

JUNE 6, 2022

RULES COMMITTEE PRINT 117-47
TEXT OF H.R. 2773, THE RECOVERING AMERICA'S
WILDLIFE ACT OF 2022

**[Showing the text of H.R. 2773, as ordered reported by the
Committee on Natural Resources, with modifications.]**

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.

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.—The
23 Secretary of the Treasury shall transfer from
24 the general fund of the Treasury to the Sub-
25 account—

1 “(i) for fiscal year 2023,
2 \$850,000,000;

3 “(ii) for fiscal year 2024,
4 \$1,100,000,000;

5 “(iii) for fiscal year 2025,
6 \$1,200,000,000; and

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

9 “(2) SUPPLEMENT NOT SUPPLANT.—Amounts
10 transferred to the Subaccount shall supplement, but
11 not replace, existing funds available to the States
12 from—

13 “(A) the funds distributed pursuant to the
14 Dingell-Johnson Sport Fish Restoration Act
15 (16 U.S.C. 777 et seq.); and

16 “(B) the fund.

17 “(3) INNOVATION GRANTS.—

18 “(A) IN GENERAL.—The Secretary shall
19 distribute 10 percent of funds apportioned from
20 the Subaccount through a competitive grant
21 program to State fish and wildlife departments,
22 the District of Columbia fish and wildlife de-
23 partment, fish and wildlife departments of terri-
24 tories, or to regional associations of fish and

1 wildlife departments (or any group composed of
2 more than 1 such entity).

3 “(B) PURPOSE.—Such grants shall be pro-
4 vided for the purpose of catalyzing innovation
5 of techniques, tools, strategies, or collaborative
6 partnerships that accelerate, expand, or rep-
7 licate effective and measurable recovery efforts
8 for species of greatest conservation need and
9 species listed under the Endangered Species Act
10 of 1973 (16 U.S.C. 1531 et seq.) and the habi-
11 tats of such species.

12 “(C) REVIEW COMMITTEE.—The Secretary
13 shall appoint a review committee comprised
14 of—

15 “(i) a State Director from each re-
16 gional association of State fish and wildlife
17 departments;

18 “(ii) the head of a department respon-
19 sible for fish and wildlife management in a
20 territory;

21 “(iii) one delegate from the United
22 States Fish and Wildlife Service, for the
23 purpose of providing technical assistance;
24 and

1 “(iv) beginning in fiscal year 2023,
2 four individuals representing four different
3 nonprofit organizations each of which is
4 actively participating in carrying out wild-
5 life conservation restoration activities using
6 funds apportioned from the Subaccount.

7 “(D) SUPPORT FROM UNITED STATES FISH
8 AND WILDLIFE SERVICE.—Using not more than
9 3 percent of the amounts apportioned under
10 subparagraph (A) to carry out a competitive
11 grant program, the United States Fish and
12 Wildlife Service shall provide any personnel or
13 administrative support services necessary for
14 such committee to carry out its responsibilities
15 under this Act.

16 “(E) EVALUATION.—Such committee shall
17 evaluate each proposal submitted under this
18 paragraph and recommend projects for funding,
19 giving preference to solutions that accelerate
20 the recovery of species identified as priorities
21 through regional scientific assessments of spe-
22 cies of greatest conservation need.

23 “(4) USE OF FUNDS.—Funds apportioned from
24 the Subaccount shall be used for purposes consistent

1 with section 2 of the Recovering America’s Wildlife
2 Act of 2022 and—

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 section 4(e), by carrying out, revising, or en-
7 hancing existing wildlife and habitat conserva-
8 tion and restoration programs and developing
9 and implementing new wildlife conservation and
10 restoration programs to recover and manage
11 species of greatest conservation need and the
12 key habitats and plant community types essen-
13 tial to the conservation of those species, as de-
14 termined by the appropriate State fish and
15 wildlife department;

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

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

1 Species Act of 1973 (16 U.S.C. 1531 et seq.)
2 or under State law;

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

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

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

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

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

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

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

12 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

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

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

22 “(ii) donated private lands and
23 waters, including privately owned ease-
24 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 2022.

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

3 “(A) PARTNERSHIPS.—The term ‘partner-
4 ships’ may include collaborative efforts with
5 Federal agencies, State agencies, local agencies,
6 Indian Tribes, nonprofit organizations, aca-
7 demic institutions, industry groups, and private
8 individuals to implement a State’s Wildlife Con-
9 servation Strategy.

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

19 “(C) TERRITORY AND TERRITORIES.—The
20 terms ‘territory’ and ‘territories’ mean the
21 Commonwealth of Puerto Rico, Guam, Amer-
22 ican Samoa, the Commonwealth of the North-
23 ern Mariana Islands, and the United States
24 Virgin Islands.

