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

Mrs. Dingell introduced the following bill; which was referred to the Committee on __________________________

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”.

g:\VHLC\062519\062519.447.xml (722936|28)  
June 25, 2019 (2:59 p.m.)
SEC. 2. FINDINGS.

Congress finds the following:

(1) The populations of several species of wildlife across America are in crisis. The Nation’s efforts to recover at-risk wildlife populations are not keeping pace with the increased demand for natural resources and threats to native wildlife, including disease, invasive species, habitat loss and fragmentation, shifts in temperature ranges, and extreme weather. More than 150 species are presumed extinct, another 500 are likely extinct, and more than 12,000 species are designated as species of greatest conservation need, including more than 700 wildlife species in the United States that are already listed as threatened or endangered under the Endangered Species Act. An assessment of the best-known groups of United States wildlife and plants indicates that one-third of America’s species are vulnerable to extinction and one-fifth imperiled and at high-risk of extinction.

(2) A diverse array of species of fish and wildlife is of significant value to the United States for aesthetic, ecological, educational, cultural, recreational, economic, and scientific reasons.

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

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

   (A) to retain for present and future generations the opportunity to hunt, fish, observe, understand, and appreciate a wide variety of fish and wildlife;

   (B) to recover species of fish and wildlife listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and to prevent fish and wildlife species from declining to the point of requiring Federal protection under such Act; and

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

(5) The first nongovernmental conservation organizations to instill fish and wildlife conservation values in hunters, anglers, bird watchers, and all citizens were founded during the 1880s to 1890s at the behest of hunters and anglers, including Theodore Roosevelt and naturalist George Bird Grinnell,
who were alarmed that game and sportfish could not sustain unregulated harvest and that avifauna needed protection from commercial take.

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

(A) realized the need to regulate the harvest of game and sportfish for sustainable use;

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

(C) used the funds received for such licenses largely for enforcement of such regulations.

(7) In 1937, an alliance between hunters and conservation organizations, States, the Federal Government, and the shooting sports industry convinced Congress to transfer to the States receipts from an existing Federal excise tax on sporting arms and ammunition, matched by State hunting license dollars, for the management of wildlife and conservation of habitat under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), which greatly enhanced the States’ ability to move from
primarily enforcing game seasons and bag limits to
science-based research and management of wildlife.

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

(9) Such user-pay, public-benefits means of
funding fish and wildlife conservation are unique in
the world, having been started in the United States
by sportsmen and sportswomen who were willing to
pay these fees to ensure dedicated funds went to fish
and wildlife conservation delivered by the States.

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

(A) have benefitted not only hunters and
anglers, but all citizens of the United States by
providing abundant fish and wildlife (including
both game and nongame species), clean water,
outdoor recreation, healthy activities, and quality of life; and

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

(11) State fish and wildlife agencies are responsible for the conservation and management of all fish and wildlife in the State, but are grossly underfunded because there are few funds available at the State level for fish and wildlife conservation, except those driven by hunting and fishing license revenues and Federal excise tax revenues.

(12) Congress created a subaccount known as the Wildlife Conservation and Restoration Subaccount under section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)) to support the full array of fish and wildlife conservation needs identified by State fish and wildlife departments, including for species that are not hunted or fished, but only authorized appropriations for the Subaccount for one year.

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

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

(15) Providing assured and sufficient dedicated funding to the Wildlife Conservation and Restoration Subaccount will advance the national interest by assuring sustainable populations of fish and wildlife species are available for the use and enjoyment of citizens of the United States through implementing the comprehensive fish and wildlife conservation strategy of each State, territory, and the District of Columbia.
TITLE I—WILDLIFE CONSERVATION AND RESTORATION

SEC. 101. WILDLIFE CONSERVATION AND RESTORATION SUBACCOUNT.

(a) In General.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended in subsection (c)—

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

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

“(1) Establishment of Subaccount.—

“(A) In General.—There is established in the fund a subaccount to be known as the ‘Wildlife Conservation and Restoration Subaccount’ (referred to in this section as the ‘Subaccount’).

