

# Comparative Print: Bill to Bill Differences

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### Notice

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Omitted text is shown ~~stricken~~, new matter that is proposed is in *underlined italics*, and existing text in which no change is being proposed is shown in regular roman. Typesetting and stylistic characteristics, particularly in the headings and indentations, may not conform to how the text, if adopted, would be illustrated in subsequent versions of legislation or public law.

### 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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “America’s Wildlife Habitat Conservation Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Statement of purpose.
- Sec. 3. GAO study.

#### **Title I—Wildlife Conservation and Restoration**

- Sec. 101. Wildlife Conservation and Restoration Subaccount.
- Sec. 102. Technical amendments.
- Sec. 103. Savings clause.

#### **Title II—Tribal Wildlife Conservation and Restoration**

- Sec. 201. Indian Tribes.

#### **Title III—Conservation and Management for Wildlife Refuges**

- Sec. 301. Definitions.
- Sec. 302. Good neighbor authority for the United States Fish and Wildlife Service.
- Sec. 303. Stewardship end result contracting projects.

#### **Title IV—Incentivizing Wildlife Conservation on Private Lands**

- Sec. 401. Candidate Conservation Agreements with Assurances.
- Sec. 402. Designation of critical habitat.
- Sec. 403. Private land.

#### **Title V—Forest Information Reform**

Sec. 501. No additional consultation required.

**Title VI—Providing for Greater Incentives to Recover Listed Species**

Sec. 601. Protective regulations under Endangered Species Act of 1973.

**Title VII—Rescissions and repeals**

Sec. 701. Rescission of funds.

Sec. 702. Repeal of certain programs.

**SEC. 2. STATEMENT OF PURPOSE.**

The purpose of this Act is to extend financial and technical assistance to States, territories, the District of Columbia, and Indian Tribes, including under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), for the purpose of restoring habitat on State, Tribal, Federal, and private lands—

- (1) to recover species currently listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law; and
- (2) to prevent the need to list species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law.

**SEC. 3. GAO STUDY.**

Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the progress of States, territories, the District of Columbia, and Indian Tribes ~~towards~~toward achieving the purpose described in section 2.

**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—

(1) in subsection (a)—

- (A) by striking “(1) An amount equal to” and inserting “An amount equal to”; and
- (B) by striking paragraph (2); and

(2) subsection (c)—

- (A) by redesignating paragraphs (2) and (3) as paragraphs (10) and (11); and
- (B) by striking paragraph (1) and inserting the following:

“(1) **DEFINITIONS.**—In this subsection:

“(A) **RESTORATION.**—The term ‘restoration’ means the implementation of conservation actions and practices that reestablish or enhance environmental conditions and ecosystem functions that benefit the diversity, resilience, health, and productivity of plants and animals.

“(B) **REWILDING.**—The term ‘rewilding’ means a restoration approach that prohibits human management activities and relies only on natural processes to maintain or improve habitat.

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

“(2) **ESTABLISHMENT OF SUBACCOUNT.**—

“(A) **IN GENERAL.**—There is established in the fund a subaccount to be known as the ‘Wildlife Habitat Conservation and Restoration Subaccount’.

“(B) AVAILABILITY.—Amounts in the Subaccount shall be available until expended, subject to future appropriations, for apportionment in accordance with this Act.

“(C) DEPOSITS INTO SUBACCOUNT.—Subject to the availability of appropriations made in advance for such purposes, the Secretary shall allocate not more than \$300,000,000 to the Subaccount for each of fiscal years 2025 through 2029.

“(D) TREATMENT OF REVENUE.—Funds received by a State fish and wildlife department as a result of a wildlife conservation and restoration program or project of such department that is carried out on Federal or State land and funded by the Subaccount shall be retained and used by such department to carry out additional authorized wildlife conservation and restoration programs or projects pursuant to this Act.

“(E) SUNSET.—No funds may be appropriated to the Subaccount after fiscal year 2029.

“(3) 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.

“(4) INNOVATION GRANTS.—

“(A) IN GENERAL.—The Secretary shall distribute 10 percent of amounts in the Subaccount in each fiscal year through a competitive grant program to State fish and wildlife departments, the District of Columbia fish and wildlife department, fish and wildlife departments of territories, or to regional associations of fish and wildlife departments (or any group composed of more than 1 such entity).

“(B) PURPOSE.—Recipients of a grant issued under subparagraph (A) shall use such grant funds for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for habitat of species of greatest conservation need and species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

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

“(i) 1 State Director from each regional association of State fish and wildlife departments;

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

“(iii) 1 delegate from the United States Fish and Wildlife Service, for the purpose of providing technical assistance;

“(iv) 2 individuals who represent 2 different nonprofit organizations, each of which participated in carrying out wildlife conservation and restoration activities using funds apportioned from the Subaccount during the 5-year period ending on the date of appointment of such individual; and

“(v) 2 individuals who represent 2 different nonprofit hunting and fishing organizations who are each a member of—

“(I) the Hunting and Wildlife Conservation Council of the Department of the Interior and Department of Agriculture and

classified as representing a ‘wildlife & habitat conservation/management organization’; or

“(II) the Sport Fishing and Boating Partnership Council of the Department of the Interior and classified as representing a ‘recreational fishery resource conservation organization’.

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

“(E) EVALUATION.—Such committee shall evaluate each proposal submitted under this paragraph and recommend projects for funding, giving preference to solutions that accelerate the recovery of habitat for species identified as priorities through regional scientific assessments of species of greatest conservation need.

