying out, revising, or enhancing*
13 *existing wildlife and habitat conservation and*
14 *restoration programs and developing and imple-*
15 *menting new wildlife conservation and restora-*
16 *tion programs to recover and manage species of*
17 *greatest conservation need and the key habitats*
18 *and plant community types essential to the con-*
19 *servation of those species, as determined by the*
20 *appropriate State fish and wildlife department;*

21 *“(B) shall be used to develop, revise, and*
22 *enhance the Wildlife Conservation Strategy of a*
23 *State, territory, or the District of Columbia, as*
24 *may be required by this Act;*

1 “(C) shall be used to assist in the recovery
2 of species found in the State, territory, or the
3 District of Columbia that are listed as endan-
4 gered species, threatened species, candidate spe-
5 cies or species proposed for listing, or species pe-
6 titioned for listing under the Endangered Species
7 Act of 1973 (16 U.S.C. 1531 et seq.) or under
8 State law;

9 “(D) may be used for wildlife conservation
10 education and wildlife-associated recreation
11 projects, especially in historically underserved
12 communities;

13 “(E) may be used to manage a species of
14 greatest conservation need whose range is shared
15 with another State, territory, Indian Tribe, or
16 foreign government and for the conservation of
17 the habitat of such species;

18 “(F) may be used to manage, control, and
19 prevent invasive species, disease, and other risks
20 to species of greatest conservation need; and

21 “(G) may be used for law enforcement ac-
22 tivities that are directly related to the protection
23 and conservation of a species of greatest con-
24 servation need and the habitat of such species.

1 “(5) *MINIMUM REQUIRED SPENDING FOR ENDAN-*
2 *GERED SPECIES RECOVERY.*—*Not less than an aver-*
3 *age of 15 percent over a 5-year period of amounts ap-*
4 *portioned to a State, territory, or the District of Co-*
5 *lumbia from the Subaccount shall be used for pur-*
6 *poses described in paragraph (4)(C). The Secretary*
7 *may reduce the minimum requirement of a State, ter-*
8 *ritory, or the District of Columbia on an annual*
9 *basis if the Secretary determines that the State, terri-*
10 *tory, or the District of Columbia is meeting the con-*
11 *servation and recovery needs of all species described*
12 *in paragraph (4)(C).*

13 “(6) *PUBLIC ACCESS TO PRIVATE LANDS NOT RE-*
14 *QUIRED.*—*Funds apportioned from the Subaccount*
15 *shall not be conditioned upon the provision of public*
16 *access to private lands, waters, or holdings.*

17 “(7) *REQUIREMENTS FOR MATCHING FUNDS.*—

18 “(A) *For the purposes of the non-Federal*
19 *fund matching requirement for a wildlife con-*
20 *servation or restoration program or project fund-*
21 *ed by the Subaccount, a State, territory, or the*
22 *District of Columbia may use as matching non-*
23 *Federal funds—*

1 “(i) funds from Federal agencies other
2 than the Department of the Interior and the
3 Department of Agriculture;

4 “(ii) donated private lands and waters,
5 including privately owned easements;

6 “(iii) in circumstances described in
7 subparagraph (B), revenue generated
8 through the sale of State hunting and fish-
9 ing licenses; and

10 “(iv) other sources consistent with part
11 80 of title 50, Code of Federal Regulations,
12 in effect on the date of enactment of the Re-
13 covering America’s Wildlife Act of 2022.