“(B) Availability.—Amounts in the Subaccount shall be available without further appropriation, for each fiscal year, for apportionment in accordance with this Act.

“(C) Deposits into Subaccount.—Beginning in fiscal year 2020, the Secretary of the Treasury shall transfer $1,300,000,000 from
the general fund of the treasury each fiscal year
to the fund for deposit in the Subaccount.

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

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

“(B) the fund.

“(3) INNOVATION GRANTS.—

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

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

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

“(i) a State Director from each re-

gional association of State fish and wildlife
departments;

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

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

“(D) SUPPORT FROM UNITED STATES FISH
AND WILDLIFE SERVICE.—The United States
Fish and Wildlife Service shall provide any per-
sonnel or administrative support services nec-
ecessary for such Committee to carry out its re-
 sponsibilities under this Act.
“(E) EVALUATION.—Such committee shall evaluate each proposal submitted under this paragraph and recommend projects for funding.

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

“(A) shall be used to carry out, revise, or enhance existing wildlife and habitat conservation and restoration programs and to develop and implement new wildlife conservation and restoration programs to recover and manage species of greatest conservation need and the key habitats and plant community types essential to the conservation of those species as determined by the appropriate State fish and wildlife department;

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

“(C) shall be used to assist in the recovery of species found in the State, territory, or in the case of funds received by the District of Columbia, the District of Columbia that are listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law;
“(D) may be used for wildlife conservation education and wildlife-associated recreation projects;

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

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

“(G) may be used for law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need and the habitat of such species.

“(5) Minimum required spending for species recovery.—Not less than 10 percent of funds apportioned to a State or territory from the Sub-account shall be used for purposes described in paragraph (4)(C).

“(6) Public access to private lands not required.—Funds apportioned from the Sub-
account shall not be conditioned upon the provision
of public access to private lands, waters, or holdings.

“(7) REQUIREMENTS FOR MATCHING FUNDS.—

“(A) For the purposes of the non-Federal
fund matching requirement for a wildlife con-
servation or restoration program or project
funded by the Subaccount, a State may use as
matching non-Federal funds—

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

“(ii) donated private lands and
waters, including privately owned eas-
ements;

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

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

“(B) Revenue described in subparagraph
(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) SPECIES OF GREATEST CONSERVATION NEED.—The term ‘species of greatest conservation need’ has the meaning given to it by each State fish and wildlife department, with respect to funds apportioned to such State.

“(B) TERRITORY AND TERRITORIES.—The terms ‘territory’ and ‘territories’ mean the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the North-
ern Mariana Islands, and the United States Virgin Islands.

“(C) **WILDLIFE.**—The term ‘wildlife’ means any species of wild, freeranging fauna, including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.”.

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

(1) by redesignating the second subsection (c), relating to the apportionment of the Wildlife Conservation and Restoration Account, and subsection (d) as subsections (d) and (e) respectively;

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

(A) in paragraph (1)—

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

(ii) in subparagraph (B), by striking “to Guam” and inserting “To Guam” and (iii) by adding at the end the following:
“(C) To the Commonwealth of Puerto Rico, a sum equal to not more than 1 percent thereof.”;

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

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

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

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

(3) by amending subsection (e)(4)(B), as redesignated, to read as follows:

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

and

(4) by adding at the end following:

“(f) MINIMIZATION OF PLANNING AND REPORTING.—Nothing in this Act shall be interpreted to require a State to create a comprehensive strategy related to conservation education or outdoor recreation.
“(g) REPORT TO CONGRESS.—Not more than five years after the date of enactment of the Recovering America’s Wildlife Act of 2019 and every 5 years thereafter, each State fish and wildlife department shall submit a report describing the results derived from activities accomplished under paragraph (3) to—

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

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

SEC. 102. TECHNICAL AMENDMENTS.