“(5) USE OF FUNDS.—

“(A) IN GENERAL.—Funds apportioned from the Subaccount under paragraph (2)(B)—

“(i) shall be used for purposes and practices consistent with section 2 of the America’s Wildlife Habitat Conservation Act;

“(ii) shall be used to develop, carry out, revise, or enhance the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(e), by carrying out, revising, or enhancing existing wildlife conservation and restoration programs or strategies and developing and implementing new wildlife conservation and restoration programs or strategies, as determined by the appropriate State fish and wildlife department;

“(iii) shall be used to assist in the restoration of habitat for species found in the State, territory, or the District of Columbia that are listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law;

“(iv) may be used for management of animals, including harvesting;

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

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

“(vii) may be used for forest and vegetation management activities if a primary purpose of such activity is to modify, improve, enhance, or create wildlife habitat or reduce the risk of damage or destruction to wildlife habitat due to wildfires, insects, or disease, including—

“(I) planting, seeding, and harvesting;

“(II) mechanical thinning;

“(III) prescribed burning;

“(IV) chemical applications designed to restore natural range variation including creating and maintaining early seral communities; and

“(V) prescribed haying and grazing practices;

“(viii) may be used to carry out voluntary, collaborative conservation work with willing landowners consistent with section 2 of the America’s Wildlife Habitat Conservation Act to keep private lands working; and

“(ix) may be used to provide incentives to private landowners to carry out habitat conservation work for threatened and endangered species or species of greatest conservation need on the land owned by such private landowners and to provide financial assistance or technical assistance to such private landowners to carry out such work.

“(B) PROHIBITED USES.—Funds apportioned from the Subaccount may not be used for—

“(i) rewilding;

“(ii) the reintroduction or management of a species in a manner not supported by the applicable State fish and wildlife management authorities; or

“(iii) climate-focused decisions that lack a connection to the State comprehensive plan developed under section 4(e)(1).

“(6) MINIMUM REQUIRED SPENDING FOR ENDANGERED SPECIES RECOVERY.—Not less than 15 percent of the total amount apportioned to a State, territory, or the District of Columbia from the Subaccount during the period of fiscal years 2025 through 2029 shall be used for purposes described in paragraph (5)(A)(iii).

“(7) PUBLIC ACCESS TO PRIVATE LANDS NOT REQUIRED.—Apportionment of funds from the Subaccount may not be conditioned upon the provision of public access to private lands, waters, or holdings.

“(8) REQUIREMENTS FOR MATCHING FUNDS.—

“(A) IN GENERAL.—For the purposes of the non-Federal fund matching requirement for a wildlife conservation and restoration program or project funded by the Subaccount, a State, territory, or the District of Columbia may use as matching non-Federal funds—

“(i) ~~in-kind~~ *in-kind* contributions of services and materials;

“(ii) voluntarily donated ~~privately-owned~~ *privately owned* easements;

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

“(iv) other sources consistent with part 80 of title 50, Code of Federal Regulations, as in effect on the date of the enactment of the America’s Wildlife Habitat Conservation Act.

“(B) CIRCUMSTANCES DESCRIBED.—Revenue described in subparagraph (A)(iii) may only be used to fulfill the requirements 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 species that is a—

“(I) hunted or fished species; and

“(II) species of greatest conservation need.

“(9) STATE LAND ACQUISITION.—Land acquired by a State, territory, or the District of Columbia using funds apportioned from the Subaccount—

“(A) may only be purchased from a willing seller;

“(B) may only be so acquired for the purposes described in paragraph (5)(A)(iii);

“(C) may only be so acquired when no other source of funding is available to purchase such land; and

“(D) shall be open to the public for ~~wildlife related~~*wildlife-related* outdoor recreation, including hunting, trapping, fishing, or recreational shooting to the extent allowed by State law.”

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

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting “, after deducting the amount distributed pursuant to section 3(c)(4),” after “Secretary of the Interior shall”;

(ii) in subparagraph (A)—

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

(II) by striking “one-half” and inserting “one-fourth”;

(iii) in subparagraph (B)—

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

(II) by striking “not more than one-fourth of 1 percent” and inserting “not less than one-third of 1 percent”; and

(iv) by adding at the end the following:

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

;

(B) in paragraph (2)(A)—

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

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

;

(ii) in clause (ii)—

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

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

(iii) by adding at the end the following:

“(iii) one quarter of which is based upon the ratio to which the number of species listed as endangered or threatened under the Endangered Species Act of 1973 in such State bears to the total number of such species listed in all such States.”

;

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

“(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State, unless otherwise designated, shall be

apportioned a sum which is less than 1 percent or more than 5 percent of the amount available for apportionment under—

“(i) subparagraph (A)(i);

“(ii) subparagraph (A)(ii); and

“(iii) the overall amount available for subparagraph (A).”

