

Union Calendar No. 271

117TH CONGRESS
2D SESSION

H. R. 2773

[Report No. 117–359]

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

APRIL 22, 2021

Mrs. DINGELL (for herself, Mr. FORTENBERRY, Mr. SIMPSON, Mr. HILL, Miss GONZÁLEZ-COLÓN, Mr. AUSTIN SCOTT of Georgia, Mr. GRIJALVA, Mr. HUFFMAN, Mr. DEFazio, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 9, 2022

Additional sponsors: Ms. SCHAKOWSKY, Mr. CLEAVER, Mr. KILMER, Mr. CARBAJAL, Mr. COLE, Ms. CRAIG, Mrs. MURPHY of Florida, Mr. O'HALLERAN, Mr. BLUMENAUER, Mr. RUTHERFORD, Mr. KILDEE, Mr. CROW, Ms. DEGETTE, Mr. FITZPATRICK, Mr. WITTMAN, Mr. LEVIN of California, Ms. DELBENE, Ms. KUSTER, Mr. KUSTOFF, Mr. LAMB, Ms. SALAZAR, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. LEGER FERNANDEZ, Mr. RODNEY DAVIS of Illinois, Ms. SCHRIER, Mr. MALINOWSKI, Mr. VEASEY, Mr. ROUZER, Mr. PANETTA, Mr. COURTNEY, Ms. JAYAPAL, Mr. LOWENTHAL, Mr. CRIST, Mr. QUIGLEY, Mr. EVANS, Mr. UPTON, Mr. JOHNSON of Georgia, Ms. BONAMICI, Mr. LONG, Ms. ROSS, Mr. COOPER, Ms. SCANLON, Mr. POCAN, Ms. WILD, Ms. NORTON, Mr. BROWN of Maryland, Mr. CARTWRIGHT, Mr. LANGEVIN, Mr. PAPPAS, Mrs. AXNE, Mr. HIMES, Mr. LARSEN of Washington, Ms. STRICKLAND, Mrs. LAWRENCE, Mr. COHEN, Mr. CARSON, Ms. CHU, Ms. TITUS, Mr. VELA, Mr. SMITH of Washington, Mr. HORSFORD, Mr. MCCAUL, Mr. LARSON of Connecticut, Ms. STEVENS, Mr. LAWSON of Florida, Mrs. FLETCHER, Ms. BARRAGÁN, Mr. MORELLE, Ms. BROWNLEY, Mr. AMODEI, Mr. BERGMAN, Mr. RASKIN, Ms. TLAIB, Mr. CICILLINE, Ms. MOORE of Wisconsin, Ms. DAVIDS of Kansas, Mr. SOTO, Mr. HUIZENGA, Ms. JACOBS of California, Mr. AGUILAR, Mr. PALAZZO,

