

116TH CONGRESS
1ST SESSION

H. R. 3742

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

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 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The populations of several species of wildlife
9 across America are in crisis. The Nation’s efforts to
10 recover at-risk wildlife populations are not keeping
11 pace with the increased demand for natural re-
12 sources and threats to native wildlife, including dis-
13 ease, invasive species, habitat loss and fragmenta-
14 tion, shifts in temperature ranges, and extreme
15 weather. More than 150 species are presumed ex-
16 tinct, another 500 are likely extinct, and more than
17 12,000 species are designated as species of greatest
18 conservation need, including more than 700 wildlife
19 species in the United States that are already listed
20 as threatened or endangered under the Endangered
21 Species Act. An assessment of the best-known
22 groups of United States wildlife and plants indicates
23 that one-third of America’s species are vulnerable to

1 extinction and one-fifth imperiled and at high-risk of
2 extinction.

3 (2) A diverse array of species of fish and wild-
4 life is of significant value to the United States for
5 aesthetic, ecological, educational, cultural, rec-
6 reational, economic, and scientific reasons.

7 (3) More than 100 million citizens of the
8 United States participate in outdoor recreation
9 through hunting, fishing, birding, and other wildlife-
10 dependent recreation, all of which have significant
11 value to the citizens who engage in those activities
12 and provide economic benefits to local communities.

13 (4) It is in the interest of the United States—

14 (A) to retain for present and future gen-
15 erations the opportunity to hunt, fish, observe,
16 understand, and appreciate a wide variety of
17 fish and wildlife;

18 (B) to recover species of fish and wildlife
19 listed as threatened species or endangered spe-
20 cies under the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.) and to prevent fish
22 and wildlife species from declining to the point
23 of requiring Federal protection under such Act;
24 and

1 (C) to support collaborative and proactive
2 conservation that will sustain the diverse fish
3 and wildlife populations of the United States.

4 (5) The first nongovernmental conservation or-
5 ganizations to instill fish and wildlife conservation
6 values in hunters, anglers, bird watchers, and all
7 citizens were founded during the 1880s to 1890s at
8 the behest of hunters and anglers, including Theo-
9 dore Roosevelt and naturalist George Bird Grinnell,
10 who were alarmed that game and sportfish could not
11 sustain unregulated harvest and that avifauna need-
12 ed protection from commercial take.

13 (6) At the turn of the 20th century, the
14 States—

15 (A) realized the need to regulate the har-
16 vest of game and sportfish for sustainable use;

17 (B) required hunters and anglers to obtain
18 licenses and established regulations for game
19 seasons, bag and creel limits, and legal means
20 of take for game and sportfish; and

21 (C) used the funds received for such li-
22 censes largely for enforcement of such regula-
23 tions.

24 (7) In 1937, an alliance between hunters and
25 conservation organizations, States, the Federal Gov-

1 ernment, and the shooting sports industry convinced
2 Congress to transfer to the States receipts from an
3 existing Federal excise tax on sporting arms and
4 ammunition, matched by State hunting license dol-
5 lars, for the management of wildlife and conserva-
6 tion of habitat under the Pittman-Robertson Wildlife
7 Restoration Act (16 U.S.C. 669 et seq.), which
8 greatly enhanced the States' ability to move from
9 primarily enforcing game seasons and bag limits to
10 science-based research and management of wildlife.

11 (8) In 1951, an alliance between anglers and
12 conservation organizations, States, the Federal Gov-
13 ernment, and the sportfishing industry convinced
14 Congress to impose a Federal excise tax on fishing
15 equipment under the Dingell-Johnson Sportfish Res-
16 toration Act (16 U.S.C. 777 et seq.) and to transfer
17 to the States such receipts, matched by State fishing
18 license revenues, to manage sportfish and conserve
19 aquatic habitats, enhancing the State fish and wild-
20 life department's ability to use science-based re-
21 search and management of fish species.

22 (9) Such user-pay, public-benefits means of
23 funding fish and wildlife conservation are unique in
24 the world, having been started in the United States
25 by sportsmen and sportswomen who were willing to

1 pay these fees to ensure dedicated funds went to fish
2 and wildlife conservation delivered by the States.