; and

(D) in paragraph (3), by striking “3 percent” and inserting “one-third of 1 percent”; and

(2) by adding at the end following:

“(f) ACCOUNTABILITY.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the America’s Wildlife Habitat Conservation Act and every 2 years thereafter until the last day of fiscal year 2029, the head of each State fish and wildlife department shall submit to the Director of the United States Fish and Wildlife Service a report describing, with respect to such department during the preceding 2 years, the following:

“(A) A summary of each activity carried out using funds apportioned from the Subaccount, including—

“(i) an accounting of the administrative costs associated with each such activity;

“(ii) an accounting of land acquired, if any, from willing sellers by each State fish and wildlife department using funds from the Subaccount, including—

“(I) the number of acres acquired;

“(II) the endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or State law associated with the land acquired;

“(III) the justification for such land acquisition; and

“(IV) a detailed explanation regarding why other sources of funding were not used for the land acquisition; and

“(iii) the number of acres of habitat restored, enhanced, created, or conserved by each such activity.

“(B) A summary of the results and effectiveness of each activity carried out using funds apportioned from the Subaccount, including, if determinable—

“(i) any change in the population trends of species of greatest conservation need; and

“(ii) any reduction in threats to species of greatest conservation need.

“(2) SUMMARY REPORT.—The Secretary shall, not later than 180 days after each deadline for the submission of reports under paragraph (1), submit a report summarizing each report received by the Secretary under paragraph (1) to—

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

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

“(3) STATE DEFINED.—In this subsection, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.”

## SEC. 102. TECHNICAL AMENDMENTS.

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

- (1) in paragraph (7), by striking “including fish,”; and
- (2) in paragraph (9)—

- (A) by striking “section 304(d)” and inserting “section 4(e)”; and

- (B) by inserting “Indian Tribes,” before “wildlife conservation organizations”.

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

- (1) in section 2—

- (A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively;

- (B) by inserting after paragraph (5) the following:

- “(6) the term ‘species of greatest conservation need’ means, with respect to funds apportioned to a State, terrestrial, aquatic, or marine fauna or flora that the State fish and wildlife department of such State determines are—

- “(A) of low or declining population; or

- “(B) facing threats and in need of conservation attention;”

;

- (C) by redesignating paragraphs (8) through (12), as so redesignated by subparagraph (A) of this paragraph, as paragraphs (9) through (13), respectively; and

- (D) by inserting after paragraph (7) the following:

- “(8) the term ‘Subaccount’ means the Wildlife Habitat Conservation and Restoration Subaccount established by ~~paragraph~~ *section 3(c)*(2)(A);”

;

- (2) in section 3—

- (A) in subsection (c)—

- (i) in paragraph (910), as *so* redesignated by section 101(a)(13) *of this Act*, by striking “or an Indian tribe”; and

- (ii) in paragraph (1011), as *so* redesignated by section 101(a)(13) *of this Act*—

- (I) by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”; and

- (II) by striking “those species with the greatest conservation need as defined by the State wildlife conservation and restoration program” and inserting “species of greatest conservation need”; and

- (B) in subsection (d), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”;

- (3) in section 4 (16 U.S.C. 669c)—

- (A) in subsection (d)—

- (i) in the heading, by striking “WILDLIFE CONSERVATION AND RESTORATION ACCOUNT” and inserting “SUBACCOUNT”; and

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

- (B) in subsection (e)(1), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”; and

(4) in section 8 (16 U.S.C. 669g), in subsection (a), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”.

SEC. 103. SAVINGS CLAUSE.

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

- (1) by redesignating section 14 as section 16; and
- (2) by inserting after section 13 the following:

“SEC. 14. SAVINGS CLAUSE.

“(a) IN GENERAL.—Nothing in this Act may be construed to enlarge or diminish the authority, jurisdiction, or responsibility of a State, territory, or the District of Columbia to manage, control, or regulate fish and wildlife on lands and waters within the State, territory, or the District of Columbia including on Federal lands and waters.

“(b) NO FUNDS AUTHORIZED FOR DAM REMOVAL OR MODIFICATION.—None of the funds made available under this Act may be used to remove a ~~federally-owned~~federally owned dam or modify a ~~federally-owned~~federally owned dam in a manner that reduces storage or diversion capacity.

“(c) PROHIBITION ON LAND TRANSFERS.—The Federal ~~government~~Government may not accept a transfer, donation, or exchange of land or an interest in land from a State government, a fish and wildlife department of the District of Columbia or a territory, or a regional association of fish and wildlife departments if such land or interest in land was purchased using funds apportioned under this Act.

“(d) TERRITORY DEFINED.—In this section, the term ‘territory’ has the meaning given the term in section 3(c)(1).

“SEC. 15. 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 or the Alaska Native Claims Settlement Act, then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.”

## TITLE II—

### TRIBAL WILDLIFE CONSERVATION AND RESTORATION

SEC. 201. INDIAN TRIBES.

(a) DEFINITIONS.—In this section:

- (1) ACCOUNT.—The term “Account” means the Tribal Wildlife Conservation and Restoration Account established by subsection (b)(1).
- (2) CONSERVATION.—The term “conservation” has the meaning given the term in section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a).
- (3) 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).
- (4) RESTORATION.—The term “restoration” means the implementation of conservation actions and practices that reestablish or enhance environmental conditions and ecosystem functions that benefit the diversity, resilience, health, and productivity of plants and animals.
- (5) REWILDING.—The term “rewilding” means a restoration approach that prohibits human management activities and relies only on natural processes to maintain or improve habitat.
- (6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) TRIBAL SPECIES OF GREATEST CONSERVATION NEED.—The term “Tribal species of greatest conservation need” means, with respect to an Indian Tribe, any terrestrial, aquatic, or marine fauna or flora that such Indian Tribe determines is—

- (A) of low or declining population,
- (B) facing threats and in need of conservation attention; or
- (C) of cultural importance to such Indian Tribe.

