

AMENDMENT TO RULES COMMITTEE

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OFFERED BY MRS. DINGELL OF MICHIGAN

At the end of title III of division L, add the following:

1 **CHAPTER 4—_____**
2 **Subchapter A—Natural Infrastructure for**
3 **Wildlife Conservation and Restoration**

4 **SEC. 83411. SHORT TITLE.**

5 This subchapter may be cited as the “Recovering
6 America’s Wildlife Act”.

7 **SEC. 83412. WILDLIFE CONSERVATION AND RESTORATION**
8 **SUBACCOUNT.**

9 (a) IN GENERAL.—Section 3 of the Pittman-Robert-
10 son Wildlife Restoration Act (16 U.S.C. 669b) is amend-
11 ed—

12 (1) in subsection (a), by striking “\$50,000,000
13 in fiscal year 2001” in paragraph (2) and inserting
14 “\$1,397,000,000 in fiscal years 2021 through
15 2025”; and

16 (2) in subsection (c), by redesignating para-
17 graphs (2) and (3) as paragraphs (9) and (10); and

1 (3) in subsection (c), by striking paragraph (1)
2 and inserting the following:

3 “(1) ESTABLISHMENT OF SUBACCOUNT.—

4 “(A) IN GENERAL.—There is established in
5 the fund a subaccount to be known as the
6 ‘Wildlife Conservation and Restoration Sub-
7 account’ (referred to in this section as the ‘Sub-
8 account’).

9 “(B) AVAILABILITY.—Amounts in the Sub-
10 account shall be available upon appropriation,
11 for each fiscal year, for apportionment in ac-
12 cordance with this Act.

13 “(C) DEPOSITS INTO SUBACCOUNT.—For
14 fiscal years 2021 through 2025, the Secretary
15 of the Treasury shall transfer \$1,300,000,000
16 upon appropriation from the general fund of
17 the treasury each fiscal year to the fund for de-
18 posit in the Subaccount.

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

23 “(A) the funds distributed pursuant to the
24 Dingell-Johnson Sport Fish Restoration Act
25 (16 U.S.C. 777 et seq.); and

1 “(B) the fund.

2 “(3) INNOVATION GRANTS.—

3 “(A) IN GENERAL.—The Secretary shall
4 distribute 10 percent of funds from the Sub-
5 account through a competitive grant program to
6 State fish and wildlife departments, the District
7 of Columbia fish and wildlife department, fish
8 and wildlife departments of territories, or to re-
9 gional associations of fish and wildlife depart-
10 ments (or any group composed of more than 1
11 such entity).

12 “(B) PURPOSE.—Such grants shall be pro-
13 vided for the purpose of catalyzing innovation
14 of techniques, tools, strategies, or collaborative
15 partnerships that accelerate, expand, or rep-
16 licate effective and measurable recovery efforts
17 for species of greatest conservation need and
18 species listed under the Endangered Species Act
19 of 1973 (15 U.S.C. 1531 et seq.) and the habi-
20 tats of such species.

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

1 “(i) a State Director from each re-
2 gional association of State fish and wildlife
3 departments;

4 “(ii) the head of a department respon-
5 sible for fish and wildlife management in a
6 territory; and

7 “(iii) four individuals representing
8 four different nonprofit organizations each
9 of which is actively participating in car-
10 rying out wildlife conservation restoration
11 activities using funds apportioned from the
12 Subaccount.

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

19 “(E) EVALUATION.—Such committee shall
20 evaluate each proposal submitted under this
21 paragraph and recommend projects for funding.
22 The committee shall give preference to solutions
23 that accelerate the recovery of species identified
24 as priorities through regional scientific assess-
25 ments of species of greatest conservation need.

