

117TH CONGRESS
1ST SESSION

S. 2372

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 SENATE OF THE UNITED STATES

JULY 15, 2021

Mr. HEINRICH (for himself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 2021”.

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.—

23 “(i) IN GENERAL.—Beginning in fis-
 24 cal year 2022, and for each fiscal year
 25 thereafter, the Secretary of the Treasury

1 shall transfer \$1,300,000,000 from the
2 general fund of the Treasury to the Sub-
3 account.

4 “(ii) FUNDING SOURCE.—

5 “(I) DEFINITION.—In this
6 clause, the term ‘remaining natural
7 resource or environmental-related vio-
8 lation revenue’ means the amount of
9 all civil or criminal penalties, fines,
10 sanctions, forfeitures, or other reve-
11 nues resulting from natural resource
12 or environmental-related violations or
13 enforcement actions by any Federal
14 agency that are not directed to be de-
15 posited in a fund other than the gen-
16 eral fund of the Treasury or have oth-
17 erwise been appropriated.

18 “(II) USE OF REVENUE.—Begin-
19 ning in fiscal year 2022, and for each
20 fiscal year thereafter, the total
21 amount of the remaining natural re-
22 source or environmental-related viola-
23 tion revenue with respect to the pre-
24 vious fiscal year—

1 “(aa) shall be deposited in
 2 the general fund of the Treasury;
 3 and

4 “(bb) shall be available for
 5 the purposes of the transfer
 6 under clause (i).

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

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

14 “(B) the fund.

15 “(3) INNOVATION GRANTS.—

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

1 “(B) PURPOSE.—Such grants shall be pro-
2 vided for the purpose of catalyzing innovation
3 of techniques, tools, strategies, or collaborative
4 partnerships that accelerate, expand, or rep-
5 licate effective and measurable recovery efforts
6 for species of greatest conservation need and
7 species listed under the Endangered Species Act
8 of 1973 (15 U.S.C. 1531 et seq.) and the habi-
9 tats of such species.

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

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

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

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

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

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

14 “(4) USE OF FUNDS.—Funds apportioned from
15 the Subaccount—

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

1 tial to the conservation of those species as de-
2 termined by the appropriate State fish and
3 wildlife department;

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

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

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

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

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

10 “(5) MINIMUM REQUIRED SPENDING FOR EN-
11 DANGERED SPECIES RECOVERY.—Not less than an
12 average of 15 percent over a 5-year period of
13 amounts apportioned to a State, territory, or the
14 District of Columbia from the Subaccount shall be
15 used for purposes described in paragraph (4)(C).
16 The Secretary may reduce the minimum requirement
17 of a State, territory, or the District of Columbia on
18 an annual basis if the Secretary determines that the
19 State, territory, or the District of Columbia is meet-
20 ing the conservation and recovery needs of all spe-
21 cies described in paragraph (4)(C).

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

1 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

2 “(A) For the purposes of the non-Federal
3 fund matching requirement for a wildlife con-
4 servation or restoration program or project
5 funded by the Subaccount, a State, territory, or
6 the District of Columbia may use as matching
7 non-Federal funds—

8 “(i) funds from Federal agencies
9 other than the Department of the Interior
10 and the Department of Agriculture;

11 “(ii) donated private lands and
12 waters, including privately owned ease-
13 ments;

14 “(iii) in circumstances described in
15 subparagraph (B), revenue generated
16 through the sale of State hunting and fish-
17 ing licenses; and

18 “(iv) other sources consistent with
19 part 80 of title 50, Code of Federal Regu-
20 lations, in effect on the date of enactment
21 of the Recovering America’s Wildlife Act of
22 2021.

23 “(B) Revenue described in subparagraph
24 (A)(iii) may only be used to fulfill the require-

ments of such non-Federal fund matching requirement if—

“(i) no Federal funds apportioned to the State fish and wildlife department of such State from the Wildlife Restoration Program or the Sport Fish Restoration Program have been reverted because of a failure to fulfill such non-Federal fund matching requirement by such State during the previous 2 years; and

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

“(8) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) PARTNERSHIPS.—The term ‘partnerships’ may include collaborative efforts with Federal agencies, State agencies, local agencies, Indian Tribes, nonprofit organizations, academic institutions, industry groups, and private individuals to implement a State’s Wildlife Conservation Strategy.

“(B) SPECIES OF GREATEST CONSERVATION NEED.—The term ‘species of greatest con-

1 servation need’ may be fauna or flora, and may
 2 include terrestrial, aquatic, marine, and inverte-
 3 brate species that are of low population, declin-
 4 ing, rare, or facing threats and in need of con-
 5 servation attention, as determined by each
 6 State fish and wildlife department, with respect
 7 to funds apportioned to such State.

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

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

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

23 (1) in subsection (d)—

24 (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 (15 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

(D) in paragraph (3), by striking “3 percent” and inserting “1.85 percent”;

(2) in subsection (e)(4), as redesignated—

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

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

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

“(C) \$55 million shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.”; and

(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.—Not more than one year
 6 after the date of enactment of the Recovering America’s
 7 Wildlife Act of 2021 and every 3 years thereafter, each
 8 State fish and wildlife department shall submit a 3-year
 9 work plan and budget for implementing its Wildlife Con-
 10 servation Strategy and a report describing the results de-
 11 rived from activities accomplished under subsection (c)(4)
 12 during the previous 3 years to—

13 “(1) the Committee on Environment and Public
 14 Works of the Senate;

15 “(2) the Committee on Natural Resources of
 16 the House of Representatives; and

17 “(3) the United States Fish and Wildlife Serv-
 18 ice.”.