(8) WILDLIFE.—The term “wildlife” means any species of—

- (A) wild, free-ranging fauna, including fish; and
- (B) fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range of such species.

(b) 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 until expended, subject to future appropriations, for each fiscal year for apportionment in accordance with this section.

(3) DEPOSITS INTO ACCOUNT.—There is authorized to be appropriated to the Account \$20,000,000 for each of fiscal years 2025 through 2029.

(4) SUNSET.—No funds may be appropriated to the Account after fiscal year 2029.

(c) DISTRIBUTION OF AMOUNTS TO INDIAN TRIBES.—Each fiscal year, the Secretary shall distribute amounts in the Account through a noncompetitive grant program according to guidelines, criteria, and reporting requirements determined by the Secretary, acting through the Director of the Bureau of Indian Affairs, in consultation with Indian Tribes.

(d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

(1) IN GENERAL.—The distribution guidelines and criteria described in subsection (c) shall be based, in part, upon the wildlife management responsibilities of an Indian Tribe.

(2) INDIAN TRIBES IN ALASKA.—

(A) IN GENERAL.—Any amounts allocated to an Indian Tribe in Alaska under this section may only be used in a manner consistent with the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), and Public Law 85–508 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21).

(B) COOPERATIVE AGREEMENTS.—An Indian Tribe in Alaska may enter into a cooperative agreement with the State of Alaska regarding a conservation project of mutual concern.

(e) USE OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts distributed to an Indian Tribe under subsection (c)—

- (A) shall be used for purposes consistent with section 2;
- (B) shall be used to carry out, develop, or enhance wildlife and habitat conservation and restoration programs;
- (C) shall be used to assist in the restoration of habitat for species found in the lands and ~~water~~waters of such Tribe that are listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State or Tribal law;
- (D) may be used for management of animals, including harvesting;

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

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

(G) may be used for forest and vegetation management activities if the primary purpose of such activity is to modify, improve, enhance, or create wildlife habitat or reduce the risk of damage or destruction to wildlife habitat due to wildfires, insects, or disease, including—

(i) planting, seeding, and harvesting;

(ii) mechanical thinning;

(iii) prescribed burning;

(iv) chemical applications designed to restore natural range of variation including creating and maintaining early seral communities; and

(v) prescribed haying and grazing practices.

(2) PROHIBITED USES.—Amounts distributed to an Indian Tribe under subsection (c) may not be used for—

(A) rewilding; or

(B) the reintroduction or management of a species in a manner not supported by the applicable Tribal fish and wildlife management authorities.

(f) MATCHING REQUIREMENT.—With respect to any grant issued under subsection (c) that exceeds \$100,000, the Federal share of total costs of the project funded through such grant may not exceed 90 percent.

(g) PUBLIC ACCESS NOT REQUIRED.—Amounts distributed to an Indian Tribe under subsection (c) shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

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

(i) ACCOUNTABILITY.—

(1) TRIBAL REPORTS.—Not later than the last day of fiscal year 2029, each Indian Tribe that receives funds under this section shall submit to the Director of the Bureau of Indian Affairs a report describing, with respect to such Indian Tribe during the preceding 5 years, the following:

(A) A summary of each activity carried out using funding received under subsection (c), including—

(i) an accounting of the administrative costs associated with each such activity; and

(ii) the number of acres of habitat restored, enhanced, or conserved by each such activity.

(B) A summary of the results and effectiveness of each activity carried out using funding received under subsection (c), including, if determinable—

(i) any change in the population trends of species of greatest conservation need; and

(ii) any reduction in threats to species of greatest conservation need.

(2) SUMMARY REPORT.—The Director of the Bureau of Indian Affairs shall, not later than 180 days after each deadline for the submission of reports under paragraph (1), submit a report summarizing each report received by the Director under paragraph (1) to—

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

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

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

(k) STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.—If any conflict arises between any provision of this section and any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.

### TITLE III—

## CONSERVATION AND MANAGEMENT FOR WILDLIFE REFUGES

### SEC. 301. DEFINITIONS.

In this title:

(1) AUTHORIZED RECREATION SERVICES.—The term “authorized recreation services” means similar and complementary recreation enhancement or improvement services carried out—

(A) on Federal land, non-Federal land, and land owned by or held in trust for an Indian Tribe; and

(B) by the Secretary, a Governor, or a county, as applicable, pursuant to a good neighbor agreement.

(2) AUTHORIZED RESTORATION SERVICES.—The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services—

(A) carried out—

(i) on land administered by the United States Fish and Wildlife Service, non-Federal land, and land owned by an Indian Tribe; and

(ii) by the Secretary, a Governor, an Indian Tribe, or a county; and

(B) in the case of forest, rangeland, and watershed restoration services carried out on land administered by the United States Fish and Wildlife Service, such services shall be consistent with the purposes for which such lands were established.

(3) COUNTY.—The term “county” means—

(A) the appropriate executive official of an affected county or parish; or

(B) in any case in which multiple counties or parishes are affected, the appropriate executive official of a compact of the affected counties or parishes.

(4) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—

(A) The term “forest, rangeland, and watershed restoration services” means an activity—

(i) to reduce hazardous fuels;

(ii) to restore or improve fish, wildlife, and their habitats;

(iii) to remove vegetation or other activities to promote healthy forest structure and composition;

(iv) to treat insect- or disease-infected trees;

(v) to control noxious or exotic weeds;

(vi) to reestablish native plant species; or

(vii) to maintain a road or trail to restore or maintain water quality.