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

3 “(A) shall be used to implement the Wild-
4 life Conservation Strategy of a State, territory,
5 or the District of Columbia, as required under
6 16 U.S.C. 669e(d), by carrying out, revising, or
7 enhancing existing wildlife and habitat con-
8 servation and restoration programs and devel-
9 oping and implementing new wildlife conserva-
10 tion, restoration, and natural infrastructure re-
11 silience programs and partnerships to recover
12 and manage species of greatest conservation
13 need and the key habitats and plant community
14 types essential to the conservation of those spe-
15 cies as determined by the appropriate State fish
16 and wildlife department;

17 “(B) shall be used to develop, revise, and
18 enhance the Wildlife Conservation Strategy of a
19 State, territory, or the District of Columbia, as
20 may be required by this Act;

21 “(C) shall be used to assist in the recovery
22 of species found in the State, territory, or the
23 District of Columbia that are listed as endan-
24 gered species, threatened species, candidate spe-
25 cies or species proposed for listing, or species

1 petitioned for listing under the Endangered
2 Species Act of 1973 (16 U.S.C. 1531 et seq.)
3 or under State law;

4 “(D) may be used for wildlife conservation
5 education and wildlife-associated recreation
6 projects and infrastructure, especially in histori-
7 cally underserved communities;

8 “(E) may be used to manage a species of
9 greatest conservation need whose range is
10 shared with another State, territory, Indian
11 Tribe, or foreign government and for the con-
12 servation of the habitat of such species;

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

17 “(G) may be used for law enforcement ac-
18 tivities that are directly related to the protec-
19 tion and conservation of a species of greatest
20 conservation need and the habitat of such spe-
21 cies.

22 “(5) MINIMUM REQUIRED SPENDING FOR EN-
23 DANGERED SPECIES RECOVERY.—Not less than an
24 average of 15 percent over a 5-year period of
25 amounts apportioned to a State, territory, or the

1 District of Columbia from the Subaccount shall be
2 used for purposes described in paragraph (4)(C).
3 The Secretary may reduce the minimum requirement
4 of a State, territory, or the District of Columbia on
5 an annual basis if the Secretary determines that the
6 State, territory, or the District of Columbia is meet-
7 ing the conservation and recovery needs of all spe-
8 cies described in paragraph (4)(C).

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

13 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

14 “(A) For the purposes of the non-Federal
15 fund matching requirement for a wildlife con-
16 servation or restoration program or project
17 funded by the Subaccount, a State, territory, or
18 the District of Columbia may use as matching
19 non-Federal funds—

20 “(i) funds from Federal agencies
21 other than the Department of the Interior
22 and the Department of Agriculture;

23 “(ii) donated private lands and
24 waters, including privately owned ease-
25 ments;

1 “(iii) in circumstances described in
2 subparagraph (B), revenue generated
3 through the sale of State hunting and fish-
4 ing licenses; and

5 “(iv) other sources consistent with
6 part 80 of title 50, Code of Federal Regu-
7 lations, in effect on the date of enactment
8 of the Recovering America’s Wildlife Act of
9 2019.

10 “(B) Revenue described in subparagraph
11 (A)(iii) may only be used to fulfill the require-
12 ments of such non-Federal fund matching re-
13 quirement if—

14 “(i) no Federal funds apportioned to
15 the State fish and wildlife department of
16 such State from the Wildlife Restoration
17 Program or the Sport Fish Restoration
18 Program have been reverted because of a
19 failure to fulfill such non-Federal fund
20 matching requirement by such State dur-
21 ing the previous 2 years; and

22 “(ii) the project or program being
23 funded benefits the habitat of a hunted or
24 fished species and a species of greatest
25 conservation need.

1 “(C) No State, territory or the District of
2 Columbia shall be required to provide non-Fed-
3 eral matching funds for this program through
4 fiscal year 2025.

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

7 “(A) SPECIES OF GREATEST CONSERVA-
8 TION NEED.—The term ‘species of greatest con-
9 servation need’ may be fauna or flora, and may
10 include terrestrial, aquatic, marine, and inverte-
11 brate species that are of low population, declin-
12 ing, rare, or facing threats and in need of con-
13 servation attention, as determined by each
14 State fish and wildlife department, with respect
15 to funds apportioned to such State.

16 “(B) PARTNERSHIPS.—The term ‘partner-
17 ships’ may include, but are not limited to, col-
18 laborative efforts with Federal agencies, State
19 agencies, local agencies, Indian Tribes, non-
20 profit organizations, academic institutions, in-
21 dustry groups, and private individuals to imple-
22 ment a State’s Wildlife Conservation Strategy.

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

1 ican Samoa, the Commonwealth of the North-
2 ern Mariana Islands, and the United States
3 Virgin Islands.

