

117TH CONGRESS
1ST SESSION

H. R. 2773

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

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”.

1 **TITLE I—WILDLIFE CONSERVA-**
2 **TION AND RESTORATION**

3 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**
4 **SUBACCOUNT.**

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

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

10 (2) by striking paragraph (1) and inserting the
11 following:

12 “(1) ESTABLISHMENT OF SUBACCOUNT.—

13 “(A) IN GENERAL.—There is established in
14 the fund a subaccount to be known as the
15 ‘Wildlife Conservation and Restoration Sub-
16 account’ (referred to in this section as the ‘Sub-
17 account’).

18 “(B) AVAILABILITY.—Amounts in the Sub-
19 account shall be available without further ap-
20 propriation, for each fiscal year, for apportion-
21 ment in accordance with this Act.

22 “(C) DEPOSITS INTO SUBACCOUNT.—Be-
23 ginning in fiscal year 2022, the Secretary of the
24 Treasury shall transfer \$1,300,000,000 from

1 the general fund of the treasury each fiscal year
2 to the fund for deposit in the Subaccount.

3 “(2) SUPPLEMENT NOT SUPPLANT.—Amounts
4 transferred to the Subaccount shall supplement, but
5 not replace, existing funds available to the States
6 from—

7 “(A) the funds distributed pursuant to the
8 Dingell-Johnson Sport Fish Restoration Act
9 (16 U.S.C. 777 et seq.); and

10 “(B) the fund.

11 “(3) INNOVATION GRANTS.—

12 “(A) IN GENERAL.—The Secretary shall
13 distribute 10 percent of funds apportioned from
14 the Subaccount through a competitive grant
15 program to State fish and wildlife departments,
16 the District of Columbia fish and wildlife de-
17 partment, fish and wildlife departments of terri-
18 tories, or to regional associations of fish and
19 wildlife departments (or any group composed of
20 more than 1 such entity).

21 “(B) PURPOSE.—Such grants shall be pro-
22 vided for the purpose of catalyzing innovation
23 of techniques, tools, strategies, or collaborative
24 partnerships that accelerate, expand, or rep-
25 licate effective and measurable recovery efforts

1 for species of greatest conservation need and
2 species listed under the Endangered Species Act
3 of 1973 (15 U.S.C. 1531 et seq.) and the habi-
4 tats of such species.

5 “(C) REVIEW COMMITTEE.—The Secretary
6 shall appoint a review committee comprised
7 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) four individuals representing
15 four different nonprofit organizations each
16 of which is actively participating in car-
17 rying out wildlife conservation restoration
18 activities using funds apportioned from the
19 Subaccount.

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
5 the recovery of species identified as priorities
6 through regional scientific assessments of spe-
7 cies of greatest conservation need.

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

10 “(A) shall be used to implement the Wild-
11 life Conservation Strategy of a State, territory,
12 or the District of Columbia, as required under
13 section 4(d), by carrying out, revising, or en-
14 hancing existing wildlife and habitat conserva-
15 tion and restoration programs and developing
16 and implementing new wildlife conservation and
17 restoration programs to recover and manage
18 species of greatest conservation need and the
19 key habitats and plant community types essen-
20 tial to the conservation of those species as de-
21 termined by the appropriate State fish and
22 wildlife department;

23 “(B) shall be used to develop, revise, and
24 enhance the Wildlife Conservation Strategy of a

1 State, territory, or the District of Columbia, as
2 may be required by this Act;

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

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

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

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

24 “(G) may be used for law enforcement ac-
25 tivities that are directly related to the protec-

1 tion and conservation of a species of greatest
2 conservation need and the habitat of such spe-
3 cies.

4 “(5) MINIMUM REQUIRED SPENDING FOR EN-
5 DANGERED SPECIES RECOVERY.—Not less than an
6 average of 15 percent over a 5-year period of
7 amounts apportioned to a State, territory, or the
8 District of Columbia from the Subaccount shall be
9 used for purposes described in paragraph (4)(C).
10 The Secretary may reduce the minimum requirement
11 of a State, territory, or the District of Columbia on
12 an annual basis if the Secretary determines that the
13 State, territory, or the District of Columbia is meet-
14 ing the conservation and recovery needs of all spe-
15 cies described in paragraph (4)(C).

16 “(6) PUBLIC ACCESS TO PRIVATE LANDS NOT
17 REQUIRED.—Funds apportioned from the Sub-
18 account shall not be conditioned upon the provision
19 of public access to private lands, waters, or holdings.

20 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

21 “(A) For the purposes of the non-Federal
22 fund matching requirement for a wildlife con-
23 servation or restoration program or project
24 funded by the Subaccount, a State, territory, or

1 the District of Columbia may use as matching
2 non-Federal funds—

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

6 “(ii) donated private lands and
7 waters, including privately owned ease-
8 ments;

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

13 “(iv) other sources consistent with
14 part 80 of title 50, Code of Federal Regu-
15 lations, in effect on the date of enactment
16 of the Recovering America’s Wildlife Act of
17 2021.