(B) The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved roads or parking areas, other than—

- (I) activities described in subparagraph (A)(vii); or
- (II) the reconstruction, repair, or restoration of a National Wildlife Refuge System road or other road on United States Fish and Wildlife Service land that is necessary to carry out authorized restoration services pursuant to a good neighbor agreement; or

(ii) construction, alteration, repair, or replacement of public buildings or works.

(5) GOOD NEIGHBOR AGREEMENT.—The term “good neighbor agreement” means an agreement or contract authorized by section 302(a).

(6) GOVERNOR.—The term “Governor” means the Governor or any other appropriate executive official of an affected State or a territory or possession of the United States.

(7) 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).

(8) RECREATION ENHANCEMENT OR IMPROVEMENT SERVICES.—The term “recreation enhancement or improvement services” means—

(A) establishing, repairing, restoring, improving, relocating, constructing, or reconstructing new or existing—

- (i) trails or trailheads;
- (ii) shooting ranges;
- (iii) paved or permanent roads or parking areas that serve existing recreation facilities or areas;
- (iv) fishing piers, wildlife viewing platforms, docks, or other constructed features at a recreation site;
- (v) boat landings;
- (vi) hunting or fishing sites; or
- (vii) levees and drainage structures to improve wetland habitat; and

(B) activities that create, improve, or restore access to existing recreation facilities or areas.

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

#### SEC. 302. GOOD NEIGHBOR AUTHORITY FOR THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract with a Governor, an Indian Tribe, or a county to carry out authorized restoration services or authorized recreation services.

(b) APPROVAL OF FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—The Secretary shall provide or approve any forest, rangeland, and watershed services to be carried out on land administered by the United States Fish and Wildlife Service under this section.

(c) RESTORATION ACTIVITIES REQUIRING TIMBER SALES.—

(1) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(2) TREATMENT OF REVENUE.—Funds received from the sale of timber by a Governor, an Indian Tribe, or a county under a good neighbor agreement shall be retained and used by the Governor, Indian Tribe, or county, as applicable—

(A) to carry out authorized restoration services or authorized recreation services on Federal land under the good neighbor agreement; and

(B) if there are funds remaining after carrying out authorized restoration services or authorized recreation services under subparagraph (A), to carry out authorized

restoration services or authorized recreation services on Federal land within the State under other good neighbor agreements.

(d) **RETENTION OF NATIONAL ENVIRONMENTAL PROTECTION ACT OF 1969 RESPONSIBILITIES.**—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services or authorized recreation services to be conducted under this section on land administered by the United States Fish and Wildlife Service may not be delegated to a Governor, an Indian Tribe, or county.

(e) **PUBLIC AVAILABILITY.**—The Secretary shall make each good neighbor agreement available to the public.

(f) **EXCLUSIONS.**—The authority provided by this section does not apply to—

- (1) a component of the National Wilderness Preservation System;
- (2) land on which the removal of vegetation is prohibited or restricted by an Act of Congress or a Presidential proclamation (including the applicable implementation plan) and for which there is no authority to otherwise manage or permit such actions consistent with the purposes for which the lands were established; or
- (3) a wilderness study area.

#### SEC. 303. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) **IN GENERAL.**—The Secretary may enter into an agreement or contract with a private person or other public or private entity to perform forest, rangeland, and watershed restoration services that are consistent with the purposes for which the United States Fish and Wildlife Service lands that are the subject of the agreement were established and local and rural community needs.

(b) **AGREEMENTS OR CONTRACTS.**—

(1) **PROCUREMENT PROCEDURE.**—A source for performance or an agreement or contract entered into under subsection (a) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

(2) **CONTRACT FOR SALE OF FOREST PRODUCTS.**—A contract entered into under this section may, at the discretion of the Secretary, be considered a contract for the sale of forest products under such terms as the Secretary may prescribe without regard to any other provision of law.

(3) **TERM.**—The Secretary may enter into an agreement or contract under subsection (a) for an initial period of not more than 20 years.

(4) **OFFSETS.**—

(A) **IN GENERAL.**—The Secretary may apply the value of forest products removed as an offset against the cost of forest, rangeland, and watershed restoration services received pursuant to an agreement or contract under this section.

(B) **VALUE OF OFFSET.**—The value of timber or other forest products used as an offset

(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

(ii) may—

(I) be determined using a unit of measure appropriate to the contracts; and

(II) may include valuing products on a per-acre basis.

(C) **CONTRACTING OFFICER.**—Notwithstanding any other provision of law, the Secretary may determine the appropriate contracting officer to enter into and administer an agreement or contract under this section.

(c) **RECEIPTS.**—

(1) **IN GENERAL.**—The Secretary may collect monies from an agreement or contract under this section if the collection is a secondary objective of negotiating the contract that will best achieve the purpose of this section.

(2) **DISPOSITION AND AVAILABILITY OF MONEYS.**—Monies from an agreement or contract under this section shall remain available until expended for forest, rangeland, and watershed restoration services at the project site from which the monies are collected, or at another project site.

(d) **RELATION TO OTHER LAWS.**—Notwithstanding any other provision of law, the value of services received by the Secretary under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor or Secretary, shall not be considered monies received from United States Fish and Wildlife Service lands.