14 “(B) Revenue described in subparagraph
15 (A)(iii) may only be used to fulfill the require-
16 ments of such non-Federal fund matching re-
17 quirement if—

18 “(i) no Federal funds apportioned to
19 the State fish and wildlife department of
20 such State from the Wildlife Restoration
21 Program or the Sport Fish Restoration Pro-
22 gram have been reverted because of a failure
23 to fulfill such non-Federal fund matching
24 requirement by such State during the pre-
25 vious 2 years; and

1 “(ii) *the project or program being*
 2 *funded benefits the habitat of a hunted or*
 3 *fished species and a species of greatest con-*
 4 *servation need.*

5 “(8) *DEFINITIONS.—In this subsection, the fol-*
 6 *lowing definitions apply:*

7 “(A) *PARTNERSHIPS.—The term ‘partner-*
 8 *ships’ may include collaborative efforts with Fed-*
 9 *eral agencies, State agencies, local agencies, In-*
 10 *Indian Tribes, nonprofit organizations, academic*
 11 *institutions, industry groups, and private indi-*
 12 *viduals to implement a State’s Wildlife Con-*
 13 *servation Strategy.*

14 “(B) *SPECIES OF GREATEST CONSERVATION*
 15 *NEED.—The term ‘species of greatest conserva-*
 16 *tion need’ may be fauna or flora, and may in-*
 17 *clude terrestrial, aquatic, marine, and inverte-*
 18 *brate species that are of low population, declin-*
 19 *ing, rare, or facing threats and in need of con-*
 20 *servation attention, as determined by each State*
 21 *fish and wildlife department, with respect to*
 22 *funds apportioned to such State.*

23 “(C) *TERRITORY AND TERRITORIES.—The*
 24 *terms ‘territory’ and ‘territories’ mean the Com-*
 25 *monwealth of Puerto Rico, Guam, American*

1 *Samoa, the Commonwealth of the Northern Mar-*
 2 *iana Islands, and the United States Virgin Is-*
 3 *lands.*

4 “(D) *WILDLIFE*.—The term ‘wildlife’ means
 5 *any species of wild, freeranging fauna, including*
 6 *fish, and also fauna in captive breeding pro-*
 7 *grams the object of which is to reintroduce indi-*
 8 *viduals of a depleted indigenous species into pre-*
 9 *viously occupied range.”.*

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) *in subparagraph (A), by striking*
 16 *“to the District of Columbia and to the*
 17 *Commonwealth of Puerto Rico, each” and*
 18 *inserting “To the District of Columbia”;*

19 (ii) *in subparagraph (B)—*

20 (I) *by striking “to Guam” and*
 21 *inserting “To Guam”; and*

22 (II) *by striking “not more than*
 23 *one-fourth of one percent” and insert-*
 24 *ing “not less than one-third of one per-*
 25 *cent”; and*

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) To the Commonwealth of Puerto Rico,
4 a sum equal to not less than 1 percent thereof.”;

5 (B) in paragraph (2)(A)—

6 (i) by amending clause (i) to read as
7 follows:

8 “(i) one-half of which is based on the ratio
9 to which the land and water area of such State
10 bears to the total land and water area of all such
11 States;”;

12 (ii) in clause (ii)—

13 (I) by striking “two-thirds” and
14 inserting “one-quarter”; and

15 (II) by striking the period and in-
16 serting “; and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(iii) one-quarter of which is based upon
20 the ratio to which the number of species listed as
21 endangered or threatened under the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.) in
23 such State bears to the total number of such spe-
24 cies listed in all such States.”;

1 (C) by amending paragraph (2)(B) to read
2 as follows:

3 “(B) The amounts apportioned under this
4 paragraph shall be adjusted equitably so that no
5 such State, unless otherwise designated, shall be
6 apportioned a sum which is less than 1 percent
7 or more than 5 percent of the amount available
8 for apportionment under—

9 “(i) subparagraph (A)(i);

10 “(ii) subparagraph (A)(ii); and

11 “(iii) the overall amount available for
12 subparagraph (A).”; and

13 (D) in paragraph (3), by striking “3 per-
14 cent” and inserting “1.85 percent”;

15 (2) in subsection (e)(4)—

16 (A) by amending subparagraph (B) to read
17 as follows:

18 “(B) Not more than an average of 15 percent
19 over a 5-year period of amounts apportioned to each
20 State, territory, or the District of Columbia under
21 this section for a wildlife conservation and restoration
22 program may be used for wildlife conservation edu-
23 cation and wildlife-associated recreation.”; and