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

22 “(i) no Federal funds apportioned to
23 the State fish and wildlife department of
24 such State from the Wildlife Restoration
25 Program or the Sport Fish Restoration

1 Program have been reverted because of a
2 failure to fulfill such non-Federal fund
3 matching requirement by such State dur-
4 ing the previous 2 years; and

5 “(ii) the project or program being
6 funded benefits the habitat of a hunted or
7 fished species and a species of greatest
8 conservation need.

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

11 “(A) PARTNERSHIPS.—The term ‘partner-
12 ships’ may include collaborative efforts with
13 Federal agencies, State agencies, local agencies,
14 Indian Tribes, nonprofit organizations, aca-
15 demic institutions, industry groups, and private
16 individuals to implement a State’s Wildlife Con-
17 servation Strategy.

18 “(B) SPECIES OF GREATEST CONSERVA-
19 TION NEED.—The term ‘species of greatest con-
20 servation need’ may be fauna or flora, and may
21 include terrestrial, aquatic, marine, and inverte-
22 brate species that are of low population, declin-
23 ing, rare, or facing threats and in need of con-
24 servation attention, as determined by each

1 State fish and wildlife department, with respect
2 to funds apportioned to such State.

3 “(C) TERRITORY AND TERRITORIES.—The
4 terms ‘territory’ and ‘territories’ mean the
5 Commonwealth of Puerto Rico, Guam, Amer-
6 ican Samoa, the Commonwealth of the North-
7 ern Mariana Islands, and the United States
8 Virgin Islands.

9 “(D) WILDLIFE.—The term ‘wildlife’
10 means any species of wild, freeranging fauna,
11 including fish, and also fauna in captive breed-
12 ing programs the object of which is to reintro-
13 duce individuals of a depleted indigenous spe-
14 cies into previously occupied range.”.

15 (b) ALLOCATION AND APPORTIONMENT OF AVAIL-
16 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
17 Wildlife Restoration Act (16 U.S.C. 669c) is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “to the District of Columbia and to the
22 Commonwealth of Puerto Rico, each” and
23 inserting “To the District of Columbia”;

24 (ii) in subparagraph (B)—

1 (I) by striking “to Guam” and
2 inserting “To Guam”; and

3 (II) by striking “not more than
4 one-fourth of one percent” and insert-
5 ing “not less than one-third of one
6 percent”; and

7 (iii) by adding at the end the fol-
8 lowing:

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

12 (B) in paragraph (2)(A)—

13 (i) by amending clause (i) to read as
14 follows:

15 “(i) one-half of which is based on the ratio
16 to which the land and water area of such State
17 bears to the total land and water area of all
18 such States;”;

19 (ii) in clause (ii)—

20 (I) by striking “two-thirds” and
21 inserting “one-quarter”; and

22 (II) by striking the period and
23 inserting “; and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(iii) one-quarter of which is based upon
2 the ratio to which the number of species listed
3 as endangered or threatened under the Endan-
4 gered Species Act of 1973 (15 U.S.C. 1531 et
5 seq.) in such State bears to the total number of
6 such species listed in all such States.”;

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

9 “(B) The amounts apportioned under this
10 paragraph shall be adjusted equitably so that
11 no such State, unless otherwise designated,
12 shall be apportioned a sum which is less than
13 1 percent or more than 5 percent of the amount
14 available for apportionment under—

15 “(i) subparagraph (A)(i);

16 “(ii) subparagraph (A)(ii); and

17 “(iii) the overall amount available for
18 subparagraph (A).”; and

19 (D) in paragraph (3), by striking “3 per-
20 cent” and inserting “1.85 percent”; and
21 (2) in subsection (e)(4), as redesignated—

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

24 “(B) Not more than an average of 15 percent
25 over a 5-year period of amounts apportioned to each

1 State, territory, or the District of Columbia under
2 this section for a wildlife conservation and restora-
3 tion program may be used for wildlife conservation
4 education and wildlife-associated recreation.”; and

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

7 “(C) \$55 million shall be reserved for
8 states and territories that include plants among
9 their species of greatest conservation need and
10 in the conservation planning and habitat
11 prioritization efforts of their Wildlife Conserva-
12 tion Strategy. Each eligible State, territory, or
13 the District of Columbia shall receive an addi-
14 tional 5 percent of their apportioned amount.
15 Any unallocated resources shall be allocated
16 proportionally among all states and territories
17 under the formulas of this section.”; and

18 (3) by adding at the end following:

19 “(f) MINIMIZATION OF PLANNING AND REPORT-
20 ING.—Nothing in this Act shall be interpreted to require
21 a State to create a comprehensive strategy related to con-
22 servation education or outdoor recreation.

23 “(g) ACCOUNTABILITY.—Not more than one year
24 after the date of enactment of the Recovering America’s
25 Wildlife Act of 2021 and every 3 years thereafter, each

1 State fish and wildlife department shall submit a 3-year
2 work plan and budget for implementing its Wildlife Con-
3 servation Strategy and a report describing the results de-
4 rived from activities accomplished under subsection (c)(4)
5 during the previous 3 years to—

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

8 “(2) the Committee on Natural Resources of
9 the House of Representatives; and

10 “(3) the United States Fish and Wildlife Serv-
11 ice.”.