3 (10) Such user-pay funds (licenses and excise
4 taxes)—

5 (A) have benefitted not only hunters and
6 anglers, but all citizens of the United States by
7 providing abundant fish and wildlife (including
8 both game and nongame species), clean water,
9 outdoor recreation, healthy activities, and qual-
10 ity of life; and

11 (B) provide, and will continue to provide,
12 a majority of the funds that are available to
13 State fish and wildlife departments for science-
14 based research and management of fish and
15 wildlife.

16 (11) State fish and wildlife agencies are respon-
17 sible for the conservation and management of all
18 fish and wildlife in the State, but are grossly under-
19 funded because there are few funds available at the
20 State level for fish and wildlife conservation, except
21 those driven by hunting and fishing license revenues
22 and Federal excise tax revenues.

23 (12) Congress created a subaccount known as
24 the Wildlife Conservation and Restoration Sub-
25 account under section 3(a)(2) of the Pittman-Rob-

1 ertson Wildlife Restoration Act (16 U.S.C.
2 669b(a)(2)) to support the full array of fish and
3 wildlife conservation needs identified by State fish
4 and wildlife departments, including for species that
5 are not hunted or fished, but only authorized appro-
6 priations for the Subaccount for one year.

7 (13) While some appropriated funds have been
8 made available through related programs, the lack of
9 assured and sufficient dedicated funding for the
10 Wildlife Conservation and Restoration Subaccount
11 has left unrealized the goals of the Subaccount,
12 thereby allowing fish and wildlife populations to con-
13 tinue to decline across the United States and result-
14 ing in hundreds of species being listed as threatened
15 species or endangered species under the Endangered
16 Species Act of 1973 (16 U.S.C. 1531 et seq.).

17 (14) Under the Pittman-Robertson Wildlife
18 Restoration Act (16 U.S.C. 669 et seq.), each State
19 and territory is required to seek public input and
20 produce a comprehensive fish and wildlife conserva-
21 tion strategy, otherwise known as a State Wildlife
22 Action Plan, to guide the State-led conservation of
23 the full array of fish, wildlife, and their habitats.

24 (15) Providing assured and sufficient dedicated
25 funding to the Wildlife Conservation and Restoration

1 Subaccount will advance the national interest by as-
 2 suring sustainable populations of fish and wildlife
 3 species are available for the use and enjoyment of
 4 citizens of the United States through implementing
 5 the comprehensive fish and wildlife conservation
 6 strategy of each State, territory, and the District of
 7 Columbia.

8 **TITLE I—WILDLIFE CONSERVA-** 9 **TION AND RESTORATION**

10 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION** 11 **SUBACCOUNT.**

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

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

17 (2) by striking paragraph (1) and inserting the
 18 following:

19 “(1) ESTABLISHMENT OF SUBACCOUNT.—

20 “(A) IN GENERAL.—There is established in
 21 the fund a subaccount to be known as the
 22 ‘Wildlife Conservation and Restoration Sub-
 23 account’ (referred to in this section as the ‘Sub-
 24 account’).

1 “(B) AVAILABILITY.—Amounts in the Sub-
2 account shall be available without further ap-
3 propriation, for each fiscal year, for apportion-
4 ment in accordance with this Act.

5 “(C) DEPOSITS INTO SUBACCOUNT.—Be-
6 ginning in fiscal year 2020, the Secretary of the
7 Treasury shall transfer \$1,300,000,000 from
8 the general fund of the treasury each fiscal year
9 to the fund for deposit in the Subaccount.

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

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

17 “(B) the fund.

18 “(3) INNOVATION GRANTS.—

19 “(A) IN GENERAL.—The Secretary shall
20 distribute 10 percent of funds apportioned from
21 the Subaccount through a competitive grant
22 program to State fish and wildlife departments,
23 the District of Columbia fish and wildlife de-
24 partment, fish and wildlife departments of terri-
25 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 (15 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; and

21 “(iii) four individuals representing
22 four different nonprofit organizations each
23 of which is actively participating in car-
24 rying out wildlife conservation restoration

1 activities using funds apportioned from the
2 Subaccount.

3 “(D) SUPPORT FROM UNITED STATES FISH
4 AND WILDLIFE SERVICE.—The United States
5 Fish and Wildlife Service shall provide any per-
6 sonnel or administrative support services nec-
7 essary for such Committee to carry out its re-
8 sponsibilities under this Act.