Mr. LEVIN of Michigan, Mrs. CAROLYN B. MALONEY of New York, Mr. CARTER of Georgia, Mr. KATKO, Ms. LOFGREN, Mr. KAHELE, Ms. BLUNT ROCHESTER, Mrs. NAPOLITANO, Mr. TONKO, Mr. GARAMENDI, Mr. WALBERG, Mr. MCHENRY, Mr. LIEU, Mr. ALLRED, Ms. DEAN, Mr. PRICE of North Carolina, Mr. BACON, Mr. TRONE, Mr. LYNCH, Ms. HOULAHAN, Mrs. WATSON COLEMAN, Mr. HARDER of California, Mr. GALLEG0, Ms. MANNING, Mr. KIND, Ms. STANSBURY, Ms. ESHOO, Mr. HUDSON, Mr. BUTTERFIELD, Mr. KELLER, Mr. WELCH, Mr. CORREA, Mrs. TRAHAN, Mrs. RADEWAGEN, Mrs. HARTZLER, Mrs. BEATTY, Mr. FLEISCHMANN, Mr. MEEKS, Mr. NEGUSE, Mr. MOULTON, Ms. ADAMS, Mr. GONZALEZ of Ohio, Mr. MCEACHIN, Ms. NEWMAN, Mr. CASTEN, Mr. COMER, Mr. GIMENEZ, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. STANTON, Mr. LUETKEMEYER, Mr. SABLON, Mrs. MCBATH, Mr. YOUNG, Mr. SARBANES, Mr. NEAL, Mr. MURPHY of North Carolina, Mrs. BUSTOS, Mrs. KIRKPATRICK, Ms. WILLIAMS of Georgia, Ms. MCCOLLUM, Mr. VAN DREW, Mr. DAVID SCOTT of Georgia, Mr. PERLMUTTER, Miss RICE of New York, Mr. RUSH, Mr. AUCHINCLOSS, Mr. GARCÍA of Illinois, Mr. DOGGETT, Mr. SCHRADER, Ms. KAPTUR, Mr. RUPPERSBERGER, Ms. MATSUI, Ms. BROWN of Ohio, Mrs. HAYES, Mr. THOMPSON of California, Mr. SEAN PATRICK MALONEY of New York, Mr. MCNERNEY, Ms. PORTER, Ms. LEE of California, Mr. PALLONE, Mr. SCHIFF, Mr. VALADAO, Ms. SPANBERGER, Mr. TURNER, Mr. FERGUSON, Mr. SUOZZI, Mr. KRISHNAMOORTHY, Ms. SHERRILL, Mr. CUELLAR, Ms. ESCOBAR, Mr. VICENTE GONZALEZ of Texas, Mr. CARTER of Louisiana, Mr. KIM of New Jersey, Mr. CONNOLLY, Mr. PHILLIPS, Mr. SCHNEIDER, Mr. KEATING, Mr. GOLDEN, Mr. GOTTHEIMER, Mr. GARBARINO, Ms. SLOTKIN, Mr. BUDD, Ms. WASSERMAN SCHULTZ, and Ms. SÁNCHEZ

JUNE 9, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on April 22, 2021]

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-Robertson*
 11 *Wildlife Restoration Act (16 U.S.C. 669b) is amended in*
 12 *subsection (c)—*

13 *(1) by redesignating paragraphs (2) and (3) as*
 14 *paragraphs (10) and (11); 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 ‘Wild-*
 20 *life Conservation and Restoration Subaccount’*
 21 *(referred to in this section as the ‘Subaccount’).*

22 *“(B) AVAILABILITY.—Amounts in the Sub-*
 23 *account shall be available without further appro-*
 24 *priation, for each fiscal year, for apportionment*
 25 *in accordance with this Act.*

1 “(C) *DEPOSITS INTO SUBACCOUNT.*—*Begin-*
 2 *ning in fiscal year 2022, the Secretary of the*
 3 *Treasury shall transfer \$1,300,000,000 from the*
 4 *general fund of the treasury each fiscal year to*
 5 *the fund for deposit in the Subaccount.*

6 “(2) *SUPPLEMENT NOT SUPPLANT.*—*Amounts*
 7 *transferred to the Subaccount shall supplement, but*
 8 *not replace, existing funds available to the States*
 9 *from—*

10 “(A) *the funds distributed pursuant to the*
 11 *Dingell-Johnson Sport Fish Restoration Act; and*

12 “(B) *the fund.*

13 “(3) *INNOVATION GRANTS.*—

14 “(A) *IN GENERAL.*—*The Secretary shall dis-*
 15 *tribute 10 percent of funds apportioned from the*
 16 *Subaccount through a competitive grant pro-*
 17 *gram to State fish and wildlife departments, the*
 18 *District of Columbia fish and wildlife depart-*
 19 *ment, fish and wildlife departments of terri-*
 20 *tories, or to regional associations of fish and*
 21 *wildlife departments (or any group composed of*
 22 *more than 1 such entity).*

23 “(B) *PURPOSE.*—*Such grants shall be pro-*
 24 *vided for the purpose of catalyzing innovation of*
 25 *techniques, tools, strategies, or collaborative part-*

1 *nerships that accelerate, expand, or replicate ef-*
2 *fective and measurable recovery efforts for species*
3 *of greatest conservation need and species listed*
4 *under the Endangered Species Act of 1973 and*
5 *the habitats of such species.*

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

8 “(i) *a State Director from each re-*
9 *gional association of State fish and wildlife*
10 *departments;*

11 “(ii) *the head of a department respon-*
12 *sible for fish and wildlife management in a*
13 *territory; and*

