

Calendar No. 424

117TH CONGRESS
2^D SESSION

H. R. 2773

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2022

Received; read twice and placed on the calendar

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Recovering America’s
3 Wildlife Act of 2022”.

4 **SEC. 2. STATEMENT OF PURPOSE.**

5 The purpose of this Act is to extend financial and
6 technical assistance to States, territories, the District of
7 Columbia, and Indian Tribes, including under the Pitt-
8 man-Robertson Wildlife Restoration Act (16 U.S.C. 669
9 et seq.), for the purpose of avoiding the need to list spe-
10 cies, or recovering species currently listed as a threatened
11 species or an endangered species, under the Endangered
12 Species Act of 1973 (16 U.S.C. 1531 et seq.) or under
13 State law.

14 **TITLE I—WILDLIFE CONSERVA-**
15 **TION AND RESTORATION**

16 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**
17 **SUBACCOUNT.**

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

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

23 (2) by striking paragraph (1) and inserting the
24 following:

25 “(1) ESTABLISHMENT OF SUBACCOUNT.—

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

6 “(B) AVAILABILITY.—Amounts in the Sub-
7 account shall be available without further ap-
8 propriation, for each fiscal year, for apportion-
9 ment in accordance with this Act.

10 “(C) DEPOSITS INTO SUBACCOUNT.—The
11 Secretary of the Treasury shall transfer from
12 the general fund of the Treasury to the Sub-
13 account—

14 “(i) for fiscal year 2023,
15 \$850,000,000;

16 “(ii) for fiscal year 2024,
17 \$1,100,000,000;

18 “(iii) for fiscal year 2025,
19 \$1,200,000,000; and

20 “(iv) for fiscal year 2026 and each fis-
21 cal year thereafter, \$1,300,000,000.

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

1 “(A) the funds distributed pursuant to the
2 Dingell-Johnson Sport Fish Restoration Act
3 (16 U.S.C. 777 et seq.); and

4 “(B) the fund.

5 “(3) INNOVATION GRANTS.—

6 “(A) IN GENERAL.—The Secretary shall
7 distribute 10 percent of funds apportioned from
8 the Subaccount through a competitive grant
9 program to State fish and wildlife departments,
10 the District of Columbia fish and wildlife de-
11 partment, fish and wildlife departments of terri-
12 tories, nonprofit organizations, or to regional
13 associations of fish and wildlife departments (or
14 any group composed of more than 1 such enti-
15 ty).

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

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

4 “(i) a State Director from each re-
5 gional association of State fish and wildlife
6 departments;

7 “(ii) the head of a department respon-
8 sible for fish and wildlife management in a
9 territory;

10 “(iii) one delegate from the United
11 States Fish and Wildlife Service, for the
12 purpose of providing technical assistance;
13 and

14 “(iv) beginning in fiscal year 2023,
15 four individuals representing four different
16 nonprofit organizations each of which is
17 actively participating in carrying out wild-
18 life conservation restoration activities using
19 funds apportioned from the Subaccount.

20 “(D) SUPPORT FROM UNITED STATES FISH
21 AND WILDLIFE SERVICE.—Using not more than
22 3 percent of the amounts apportioned under
23 subparagraph (A) to carry out a competitive
24 grant program, the United States Fish and
25 Wildlife Service shall provide any personnel or

1 administrative support services necessary for
2 such committee to carry out its responsibilities
3 under this Act.

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

11 “(4) USE OF FUNDS.—Funds apportioned from
12 the Subaccount shall be used for purposes consistent
13 with section 2 of the Recovering America’s Wildlife
14 Act of 2022 and—

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

1 terminated by the appropriate State fish and
2 wildlife department;

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

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

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

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

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

4 “(G) may be used for law enforcement ac-
5 tivities that are directly related to the protec-
6 tion and conservation of a species of greatest
7 conservation need and the habitat of such spe-
8 cies;

9 “(H) may be used to expand the use of in-
10 novative technologies, tools, strategies, or col-
11 laborative partnerships that accelerate, expand,
12 or replicate effective and measurable recovery
13 efforts for species of greatest conservation need
14 and species listed as threatened or endangered
15 under section 4 of the Endangered Species Act
16 of 1973 and the habitats of such species;

17 “(I) may be used for conservation infra-
18 structure projects related to the protection and
19 conservation of a species of greatest conserva-
20 tion need and the habitat of such species; and

21 “(J) may be used to conserve and restore
22 a native pollinator species which is a species of
23 greatest conservation need.