(e) **COSTS OF REMOVAL.**—Notwithstanding the fact that a contractor did not harvest the timber, the Secretary may collect deposits from a contractor covering the costs of removal of timber or other forest products.

(f) **PERFORMANCE AND PAYMENT GUARANTEES.**—

(1) **IN GENERAL.**—The Secretary may require performance and payment bonds under sections 28.103–2 and 28.103–3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under this section.

(2) **EXCESS OFFSET VALUE.**—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Secretary may—

(A) use the excess to satisfy any outstanding liabilities from cancelled agreements or contracts; or

(B) if there are no outstanding liabilities described in subparagraph (A), apply the excess to other authorized stewardship projects.

(g) **CANCELLATION CEILINGS.**—Notwithstanding section 3903(b)(1) of title 41, United States Code, the Secretary may obligate funds in stages that are economically or programmatically viable to cover any potential cancellation or termination costs for an agreement or contract under this section.

(h) **MONITORING AND EVALUATION.**—

(1) **IN GENERAL.**—The Secretary shall establish a monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

(2) **PARTICIPANTS.**—Other than the Secretary, participants in the process described in this paragraph may include—

(A) any cooperating governmental agencies, including Tribal governments; and

(B) other interested groups or individuals.

## **TITLE IV—**

### **INCENTIVIZING WILDLIFE CONSERVATION ON PRIVATE LANDS**

#### **SECTION 401. CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES.**

(a) **LISTING DETERMINATIONS.**—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

“(C) **CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES.**—In making a determination under subsection (a)(1) with respect to a species, the Secretary shall take into account the net conservation benefit (as that term is defined in section 10(k)) of any Candidate Conservation Agreement with Assurances or any programmatic Candidate Conservation Agreement with Assurances (as those terms are defined in that subsection) relating to such species.”

(b) CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES.—Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended by adding at the end the following:

“(k) CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES.—

“(1) PROPOSED AGREEMENT.—A covered party may submit a proposed Agreement to the Secretary.

“(2) APPROVAL.—Not later than 120 days after the date of the receipt of a proposed Agreement under paragraph (1), the Secretary shall approve the proposed Agreement if the Secretary determines that the proposed Agreement—

“(A) sets forth specific management activities that the covered party will undertake to conserve the covered species;

“(B) provides a positive estimate of the net conservation benefit of such management activities to the covered species;

“(C) requires the Director of the United States Fish and Wildlife Service to determine, to the maximum extent practicable, the existing population levels of the covered species or the existing quality of habitat;

“(D) includes a monitoring plan to be carried out by the parties to the Agreement; and

“(E) provides assurances to the covered party that no additional conservation measures will be required and additional land, water, or resource use restrictions will not be imposed on the covered party if the covered species becomes listed after the effective date of such Agreement.

“(3) DENIAL.—Not later than 120 days after the date of the receipt of a proposed Agreement under paragraph (1), the Secretary shall—

“(A) deny the proposed Agreement if the Secretary determines that the proposed Agreement does not meet the requirements described in paragraph (2); and

“(B) provide the submitting covered party a written explanation for such determination and the adjustments required for the Secretary to approve such proposed Agreement.

“(4) PROGRAMMATIC CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—

“(A) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may enter into a Candidate Conservation Agreement with Assurances with a covered party that authorizes such covered party—

“(i) to administer such Candidate Conservation Agreement with Assurances;

“(ii) to hold any permit issued under this section with regard to such Candidate Conservation Agreement with Assurances;

“(iii) to enroll other covered parties within the area covered by such Candidate Conservation Agreement with Assurances in such Candidate Conservation Agreement with Assurances; and

“(iv) to convey any permit authorization held by such covered party under clause (ii) to each covered party enrolled under clause (iii).

“(B) PUBLICATION.—Upon receipt of a proposed programmatic Candidate Conservation Agreement with Assurances under paragraph (1) and before approving or denying such a proposed programmatic Candidate Conservation Agreement with Assurances under paragraph (2) or (3), respectively, the Secretary shall—

“(i) not later than 30 days after the date of such receipt, publish the proposed programmatic Candidate Conservation Agreement with Assurances in the Federal Register for public comment for a period of not less than 60 days;

“(ii) review any comments received under clause (i); and

“(iii) after the close of the public comment period for the proposed programmatic Candidate Conservation Agreement with Assurances, publish in the Federal Register—

“(I) any comments received under clause (i); and

“(II) the approval or denial of the proposed programmatic Candidate Conservation Agreement with Assurances under paragraph (2) or (3), respectively.

“(5) INCIDENTAL TAKE AUTHORIZATION.—If a covered species is listed under section 4, the Secretary shall issue a permit to the relevant covered party under this section allowing incidental take of and modification to the habitat of such covered species consistent with the Agreement.

“(6) TECHNICAL ASSISTANCE.—The Secretary shall, upon request, provide a covered party with technical assistance in developing a proposed Agreement.

“(7) REQUEST BY FEDERAL AGENCY TO JOIN AGREEMENT.—A Federal agency may, subject to the consent of the relevant covered party, join the Agreement of a covered party that conducts activities on land administered by the Federal agency pursuant to a permit or lease issued to the covered party.

“(8) EXEMPTION FROM CONSULTATION REQUIREMENT.—An Agreement approved under this subsection shall be deemed to have been granted an exemption under section 7(h) for the purposes of that section.