24 (B) by inserting after subparagraph (B), as
25 so amended, the following:

1 “(C) 5 percent of amounts apportioned to each
 2 State, each territory, or the District of Columbia
 3 under this section for a wildlife conservation and res-
 4 toration program shall be reserved for States and ter-
 5 ritories that include plants among their species of
 6 greatest conservation need and in the conservation
 7 planning and habitat prioritization efforts of their
 8 Wildlife Conservation Strategy. Each eligible State,
 9 territory, or the District of Columbia shall receive an
 10 additional 5 percent of their apportioned amount.
 11 Any unallocated resources shall be allocated propor-
 12 tionally among all States and territories under the
 13 formulas of this section.”; and

14 (3) by adding at the end following:

15 “(f) MINIMIZATION OF PLANNING AND REPORTING.—
 16 Nothing in this Act shall be interpreted to require a State
 17 to create a comprehensive strategy related to conservation
 18 education or outdoor recreation.

19 “(g) ACCOUNTABILITY.—

20 “(1) IN GENERAL.—Not more than one year after
 21 the date of enactment of the Recovering America’s
 22 Wildlife Act of 2022 and every 3 years thereafter,
 23 each State fish and wildlife department shall submit
 24 a 3-year work plan and budget for implementing its
 25 Wildlife Conservation Strategy and a report describ-

1 *ing the results derived from activities accomplished*
 2 *under subsection (e) during the previous 3 years to*
 3 *the United States Fish and Wildlife Service for re-*
 4 *view, which shall summarize such findings and sub-*
 5 *mit a report to—*

6 *“(A) the Committee on Environment and*
 7 *Public Works of the Senate; and*

8 *“(B) the Committee on Natural Resources of*
 9 *the House of Representatives.*

10 *“(2) REQUIREMENTS.—The format of the 3-year*
 11 *work plans, budgets, and reports required under*
 12 *paragraph (1) shall be established by the United*
 13 *States Fish and Wildlife Service, in consultation with*
 14 *the Association of Fish and Wildlife Agencies.*

15 *“(3) GAO STUDY.—Not later than 7 years after*
 16 *the date of enactment of the Recovering America’s*
 17 *Wildlife Act of 2022, the Comptroller General of the*
 18 *United States shall conduct a study to examine the*
 19 *progress of States, territories, the District of Colum-*
 20 *bia, and Indian Tribes towards achieving the purpose*
 21 *described in section 2 of that Act.”.*

22 **SEC. 102. TECHNICAL AMENDMENTS.**

23 *(a) DEFINITIONS.—Section 2 of the Pittman-Robertson*
 24 *Wildlife Restoration Act (16 U.S.C. 669a) is amended—*

1 (1) in paragraph (7), by striking “including
2 *fish,*”; and

3 (2) in paragraph (9), by inserting “Indian
4 *Tribes, academic institutions,*” before “wildlife con-
5 *servation organizations*”.

6 (b) *CONFORMING AMENDMENTS.—The Pittman-Rob-*
7 *ertson Wildlife Restoration Act (16 U.S.C. 669a et seq.) is*
8 *amended—*

9 (1) in section 3—

10 (A) in subsection (a)—

11 (i) by striking “(1) *An amount equal*
12 *to*” and inserting “*An amount equal to*”;
13 and

14 (ii) by striking paragraph (2);

15 (B) in subsection (c)—

16 (i) in paragraph (9), as redesignated
17 by section 101(a)(1), by striking “or an *In-*
18 *dian tribe*”; and

19 (ii) in paragraph (10), as redesignated
20 by section 101(a)(1), by striking “*Wildlife*
21 *Conservation and Restoration Account*” and
22 inserting “*Subaccount*”; and

23 (C) in subsection (d), by striking “*Wildlife*
24 *Conservation and Restoration Account*” and in-
25 serting “*Subaccount*”;

1 (2) *in section 4 (16 U.S.C. 669c)—*

2 *(A) in subsection (d)—*

3 *(i) in the heading, by striking “AC-*
4 *COUNT” and inserting “SUBACCOUNT”; and*