24 “(5) MINIMUM REQUIRED SPENDING FOR EN-
25 DANGERED SPECIES RECOVERY.—Not less than an

1 average of 15 percent over a 5-year period of
2 amounts apportioned to a State, territory, or the
3 District of Columbia from the Subaccount shall be
4 used for purposes described in paragraph (4)(C).
5 The Secretary may reduce the minimum requirement
6 of a State, territory, or the District of Columbia on
7 an annual basis if the Secretary determines that the
8 State, territory, or the District of Columbia is meet-
9 ing the conservation and recovery needs of all spe-
10 cies described in paragraph (4)(C).

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

15 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

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

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

1 “(ii) donated private lands and
2 waters, including privately owned ease-
3 ments;

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

8 “(iv) other sources consistent with
9 part 80 of title 50, Code of Federal Regu-
10 lations, in effect on the date of enactment
11 of the Recovering America’s Wildlife Act of
12 2022.

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

17 “(i) no Federal funds apportioned to
18 the State fish and wildlife department of
19 such State from the Wildlife Restoration
20 Program or the Sport Fish Restoration
21 Program have been reverted because of a
22 failure to fulfill such non-Federal fund
23 matching requirement by such State dur-
24 ing the previous 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
4 conservation 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
9 Federal agencies, State agencies, local agencies,
10 Indian Tribes, nonprofit organizations, aca-
11 demic institutions, industry groups, and private
12 individuals to implement a State’s Wildlife Con-
13 servation Strategy.

14 “(B) SPECIES OF GREATEST CONSERVA-
15 TION NEED.—The term ‘species of greatest con-
16 servation need’ may be fauna or flora, and may
17 include 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
21 State fish and wildlife department, with respect
22 to funds apportioned to such State.

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 fauna in captive breed-
7 ing programs the object of which is to reintro-
8 duce individuals of a depleted indigenous spe-
9 cies into previously occupied range.”.

10 (b) Section 3 of the Pittman-Robertson Wildlife Res-
11 toration Act (16 U.S.C. 669b) is amended by adding at
12 the end the following:

13 “(e) AUTHORIZATION OF APPROPRIATIONS TO IN-
14 SPECTOR GENERAL.—There is authorized to be appro-
15 priated to the Office of the Inspector General of the De-
16 partment of the Interior $\frac{1}{2}$ of 1 percent of the amounts
17 made available under subsection (c) for the purposes of
18 providing oversight and accountability with respect to ex-
19 penditure of funds authorized under such subsection, to
20 remain available until September 30, 2029.”.

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

24 (1) in subsection (d)—

25 (A) in paragraph (1)—

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

5 (ii) in subparagraph (B)—

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

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

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

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

17 (B) in paragraph (2)(A)—

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

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

24 (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 (16 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).”; and

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

3 (2) in subsection (e)(4)—

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

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

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

14 “(C) 5 percent of amounts apportioned to each
15 State, each territory, or the District of Columbia
16 under this section for a wildlife conservation and
17 restoration program shall be reserved for States and
18 territories that include plants among their species of
19 greatest conservation need and in the conservation
20 planning and habitat prioritization efforts of their
21 Wildlife Conservation Strategy. Each eligible State,
22 territory, or the District of Columbia shall receive an
23 additional 5 percent of their apportioned amount.
24 Any unallocated resources shall be allocated propor-

1 tionally among all States and territories under the
2 formulas of this section.”; and

3 (3) by adding at the end following:

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

8 “(g) ACCOUNTABILITY.—

9 “(1) IN GENERAL.—Not more than one year
10 after the date of enactment of the Recovering Amer-
11 ica’s Wildlife Act of 2022 and every 3 years there-
12 after, each State fish and wildlife department shall
13 submit a 3-year work plan and budget for imple-
14 menting its Wildlife Conservation Strategy and a re-
15 port describing the results derived from activities ac-
16 complished under subsection (e) during the previous
17 3 years to the United States Fish and Wildlife Serv-
18 ice for review, which shall summarize such findings
19 and submit a report to—

20 “(A) the Committee on Environment and
21 Public Works of the Senate; and

22 “(B) the Committee on Natural Resources
23 of the House of Representatives.

24 “(2) REQUIREMENTS.—The format of the 3-
25 year work plans, budgets, and reports required

1 under paragraph (1) shall be established by the
2 United States Fish and Wildlife Service, in consulta-
3 tion with the Association of Fish and Wildlife Agen-
4 cies.

5 “(3) GAO STUDY.—Not later than 7 years after
6 the date of enactment of the Recovering America’s
7 Wildlife Act of 2022, the Comptroller General of the
8 United States shall conduct a study to examine the
9 progress of States, territories, the District of Colum-
10 bia, and Indian Tribes towards achieving the pur-
11 pose described in section 2 of that Act.”

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,”; and

18 (2) in paragraph (9), by inserting “Indian
19 Tribes, academic institutions,” before “wildlife con-
20 servation organizations”.

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

24 (1) in section 3—

25 (A) in subsection (a)—

- 1 (i) by striking “(1) An amount equal
2 to” and inserting “An amount equal to”;
3 and
4 (ii) by striking paragraph (2);
5 (B) in subsection (c)—
6 (i) in paragraph (9), as redesignated
7 by section 101(a)(1), by striking “or an
8 Indian tribe”; and
9 (ii) in paragraph (10), as redesignated
10 by section 101(a)(1), by striking “Wildlife
11 Conservation and Restoration Account”
12 and inserting “Subaccount”; and
13 (C) in subsection (d), by striking “Wildlife
14 Conservation and Restoration Account” and in-
15 serting “Subaccount”;
16 (2) in section 4 (16 U.S.C. 669c)—
17 (A) in subsection (d)—
18 (i) in the heading, by striking “AC-
19 COUNT” and inserting “SUBACCOUNT”;
20 and
21 (ii) by striking “Account” each place
22 it appears and inserting “Subaccount”;
23 and
24 (B) in subsection (e)(1), by striking “Ac-
25 count” and inserting “Subaccount”; and

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

4 **SEC. 103. SAVINGS CLAUSE.**

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

7 (1) by redesignating section 14 as section 16;

8 and

9 (2) by inserting after section 13 the following:

10 **“SEC. 14. SAVINGS CLAUSE.**

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

17 **“SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO**
18 **ALASKA.**

19 “If any conflict arises between any provision of this
20 Act and any provision of the Alaska National Interest
21 Lands Conservation Act (16 U.S.C. 3101 et seq.) or the
22 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et
23 seq.), then the provision in the Alaska National Interest
24 Lands Conservation Act or the Alaska Native Claims Set-
25 tlement Act shall prevail.”.

1 **TITLE II—TRIBAL WILDLIFE**
2 **CONSERVATION AND RES-**
3 **TORATION**

4 **SEC. 201. INDIAN TRIBES.**

5 (a) DEFINITIONS.—In this section:

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

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

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

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

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

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

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

7 (C) does not include game farm animals.

8 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
9 TORATION ACCOUNT.—

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

13 (2) AVAILABILITY.—Amounts in the Account
14 shall be available for each fiscal year without further
15 appropriation for apportionment in accordance with
16 this title.

17 (3) DEPOSITS INTO ACCOUNT.—Beginning in
18 fiscal year 2023, and for each fiscal year thereafter,
19 the Secretary of the Treasury shall transfer
20 \$97,500,000 from the general fund of the Treasury
21 to the Account.

22 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—
23 Each fiscal year, the Secretary of the Treasury shall de-
24 posit funds into the Account and distribute such funds
25 through a noncompetitive application process according to

1 guidelines and criteria, and reporting requirements deter-
2 mined by the Secretary of the Interior, acting through the
3 Director of the Bureau of Indian Affairs, in consultation
4 with Indian Tribes. Such funds shall remain available
5 until expended.

6 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—
7 The distribution guidelines and criteria described in sub-
8 section (c) shall be based, in part, upon an Indian Tribe’s
9 wildlife management responsibilities. Any funding allo-
10 cated to an Indian Tribe in Alaska may only be used in
11 a manner consistent with the Alaska Native Claims Settle-
12 ment Act (43 U.S.C. 1601 et seq.), the Alaska National
13 Interest Lands Conservation Act (16 U.S.C. 3101 et seq.),
14 and Public Law 85–508 (commonly known as the “Alaska
15 Statehood Act”) (48 U.S.C. note prec. 21). Alaska Native
16 Corporations or Tribes may enter into cooperative agree-
17 ments with the State of Alaska on conservation projects
18 of mutual concern.

19 (e) USE OF FUNDS.—

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

24 (A) To develop, carry out, revise, or en-
25 hance wildlife conservation and restoration pro-

1 grams to manage Tribal species of greatest con-
2 servation need and the habitats of such species,
3 as determined by the Indian Tribe.

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

8 (C) For wildlife conservation education and
9 wildlife-associated recreation projects.

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

14 (E) To manage, control, and prevent
15 invasive species as well as diseases and other
16 risks to wildlife.

17 (F) For law enforcement activities that are
18 directly related to the protection and conserva-
19 tion of wildlife.

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

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

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

1 (A) REQUIRED USE OF FUNDS.—In order
2 to be eligible to receive funds under subsection
3 (c), a Tribe’s application must include a pro-
4 posal to use funds for at least one of the pur-
5 poses described in subparagraphs (A) and (B)
6 of paragraph (1).

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

16 (C) LIMITATION.—In distributing funds
17 under this section, the Secretary shall distribute
18 not more than 15 percent of all funds distrib-
19 uted under this section for the purpose de-
20 scribed in paragraph (1)(C).

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

24 (g) PUBLIC ACCESS NOT REQUIRED.—Funds appor-
25 tioned from the Tribal Wildlife Conservation and Restora-

1 tion Account shall not be conditioned upon the provision
2 of public or non-Tribal access to Tribal or private lands,
3 waters, or holdings.

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

8 (i) AUTHORIZATION OF APPROPRIATIONS TO INSPEC-
9 TOR GENERAL.—There is authorized to be appropriated
10 to the Office of the Inspector General of the Department
11 of the Interior $\frac{1}{2}$ of 1 percent of the amounts made
12 available this section for the purposes of providing over-
13 sight and accountability with respect to expenditure of
14 funds authorized under this section, to remain available
15 until September 30, 2029.

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

21 (k) STATUTORY CONSTRUCTION WITH RESPECT TO
22 ALASKA.—If any conflict arises between any provision of
23 this Act and any provision of the Alaska National Interest
24 Lands Conservation Act (16 U.S.C. 3101 et seq.) or the
25 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et

1 seq.), then the provision in the Alaska National Interest
2 Lands Conservation Act or the Alaska Native Claims Set-
3 tlement Act shall prevail.

4 **TITLE III—ENDANGERED SPE-**
5 **CIES RECOVERY AND HABI-**
6 **TAT CONSERVATION LEGACY**
7 **FUND**

8 **SEC. 301. ENDANGERED SPECIES RECOVERY AND HABITAT**
9 **CONSERVATION LEGACY FUND.**

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

14 (b) FUNDING.—For each of fiscal years 2023
15 through 2026, the Secretary of the Treasury shall transfer
16 from the general fund of the Treasury to the Fund
17 \$187,500,000.

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

24 (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
10 of the Fund, as determined by the Secretary;
11 and

12 (B) bearing interest at a rate determined
13 by the Secretary of the Treasury, taking into
14 consideration current market yields on out-
15 standing marketable obligations of the United
16 States of comparable maturity.

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

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

1 (1) ENDANGERED SPECIES RECOVERY GRANT
2 PROGRAM.—\$75,000,000 for each of fiscal years
3 2023 through 2026, to remain available until ex-
4 pended, shall be used to establish and implement a
5 grant and technical assistance program, to be known
6 as the “Endangered Species Recovery Grant Pro-
7 gram”, to provide competitive matching grants for
8 the purpose of recovering species listed as a threat-
9 ened species or an endangered species under section
10 4 of the Endangered Species Act of 1973 (16 U.S.C.
11 1533) by addressing the backlog in the development
12 of recovery plans, and implementing the backlog of
13 activities identified in existing recovery plans, under
14 subsection (f) of that section (16 U.S.C. 1533(f)).
15 The Secretary shall enter into an agreement with
16 the National Fish and Wildlife Foundation to estab-
17 lish and cooperatively manage the Endangered Spe-
18 cies Recovery Grant Program in accordance with the
19 Endangered Species Act of 1973 (16 U.S.C. 1531 et
20 seq.) and the National Fish and Wildlife Foundation
21 Establishment Act (16 U.S.C. 3701 et seq.).

22 (2) INTERAGENCY CONSULTATION RESPON-
23 SIBILITIES.—\$75,000,000 for each of fiscal years
24 2023 through 2026, to remain available until ex-
25 pended, shall be used for the United States Fish and

1 Wildlife Service to address interagency consultation
2 responsibilities under section 7 of the Endangered
3 Species Act of 1973 (16 U.S.C. 1536).

4 (3) CONSERVATION ACTIVITIES.—\$28,125,000
5 for each of fiscal years 2023 through 2026, to re-
6 main available until expended, shall be used for the
7 United States Fish and Wildlife Service to work
8 with non-Federal entities, including through, but not
9 limited to, the Partners for Fish and Wildlife Pro-
10 gram, the Coastal Program, and the North Amer-
11 ican Wetlands Conservation Act (16 U.S.C. 4401 et
12 seq.)—

13 (A) to conserve at risk species, species that
14 are candidates or proposed for listing, and spe-
15 cies that are listed as threatened or endangered
16 species under section 4 of the Endangered Spe-
17 cies Act of 1973 (16 U.S.C. 1533), including
18 through rescue and rehabilitation efforts and
19 efforts to manage, control, and prevent invasive
20 species, disease, and other risks to such species;
21 and

22 (B) to conserve wildlife habitat.

23 (4) VOLUNTARY CONSERVATION AGREE-
24 MENTS.—\$9,375,000 for each of fiscal years 2023
25 through 2026, to remain available until expended,

1 shall be used for the United States Fish and Wildlife
2 Service to address the development and permitting
3 of voluntary conservation agreements under section
4 10 of the Endangered Species Act of 1973 (16
5 U.S.C. 1539).

6 (f) SUPPLEMENT, NOT SUPPLANT.—Amounts made
7 available under this section shall supplement and not sup-
8 plant any other Federal amounts made available to carry
9 out activities described in this section in an annual appro-
10 priations Act of Congress.

11 (g) SUBMISSION OF SPECIES LISTS TO CONGRESS.—

12 (1) PRIORITY LIST OF SPECIES.—Not later
13 than 90 days after the date of enactment of this
14 Act, the Secretary, shall submit to the Committees
15 on Environment and Public Works and Appropria-
16 tions of the Senate and the Committees on Natural
17 Resources and Appropriations of the House of Rep-
18 resentatives a list of threatened species and endan-
19 gered species for which recovery plans described in
20 subsection (e)(1) will be developed or implemented
21 for fiscal year 2023.

22 (2) ANNUAL LIST OF SPECIES.—Until the date
23 on which all of the amounts in the Fund are ex-
24 pended, the President shall annually submit to Con-
25 gress, together with the annual budget of the United

1 States, a list of threatened species and endangered
2 species for which recovery plans described in sub-
3 section (e)(1) will be developed or implemented with
4 amounts from the Fund.

5 (h) PUBLIC DONATIONS.—

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

8 (A) to address the backlog in the develop-
9 ment and implementation of recovery plans; and

10 (B) to encourage relevant public-private
11 partnerships.

12 (2) CREDITS TO FUND.—Any cash donations
13 accepted under paragraph (1) shall be credited to,
14 and form a part of, the Fund.

15 (3) REJECTION OF DONATIONS.—The Secretary
16 may reject a donation under this section when the
17 rejection is in the interest of the Federal Govern-
18 ment, as determined by the Secretary.

19 (i) ALLOCATION AUTHORITY.—

20 (1) SUBMISSION OF COST ESTIMATES.—The
21 President shall submit to Congress detailed alloca-
22 tions by program element of the amount rec-
23 ommended for allocation in a fiscal year from
24 amounts made available under subsection (c), con-

1 sistent with the use of funds under subsection (e),
2 as follows:

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

5 (B) For each fiscal year thereafter, until
6 the date on which all of the amounts in the
7 Fund are allocated, as part of the annual budg-
8 et submission of the President under section
9 1105(a) of title 31, United States Code.