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

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

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

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

21 (1) in subsection (d)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A), by striking
24 “to the District of Columbia and to the

1 Commonwealth of Puerto Rico, each” and
2 inserting “To the District of Columbia”;

3 (ii) in subparagraph (B)—

4 (I) by striking “to Guam” and
5 inserting “To Guam”; and

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

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

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

15 (B) in paragraph (2)(A)—

16 (i) by amending clause (i) to read as
17 follows:

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

22 (ii) in clause (ii)—

23 (I) by striking “two-thirds” and
24 inserting “one-quarter”; and

1 (II) by striking the period and
2 inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(iii) one-quarter of which is based upon
6 the ratio to which the number of species listed
7 as endangered or threatened under the Endan-
8 gered Species Act of 1973 (16 U.S.C. 1531 et
9 seq.) in such State bears to the total number of
10 such species listed in all such States.”;

11 (C) by amending paragraph (2)(B) to read
12 as follows:

13 “(B) The amounts apportioned under this
14 paragraph shall be adjusted equitably so that
15 no such State, unless otherwise designated,
16 shall be apportioned a sum which is less than
17 1 percent or more than 5 percent of the amount
18 available for apportionment under—

19 “(i) subparagraph (A)(i);

20 “(ii) subparagraph (A)(ii); and

21 “(iii) the overall amount available for
22 subparagraph (A).”; and

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

25 (2) in subsection (e)(4)—

1 (A) by amending subparagraph (B) to read
2 as follows:

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

9 (B) by inserting after subparagraph (B),
10 as so amended, the following:

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

24 (3) by adding at the end following:

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

5 “(g) ACCOUNTABILITY.—

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

17 “(A) the Committee on Environment and
18 Public Works of the Senate; and

19 “(B) the Committee on Natural Resources
20 of the House of Representatives.

21 “(2) REQUIREMENTS.—The format of the 3-
22 year work plans, budgets, and reports required
23 under paragraph (1) shall be established by the
24 United States Fish and Wildlife Service, in consulta-

1 tion with the Association of Fish and Wildlife Agen-
2 cies.

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

10 **SEC. 102. TECHNICAL AMENDMENTS.**

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

14 (1) in paragraph (7), by striking “including
15 fish,”; and

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

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

22 (1) in section 3—

23 (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 TINATION 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.—

18 (A) IN GENERAL.—Beginning in fiscal year
19 2023, and for each fiscal year thereafter, the
20 Secretary of the Treasury shall transfer
21 \$97,500,000 from the general fund of the
22 Treasury to the Account.

23 (B) FUNDING SOURCE.—

24 (i) DEFINITION.—In this subpara-
25 graph, the term “remaining natural re-

1 source or environmental-related violation
2 revenue” means the amount of all civil or
3 criminal penalties, fines, sanctions, forfeit-
4 ures, or other revenues resulting from nat-
5 ural resource or environmental-related vio-
6 lations or enforcement actions by any Fed-
7 eral agency that are not directed to be de-
8 posited in a fund other than the general
9 fund of the Treasury or have otherwise
10 been appropriated.

11 (ii) USE OF REVENUE.—Beginning in
12 fiscal year 2023, and for each fiscal year
13 thereafter, the total amount of the remain-
14 ing natural resource or environmental-re-
15 lated violation revenue with respect to the
16 previous fiscal year—

17 (I) shall be deposited in the gen-
18 eral fund of the Treasury; and

19 (II) shall be available for the
20 purposes of the transfer under sub-
21 paragraph (A).

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 (e) AUTHORIZATION OF APPROPRIATIONS TO IN-
9 SPECTOR GENERAL.—There is authorized to be appro-
10 priated to the Office of the Inspector General of the De-
11 partment of the Interior $\frac{1}{2}$ of 1 percent of the amounts
12 made available this section for the purposes of providing
13 oversight and accountability with respect to expenditure
14 of 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 (B) to conserve wildlife habitat.

20 (4) VOLUNTARY CONSERVATION AGREE-
21 MENTS.—\$9,375,000 for each of fiscal years 2023
22 through 2026, to remain available until expended,
23 shall be used for the United States Fish and Wildlife
24 Service to address the development and permitting
25 of voluntary conservation agreements under section

1 10 of the Endangered Species Act of 1973 (16
2 U.S.C. 1539).

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

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

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

19 (2) ANNUAL LIST OF SPECIES.—Until the date
20 on which all of the amounts in the Fund are ex-
21 pended, the President shall annually submit to Con-
22 gress, together with the annual budget of the United
23 States, a list of threatened species and endangered
24 species for which recovery plans described in sub-

1 section (e)(1) will be developed or implemented with
2 amounts from the Fund.

3 (h) PUBLIC DONATIONS.—

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

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

8 (B) to encourage relevant public-private
9 partnerships.

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

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

17 (i) ALLOCATION AUTHORITY.—

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

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

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

8 (2) ALTERNATE ALLOCATION.—

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

17 (B) ALLOCATION BY PRESIDENT.—

18 (i) NO ALTERNATE ALLOCATIONS.—If
19 Congress has not enacted legislation estab-
20 lishing alternate allocations, including by
21 program, by the date on which the Act
22 making full-year appropriations for the De-
23 partment of the Interior, Environment,
24 and Related Agencies for the applicable fis-
25 cal year is enacted into law, only then shall

1 amounts recommended for allocation for
2 that fiscal year from amounts made avail-
3 able under subsection (c), consistent with
4 the use of funds under subsection (e), be
5 allocated by the President or apportioned
6 or allotted by program pursuant to title
7 31, United States Code.

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

23 (j) PROHIBITIONS.—No amounts from the Fund shall
24 be used—

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

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

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

13 (4) to acquire any Federal land.