5 *(ii) by striking “Account” each place it*
6 *appears and inserting “Subaccount”; and*

7 *(B) in subsection (e)(1), by striking “Ac-*
8 *count” and inserting “Subaccount”; and*

9 (3) *in section 8 (16 U.S.C. 669g), in subsection*
10 *(a), by striking “Account” and inserting “Sub-*
11 *account”.*

12 **SEC. 103. SAVINGS CLAUSE.**

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

15 *(1) by redesignating section 14 as section 16;*

16 *and*

17 *(2) by inserting after section 13 the following:*

18 **“SEC. 14. SAVINGS CLAUSE.**

19 *“Nothing in this Act shall be construed to enlarge or*
20 *diminish the authority, jurisdiction, or responsibility of a*
21 *State to manage, control, or regulate fish and wildlife under*
22 *the law and regulations of the State on lands and waters*
23 *within the State, including on Federal lands and waters.*

1 **“SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO**
 2 **ALASKA.**

3 *“If any conflict arises between any provision of this*
 4 *Act and any provision of the Alaska National Interest*
 5 *Lands Conservation Act (16 U.S.C. 3101 et seq.) or the*
 6 *Alaska Native Claims Settlement Act (43 U.S.C. 1601 et*
 7 *seq.), then the provision in the Alaska National Interest*
 8 *Lands Conservation Act or the Alaska Native Claims Settle-*
 9 *ment Act shall prevail.”.*

10 **TITLE II—TRIBAL WILDLIFE**
 11 **CONSERVATION AND RES-**
 12 **TORATION**

13 **SEC. 201. INDIAN TRIBES.**

14 *(a) DEFINITIONS.—In this section:*

15 *(1) ACCOUNT.—The term “Account” means the*
 16 *Tribal Wildlife Conservation and Restoration Account*
 17 *established by subsection (b)(1).*

18 *(2) INDIAN TRIBE.—The term “Indian Tribe”*
 19 *has the meaning given such term in section 4 of the*
 20 *Indian Self-Determination and Education Assistance*
 21 *Act (25 U.S.C. 5304).*

22 *(3) SECRETARY.—The term “Secretary” means*
 23 *the Secretary of the Interior.*

24 *(4) TRIBAL SPECIES OF GREATEST CONSERVA-*
 25 *TION NEED.—The term “Tribal species of greatest*
 26 *conservation need” means any species identified by*

1 *an Indian Tribe as requiring conservation manage-*
 2 *ment because of declining population, habitat loss, or*
 3 *other threats, or because of their biological or cultural*
 4 *importance to such Tribe.*

5 (5) *WILDLIFE.*—*The term “wildlife” means—*

6 (A) *any species of wild flora or fauna in-*
 7 *cluding fish and marine mammals;*

8 (B) *flora or fauna in a captive breeding, re-*
 9 *habilitation, and holding or quarantine pro-*
 10 *gram, the object of which is to reintroduce indi-*
 11 *viduals of a depleted indigenous species into pre-*
 12 *viously occupied range or to maintain a species*
 13 *for conservation purposes; and*

14 (C) *does not include game farm animals.*

15 (b) *TRIBAL WILDLIFE CONSERVATION AND RESTORA-*
 16 *TION ACCOUNT.*—

17 (1) *IN GENERAL.*—*There is established in the*
 18 *Treasury an account to be known as the “Tribal*
 19 *Wildlife Conservation and Restoration Account”.*

20 (2) *AVAILABILITY.*—*Amounts in the Account*
 21 *shall be available for each fiscal year without further*
 22 *appropriation for apportionment in accordance with*
 23 *this title.*

24 (3) *DEPOSITS INTO ACCOUNT.*—

1 (A) *IN GENERAL.*—Beginning in fiscal year
 2 2022, and for each fiscal year thereafter, the Sec-
 3 retary of the Treasury shall transfer \$97,500,000
 4 from the general fund of the Treasury to the Ac-
 5 count.