12 **SEC. 102. TECHNICAL AMENDMENTS.**

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

16 (1) in paragraph (7), by striking “including
17 fish,”;

18 (2) by redesignating paragraphs (6) through
19 (9) as paragraphs (5) through (8), respectively; and

20 (3) in paragraph (6), as redesignated by para-
21 graph (2), by inserting “Indian Tribes, academic in-
22 stitutions,” before “wildlife conservation organiza-
23 tions”.

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

4 (1) in section 3—

5 (A) in subsection (a)—

6 (i) by striking “(1) An amount equal
7 to” and inserting “An amount equal to”;
8 and

9 (ii) by striking paragraph (2);

10 (B) in subsection (c)—

11 (i) in paragraph (9), as redesignated
12 by section 101(a)(1), by striking “or an
13 Indian tribe”; and

14 (ii) in paragraph (10), as redesignated
15 by section 101(a)(1), by striking “Wildlife
16 Conservation and Restoration Account”
17 and inserting “Subaccount”; and

18 (C) in subsection (d), by striking “Wildlife
19 Conservation and Restoration Account” and in-
20 serting “Subaccount”;

21 (2) in section 4 (16 U.S.C. 669c)—

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

23 (i) in the heading, by striking “AC-
24 COUNT” and inserting “SUBACCOUNT”;
25 and

1 (ii) by striking “Account” each place
2 it appears and inserting “Subaccount”;
3 and
4 (B) in subsection (e)(1), as redesignated,
5 by striking “Account” and inserting “Sub-
6 account”; and
7 (3) in section 8 (16 U.S.C. 669g), in subsection
8 (a), by striking “Account” and inserting “Sub-
9 account”.

10 **SEC. 103. SAVINGS CLAUSE.**

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

13 (1) by redesignating section 13 as section 15;
14 and

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

16 **“SEC. 13. SAVINGS CLAUSE.**

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

1 **“SEC. 14. 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 (Public Law 46–487, 16 U.S.C.
 6 3101 et seq.), then the provision in the Alaska National
 7 Interest Lands Conservation Act shall prevail.”.

8 **TITLE II—TRIBAL WILDLIFE**
 9 **CONSERVATION AND RES-**
 10 **TORATION**

11 **SEC. 201. INDIAN TRIBES.**

12 (a) DEFINITIONS.—In this section:

13 (1) ACCOUNT.—The term “Account” means the
 14 Tribal Wildlife Conservation and Restoration Ac-
 15 count established by subsection (b)(1).

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

20 (3) SECRETARY.—The term “Secretary” means
 21 the Secretary of the Interior.

22 (4) TRIBAL SPECIES OF GREATEST CONSERVA-
 23 TION NEED.—The term “Tribal species of greatest
 24 conservation need” means any species identified by
 25 an Indian Tribe as requiring conservation manage-
 26 ment because of declining population, habitat loss,

1 or other threats, or because of their biological or cul-
2 tural importance to such Tribe.

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

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

6 (B) flora or fauna in a captive breeding,
7 rehabilitation, and holding or quarantine pro-
8 gram, the object of which is to reintroduce indi-
9 viduals of a depleted indigenous species into
10 previously occupied range or to maintain a spe-
11 cies for conservation purposes; and

12 (C) does not include game farm animals.

13 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
14 TORATION ACCOUNT.—

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

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

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

1 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—

2 Each fiscal year, the Secretary of the Treasury shall de-
3 posit funds into the Account and distribute such funds
4 through a noncompetitive application process according to
5 guidelines and criteria, and reporting requirements deter-
6 mined by the Secretary of the Interior, acting through the
7 Director of the Bureau of Indian Affairs, in consultation
8 with Indian Tribes. Such funds shall remain available
9 until expended.

10 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

11 The distribution guidelines and criteria described in sub-
12 section (c) shall be based, in part, upon Indian Tribes'
13 wildlife management responsibilities.

14 (e) USE OF FUNDS.—

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

19 (A) To develop, carry out, revise, or en-
20 hance wildlife conservation and restoration pro-
21 grams to manage Tribal species of greatest con-
22 servation need and the habitats of such species
23 as determined by the Indian Tribe.

24 (B) To assist in the recovery of species
25 listed as an endangered or threatened species

1 under the Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.).

3 (C) For wildlife conservation education and
4 wildlife-associated recreation projects.

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

9 (E) To manage, control, and prevent
10 invasive species as well as diseases and other
11 risks to wildlife.

12 (F) For law enforcement activities that are
13 directly related to the protection and conserva-
14 tion of wildlife.

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

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

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

21 (A) REQUIRED USE OF FUNDS.—In order
22 to be eligible to receive funds under subsection
23 (c), a Tribe's application must include a pro-
24 posal to use funds for at least one of the pur-

poses 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 distributed under this section for the purpose described in paragraph (1)(C).

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

(g) PUBLIC ACCESS NOT REQUIRED.—Funds apportioned from the Tribal Wildlife Conservation and Restoration Account shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

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

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

○