

118TH CONGRESS  
2D SESSION

# H. R. 7408

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2024

Mr. WESTERMAN (for himself, Mr. BENTZ, Ms. HAGEMAN, Mr. STAUBER, Mr. CURTIS, Mr. CARL, Mr. LAMBORN, Ms. BOEBERT, Mrs. KIGGANS of Virginia, Mr. LAMALFA, Mr. NEWHOUSE, Mrs. RADEWAGEN, Mr. MOYLAN, Mrs. GONZÁLEZ-COLÓN, Ms. MALOY, Mr. CARTER of Georgia, Mr. ZINKE, Mr. SMITH of Nebraska, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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,*

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

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 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.

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

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

8 (1) to recover species currently listed as threat-  
9 ened or endangered under the Endangered Species  
10 Act of 1973 (16 U.S.C. 1531 et seq.) or under State  
11 law; and

12 (2) to prevent the need to list species under the  
13 Endangered Species Act of 1973 (16 U.S.C. 1531 et  
14 seq.) or under State law.

15 **SEC. 3. GAO STUDY.**

16 Not later than 5 years after the date of enactment  
17 of this Act, the Comptroller General of the United States  
18 shall conduct a study to examine the progress of States,  
19 territories, the District of Columbia, and Indian Tribes to-  
20 ward achieving the purpose described in section 2.

1 **TITLE I—WILDLIFE CONSERVA-**  
2 **TION AND RESTORATION**

3 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**  
4 **SUBACCOUNT.**

5 (a) IN GENERAL.—Section 3 of the Pittman-Robert-  
6 son Wildlife Restoration Act (16 U.S.C. 669b) is amend-  
7 ed—

8 (1) in subsection (a)—

9 (A) by striking “(1) An amount equal to”  
10 and inserting “An amount equal to”; and

11 (B) by striking paragraph (2); and

12 (2) subsection (c)—

13 (A) by redesignating paragraphs (2) and  
14 (3) as paragraphs (10) and (11); and

15 (B) by striking paragraph (1) and insert-  
16 ing the following:

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

18 “(A) RESTORATION.—The term ‘restora-  
19 tion’ means the implementation of conservation  
20 actions and practices that reestablish or en-  
21 hance environmental conditions and ecosystem  
22 functions that benefit the diversity, resilience,  
23 health, and productivity of plants and animals.

24 “(B) REWILDING.—The term ‘rewilding’  
25 means a restoration approach that prohibits

1 human management activities and relies only on  
2 natural processes to maintain or improve habi-  
3 tat.

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

10 “(2) ESTABLISHMENT OF SUBACCOUNT.—

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

15 “(B) AVAILABILITY.—Amounts in the Sub-  
16 account shall be available until expended, sub-  
17 ject to future appropriations, for apportionment  
18 in accordance with this Act.

19 “(C) DEPOSITS INTO SUBACCOUNT.—Sub-  
20 ject to the availability of appropriations made  
21 in advance for such purposes, the Secretary  
22 shall allocate not more than \$300,000,000 to  
23 the Subaccount for each of fiscal years 2025  
24 through 2029.

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

10           “(E) SUNSET.—No funds may be appro-  
11 priated to the Subaccount after fiscal year  
12 2029.

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

17           “(A) the funds distributed pursuant to the  
18 Dingell-Johnson Sport Fish Restoration Act  
19 (16 U.S.C. 777 et seq.); and

20           “(B) the fund.

21           “(4) INNOVATION GRANTS.—

22           “(A) IN GENERAL.—The Secretary shall  
23 distribute 10 percent of amounts in the Sub-  
24 account in each fiscal year through a competi-  
25 tive grant program to State fish and wildlife de-

1           partments, the District of Columbia fish and  
2           wildlife department, fish and wildlife depart-  
3           ments of territories, or to regional associations  
4           of fish and wildlife departments (or any group  
5           composed of more than 1 such entity).

6           “(B) PURPOSE.—Recipients of a grant  
7           issued under subparagraph (A) shall use such  
8           grant funds for the purpose of catalyzing inno-  
9           vation of techniques, tools, strategies, or col-  
10          laborative partnerships that accelerate, expand,  
11          or replicate effective and measurable recovery  
12          efforts for habitat of species of greatest con-  
13          servation need and species listed under the En-  
14          dangered Species Act of 1973 (16 U.S.C. 1531  
15          et seq.).