“(9) EXEMPTION FROM DISCLOSURE.—Information submitted by a private party to the Secretary under this subsection shall be exempt from disclosure under section 552(b) (3)(B) of title 5, United States Code.

“(10) DEFINITIONS.—In this subsection:

“(A) AGREEMENT.—The term ‘Agreement’ means—

“(i) a Candidate Conservation Agreement with Assurances; or

“(ii) a programmatic Candidate Conservation Agreement with Assurances.

“(B) CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—The term ‘Candidate Conservation Agreement with Assurances’ means a voluntary agreement between the Secretary, acting through the Director of the United States Fish and Wildlife Service, and a covered party in which—

“(i) the covered party commits to implementing mutually agreed upon conservation measures for a candidate species; and

“(ii) the Secretary provides assurances that, if such candidate species is listed pursuant to section 4—

“(I) the covered party shall incur no additional obligations beyond actions agreed to in the agreement with respect to conservation activities required under this Act; and

“(II) no additional land, water, or resource use restrictions shall be imposed on the covered party beyond those included in the agreement.

“(C) CANDIDATE SPECIES.—The term ‘candidate species’ means a species—

“(i) designated by the Secretary as a candidate species under this Act; or

“(ii) proposed to be listed pursuant to section 4.

“(D) COVERED PARTY.—The term ‘covered party’ means a—

“(i) party that conducts activities on land administered by a Federal agency pursuant to a permit or lease issued to the party;

“(ii) private property owner;

“(iii) county;

“(iv) State or State agency;

“(v) Federal agency; or

“(vi) Tribal government.

“(E) COVERED SPECIES.—The term ‘covered species’ means, with respect to an Agreement, the species that is the subject of such Agreement.

“(F) NET CONSERVATION BENEFIT.—The term ‘net conservation benefit’ means the net effect of an Agreement, determined by comparing the situation of the candidate species without the Agreement in effect and a situation in which the Agreement is in effect, on a candidate species, including—

“(i) the net effect on threats to such species;

“(ii) the net effect on the number of individuals of such species; and

“(iii) the net effect on the habitat of such species.

“(G) PROGRAMMATIC CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—The term ‘programmatic Candidate Conservation Agreement with Assurances’ means a Candidate Conservation Agreement with Assurances described in paragraph (4) (A).”

#### SEC. 402. DESIGNATION OF CRITICAL HABITAT.

Section 4(a)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(3)) is amended by adding at the end the following:

“(C) ~~PRIVATELY OWNED~~*PRIVATELY OWNED* OR ~~CONTROLLED~~ LAND.—The Secretary may not designate as critical habitat under subparagraph (A) any ~~privately owned~~*privately owned* or ~~controlled~~ land or other geographical area that is subject to a land management plan that—

“(i) the Secretary determines is similar in nature to an integrated natural resources management plan described in section 101 of the Sikes Act (16 U.S.C. 670a);

“(ii)(I) is prepared in cooperation with the Secretary and the head of each applicable State fish and wildlife agency of each State in which such land or other geographical area is located; or

“(II) is submitted to the Secretary in a manner that is similar to the manner in which an applicant submits a conservation plan to the Secretary under section 10(a)(2)(A);

“(iii) includes an activity or a limitation on an activity that the Secretary determines will likely conserve the species concerned;

“(iv) the Secretary determines will result in—

“(I) an increase in the population of the species concerned above the population of such species on the date that such species is listed as threatened or endangered; or

“(II) maintaining the same population of such species on the land or other geographical area as the population that would likely occur if such land or other geographical area is designated as critical habitat; and

“(v) to the maximum extent practicable, will minimize and mitigate the impacts of any activity that will likely result in an incidental taking of the species concerned.”

#### SEC. 403. PRIVATE LAND.

(a) IN GENERAL.—Except as provided in subsection (b), information regarding the occurrence of, including the specific location of, a species of fish or wildlife or plant on

~~privately-owned~~ *privately owned* or ~~r~~-controlled land may not be made available to the public under section 552 of title 5, United States Code.

(b) EXCEPTION.—

(1) IN GENERAL.—The Secretary may make publicly available information described in subsection (a) upon receipt of a written request submitted by—

- (A)(i) a Federal agency;
  - (ii) a State governmental agency; or
  - (iii) a bona fide educational or research institution; and
- (B) the private party concerned.

(2) REQUIREMENTS.—A written request submitted under paragraph (1) shall—

- (A) describe the specific site or area for which information described in subsection (a) is sought;
- (B) explain the purpose for which such information is sought; and
- (C) include assurances sufficient to satisfy the Secretary that the confidentiality of such information will be protected.

## TITLE V—

### FOREST INFORMATION REFORM

#### SEC. 501. NO ADDITIONAL CONSULTATION REQUIRED.

(a) FOREST SERVICE PLANS.—Section 6(d)(2) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as follows:

“(2) NO ADDITIONAL CONSULTATION REQUIRED UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding any other provision of law, the Secretary shall not be required to reinitiate consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a land management plan approved, amended, or revised under this section when a species is listed, critical habitat is designated, or new information concerning a listed species or critical habitat becomes available.”

(b) BUREAU OF LAND MANAGEMENT PLANS.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end the following:

“(g) NO ADDITIONAL CONSULTATION REQUIRED UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding any other provision of law, the Secretary shall not be required to reinitiate consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a land use plan approved, amended, or revised under this section when a species is listed, critical habitat is designated, or new information concerning a listed species or critical habitat becomes available.”