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) in paragraph (7), by striking “including
 24 fish,”;

1 (2) by redesignating paragraphs (6) through
 2 (9) as paragraphs (5) through (8), respectively; and
 3 (3) in paragraph (6), as redesignated by para-
 4 graph (2), by inserting “Indian Tribes, academic in-
 5 stitutions,” before “wildlife conservation organiza-
 6 tions”.

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

10 (1) in section 3—

11 (A) in subsection (a)—

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

15 (ii) by striking paragraph (2);

16 (B) in subsection (c)—

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

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

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

4 (2) in section 4 (16 U.S.C. 669c)—

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

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

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

12 (B) in subsection (e)(1), as redesignated,
 13 by striking “Account” and inserting “Sub-
 14 account”; 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
3 or diminish the authority, jurisdiction, or responsibility of
4 a State to manage, control, or regulate fish and wildlife
5 under the law and regulations of the State on lands and
6 waters within the State, including on Federal lands and
7 waters.

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

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

15 **TITLE II—TRIBAL WILDLIFE**
16 **CONSERVATION AND RES-**
17 **TORATION**

18 **SEC. 201. INDIAN TRIBES.**

19 (a) DEFINITIONS.—In this section:

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

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

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

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

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

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

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

19 (C) does not include game farm animals.

20 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
21 Toration ACCOUNT.—

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

1 (2) AVAILABILITY.—Amounts in the Account
2 shall be available for each fiscal year without further
3 appropriation for apportionment in accordance with
4 this title.

5 (3) DEPOSITS INTO ACCOUNT.—

6 (A) IN GENERAL.—Beginning in fiscal year
7 2022, and for each fiscal year thereafter, the
8 Secretary of the Treasury shall transfer
9 \$97,500,000 from the general fund of the
10 Treasury to the Account.

11 (B) FUNDING SOURCE.—

12 (i) DEFINITION.—In this subpara-
13 graph, the term “remaining natural re-
14 source or environmental-related violation
15 revenue” means the amount of all civil or
16 criminal penalties, fines, sanctions, forfeit-
17 ures, or other revenues resulting from nat-
18 ural resource or environmental-related vio-
19 lations or enforcement actions by any Fed-
20 eral agency that are not directed to be de-
21 posited in a fund other than the general
22 fund of the Treasury or have otherwise
23 been appropriated.

24 (ii) USE OF REVENUE.—Beginning in
25 fiscal year 2022, and for each fiscal year

1 thereafter, the total amount of the remain-
2 ing natural resource or environmental-re-
3 lated violation revenue with respect to the
4 previous fiscal year—

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

7 (II) shall be available for the
8 purposes of the transfer under sub-
9 paragraph (A).

10 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—

11 Each fiscal year, the Secretary of the Treasury shall de-
12 posit funds into the Account and distribute such funds
13 through a noncompetitive application process according to
14 guidelines and criteria, and reporting requirements deter-
15 mined by the Secretary of the Interior, acting through the
16 Director of the Bureau of Indian Affairs, in consultation
17 with Indian Tribes. Such funds shall remain available
18 until expended.

19 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

20 The distribution guidelines and criteria described in sub-
21 section (c) shall be based, in part, upon Indian Tribes'
22 wildlife management responsibilities.

23 (e) USE OF FUNDS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the Secretary may distribute funds from

1 the Account to an Indian Tribe for any of the fol-
2 lowing purposes:

3 (A) To develop, carry out, revise, or en-
4 hance wildlife conservation and restoration pro-
5 grams to manage Tribal species of greatest con-
6 servation need and the habitats of such species
7 as determined by the Indian Tribe.

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

12 (C) For wildlife conservation education and
13 wildlife-associated recreation projects.

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

18 (E) To manage, control, and prevent
19 invasive species as well as diseases and other
20 risks to wildlife.

21 (F) For law enforcement activities that are
22 directly related to the protection and conserva-
23 tion of wildlife.

1 (G) To develop, revise, and implement
2 comprehensive wildlife conservation strategies
3 and plans for such Tribe.

4 (H) For the hiring and training of wildlife
5 conservation and restoration program staff.

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

7 (A) REQUIRED USE OF FUNDS.—In order
8 to be eligible to receive funds under subsection
9 (c), a Tribe's application must include a pro-
10 posal to use funds for at least one of the pur-
11 poses described in subparagraphs (A) and (B)
12 of paragraph (1).

13 (B) IMPERILED SPECIES RECOVERY.—In
14 distributing funds under this section, the Sec-
15 retary shall distribute not less than 15 percent
16 of the total funds distributed to proposals to
17 fund the recovery of a species, subspecies, or
18 distinct population segment listed as a threat-
19 ened species, endangered species, or candidate
20 species under the Endangered Species Act of
21 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

22 (C) LIMITATION.—In distributing funds
23 under this section, the Secretary shall distribute
24 not more than 15 percent of all funds distrib-

1 uted under this section for the purpose de-
2 scribed in paragraph (1)(C).

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

6 (g) PUBLIC ACCESS NOT REQUIRED.—Funds appor-
7 tioned from the Tribal Wildlife Conservation and Restora-
8 tion Account shall not be conditioned upon the provision
9 of public or non-Tribal access to Tribal or private lands,
10 waters, or holdings.

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

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

○