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

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

13 (1) by redesignating the second subsection (c),
14 relating to the apportionment of the Wildlife Con-
15 servation and Restoration Account, and subsection
16 (d) as subsections (d) and (e) respectively;

17 (2) in subsection (d), as redesignated—

18 (A) in paragraph (1)—

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

23 (ii) in subparagraph (B), by striking
24 “to Guam” and inserting “To Guam”;

1 (iii) in subparagraph (B), by striking
2 “not more than one-fourth of one percent”
3 and inserting “not less than one-third of
4 one percent”

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

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

10 (B) in paragraph (2)(A), as redesignated—

11 (i) by amending clause (i) to read as
12 follows:

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

17 (ii) in clause (ii), by striking “two-
18 thirds” and inserting “one-quarter”; and

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

21 “(iii) one-quarter of which is based
22 upon the ratio to which the number of spe-
23 cies listed as endangered or threatened
24 under the Endangered Species Act of 1973
25 (15 U.S.C. 1531 et seq.) in such State

1 bears to the total number of such species
2 listed in all such States.”;

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

5 “(B) The amounts apportioned under this para-
6 graph shall be adjusted equitably so that no such
7 State, unless otherwise designated, shall be appor-
8 tioned a sum which is less than one percent or more
9 than five percent of the amount available for appor-
10 tionment under—

11 “(i) paragraph (2)(A)(i) of this section;

12 “(ii) paragraph (2)(A)(ii) of this section;

13 and

14 “(iii) the overall amount available for sec-
15 tion (2)(A).

16 “(C) States that include plants among their
17 species of greatest conservation need and in the con-
18 servation planning and habitat prioritization efforts
19 of their Wildlife Conservation Strategy shall receive
20 an additional 5 percent of their apportioned
21 amount.”;

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

24 (3) by amending subsection (e)(4)(B), as reded-
25 icated, to read as follows:

1 “(B) Not more than an average of 15 per-
2 cent over a 5-year period of amounts appor-
3 tioned to each State under this section for a
4 State’s wildlife conservation and restoration
5 program may be used for wildlife conservation
6 education and wildlife-associated recreation.”;
7 and

8 (4) by adding at the end following:

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

13 “(g) ACCOUNTABILITY.—Not more than one year
14 after the date of enactment of the Recovering America’s
15 Wildlife Act of 2019 and every three years thereafter, each
16 State fish and wildlife department shall submit a three-
17 year work plan and budget for implementing its Wildlife
18 Conservation Strategy and a report describing the results
19 derived from activities accomplished under paragraph (4)
20 during the previous three years to—

21 “(1) the Committee on Environment and Public
22 Works of the Senate;

23 “(2) the Committee on Natural Resources of
24 the House of Representatives; and

1 “(3) the United States Fish and Wildlife Serv-
2 ice.”.

3 **SEC. 83413. TECHNICAL AMENDMENTS.**

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

7 (1) by striking paragraph (5);

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

10 (3) in paragraph (6), as redesignated by para-
11 graph (2), by inserting “Indian Tribes, academic in-
12 stitutions,” before “wildlife conservation organiza-
13 tions”.

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

17 (1) in section 3—

18 (A) in subsection (a)—

19 (i) by striking “(1) An amount equal
20 to” and inserting “An amount equal to”;
21 and

22 (ii) by striking paragraph (2);

23 (B) in subsection (c)—

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

4 (ii) in paragraph (10), as redesignated
5 by section 101(a)(1), by striking “Wildlife
6 Conservation and Restoration Account”
7 and inserting “Subaccount”; and

8 (C) in subsection (d), by striking “Wildlife
9 Conservation and Restoration Account” and in-
10 sserting “Subaccount”;

11 (2) in section 4 (16 U.S.C. 669c)—

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

13 (i) in the heading, by striking “AC-
14 COUNT” and inserting “SUBACCOUNT”;
15 and

16 (ii) by striking “Account” each place
17 it appears and inserting “Subaccount”;
18 and

19 (B) in subsection (e)(1), as redesignated,
20 by striking “Account” and inserting “Sub-
21 account”; and

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

1 **SEC. 83414. SAVINGS CLAUSE.**

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

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

5 and

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

7 **“SEC. 13. SAVINGS CLAUSE.**

8 “Nothing in this Act shall be construed to enlarge
9 or diminish the authority, jurisdiction, or responsibility of
10 a State to manage, control, or regulate fish and wildlife
11 under the law and regulations of the State on lands and
12 waters within the State, including on Federal lands and
13 waters.