9 “(E) EVALUATION.—Such committee shall
10 evaluate each proposal submitted under this
11 paragraph and recommend projects for funding.

12 “(4) USE OF FUNDS.—Funds apportioned from
13 the Subaccount—

14 “(A) shall be used to carry out, revise, or
15 enhance existing wildlife and habitat conserva-
16 tion and restoration programs and to develop
17 and implement new wildlife conservation and
18 restoration programs to recover and manage
19 species of greatest conservation need and the
20 key habitats and plant community types essen-
21 tial to the conservation of those species as de-
22 termined by the appropriate State fish and
23 wildlife department;

1 “(B) shall be used to develop, revise, and
2 implement a wildlife conservation strategy of
3 the State as may be required by this Act;

4 “(C) shall be used to assist in the recovery
5 of species found in the State, territory, or in
6 the case of funds received by the District of Co-
7 lumbia, the District of Columbia that are listed
8 as endangered or threatened under the Endan-
9 gered Species Act of 1973 (16 U.S.C. 1531 et
10 seq.) or under State law;

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

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

19 “(F) may be used to manage, control, and
20 prevent invasive and nuisance species, disease,
21 and other risks to species of greatest conserva-
22 tion need; and

23 “(G) may be used for law enforcement ac-
24 tivities that are directly related to the protec-
25 tion and conservation of a species of greatest

1 conservation need and the habitat of such spe-
2 cies.

3 “(5) MINIMUM REQUIRED SPENDING FOR SPE-
4 CIES RECOVERY.—Not less than 10 percent of funds
5 apportioned to a State or territory from the Sub-
6 account shall be used for purposes described in para-
7 graph (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 may use as
17 matching non-Federal funds—

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

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

24 “(iii) in circumstances described in
25 subparagraph (B), revenue generated

1 through the sale of State hunting and fish-
2 ing licenses; and

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

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

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

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

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

1 “(A) SPECIES OF GREATEST CONSERVA-
 2 TION NEED.—The term ‘species of greatest con-
 3 servation need’ has the meaning given to it by
 4 each State fish and wildlife department, with
 5 respect to funds apportioned to such State.

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

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

18 (b) 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) by redesignating the second subsection (c),
 22 relating to the apportionment of the Wildlife Con-
 23 servation and Restoration Account, and subsection
 24 (d) as subsections (d) and (e) respectively;

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

1 (A) in paragraph (1)—

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

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

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

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

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

14 (i) in clause (i), by striking “one-
15 third” and inserting “one-half”; and

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

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

20 (3) by amending subsection (e)(4)(B), as redes-
21 ignated, to read as follows:

22 “(B) Not more than an average of 15 per-
23 cent over a 5-year period of amounts appor-
24 tioned to each State under this section for a
25 State’s wildlife conservation and restoration

1 program may be used for wildlife conservation
2 education and wildlife-associated recreation.”;
3 and

4 (4) by adding at the end following:

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

9 “(g) REPORT TO CONGRESS.—Not more than five
10 years after the date of enactment of the Recovering Amer-
11 ica’s Wildlife Act of 2019 and every 5 years thereafter,
12 each State fish and wildlife department shall submit a re-
13 port describing the results derived from activities accom-
14 plished under paragraph (3) to—

15 “(1) the Committee on Environment and Public
16 Works of the Senate; and

17 “(2) the Committee on Natural Resources of
18 the House of Representatives.”.

19 **SEC. 102. TECHNICAL AMENDMENTS.**

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

23 (1) by striking paragraph (5);

24 (2) by redesignating paragraphs (6) through

25 (9) as paragraphs (5) through (8), respectively; and

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

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

8 (1) in section 3—

9 (A) in subsection (a)—

10 (i) by striking “(1) An amount equal
 11 to” and inserting “An amount equal to”;
 12 and

13 (ii) by striking paragraph (2);

14 (B) in subsection (c)—

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

18 (ii) in paragraph (10), as redesignated
 19 by section 101(a)(1), by striking “Wildlife
 20 Conservation and Restoration Account”
 21 and inserting “Subaccount”; and

22 (C) in subsection (d), by striking “Wildlife
 23 Conservation and Restoration Account” and in-
 24 serting “Subaccount”;

25 (2) in section 4 (16 U.S.C. 669c)—

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

2 (i) in the heading, by striking “AC-
3 COUNT” and inserting “SUBACCOUNT”;
4 and