14 “(iii) *4 individuals representing 4 dif-*
15 *ferent nonprofit organizations each of which*
16 *is actively participating in carrying out*
17 *wildlife conservation restoration activities*
18 *using funds apportioned from the Sub-*
19 *account.*

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

1 “(E) *EVALUATION.*—*Such committee shall*
2 *evaluate each proposal submitted under this*
3 *paragraph and recommend projects for funding,*
4 *giving preference to solutions that accelerate the*
5 *recovery of species identified as priorities*
6 *through regional scientific assessments of species*
7 *of greatest conservation need.*

8 “(F) *SPECIAL RULE BEFORE DISBURSE-*
9 *MENT OF FUNDS FROM SUBACCOUNT.*—*In any*
10 *fiscal year that begins before the first disburse-*
11 *ment of funds from the Subaccount, any non-*
12 *profit organization that actively participates in*
13 *carrying out wildlife conservation restoration ac-*
14 *tivities shall be deemed to fulfill the requirement*
15 *described in subparagraph (C)(iii).*

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

18 “(A) *shall be used to implement the Wildlife*
19 *Conservation Strategy of a State, territory, or*
20 *the District of Columbia, as required under sec-*
21 *tion 4(e), by carrying out, revising, or enhancing*
22 *existing wildlife and habitat conservation and*
23 *restoration programs and developing and imple-*
24 *menting new wildlife conservation and restora-*
25 *tion programs to recover and manage species of*

1 *greatest conservation need and the key habitats*
2 *and plant community types essential to the con-*
3 *servation of those species as determined by the*
4 *appropriate State fish and wildlife department;*

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

9 *“(C) shall be used to assist in the recovery*
10 *of species found in the State, territory, or the*
11 *District of Columbia that are listed as endan-*
12 *gered species, threatened species, candidate spe-*
13 *cies or species proposed for listing, or species pe-*
14 *titioned for listing under the Endangered Species*
15 *Act of 1973 or under State law;*

16 *“(D) may be used for wildlife conservation*
17 *education and wildlife-associated recreation*
18 *projects, especially in historically underserved*
19 *communities;*

20 *“(E) may be used to manage a species of*
21 *greatest conservation need whose range is shared*
22 *with another State, territory, Indian Tribe, or*
23 *foreign government and for the conservation of*
24 *the habitat of such species;*

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

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

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

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

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

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

7 “(i) funds from Federal agencies other
8 than the Department of the Interior and the
9 Department of Agriculture;

10 “(ii) donated private lands and waters,
11 including privately owned easements;

12 “(iii) in circumstances described in
13 subparagraph (B), revenue generated
14 through the sale of State hunting and fish-
15 ing licenses; and

16 “(iv) other sources consistent with part
17 80 of title 50, Code of Federal Regulations,
18 in effect on the date of enactment of the Re-
19 covering America’s Wildlife Act of 2021.

20 “(B) Revenue described in subparagraph
21 (A)(iii) may only be used to fulfill the require-
22 ments of such non-Federal fund matching re-
23 quirement if—

24 “(i) no Federal funds apportioned to
25 the State fish and wildlife department of

1 *such State from the Wildlife Restoration*
 2 *Program or the Sport Fish Restoration Pro-*
 3 *gram have been reverted because of a failure*
 4 *to fulfill such non-Federal fund matching*
 5 *requirement by such State during the pre-*
 6 *vious 2 fiscal years; and*

7 “(ii) *the project or program being*
 8 *funded benefits the habitat of a hunted or*
 9 *fished species and a species of greatest con-*
 10 *servation need.*

11 “(8) *ADMINISTRATIVE COSTS.—Of the funds au-*
 12 *thorized under this subsection, not more than 3 per-*
 13 *cent may be used by the Secretary for administrative*
 14 *costs.*

15 “(9) *DEFINITIONS.—In this subsection, the fol-*
 16 *lowing definitions apply:*

17 “(A) *PARTNERSHIPS.—The term ‘partner-*
 18 *ships’ may include collaborative efforts with Fed-*
 19 *eral agencies, State agencies, local agencies, In-*
 20 *Indian Tribes, nonprofit organizations, academic*
 21 *institutions, industry groups, and private indi-*
 22 *viduals to implement a State’s Wildlife Con-*
 23 *servation Strategy.*

24 “(B) *SPECIES OF GREATEST CONSERVATION*
 25 *NEED.—The term ‘species of greatest conserva-*

tion 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 Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, the United States Virgin Islands, and American Samoa.