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

19                  “(i) 1 State Director from each re-  
20                  gional association of State fish and wildlife  
21                  departments;

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

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

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

12           “(v) 2 individuals who represent 2 dif-  
13 ferent nonprofit hunting and fishing orga-  
14 nizations who are each a member of—

15           “(I) the Hunting and Wildlife  
16 Conservation Council of the Depart-  
17 ment of the Interior and Department  
18 of Agriculture and classified as rep-  
19 resenting a ‘wildlife & habitat con-  
20 servation/management organization’;  
21 or

22           “(II) the Sport Fishing and  
23 Boating Partnership Council of the  
24 Department of the Interior and classi-  
25 fied as representing a ‘recreational



1 fishery resource conservation organi-  
2 zation’.

3 “(D) SUPPORT FROM UNITED STATES FISH  
4 AND WILDLIFE SERVICE.—Using not more than  
5 3 percent of the amounts distributed under sub-  
6 paragraph (A) to carry out a competitive grant  
7 program, the United States Fish and Wildlife  
8 Service shall provide any personnel or adminis-  
9 trative support services necessary for such com-  
10 mittee to carry out its responsibilities under  
11 this Act.

12 “(E) EVALUATION.—Such committee shall  
13 evaluate each proposal submitted under this  
14 paragraph and recommend projects for funding,  
15 giving preference to solutions that accelerate  
16 the recovery of habitat for species identified as  
17 priorities through regional scientific assess-  
18 ments of species of greatest conservation need.

19 “(5) USE OF FUNDS.—

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

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

1           “(ii) shall be used to develop, carry  
2 out, revise, or enhance the Wildlife Con-  
3 servation Strategy of a State, territory, or  
4 the District of Columbia, as required under  
5 section 4(e), by carrying out, revising, or  
6 enhancing existing wildlife conservation  
7 and restoration programs or strategies and  
8 developing and implementing new wildlife  
9 conservation and restoration programs or  
10 strategies, as determined by the appro-  
11 priate State fish and wildlife department;

12           “(iii) shall be used to assist in the res-  
13 toration of habitat for species found in the  
14 State, territory, or the District of Colum-  
15 bia that are listed as endangered species,  
16 threatened species, candidate species or  
17 species proposed for listing, or species peti-  
18 tioned for listing under the Endangered  
19 Species Act of 1973 (16 U.S.C. 1531 et  
20 seq.) or under State law;

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

23           “(v) may be used for the conservation  
24 and restoration of habitat for species of  
25 greatest conservation need whose range is

1 shared with another State, territory, In-  
2 dian Tribe, or foreign government;

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

7 “(vii) may be used for forest and  
8 vegetation management activities if a pri-  
9 mary purpose of such activity is to modify,  
10 improve, enhance, or create wildlife habitat  
11 or reduce the risk of damage or destruc-  
12 tion to wildlife habitat due to wildfires, in-  
13 sects, or disease, including—

14 “(I) planting, seeding, and har-  
15 vesting;

16 “(II) mechanical thinning;

17 “(III) prescribed burning;

18 “(IV) chemical applications de-  
19 signed to restore natural range vari-  
20 ation including creating and maintain-  
21 ing early seral communities; and

22 “(V) prescribed haying and graz-  
23 ing practices;

24 “(viii) may be used to carry out vol-  
25 untary, collaborative conservation work

1 with willing landowners consistent with  
2 section 2 of the America’s Wildlife Habitat  
3 Conservation Act to keep private lands  
4 working; and

5 “(ix) may be used to provide incen-  
6 tives to private landowners to carry out  
7 habitat conservation work for threatened  
8 and endangered species or species of great-  
9 est conservation need on the land owned by  
10 such private landowners and to provide fi-  
11 nancial assistance or technical assistance  
12 to such private landowners to carry out  
13 such work.