5 (ii) by striking “Account” each place
6 it appears and inserting “Subaccount”;
7 and

8 (B) in subsection (e)(1), as redesignated,
9 by striking “Account” and inserting “Sub-
10 account”; and

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

14 **SEC. 103. SAVINGS CLAUSE.**

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

17 (1) by redesignating section 13 as section 15;
18 and

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

20 **“SEC. 13. SAVINGS CLAUSE.**

21 “Nothing in this Act shall be construed to enlarge
22 or diminish the authority, jurisdiction, or responsibility of
23 a State to manage, control, or regulate fish and wildlife
24 under the law and regulations of the State on lands and

1 waters within the State, including on Federal lands and
 2 waters.

3 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**
 4 **ALASKA.**

5 “If any conflict arises between any provision of this
 6 Act and any provision of the Alaska National Interest
 7 Lands Conservation Act (Public Law 46–487, 16 U.S.C.
 8 3101 et seq.), then the provision in the Alaska National
 9 Interest Lands Conservation Act shall prevail.”.

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

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

15 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
 16 effects of this Act shall not be entered on any PAYGO
 17 scorecard maintained for purposes of section 4106 of H.
 18 Con. Res. 71 (115th Congress), the concurrent resolution
 19 on the budget for fiscal year 2018.

20 **TITLE II—TRIBAL WILDLIFE**
 21 **CONSERVATION AND RES-**
 22 **TORATION**

23 **SEC. 201. INDIAN TRIBES.**

24 (a) **FINDINGS.**—Congress finds that—

1 (1) Indian Tribes are responsible for conserva-
2 tion and management of all fish, wildlife, and flora
3 on lands within their jurisdiction;

4 (2) however, their efforts remain grossly under-
5 funded;

6 (3) Tribes do not benefit from Federal excise
7 tax revenues;

8 (4) Tribal lands and waters provide vital habi-
9 tat for hundreds of federally listed, sensitive, eco-
10 nomically important and culturally significant spe-
11 cies; and

12 (5) a stable and consistent funding source that
13 supports Tribal wildlife conservation and manage-
14 ment will benefit the well-being of Tribes and the
15 species they protect and conserve.

16 (b) DEFINITIONS.—In this section—

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

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

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (4) TRIBAL SPECIES OF GREATEST CONSERVA-
2 TION NEED.—The term “Tribal species of greatest
3 conservation need” means any species identified by
4 an Indian Tribe as requiring conservation manage-
5 ment because of declining population, habitat loss,
6 or other threats, or because of their biological or cul-
7 tural importance to such Tribe.

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

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

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

17 (C) does not include game farm animals.

18 (c) TRIBAL WILDLIFE CONSERVATION AND RES-
19 Toration Account.—

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

23 (2) AVAILABILITY.—Amounts in the Account
24 shall be available for each fiscal year without further

1 appropriation for apportionment in accordance with
2 this title.

3 (3) DEPOSITS.—Beginning in fiscal year 2020,
4 and each fiscal year thereafter, the Secretary of the
5 Treasury shall transfer \$97,500,000 to the Account.

6 (d) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—
7 Each fiscal year, the Secretary of the Treasury shall de-
8 posit funds into the Account and distribute such funds
9 through a noncompetitive application process according to
10 guidelines and criteria determined by the Secretary of the
11 Interior, acting through the Director of the Bureau of In-
12 dian Affairs, in consultation with Indian Tribes. Such
13 funds shall remain available until expended.

14 (e) WILDLIFE MANAGEMENT RESPONSIBILITIES.—
15 The distribution guidelines and criteria described in sub-
16 section (d) shall be based, in part, upon Indian Tribes’
17 wildlife management responsibilities.

18 (f) USE OF FUNDS.—

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

23 (A) To develop, carry out, revise, or en-
24 hance wildlife conservation and restoration pro-
25 grams to manage Tribal species of greatest con-

1 servation need and the habitats of such species
2 as determined by the such Indian Tribe.

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

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

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

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

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

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

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

24 (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 (d), 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 (g) 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 (h) 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 (i) ADMINISTRATIVE COSTS.—Of the funds deposited
5 under subsection (c)(3) for each fiscal year, not more than
6 3 percent shall be used by the Secretary for administrative
7 costs.

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

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