“(D) *WILDLIFE.*—The term ‘wildlife’ means any species of wild, free-ranging 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) *OVERSIGHT AND ACCOUNTABILITY.*—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended by adding at the end the following:

“(e) To the Office of Inspector General, for the purposes of oversight and accountability with respect to the expenditure of funds authorized under subsection (c), there is au-

1 *thorized to be appropriated, until September 30, 2029, $\frac{1}{2}$*
 2 *of 1 percent of the amounts made available under such sub-*
 3 *section.”.*

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

7 *(1) in subsection (d)—*

8 *(A) in paragraph (1)—*

9 *(i) in subparagraph (A), by striking*
 10 *“to the District of Columbia and to the*
 11 *Commonwealth of Puerto Rico, each” and*
 12 *inserting “To the District of Columbia”;*

13 *(ii) in subparagraph (B)—*

14 *(I) by striking “to Guam” and*
 15 *inserting “To Guam”; and*

16 *(II) by striking “not more than*
 17 *one-fourth of 1 percent” and inserting*
 18 *“not less than $\frac{1}{3}$ of 1 percent”; and*

19 *(iii) by adding at the end the fol-*
 20 *lowing:*

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

23 *(B) in paragraph (2)(A)—*

24 *(i) by amending clause (i) to read as*
 25 *follows:*

1 “(i) $\frac{1}{2}$ of which is based on the ratio to
2 which the land and water area of such State
3 bears to the total land and water area of all such
4 States;”;

5 (ii) in clause (ii)—

6 (I) by striking “two-thirds” and
7 inserting “ $\frac{1}{4}$ ”; and

8 (II) by striking the period and in-
9 serting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(iii) $\frac{1}{4}$ of which is based upon the ratio
13 to which the number of species listed as endan-
14 gered or threatened under the Endangered Spe-
15 cies Act of 1973 in such State bears to the total
16 number of such species listed in all such States.”;

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

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

25 “(i) subparagraph (A)(i);

1 “(ii) subparagraph (A)(ii); and

2 “(iii) the overall amount available for
3 subparagraph (A).”; and

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

6 (2) in subsection (e)(4)—

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

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

15 (B) by adding at the end the following:

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

1 (3) *by adding at the end following:*

2 “(f) *MINIMIZATION OF PLANNING AND REPORTING.—*
 3 *Nothing in this Act shall be interpreted to require a State*
 4 *to create a comprehensive strategy related to conservation*
 5 *education or outdoor recreation.*

6 “(g) *ACCOUNTABILITY.—Not more than 1 year after*
 7 *the date of enactment of the Recovering America’s Wildlife*
 8 *Act of 2021 and every 3 years thereafter, each State fish*
 9 *and wildlife department of a State or territory that receives*
 10 *funding under subsection (c) shall submit a 3-year work*
 11 *plan and budget for implementing its Wildlife Conservation*
 12 *Strategy and a report describing the results derived from*
 13 *activities accomplished under subsection (c)(4) during the*
 14 *previous 3 years to—*

15 “(1) *the Committee on Environment and Public*
 16 *Works of the Senate;*

17 “(2) *the Committee on Natural Resources of the*
 18 *House of Representatives; and*

19 “(3) *the United States Fish and Wildlife Serv-*
 20 *ice.”.*

21 **SEC. 102. TECHNICAL AMENDMENTS.**

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

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

1 (2) *in paragraph (9)—*

2 (A) *by striking “304(d)” and inserting*
3 *“4(d)”*; and

4 (B) *by inserting “Indian Tribes, academic*
5 *institutions,” before “wildlife conservation orga-*
6 *nizations”.*

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

10 (1) *in section 3 (16 U.S.C. 669b)—*

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 (10), as redesignated*
18 *by section 101(a)(1), by striking “or an In-*
19 *dian tribe”*; and

20 (ii) *in paragraph (11), as redesignated*
21 *by section 101(a)(1), by striking “Wildlife*
22 *Conservation and Restoration Account” and*
23 *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. 669c)—

