

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2773
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Recovering America’s
3 Wildlife Act of 2021”.

**4 TITLE I—WILDLIFE CONSERVA-
5 TION AND RESTORATION**

**6 SEC. 101. WILDLIFE CONSERVATION AND RESTORATION
7 SUBACCOUNT.**

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

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

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

15 “(1) ESTABLISHMENT OF SUBACCOUNT.—

16 “(A) IN GENERAL.—There is established in
17 the fund a subaccount to be known as the
18 ‘Wildlife Conservation and Restoration Sub-

1 account' (referred to in this section as the 'Sub-
2 account').

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

7 “(C) DEPOSITS INTO SUBACCOUNT.—Be-
8 ginning in fiscal year 2022, the Secretary of the
9 Treasury shall transfer \$1,300,000,000 from
10 the general fund of the treasury each fiscal year
11 to the fund for deposit in the Subaccount.

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

16 “(A) the funds distributed pursuant to the
17 Dingell-Johnson Sport Fish Restoration Act;
18 and

19 “(B) the fund.

20 “(3) INNOVATION GRANTS.—

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

1 department, fish and wildlife departments of terri-
2 tories, or to regional associations of fish and
3 wildlife departments (or any group composed of
4 more than 1 such entity).

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

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

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

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

22 “(iii) 4 individuals representing 4 dif-
23 ferent nonprofit organizations each of
24 which is actively participating in carrying
25 out wildlife conservation restoration activi-

1 ties using funds apportioned from the Sub-
2 account.

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 giving preference to solutions that accelerate
13 the recovery of species identified as priorities
14 through regional scientific assessments of spe-
15 cies of greatest conservation need.

16 “(F) SPECIAL RULE BEFORE DISBURSE-
17 MENT OF FUNDS FROM SUBACCOUNT.—In any
18 fiscal year that begins before the first disburse-
19 ment of funds from the Subaccount, any non-
20 profit organization that actively participates in
21 carrying out wildlife conservation restoration
22 activities shall be deemed to fulfill the require-
23 ment described in subparagraph (C)(iii).

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

1 “(A) shall be used to implement the Wild-
2 life Conservation Strategy of a State, territory,
3 or the District of Columbia, as required under
4 section 4(e), by carrying out, revising, or en-
5 hancing existing wildlife and habitat conserva-
6 tion and restoration programs and developing
7 and implementing new wildlife conservation and
8 restoration programs to recover and manage
9 species of greatest conservation need and the
10 key habitats and plant community types essen-
11 tial to the conservation of those species as de-
12 termined by the appropriate State fish and
13 wildlife department;

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

18 “(C) shall be used to assist in the recovery
19 of species found in the State, territory, or the
20 District of Columbia that are listed as endan-
21 gered species, threatened species, candidate spe-
22 cies or species proposed for listing, or species
23 petitioned for listing under the Endangered
24 Species Act of 1973 or under State law;

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

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

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

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

19 “(5) MINIMUM REQUIRED SPENDING FOR EN-
20 DANGERED SPECIES RECOVERY.—Not less than an
21 average of 15 percent over a 5-year period of
22 amounts apportioned to a State, territory, or the
23 District of Columbia from the Subaccount shall be
24 used for purposes described in paragraph (4)(C).
25 The Secretary may reduce the minimum requirement

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

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

10 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

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

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

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

23 “(iii) in circumstances described in
24 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 2021.

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

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

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

23 “(D) WILDLIFE.—The term ‘wildlife’
24 means any species of wild, free-ranging fauna,
25 including fish, and also fauna in captive breed-

1 ing programs the object of which is to reintro-
2 duce individuals of a depleted indigenous spe-
3 cies into previously occupied range.”.