14 “(B) PROHIBITED USES.—Funds appor-  
15 tioned from the Subaccount may not be used  
16 for—

17 “(i) rewilding;

18 “(ii) the reintroduction or manage-  
19 ment of a species in a manner not sup-  
20 ported by the applicable State fish and  
21 wildlife management authorities; or

22 “(iii) climate-focused decisions that  
23 lack a connection to the State comprehen-  
24 sive plan developed under section 4(e)(1).

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

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

12           “(8) REQUIREMENTS FOR MATCHING FUNDS.—

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

19                   “(i) in-kind contributions of services  
20 and materials;

21                   “(ii) voluntarily donated privately  
22 owned easements;

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, as in effect on the date of the en-  
6 actment of the America’s Wildlife Habitat  
7 Conservation Act.

8 “(B) CIRCUMSTANCES DESCRIBED.—Rev-  
9 enue described in subparagraph (A)(iii) may  
10 only be used to fulfill the requirements of such  
11 non-Federal fund matching requirement if—

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

20 “(ii) the project or program being  
21 funded benefits the habitat of a species  
22 that is a—

23 “(I) hunted or fished species; and

24 “(II) species of greatest con-  
25 servation need.

1           “(9) STATE LAND ACQUISITION.—Land ac-  
2           quired by a State, territory, or the District of Co-  
3           lumbia using funds apportioned from the Sub-  
4           account—

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

7                   “(B) may only be so acquired for the pur-  
8           poses described in paragraph (5)(A)(iii);

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

12                   “(D) shall be open to the public for wild-  
13          life-related outdoor recreation, including hunt-  
14          ing, trapping, fishing, or recreational shooting  
15          to the extent allowed by State law.”.

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

19                   (1) in subsection (d)—

20                           (A) in paragraph (1)—

21                                   (i) by inserting “, after deducting the  
22                                   amount distributed pursuant to section  
23                                   3(c)(4),” after “Secretary of the Interior  
24                                   shall”;

25                                   (ii) in subparagraph (A)—

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

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

7 (iii) in subparagraph (B)—

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

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

14 (iv) by adding at the end the fol-  
15 lowing:

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

19 (B) in paragraph (2)(A)—

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

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



- 1 (ii) in clause (ii)—
- 2 (I) by striking “two-thirds” and
- 3 inserting “one-quarter”; and
- 4 (II) by striking the period and
- 5 inserting “; and”; and
- 6 (iii) by adding at the end the fol-
- 7 lowing:
- 8 “(iii) one quarter of which is based upon
- 9 the ratio to which the number of species listed
- 10 as endangered or threatened under the Endan-
- 11 gered Species Act of 1973 in such State bears
- 12 to the total number of such species listed in all
- 13 such States.”;
- 14 (C) by amending paragraph (2)(B) to read
- 15 as follows:
- 16 “(B) The amounts apportioned under this para-
- 17 graph shall be adjusted equitably so that no such
- 18 State, unless otherwise designated, shall be appor-
- 19 tioned a sum which is less than 1 percent or more
- 20 than 5 percent of the amount available for appor-
- 21 tionment under—
- 22 “(i) subparagraph (A)(i);
- 23 “(ii) subparagraph (A)(ii); and
- 24 “(iii) the overall amount available for sub-
- 25 paragraph (A).”; and

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

3 (2) in subsection (e) in paragraph (3), by strik-  
4 ing “75” and inserting “90”; and

5 (3) by adding at the end following:

6 “(f) ACCOUNTABILITY.—

7 “(1) IN GENERAL.—Not later than 1 year after  
8 the date of the enactment of the America’s Wildlife  
9 Habitat Conservation Act and every 2 years there-  
10 after until the last day of fiscal year 2029, the head  
11 of each State fish and wildlife department shall sub-  
12 mit to the Director of the United States Fish and  
13 Wildlife Service a report describing, with respect to  
14 such department during the preceding 2 years, the  
15 following:

16 “(A) A summary of each activity carried  
17 out using funds apportioned from the Sub-  
18 account, including—

19 “(i) an accounting of the administra-  
20 tive costs associated with each such activ-  
21 ity;

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

1                   “(I) the number of acres ac-  
2                   quired;

3                   “(II) the endangered species,  
4                   threatened species, candidate species  
5                   or species proposed for listing, or spe-  
6                   cies petitioned for listing under the  
7                   Endangered Species Act of 1973 (16  
8                   U.S.C. 1531 et seq.) or State law as-  
9                   sociated with the land acquired;

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

12                   “(IV) a detailed explanation re-  
13                   garding why other sources of funding  
14                   were not used for the land acquisition;  
15                   and

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

19                   “(B) A summary of the results and effec-  
20                   tiveness of each activity carried out using funds  
21                   apportioned from the Subaccount, including, if  
22                   determinable—

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

1                   “(ii) any reduction in threats to spe-  
2                   cies of greatest conservation need.