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

(1) by striking paragraph (5);

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

(3) in paragraph (6), as redesignated by paragraph (2), by inserting “Indian Tribes, academic institutions,” before “wildlife conservation organizations”.

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

(1) in section 3—
(A) in subsection (a)—

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

(ii) by striking paragraph (2);

(B) in subsection (c)—

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

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

(C) in subsection (d), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”.

(2) in section 4 (16 U.S.C. 669c)—

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

(i) in the heading, by striking “ACCOUNT” and inserting “SUBACCOUNT”; and

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

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

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

SEC. 103. SAVINGS CLAUSE.

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

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

(2) by inserting after section 12 the following:

“SEC. 13. SAVINGS CLAUSE.

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

“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

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

SEC. 104. EXCLUSION FROM PAYGO SCORECARDS.

(a) Statutory Pay-As-You-Go Scorecards.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) Senate PAYGO Scorecards.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

SEC. 201. INDIAN TRIBES.

(a) Findings.—Congress finds that—

(1) Indian Tribes are responsible for conservation and management of all fish, wildlife, and flora on lands within their jurisdiction;

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

(3) Tribes do not benefit from Federal excise tax revenues;
(4) Tribal lands and waters provide vital habitat for hundreds of federally listed, sensitive, economically important and culturally significant species; and

(5) a stable and consistent funding source that supports Tribal wildlife conservation and management will benefit the well-being of Tribes and the species they protect and conserve.

(b) DEFINITIONS.—In this section—

(1) ACCOUNT.—The term “Account” means the Tribal Wildlife Conservation and Restoration Account established by subsection (c)(1).

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

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

(4) TRIBAL SPECIES OF GREATEST CONSERVATION NEED.—The term “Tribal species of greatest conservation need” means any species identified by an Indian Tribe as requiring conservation management because of declining population, habitat loss, or other threats, or because of their biological or cultural importance to such Tribe.
(5) WILDLIFE.—The term “wildlife” means—

(A) any species of wild flora or fauna including fish and marine mammals;

(B) flora or fauna in a captive breeding, rehabilitation, and holding or quarantine program, the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range or to maintain a species for conservation purposes; and

(C) does not include game farm animals.

c) TRIBAL WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

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

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

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

d) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—

Each fiscal year, the Secretary of the Treasury shall deposit funds into the Account and distribute such funds
through a noncompetitive application process according to
guidelines and criteria determined by the Secretary of the
Interior, acting through the Director of the Bureau of In-
dian Affairs, in consultation with Indian Tribes. Such
funds shall remain available until expended.

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

(f) USE OF FUNDS.—

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

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

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

(C) For wildlife conservation education and
wildlife-associated recreation projects.
(D) To manage a Tribal species of greatest conservation need and the habitat of such species, the range of which may be shared with a foreign country, State, or other Indian Tribe.

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

(F) For law enforcement activities that are directly related to the protection and conservation of wildlife.

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

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

(2) CONDITIONS ON THE USE OF FUNDS.—

(A) REQUIRED USE OF FUNDS.—In order to be eligible to receive funds under subsection (d), a Tribe’s application must include a proposal to use funds for at least one of the purposes described in subparagraphs (A) and (B) of paragraph (1).

(B) IMPERILED SPECIES RECOVERY.—In distributing funds under this section, the Secretary shall distribute not less than 15 percent
of the total funds distributed to proposals to fund the recovery of a species, subspecies, or distinct population segment listed as a threatened species, endangered species, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

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

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

(h) PUBLIC ACCESS NOT REQUIRED.—Funds apportioned from the Tribal Wildlife Conservation and Restoration Account shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

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

(j) SAVINGS CLAUSE.—Nothing in this Act shall be construed as modifying or abrogating a treaty with any
1. Indian Tribe, or as enlarging or diminishing the authority, jurisdiction, or responsibility of an Indian Tribe to manage, control, or regulate wildlife.