5 (A) in subsection (d)—

6 (i) in the heading, by striking “AC-
7 COUNT” and inserting “SUBACCOUNT”; and

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

10 (B) in subsection (e)(1), by striking “Ac-
11 count” and inserting “Subaccount”; and

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

15 **SEC. 103. SAVINGS CLAUSE.**

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

18 (1) by redesignating section 13 as section 15;

19 and

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

21 **“SEC. 13. SAVINGS CLAUSE.**

22 *“Nothing in this Act shall be construed to enlarge or*
23 *diminish the authority, jurisdiction, or responsibility of a*
24 *State to manage, control, or regulate fish and wildlife under*

1 *the law and regulations of the State on lands and waters*
 2 *within the State, including on Federal lands and waters.*

3 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**
 4 **ALASKA.**

5 *“If any conflict arises between any provision of this*
 6 *Act and any provision of the Alaska National Interest*
 7 *Lands Conservation Act or the Alaska Native Claims Settle-*
 8 *ment Act, then the provision in the Alaska National Interest*
 9 *Lands Conservation Act or the Alaska Native Claims Settle-*
 10 *ment Act shall prevail.”.*

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

14 **SEC. 201. INDIAN TRIBES.**

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

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

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

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

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

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

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

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

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

18 (b) *TRIBAL WILDLIFE CONSERVATION AND RESTORA-*
 19 *TION ACCOUNT.*—

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

23 (2) *AVAILABILITY.*—*Amounts in the Account*
 24 *shall be available for each fiscal year without further*

1 *appropriation for apportionment in accordance with*
2 *this title.*

3 (3) *DEPOSITS.—Beginning in fiscal year 2022,*
4 *and each fiscal year thereafter, the Secretary of the*
5 *Treasury shall transfer \$97,500,000 to the Account.*

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 In-*
19 *dian Tribes in Alaska may only be used in a manner con-*
20 *sistent with the Alaska Native Claims Settlement Act, the*
21 *Alaska National Interest Lands Conservation Act, and the*
22 *Alaska Statehood Act. Alaska Native Corporations or Tribes*
23 *may enter into cooperative agreements with the State of*
24 *Alaska on conservation projects of mutual concern.*

25 (e) *USE OF FUNDS.—*

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

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

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

14 (C) *For wildlife conservation education and*
15 *wildlife-associated recreation projects.*

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

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

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

1 (G) *To develop, revise, and implement com-*
2 *prehensive wildlife conservation strategies and*
3 *plans for such Tribe.*

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

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

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

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

21 (C) *LIMITATION.—In distributing funds*
22 *under this section, the Secretary shall distribute*
23 *not more than 15 percent of all funds distributed*
24 *under this section for the purpose described in*
25 *paragraph (1)(C).*

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

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

9 (h) *ADMINISTRATIVE COSTS.*—Of the funds deposited
 10 under subsection (b)(3) for each fiscal year, not more than
 11 3 percent shall be used by the Secretary for administrative
 12 costs.

13 (i) *OVERSIGHT AND ACCOUNTABILITY.*—To the Office
 14 of Inspector General, for the purposes of oversight and ac-
 15 countability with respect to the expenditure of funds author-
 16 ized under this title, there is authorized to be appropriated,
 17 until September 30, 2029, $\frac{1}{2}$ of 1 percent of the amounts
 18 made available under this title.

19 (j) *SAVINGS CLAUSE.*—Nothing in this Act shall be
 20 construed as modifying or abrogating a treaty with any
 21 Indian Tribe, or as enlarging or diminishing the authority,
 22 jurisdiction, or responsibility of an Indian Tribe to man-
 23 age, control, or regulate wildlife. If any conflict arises be-
 24 tween any provision of this Act and any provision of the
 25 Alaska National Interest Lands Conservation Act or the

- 1 *Alaska Native Claims Settlement Act, then the provision in*
- 2 *the Alaska National Interest Lands Conservation Act or the*
- 3 *Alaska Native Claims Settlement Act shall prevail.*

Union Calendar No. 271

117TH CONGRESS
2^D Session

H. R. 2773

[Report No. 117-359]

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.

JUNE 9, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed