

Union Calendar No. 568

116TH CONGRESS
2D SESSION

H. R. 3742

[Report No. 116–685, Part I]

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

JULY 12, 2019

Mrs. DINGELL (for herself, Mr. FORTENBERRY, Mr. LOWENTHAL, Mr. VELA, Ms. LEE of California, Mr. CRIST, Mr. RODNEY DAVIS of Illinois, Mr. AMODEI, Mr. ROUZER, Mr. FITZPATRICK, Ms. VELÁZQUEZ, Ms. SCHAKOWSKY, Ms. ESHOO, Ms. BONAMICI, Ms. KUSTER of New Hampshire, Mr. HILL of Arkansas, Mr. HASTINGS, Mr. SCHRADER, Ms. DEAN, Ms. JACKSON LEE, Mr. KILMER, Mr. QUIGLEY, Mrs. NAPOLITANO, Mr. AUSTIN SCOTT of Georgia, Mr. COLE, Mr. GAETZ, Mr. VEASEY, Mr. CARBAJAL, Mr. UPTON, Mr. PAPPAS, Mrs. AXNE, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. SOTO, Mr. COURTNEY, Mrs. RADEWAGEN, Mr. MAST, Mr. CUELLAR, Mr. SIMPSON, Mr. COOPER, Mr. BLUMENAUER, Mr. MARSHALL, Mr. RUTHERFORD, Mr. BROWN of Maryland, Mr. KRISHNAMOORTHY, Ms. DELBENE, Mr. RASKIN, Mr. BUDD, Mr. LUJÁN, Mr. STIVERS, Ms. HAALAND, Mr. COHEN, Mr. RUSH, Mr. FLEISCHMANN, Mr. HUFFMAN, Mr. LARSON of Connecticut, Mr. GRIJALVA, Ms. NORTON, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. LONG, Mr. KILDEE, Mr. CARTWRIGHT, and Ms. TLAIB) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 24, 2020

Additional sponsors: Mr. JOHNSON of Georgia, Ms. STEFANIK, Mr. HIMES, Mr. DEFazio, Mr. RYAN, Mr. TURNER, Mrs. DAVIS of California, Mr. AGUILAR, Ms. SLOTKIN, Mr. BERGMAN, Mr. TED LIEU of California, Mr. LARSEN of Washington, Mr. SCHIFF, Mr. RICHMOND, Mr. LUCAS, Ms.

JUDY CHU of California, Mrs. BROOKS of Indiana, Mr. CUNNINGHAM, Mrs. HAYES, Mr. STANTON, Mr. KIND, Mr. LEVIN of Michigan, Mrs. TRAHAN, Ms. SHALALA, Mr. SARBANES, Mr. THOMPSON of California, Mrs. BEATTY, Mr. THOMPSON of Pennsylvania, Mr. MCHENRY, Ms. SCHRIER, Ms. ESCOBAR, Mr. VAN DREW, Mr. CICILLINE, Mrs. WATSON COLEMAN, Mr. MORELLE, Ms. KAPTUR, Mr. PERLMUTTER, Mr. ENGEL, Mr. HARDER of California, Mr. CASTEN of Illinois, Mr. PASCRELL, Mr. GARCÍA of Illinois, Mr. KUSTOFF of Tennessee, Mr. LAWSON of Florida, Mr. GOLDEN, Mr. LIPINSKI, Ms. BLUNT ROCHESTER, Mr. MALINOWSKI, Mrs. KIRKPATRICK, Mr. KENNEDY, Mr. SEAN PATRICK MALONEY of New York, Mr. SCHNEIDER, Ms. STEVENS, Mr. WITTMAN, Mr. OLSON, Mr. TONKO, Mr. DOGGETT, Ms. CLARKE of New York, Ms. LOFGREN, Mr. HUIZENGA, Mr. O'HALLERAN, Mr. SUOZZI, Mr. WALBERG, Mrs. BUSTOS, Mr. CLEAVER, Ms. CRAIG, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. NEGUSE, Mr. SMUCKER, Ms. WILD, Ms. HOULAHAN, Mr. SMITH of Washington, Mr. CARTER of Georgia, Ms. JAYAPAL, Ms. KENDRA S. HORN of Oklahoma, Mr. GALLEG0, Ms. MOORE, Mr. KELLER, Mr. GONZALEZ of Ohio, Mrs. LAWRENCE, Mr. LAMB, Mr. HECK, Mr. POCAN, Mr. HORSFORD, Mr. SMITH of New Jersey, Mr. MEEKS, Ms. SCANLON, Mr. KELLY of Pennsylvania, Mr. WELCH, Mrs. DEMINGS, Mrs. RODGERS of Washington, Mr. GOODEN, Mr. PRICE of North Carolina, Mr. PHILLIPS, Ms. BARRAGÁN, Mr. GONZALEZ of Texas, Ms. DEGETTE, Mr. LEWIS, Mr. EVANS, Mr. SABLAN, Mr. HURD of Texas, Mr. COX of California, Mr. NEAL, Mr. KATKO, Mr. CLAY, Ms. BASS, Mr. DESAULNIER, Mr. ALLRED, Mr. LYNCH, Mrs. FLETCHER, Mr. HIGGINS of New York, Mr. MCCAUL, Mrs. MCBATH, Mr. CROW, Ms. GABBARD, Mrs. MURPHY of Florida, Mr. CARSON of Indiana, Ms. TORRES SMALL of New Mexico, Mr. MARCHANT, Miss RICE of New York, Ms. PINGREE, Mr. PANETTA, Mr. BUCHANAN, and Ms. CASTOR of Florida

DECEMBER 24, 2020

Reported from the Committee on Natural Resources with an amendment

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

DECEMBER 24, 2020

Committee on the Budget discharged; committed to the Committee of the
Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 12, 2019]

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 2019”.*

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 (9) and (10); and*

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

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

18 *“(A) IN GENERAL.—There is established in*
 19 *the fund a subaccount to be known as the ‘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 2020, 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 (16*
 12 *U.S.C. 777 et seq.); and*

13 “(B) *the fund.*

14 “(3) *INNOVATION GRANTS.*—

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

24 “(B) *PURPOSE.*—*Such grants shall be pro-*
 25 *vided for the purpose of catalyzing innovation of*

1 *techniques, tools, strategies, or collaborative part-*
2 *nerships that accelerate, expand, or replicate ef-*
3 *fective and measurable recovery efforts for species*
4 *of greatest conservation need and species listed*
5 *under the Endangered Species Act of 1973 (15*
6 *U.S.C. 1531 et seq.) and the habitats of such spe-*
7 *cies.*

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

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

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

16 “(iii) *four individuals representing*
17 *four different nonprofit organizations each*
18 *of which is actively participating in car-*
19 *rying out wildlife conservation restoration*
20 *activities using funds apportioned from the*
21 *Subaccount.*

22 “(D) *SUPPORT FROM UNITED STATES FISH*
23 *AND WILDLIFE SERVICE.*—*The United States*
24 *Fish and Wildlife Service shall provide any per-*
25 *sonnel or administrative support services nec-*

1 *essary for such Committee to carry out its re-*
2 *sponsibilities under this Act.*

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

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

12 *“(A) shall be used to implement the Wildlife*
13 *Conservation Strategy of a State, territory, or*
14 *the District of Columbia, as required under sec-*
15 *tion 4(d), by carrying out, revising, or enhanc-*
16 *ing existing wildlife and habitat conservation*
17 *and restoration programs and developing and*
18 *implementing new wildlife conservation and res-*
19 *toration programs to recover and manage species*
20 *of greatest conservation need and the key habi-*
21 *tats and plant community types essential to the*
22 *conservation of those species as determined by*
23 *the appropriate State fish and wildlife depart-*
24 *ment;*

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

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

13 “(D) may be used for wildlife conservation
14 education and wildlife-associated recreation
15 projects;

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

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

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

1 *and conservation of a species of greatest con-*
2 *servation need and the habitat of such species.*

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

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

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

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

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

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

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

10 “(iv) other sources consistent with part
11 80 of title 50, Code of Federal Regulations,
12 in effect on the date of enactment of the Re-
13 covering America’s Wildlife Act of 2019.

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

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

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

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

7 “(A) *SPECIES OF GREATEST CONSERVATION*
8 *NEED.—The term ‘species of greatest conserva-*
9 *tion need’ has the meaning given to it by each*
10 *State fish and wildlife department, with respect*
11 *to funds apportioned to such State.*

12 “(B) *TERRITORY AND TERRITORIES.—The*
13 *terms ‘territory’ and ‘territories’ mean the Com-*
14 *monwealth of Puerto Rico, Guam, American*
15 *Samoa, the Commonwealth of the Northern Mar-*
16 *iana Islands, and the United States Virgin Is-*
17 *lands.*

18 “(C) *WILDLIFE.—The term ‘wildlife’ means*
19 *any species of wild, freeranging fauna, including*
20 *fish, and also fauna in captive breeding pro-*
21 *grams the object of which is to reintroduce indi-*
22 *viduals of a depleted indigenous species into pre-*
23 *viously occupied range.”.*

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

4 (1) by redesignating the second subsection (c), re-
 5 lating to the apportionment of the *Wildlife Conserva-*
 6 tion and Restoration Account, and subsection (d) as
 7 subsections (d) and (e) respectively;

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

9 (A) in paragraph (1)—

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

14 (ii) in subparagraph (B)—

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

17 (II) by striking “not more than
 18 one-fourth of one percent” and insert-
 19 ing “not less than one-third of one per-
 20 cent”; and

21 (iii) by adding at the end the fol-
 22 lowing:

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

25 (B) in paragraph (2)(A)—

1 (i) by amending clause (i) to read as
2 follows:

3 “(i) one-half of which is based on the ratio
4 to which the land and water area of such State
5 bears to the total land and water area of all such
6 States;”;

7 (ii) in clause (ii)—

8 (I) by striking “two-thirds” and
9 inserting “one-quarter”; and

10 (II) by striking the period and in-
11 serting “; and”; and

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

14 “(iii) one-quarter of which is based upon
15 the ratio to which the number of vertebrate and
16 invertebrate species listed as endangered or
17 threatened under the Endangered Species Act of
18 1973 (15 U.S.C. 1531 et seq.) in such State bears
19 to the total number of such species listed in all
20 such States.”; and

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

23 (3) by amending subsection (e)(4)(B), as redesign-
24 nated, to read as follows:

1 “(B) *Not more than an average of 15 percent*
2 *over a 5-year period of amounts apportioned to each*
3 *State under this section for a State’s wildlife con-*
4 *servation and restoration program may be used for*
5 *wildlife conservation education and wildlife-associ-*
6 *ated recreation.*”; and

7 (4) *by adding at the end following:*

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

12 “(g) *ACCOUNTABILITY.—Not more than one year after*
13 *the date of enactment of the Recovering America’s Wildlife*
14 *Act of 2019 and every 3 years thereafter, each State fish*
15 *and wildlife department shall submit a 3-year work plan*
16 *and budget for implementing its Wildlife Conservation*
17 *Strategy and a report describing the results derived from*
18 *activities accomplished under subsection (c)(4) during the*
19 *previous 3 years to—*

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

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

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

1 **SEC. 102. TECHNICAL AMENDMENTS.**

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

4 (1) by striking paragraph (5);

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

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

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

14 (1) in section 3—

15 (A) in subsection (a)—

16 (i) by striking “(1) An amount equal
17 to” and inserting “An amount equal to”;
18 and

19 (ii) by striking paragraph (2);

20 (B) in subsection (c)—

21 (i) in paragraph (9), as redesignated
22 by section 101(a)(1), by striking “or an In-
23 dian tribe”; and

24 (ii) in paragraph (10), as redesignated
25 by section 101(a)(1), by striking “Wildlife

1 *Conservation and Restoration Account” and*
 2 *inserting “Subaccount”; and*

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

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

7 *(A) in subsection (d), as redesignated—*

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

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

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

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

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

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

21 *(1) by redesignating section 13 as section 15;*

22 *and*

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

1 **“SEC. 13. SAVINGS CLAUSE.**

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

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

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

14 **SEC. 104. EXCLUSION FROM PAYGO SCORECARDS.**

15 (a) *STATUTORY PAY-AS-YOU-GO SCORECARDS.—The*
 16 *budgetary effects of this Act shall not be entered on any*
 17 *PAYGO scorecard maintained pursuant to section 4(d) of*
 18 *the Statutory Pay-As-You-Go Act of 2010.*

19 (b) *SENATE PAYGO SCORECARDS.—The budgetary ef-*
 20 *fects of this Act shall not be entered on any PAYGO score-*
 21 *card maintained for purposes of section 4106 of H. Con.*
 22 *Res. 71 (115th Congress), the concurrent resolution on the*
 23 *budget for fiscal year 2018.*

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 Account*
8 *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, or*
20 *other threats, or because of their biological or cultural*
21 *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, re-*
 2 *habilitation, and holding or quarantine pro-*
 3 *gram, the object of which is to reintroduce indi-*
 4 *viduals of a depleted indigenous species into pre-*
 5 *viously occupied range or to maintain a species*
 6 *for conservation purposes; and*

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

8 (b) *TRIBAL WILDLIFE CONSERVATION AND RESTORA-*
 9 *TION 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.—Beginning in fiscal year 2020,*
 18 *and each fiscal year thereafter, the Secretary of the*
 19 *Treasury shall transfer \$97,500,000 to the Account.*

20 (c) *DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—*
 21 *Each fiscal year, the Secretary of the Treasury shall deposit*
 22 *funds into the Account and distribute such funds through*
 23 *a noncompetitive application process according to guide-*
 24 *lines and criteria determined by the Secretary of the Inte-*
 25 *rior, acting through the Director of the Bureau of Indian*

1 *Affairs, in consultation with Indian Tribes. Such funds*
2 *shall remain available until expended.*

3 *(d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—The*
4 *distribution guidelines and criteria described in subsection*
5 *(c) shall be based, in part, upon Indian Tribes' wildlife*
6 *management responsibilities.*

7 *(e) USE OF FUNDS.—*

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

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

17 *(B) To assist in the recovery of species list-*
18 *ed as an endangered or threatened species under*
19 *the Endangered Species Act of 1973 (16 U.S.C.*
20 *1531 et seq.).*

21 *(C) For wildlife conservation education and*
22 *wildlife-associated recreation projects.*

23 *(D) To manage a Tribal species of greatest*
24 *conservation need and the habitat of such species,*

1 *the range of which may be shared with a foreign*
2 *country, State, or other Indian Tribe.*

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

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

9 *(G) To develop, revise, and implement com-*
10 *prehensive wildlife conservation strategies and*
11 *plans for such Tribe.*

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

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

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

21 *(B) IMPERILED SPECIES RECOVERY.—In*
22 *distributing funds under this section, the Sec-*
23 *retary shall distribute not less than 15 percent of*
24 *the total funds distributed to proposals to fund*
25 *the recovery of a species, subspecies, or distinct*

1 *population segment listed as a threatened spe-*
2 *cies, endangered species, or candidate species*
3 *under the Endangered Species Act of 1973 (16*
4 *U.S.C. 1531 et seq.) or Tribal law.*

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

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

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

18 (h) *ADMINISTRATIVE COSTS.—Of the funds deposited*
19 *under subsection (b)(3) for each fiscal year, not more than*
20 *3 percent shall be used by the Secretary for administrative*
21 *costs.*

22 (i) *SAVINGS CLAUSE.—Nothing in this Act shall be*
23 *construed as modifying or abrogating a treaty with any*
24 *Indian Tribe, or as enlarging or diminishing the authority,*

- 1 *jurisdiction, or responsibility of an Indian Tribe to man-*
- 2 *age, control, or regulate wildlife.*

Union Calendar No. 568

116TH CONGRESS
2^D Session

H. R. 3742

[Report No. 116-685, Part I]

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.

DECEMBER 24, 2020

Reported from the Committee on Natural Resources with
an amendment

DECEMBER 24, 2020

Committee on the Budget discharged; committed to the
Committee of the Whole House on the State of the
Union and ordered to be printed