14 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**
15 **ALASKA.**

16 “If any conflict arises between any provision of this
17 Act and any provision of the Alaska National Interest
18 Lands Conservation Act (Public Law 46–487, 16 U.S.C.
19 3101 et seq.), then the provision in the Alaska National
20 Interest Lands Conservation Act shall prevail.”.

21 **Subchapter B—Natural Infrastructure for**
22 **Tribal Wildlife Conservation and Restoration**

23 **SEC. 83421. INDIAN TRIBES.**

24 (a) DEFINITIONS.—In this section—

1 (1) ACCOUNT.—The term “Account” means the
2 Tribal Wildlife Conservation and Restoration Ac-
3 count established by subsection (c)(1).

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

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) TRIBAL SPECIES OF GREATEST CONSERVA-
11 TION NEED.—The term “Tribal species of greatest
12 conservation need” means any species identified by
13 an Indian Tribe as requiring conservation manage-
14 ment because of declining population, habitat loss,
15 or other threats, or because of their biological or cul-
16 tural importance to such Tribe.

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

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

20 (B) flora or fauna in a captive breeding,
21 rehabilitation, and holding or quarantine pro-
22 gram, the object of which is to reintroduce indi-
23 viduals of a depleted indigenous species into
24 previously occupied range or to maintain a spe-
25 cies for conservation purposes; and

1 (C) does not include game farm animals.

2 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
3 TORATION ACCOUNT.—

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

7 (2) AVAILABILITY.—Amounts in the Account
8 shall be available for each fiscal year upon appro-
9 priation for apportionment in accordance with this
10 title.

11 (3) DEPOSITS.—For fiscal year 2021 through
12 2025, the Secretary of the Treasury shall transfer
13 \$97,500,000 upon appropriation to the Account.

14 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—
15 Each fiscal year, the Secretary of the Treasury shall de-
16 posit funds into the Account and distribute such funds
17 through a noncompetitive application process according to
18 guidelines, and criteria, and reporting requirements deter-
19 mined by the Secretary of the Interior, acting through the
20 Director of the Bureau of Indian Affairs, in consultation
21 with Indian Tribes. Such funds shall remain available
22 until expended.

23 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—
24 The distribution guidelines and criteria described in sub-

1 section (d) shall be based, in part, upon Indian Tribes'
2 wildlife management responsibilities.

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 en-
9 hance wildlife conservation and restoration pro-
10 grams to manage Tribal species of greatest con-
11 servation need and the habitats of such species
12 as determined by the Indian Tribe.

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

17 (C) For wildlife conservation education and
18 wildlife-associated recreation projects and infra-
19 structure.

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

1 (E) To manage, control, and prevent
2 invasive species as well as diseases and other
3 risks to wildlife.

4 (F) For law enforcement activities that are
5 directly related to the protection and conserva-
6 tion of wildlife.

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

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

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

13 (A) REQUIRED USE OF FUNDS.—In order
14 to be eligible to receive funds under subsection
15 (d), a Tribe's application must include a pro-
16 posal to use funds for at least one of the pur-
17 poses described in subparagraphs (A) and (B)
18 of paragraph (1).

19 (B) IMPERILED SPECIES RECOVERY.—In
20 distributing funds under this section, the Sec-
21 retary shall distribute not less than 15 percent
22 of the total funds distributed to proposals to
23 fund the recovery of a species, subspecies, or
24 distinct population segment listed as a threat-
25 ened species, endangered species, or candidate

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

3 (C) LIMITATION.—In distributing funds
4 under this section, the Secretary shall distribute
5 not more than 15 percent of all funds distrib-
6 uted under this section for the purpose de-
7 scribed in paragraph (1)(C).

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

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

16 (h) ADMINISTRATIVE COSTS.—Of the funds depos-
17 ited under subsection (c)(3) for each fiscal year, not more
18 than 3 percent shall be used by the Secretary for adminis-
19 trative costs.

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