10 (2) ALTERNATE ALLOCATION.—

11 (A) IN GENERAL.—The Committees on
12 Appropriations of the Senate and House of
13 Representatives may provide for alternate allo-
14 cation of amounts recommended for allocation
15 in a given fiscal year from amounts made avail-
16 able under subsection (c), consistent with the
17 use of funds under subsection (e), including al-
18 locations by program element.

19 (B) ALLOCATION BY PRESIDENT.—

20 (i) NO ALTERNATE ALLOCATIONS.—If
21 Congress has not enacted legislation estab-
22 lishing alternate allocations, including by
23 program, by the date on which the Act
24 making full-year appropriations for the De-
25 partment of the Interior, Environment,

1 and Related Agencies for the applicable fis-
2 cal year is enacted into law, only then shall
3 amounts recommended for allocation for
4 that fiscal year from amounts made avail-
5 able under subsection (c), consistent with
6 the use of funds under subsection (e), be
7 allocated by the President or apportioned
8 or allotted by program pursuant to title
9 31, United States Code.

10 (ii) INSUFFICIENT ALTERNATE ALLO-
11 CATION.—If Congress enacts legislation es-
12 tablishing alternate allocations, including
13 by program, for amounts recommended for
14 allocation in a given fiscal year from
15 amounts made available under subsection
16 (c), consistent with the use of funds under
17 subsection (e), that are less than the full
18 amount recommended for allocation for
19 that fiscal year, the difference between the
20 amount recommended for allocation and
21 the alternate allocation shall be allocated
22 by the President and apportioned and al-
23 lotted by program pursuant to title 31,
24 United States Code.

1 (j) PROHIBITIONS.—No amounts from the Fund shall
2 be used—

3 (1) to make any listing determination relating
4 to the endangered or threatened status of any spe-
5 cies pursuant to section 4(a) of the Endangered Spe-
6 cies Act of 1973 (16 U.S.C. 1533(a));

7 (2) on any experimental population (as defined
8 in paragraph (1) of section 10(j) of the Endangered
9 Species Act of 1973 (16 U.S.C. 1539(j))) of a
10 threatened or endangered species that is determined
11 to be nonessential under that section;

12 (3) outside of the United States (as defined in
13 section 3 of the Endangered Species Act of 1973 (16
14 U.S.C. 1532)); and

15 (4) to acquire any Federal land.

16 (k) ADMINISTRATIVE COSTS.—Of the funds made
17 available under each of paragraphs (1) and (3) of sub-
18 section (e), not more than 1.85 percent may be used by
19 the Secretary for administrative costs.

20 (l) INSPECTOR GENERAL.—There is authorized to be
21 appropriated to the Office of the Inspector General of the
22 Department of the Interior $\frac{1}{2}$ of 1 percent of the amounts
23 made available under subsection (c) for the purposes of
24 providing oversight and accountability with respect to ex-

1 penditure of funds authorized under such subsection, to
2 remain available until September 30, 2029.

3 **TITLE IV—REPORT**

4 **SEC. 401. REPORT.**

5 The Secretary of the Interior shall, not later than 1
6 year after the date of enactment of this section, and annu-
7 ally thereafter, submit a report to the Committee on Envi-
8 ronment and Public Works of the Senate and the Com-
9 mittee on Natural Resources of the House of Representa-
10 tives providing detailed information on the dollar amount
11 of grants and contracts (including subcontracts), and the
12 percentage of total awards and grants, that were awarded
13 or allocated under this Act to Historically Black Colleges
14 and Universities, Hispanic-serving educational institu-
15 tions, Tribally-controlled colleges and universities, minor-
16 ity-serving educational institutions, minority-owned busi-
17 ness enterprises, women-owned business enterprises, and
18 community-based organizations that are principally ad-
19 ministered by, operated by, or serving minority commu-
20 nities.

Passed the House of Representatives June 14, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.

Calendar No. 424

117TH CONGRESS
2^D SESSION

H. R. 2773

AN ACT

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 15, 2022

Received; read twice and placed on the calendar