6 (B) *FUNDING SOURCE.*—

7 (i) *DEFINITION.*—In this subpara-
 8 graph, the term “remaining natural re-
 9 source or environmental-related violation
 10 revenue” means the amount of all civil or
 11 criminal penalties, fines, sanctions, forfeit-
 12 ures, or other revenues resulting from nat-
 13 ural resource or environmental-related vio-
 14 lations or enforcement actions by any Fed-
 15 eral agency that are not directed to be de-
 16 posited in a fund other than the general
 17 fund of the Treasury or have otherwise been
 18 appropriated.

19 (ii) *USE OF REVENUE.*—Beginning in
 20 fiscal year 2022, and for each fiscal year
 21 thereafter, the total amount of the remain-
 22 ing natural resource or environmental-re-
 23 lated violation revenue with respect to the
 24 previous fiscal year—

1 (I) shall be deposited in the gen-
2 eral fund of the Treasury; and

3 (II) shall be available for the pur-
4 poses of the transfer under subpara-
5 graph (A).

6 (c) *DISTRIBUTION OF FUNDS TO INDIAN TRIBES.*—
7 Each fiscal year, the Secretary of the Treasury shall deposit
8 funds into the Account and distribute such funds through
9 a noncompetitive application process according to guide-
10 lines and criteria, and reporting requirements determined
11 by the Secretary of the Interior, acting through the Director
12 of the Bureau of Indian Affairs, in consultation with In-
13 dian Tribes. Such funds shall remain available until ex-
14 pended.

15 (d) *WILDLIFE MANAGEMENT RESPONSIBILITIES.*—The
16 distribution guidelines and criteria described in subsection
17 (c) shall be based, in part, upon an Indian Tribe’s wildlife
18 management responsibilities. Any funding allocated to an
19 Indian Tribe in Alaska may only be used in a manner con-
20 sistent with the Alaska Native Claims Settlement Act (43
21 U.S.C. 1601 et seq.), the Alaska National Interest Lands
22 Conservation Act (16 U.S.C. 3101 et seq.), and Public Law
23 85–508 (commonly known as the “Alaska Statehood Act”)
24 (48 U.S.C. note prec. 21). Alaska Native Corporations or

1 *Tribes may enter into cooperative agreements with the State*
2 *of Alaska on conservation projects of mutual concern.*

3 *(e) USE OF FUNDS.—*

4 *(1) IN GENERAL.—Except as provided in para-*
5 *graph (2), the Secretary may distribute funds from*
6 *the Account to an Indian Tribe for any of the fol-*
7 *lowing purposes:*

8 *(A) To develop, carry out, revise, or enhance*
9 *wildlife conservation and restoration programs*
10 *to manage Tribal species of greatest conservation*
11 *need and the habitats of such species, as deter-*
12 *mined by the Indian Tribe.*

13 *(B) To assist in the recovery of species list-*
14 *ed as an endangered or threatened species under*
15 *the Endangered Species Act of 1973 (16 U.S.C.*
16 *1531 et seq.).*

17 *(C) For wildlife conservation education and*
18 *wildlife-associated recreation projects.*

19 *(D) To manage a Tribal species of greatest*
20 *conservation need and the habitat of such species,*
21 *the range of which may be shared with a foreign*
22 *country, State, or other Indian Tribe.*

23 *(E) To manage, control, and prevent*
24 *invasive species as well as diseases and other*
25 *risks to wildlife.*

1 (F) *For law enforcement activities that are*
 2 *directly related to the protection and conserva-*
 3 *tion of wildlife.*

4 (G) *To develop, revise, and implement com-*
 5 *prehensive wildlife conservation strategies and*
 6 *plans for such Tribe.*

7 (H) *For the hiring and training of wildlife*
 8 *conservation and restoration program staff.*