## TITLE VI—

### PROVIDING FOR GREATER INCENTIVES TO RECOVER LISTED SPECIES

#### SEC. 601. PROTECTIVE REGULATIONS UNDER ENDANGERED SPECIES ACT OF 1973.

(a) AMENDMENT TO DEFINITION.—Section 3(3) of the Endangered Species Act of 1973 (16 U.S.C. 1532(3)) is amended by striking “and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include” and inserting “transplantation, and, at the discretion of the Secretary,”.

(b) PROTECTIVE REGULATIONS.—Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended—

(1) in subsection (d), to read as follows:

“(d) PROTECTIVE REGULATIONS.—

“(1) IN GENERAL.—Whenever any species is listed as a threatened species pursuant to subsection (c), the Secretary shall issue such regulations as are necessary and advisable to provide for the conservation of that species.

“(2) RECOVERY GOALS.—If the Secretary issues a regulation under paragraph (1) that prohibits an act described in section 9(a), the Secretary shall, with respect to the species that is the subject of such regulation—

“(A) establish objective, incremental recovery goals;

“(B) provide for the stringency of such regulation to decrease as such recovery goals are met; and

“(C) provide for State management within such State, if such State is willing to take on such management, beginning on the date on which the Secretary determines all such recovery goals are met and, if such recovery goals remain met, continuing until such species is removed from the list of threatened species published pursuant to subsection (c).

“(3) COOPERATIVE AGREEMENT.—A regulation issued under paragraph (1) that prohibits an act described in section 9(a)(1) with respect to a resident species shall apply with respect to a State that has entered into a cooperative agreement with the Secretary pursuant to section 6(c) only to the extent that such regulation is adopted by such State.

“(4) STATE RECOVERY STRATEGY.—

“(A) IN GENERAL.—A State may develop a recovery strategy for a threatened species or a candidate species and submit to the Secretary a petition for the Secretary to use such recovery strategy as the basis for any regulation issued under paragraph (1) with respect to such species within such State.

“(B) APPROVAL OR DENIAL OF PETITION.—Not later than 120 days after the date on which the Secretary receives a petition submitted under subparagraph (A), the Secretary shall—

“(i) approve such petition if the recovery strategy is reasonably certain to be implemented by the petitioning State and to be effective in conserving the species that is the subject of such recovery strategy; or

“(ii) deny such petition if the requirements described in clause (i) are not met.

“(C) PUBLICATION.—Not later than 30 days after the date on which the Secretary approves or denies a petition under subparagraph (B), the Secretary shall publish such approval or denial in the Federal Register.

“(D) DENIAL OF PETITION.—

“(i) WRITTEN EXPLANATION.—If the Secretary denies a petition under subparagraph (B), the Secretary shall include in such denial a written explanation for such denial, including a description of the changes to such petition that are necessary for the Secretary to approve such petition.

“(ii) RESUBMISSION OF DENIED PETITION.—A State may resubmit a petition that is denied under subparagraph (B).

“(E) USE IN PROTECTIVE REGULATIONS.—If the Secretary approves a petition under subparagraph (B), the Secretary shall—

“(i) issue a regulation under paragraph (1) that adopts the recovery strategy as such regulation with respect to the species that is the subject of such recovery strategy within the petitioning State; and

“(ii) establish objective criteria to evaluate the effectiveness of such recovery strategy in conserving such species within such State.

“(F) REVISION.—If a recovery strategy that is adopted as a regulation issued under paragraph (1) is determined by the Secretary to be ineffective in conserving the species that is the subject of such recovery strategy in accordance with the objective criteria established under subparagraph (E)(ii) for such recovery strategy, the Secretary shall revise such regulation and reissue such regulation in accordance with paragraph (1).”

; and

(2) in subsection (f)(1)(B)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) with respect to an endangered species, objective, incremental recovery goals in accordance with subsection (d)(2)(A) for use under that subsection if such endangered species is changed in status from an endangered species to a threatened species under subsection (c)(2)(B)(ii). ”

## TITLE VII—

### RESCISSIONS AND REPEALS

#### SEC. 701. RESCISSION OF FUNDS.

(a) IN GENERAL.—Any unobligated covered funds are hereby rescinded.

(b) COVERED FUNDS DEFINED.—In this section, the term “covered funds” means—

(1) any funds appropriated or otherwise made available by sections 40002, 50232, 60401, and 60402 of Public Law 117–169 (commonly known as the “Inflation Reduction Act”);

(2) \$700,000,000 of the \$2,600,000,000 appropriated to the National Oceanic and Atmospheric Administration in section 40001 of Public Law 117–169 (commonly known as the “Inflation Reduction Act”);

(3) \$700,000,000 of the \$3,200,000,000 appropriated to the “Bureau of Reclamation—Water and Related Resources” account in the Infrastructure Investment and Jobs Act (Public Law 117–58) for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b(d)(1)); and

(4) \$50,000,000 of the \$250,000,000 appropriated to the “Bureau of Reclamation—Water and Related Resources” account in the Infrastructure Investment and Jobs Act (Public Law 117–58) for design, study, and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

#### SEC. 702. REPEAL OF CERTAIN PROGRAMS.

The following sections of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260) are repealed:

(1) Section 507 (16 U.S.C. 4701 note).

(2) Section 508 (16 U.S.C. 742b note).

(3) Section 510 (16 U.S.C. 742b note).

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