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

7 (1) in subsection (d)—

8 (A) in paragraph (1)—

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

13 (ii) in subparagraph (B)—

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

16 (II) by striking “not more than
17 one-fourth of one percent” and insert-
18 ing “not less than $\frac{1}{3}$ of 1 percent”;
19 and

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

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

25 (B) in paragraph (2)(A)—

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

3 “(i) $\frac{1}{2}$ of which is based on the ratio to
4 which the land and water area of such State
5 bears to the total land and water area of all
6 such States;”;

7 (ii) in clause (ii)—

8 (I) by striking “two-thirds” and
9 inserting “ $\frac{1}{4}$ ”; and

10 (II) by striking the period and
11 inserting “; and”; and

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

14 “(iii) $\frac{1}{4}$ of which is based upon the ratio
15 to which the number of species listed as endan-
16 gered or threatened under the Endangered Spe-
17 cies Act of 1973 in such State bears to the total
18 number of such species listed in all such
19 States.”;

20 (C) by amending paragraph (2)(B) to read
21 as follows:

22 “(B) The amounts apportioned under this
23 paragraph shall be adjusted equitably so that
24 no such State, unless otherwise designated,
25 shall be apportioned a sum which is less than

1 1 percent or more than 5 percent of the amount
2 available for apportionment under—

3 “(i) subparagraph (A)(i);

4 “(ii) subparagraph (A)(ii); and

5 “(iii) the overall amount available for
6 subparagraph (A).”; and

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

9 (2) in subsection (e)(4)—

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

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

18 (B) by adding at the end the following:

19 “(C) \$55 million shall be reserved for
20 States and territories that include plants among
21 their species of greatest conservation need and
22 in the conservation planning and habitat
23 prioritization efforts of their Wildlife Conserva-
24 tion Strategy. Each eligible State, territory, or
25 the District of Columbia shall receive an addi-

1 tional 5 percent of their apportioned amount.
2 Any unallocated resources shall be allocated
3 proportionally among all States and territories
4 under the formulas of this section.”; and
5 (3) by adding at the end following:

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

10 “(g) ACCOUNTABILITY.—Not more than 1 year after
11 the date of enactment of the Recovering America’s Wild-
12 life Act of 2021 and every 3 years thereafter, each State
13 fish and wildlife department of a State or territory that
14 receives funding under subsection (c) shall submit a 3-year
15 work plan and budget for implementing its Wildlife Con-
16 servation Strategy and a report describing the results de-
17 rived from activities accomplished under subsection (c)(4)
18 during the previous 3 years to—

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

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

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

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

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

5 (1) in paragraph (7), by striking “including
6 fish,”; and

7 (2) in paragraph (9)—

8 (A) by striking “304(d)” and inserting
9 “4(d)”; and

10 (B) by inserting “Indian Tribes, academic
11 institutions,” before “wildlife conservation orga-
12 nizations”.

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

16 (1) in section 3 (16 U.S.C. 669b)—

17 (A) in subsection (a)—

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

21 (ii) by striking paragraph (2);

22 (B) in subsection (c)—

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

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

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

8 (2) in section 4 (16 U.S.C. 669c)—

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

10 (i) in the heading, by striking “AC-
11 COUNT” and inserting “SUBACCOUNT”;
12 and

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

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

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

22 **SEC. 103. SAVINGS CLAUSE.**

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

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

2 and

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

4 **“SEC. 13. SAVINGS CLAUSE.**

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

11 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**

12 **ALASKA.**

13 “If any conflict arises between any provision of this
14 Act and any provision of the Alaska National Interest
15 Lands Conservation Act, then the provision in the Alaska
16 National Interest Lands Conservation Act shall prevail.”.

17 **TITLE II—TRIBAL WILDLIFE**
18 **CONSERVATION AND RES-**
19 **TORATION**

20 **SEC. 201. INDIAN TRIBES.**

21 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

23 (C) does not include game farm animals.

24 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
25 TORATION ACCOUNT.—

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

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

8 (3) DEPOSITS.—Beginning in fiscal year 2022,
9 and each fiscal year thereafter, the Secretary of the
10 Treasury shall transfer \$97,500,000 to the Account.

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

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

24 (e) USE OF FUNDS.—

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

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

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

14 (C) For wildlife conservation education and
15 wildlife-associated recreation projects.

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

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

23 (F) For law enforcement activities that are
24 directly related to the protection and conserva-
25 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 1 of the purposes
11 described in subparagraphs (A) and (B) of
12 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.