9 (2) *CONDITIONS ON THE USE OF FUNDS.—*

10 (A) *REQUIRED USE OF FUNDS.—In order to*
 11 *be eligible to receive funds under subsection (c),*
 12 *a Tribe's application must include a proposal to*
 13 *use funds for at least one of the purposes de-*
 14 *scribed in subparagraphs (A) and (B) of para-*
 15 *graph (1).*

16 (B) *IMPERILED SPECIES RECOVERY.—In*
 17 *distributing funds under this section, the Sec-*
 18 *retary shall distribute not less than 15 percent of*
 19 *the total funds distributed to proposals to fund*
 20 *the recovery of a species, subspecies, or distinct*
 21 *population segment listed as a threatened spe-*
 22 *cies, endangered species, or candidate species*
 23 *under the Endangered Species Act of 1973 (16*
 24 *U.S.C. 1531 et seq.) or Tribal law.*

1 (C) *LIMITATION.*—*In distributing funds*
 2 *under this section, the Secretary shall distribute*
 3 *not more than 15 percent of all funds distributed*
 4 *under this section for the purpose described in*
 5 *paragraph (1)(C).*

6 (f) *NO MATCHING FUNDS REQUIRED.*—*No Indian*
 7 *Tribe shall be required to provide matching funds to be eli-*
 8 *gible to receive funds under this Act.*

9 (g) *PUBLIC ACCESS NOT REQUIRED.*—*Funds appor-*
 10 *tioned from the Tribal Wildlife Conservation and Restora-*
 11 *tion Account shall not be conditioned upon the provision*
 12 *of public or non-Tribal access to Tribal or private lands,*
 13 *waters, or holdings.*

14 (h) *ADMINISTRATIVE COSTS.*—*Of the funds deposited*
 15 *under subsection (b)(3) for each fiscal year, not more than*
 16 *3 percent shall be used by the Secretary for administrative*
 17 *costs.*

18 (i) *SAVINGS CLAUSE.*—*Nothing in this Act shall 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 to man-*
 22 *age, control, or regulate wildlife.*

23 (j) *STATUTORY CONSTRUCTION WITH RESPECT TO*
 24 *ALASKA.*—*If any conflict arises between any provision of*
 25 *this Act and any provision of the Alaska National Interest*

1 *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—ENDANGERED SPE-***
 7 ***CIES RECOVERY AND HABI-***
 8 ***TAT CONSERVATION LEGACY***
 9 ***FUND***

10 ***SEC. 301. ENDANGERED SPECIES RECOVERY AND HABITAT***
 11 ***CONSERVATION LEGACY FUND.***

12 (a) *ESTABLISHMENT.*—*There is established in the*
 13 *Treasury of the United States a fund, to be known as the*
 14 *“Endangered Species Recovery and Habitat Conservation*
 15 *Legacy Fund” (referred to in this section as the “Fund”).*

16 (b) *FUNDING.*—*For each of fiscal years 2022 through*
 17 *2025, the Secretary of the Treasury shall transfer from the*
 18 *general fund of the Treasury to the Fund \$187,500,000.*

19 (c) *AVAILABILITY OF FUNDS.*—*Amounts in the Fund*
 20 *shall be available to the Secretary of the Interior, acting*
 21 *through the Director of the United States Fish and Wildlife*
 22 *Service (referred to in this section as the “Secretary”), as*
 23 *provided in subsection (e), without further appropriation*
 24 *or fiscal year limitation.*

25 (d) *INVESTMENT OF AMOUNTS.*—

1 (1) *IN GENERAL.*—*The Secretary may request*
 2 *the Secretary of the Treasury to invest any portion*
 3 *of the Fund that is not, as determined by the Sec-*
 4 *retary, required to meet the current needs of the*
 5 *Fund.*

6 (2) *REQUIREMENT.*—*An investment requested*
 7 *under paragraph (1) shall be made by the Secretary*
 8 *of the Treasury in a public debt security—*

9 *(A) with a maturity suitable to the needs of*
 10 *the Fund, as determined by the Secretary; and*

11 *(B) bearing interest at a rate determined by*
 12 *the Secretary of the Treasury, taking into con-*
 13 *sideration current market yields on outstanding*
 14 *marketable obligations of the United States of*
 15 *comparable maturity.*

16 (3) *CREDITS TO FUND.*—*The income on invest-*
 17 *ments of the Fund under this subsection shall be cred-*
 18 *ited to, and form a part of, the Fund.*

19 (e) *USE OF FUNDS.*—*Amounts in the Fund shall be*
 20 *used for recovering the species managed under the Endan-*
 21 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.), in addi-*
 22 *tion to amounts otherwise available for such purposes, as*
 23 *follows:*

24 (1) *ENDANGERED SPECIES RECOVERY GRANT*
 25 *PROGRAM.*—*\$75,000,000 for each of fiscal years 2022*

1 *through 2025, to remain available until expended,*
2 *shall be used to establish and implement a grant and*
3 *technical assistance program, to be known as the*
4 *“Endangered Species Recovery Grant Program”, to*
5 *provide competitive matching grants for the purpose*
6 *of recovering species listed as a threatened species or*
7 *an endangered species under section 4 of the Endan-*
8 *gered Species Act of 1973 (16 U.S.C. 1533) by ad-*
9 *dressing the backlog in the development of recovery*
10 *plans, and implementing the backlog of activities*
11 *identified in existing recovery plans, under subsection*
12 *(f) of that section (16 U.S.C. 1533(f)). The Secretary*
13 *shall enter into an agreement with the National Fish*
14 *and Wildlife Foundation to establish and coopera-*
15 *tively manage the Endangered Species Recovery*
16 *Grant Program in accordance with the Endangered*
17 *Species Act of 1973 (16 U.S.C. 1531 et seq.) and the*
18 *National Fish and Wildlife Foundation Establish-*
19 *ment Act (16 U.S.C. 3701 et seq.).*

20 (2) *INTERAGENCY CONSULTATION RESPONSIBIL-*
21 *ITIES.—\$75,000,000 for each of fiscal years 2022*
22 *through 2025, to remain available until expended,*
23 *shall be used for the United States Fish and Wildlife*
24 *Service to address interagency consultation respon-*

sibilities under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

(3) CONSERVATION ACTIVITIES.—\$28,125,000 for each of fiscal years 2022 through 2025, to remain available until expended, shall be used for the United States Fish and Wildlife Service to work with non-Federal entities, including through, but not limited to, the Partners for Fish and Wildlife Program, the Coastal Program, and the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.)—

(A) to conserve at risk species, species that are candidates or proposed for listing, and species that are listed as threatened or endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), including through rescue and rehabilitation efforts; and

(B) to conserve wildlife habitat.

(4) VOLUNTARY CONSERVATION AGREEMENTS.—\$9,375,000 for each of fiscal years 2022 through 2025, to remain available until expended, shall be used for the United States Fish and Wildlife Service to address the development and permitting of voluntary conservation agreements under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539).

1 (f) *SUPPLEMENT, NOT SUPPLANT.*—Amounts made
 2 available under this section shall supplement and not sup-
 3 plant any other Federal amounts made available to carry
 4 out activities described in this section in an annual appro-
 5 priations Act of Congress.

6 (g) *SUBMISSION OF SPECIES LISTS TO CONGRESS.*—

7 (1) *PRIORITY LIST OF SPECIES.*—Not later than
 8 90 days after the date of enactment of this Act, the
 9 Secretary, shall submit to the Committees on Envi-
 10 ronment and Public Works and Appropriations of the
 11 Senate and the Committees on Natural Resources and
 12 Appropriations of the House of Representatives a list
 13 of threatened species and endangered species for which
 14 recovery plans described in subsection (e)(1) will be
 15 developed or implemented for fiscal year 2023.

16 (2) *ANNUAL LIST OF SPECIES.*—Until the date
 17 on which all of the amounts in the Fund are ex-
 18 pended, the President shall annually submit to Con-
 19 gress, together with the annual budget of the United
 20 States, a list of threatened species and endangered
 21 species for which recovery plans described in sub-
 22 section (e)(1) will be developed or implemented with
 23 amounts from the Fund.

24 (h) *PUBLIC DONATIONS.*—

1 (1) *IN GENERAL.*—*The Secretary may accept*
 2 *public cash donations that advance efforts—*

3 *(A) to address the backlog in the develop-*
 4 *ment and implementation of recovery plans; and*

5 *(B) to encourage relevant public-private*
 6 *partnerships.*

7 (2) *CREDITS TO FUND.*—*Any cash donations ac-*
 8 *cepted under paragraph (1) shall be credited to, and*
 9 *form a part of, the Fund.*

10 (3) *REJECTION OF DONATIONS.*—*The Secretary*
 11 *may reject a donation under this section when the re-*
 12 *jection is in the interest of the Federal Government,*
 13 *as determined by the Secretary.*

14 (i) *ALLOCATION AUTHORITY.*—

15 (1) *SUBMISSION OF COST ESTIMATES.*—*The*
 16 *President shall submit to Congress detailed allocations*
 17 *by program element of the amount recommended for*
 18 *allocation in a fiscal year from amounts made avail-*
 19 *able under subsection (c), consistent with the use of*
 20 *funds under subsection (e), as follows:*

21 (A) *For fiscal year 2023, not later than 90*
 22 *days after the date of enactment of this Act.*

23 (B) *For each fiscal year thereafter, until the*
 24 *date on which all of the amounts in the Fund*
 25 *are allocated, as part of the annual budget sub-*

mission of the President under section 1105(a) of title 31, United States Code.

(2) *ALTERNATE ALLOCATION.*—

(A) *IN GENERAL.*—The Committees on Appropriations of the Senate and House of Representatives may provide for alternate allocation of amounts recommended for allocation in a given fiscal year from amounts made available under subsection (c), consistent with the use of funds under subsection (e), including allocations by program element.

(B) *ALLOCATION BY PRESIDENT.*—

(i) *NO ALTERNATE ALLOCATIONS.*—If Congress has not enacted legislation establishing alternate allocations, including by program, by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, only then shall amounts recommended for allocation for that fiscal year from amounts made available under subsection (c), consistent with the use of funds under subsection (e), be allocated by the President or apportioned or allotted by

1 *program pursuant to title 31, United States*
 2 *Code.*

3 (ii) *INSUFFICIENT ALTERNATE ALLOCA-*
 4 *TION.—If Congress enacts legislation estab-*
 5 *lishing alternate allocations, including by*
 6 *program, for amounts recommended for al-*
 7 *location in a given fiscal year from*
 8 *amounts made available under subsection*
 9 *(c), consistent with the use of funds under*
 10 *subsection (e), that are less than the full*
 11 *amount recommended for allocation for that*
 12 *fiscal year, the difference between the*
 13 *amount recommended for allocation and the*
 14 *alternate allocation shall be allocated by the*
 15 *President and apportioned and allotted by*
 16 *program pursuant to title 31, United States*
 17 *Code.*

18 (j) *PROHIBITIONS.—No amounts from the Fund shall*
 19 *be used—*

20 (1) *to make any listing determination relating to*
 21 *the endangered or threatened status of any species*
 22 *pursuant to section 4(a) of the Endangered Species*
 23 *Act of 1973 (16 U.S.C. 1533(a));*

24 (2) *on any experimental population (as defined*
 25 *in paragraph (1) of section 10(j) of the Endangered*

1 *Species Act of 1973 (16 U.S.C. 1539(j)) of a threat-*
2 *ened or endangered species that is determined to be*
3 *nonessential under that section;*

4 *(3) outside of the United States (as defined in*
5 *section 3 of the Endangered Species Act of 1973 (16*
6 *U.S.C. 1532)); and*

7 *(4) to acquire any Federal land.*

Calendar No. 354

117TH CONGRESS
2D Session

S. 2372

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.

APRIL 27, 2022

Reported with an amendment