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

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

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

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

17 **SEC. 102. TECHNICAL AMENDMENTS.**

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

21                   (1) in paragraph (7), by striking “including  
22                   fish,”; and

23                   (2) in paragraph (9)—

24                   (A) by striking “section 304(d)” and in-  
25                   serting “section 4(e)”; and

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

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

6 (1) in section 2—

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

10 (B) by inserting after paragraph (5) the  
11 following:

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

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

18 “(B) facing threats and in need of con-  
19 servation attention;”;

20 (C) by redesignating paragraphs (8)  
21 through (12), as so redesignated by subpara-  
22 graph (A) of this paragraph, as paragraphs (9)  
23 through (13), respectively; and

24 (D) by inserting after paragraph (7) the  
25 following:

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

4           (2) in section 3—

5           (A) in subsection (c)—

6           (i) in paragraph (10), as so redesignig-  
7           nated by section 101(a)(3) of this Act, by  
8           striking “or an Indian tribe”; and

9           (ii) in paragraph (11), as so redesignig-  
10          nated by section 101(a)(3) of this Act—

11           (I) by striking “Wildlife Con-  
12           servation and Restoration Account”  
13           and inserting “Subaccount”; and

14           (II) by striking “those species  
15           with the greatest conservation need as  
16           defined by the State wildlife conserva-  
17           tion and restoration program” and in-  
18           serting “species of greatest conserva-  
19           tion need”; and

20           (B) in subsection (d), by striking “Wildlife  
21           Conservation and Restoration Account” and in-  
22           serting “Subaccount”;

23           (3) in section 4 (16 U.S.C. 669c)—

24           (A) in subsection (d)—

1 (i) in the heading, by striking “WILD-  
2 LIFE CONSERVATION AND RESTORATION  
3 ACCOUNT” and inserting “SUBACCOUNT”;  
4 and

5 (ii) by striking “Wildlife Conservation  
6 and Restoration Account” each place it ap-  
7 pears and inserting “Subaccount”; and

8 (B) in subsection (e)(1), by striking “Wild-  
9 life Conservation and Restoration Account” and  
10 inserting “Subaccount”; and

11 (4) in section 8 (16 U.S.C. 669g), in subsection  
12 (a), by striking “Wildlife Conservation and Restora-  
13 tion Account” and inserting “Subaccount”.

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

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

17 (1) by redesignating section 14 as section 16;  
18 and

19 (2) by inserting after section 13 the following:

20 **“SEC. 14. SAVINGS CLAUSE.**

21 “(a) IN GENERAL.—Nothing in this Act may be con-  
22 strued to enlarge or diminish the authority, jurisdiction,  
23 or responsibility of a State, territory, or the District of  
24 Columbia to manage, control, or regulate fish and wildlife

1 on lands and waters within the State, territory, or the Dis-  
2 trict of Columbia including on Federal lands and waters.

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

8 “(c) PROHIBITION ON LAND TRANSFERS.—The Fed-  
9 eral Government may not accept a transfer, donation, or  
10 exchange of land or an interest in land from a State gov-  
11 ernment, a fish and wildlife department of the District of  
12 Columbia or a territory, or a regional association of fish  
13 and wildlife departments if such land or interest in land  
14 was purchased using funds apportioned under this Act.

15 “(d) TERRITORY DEFINED.—In this section, the  
16 term ‘territory’ has the meaning given the term in section  
17 3(c)(1).

18 **“SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO**

19 **ALASKA.**

20 “If any conflict arises between any provision of this  
21 Act and any provision of the Alaska National Interest  
22 Lands Conservation Act or the Alaska Native Claims Set-  
23 tlement Act, then the provision in the Alaska National In-  
24 terest Lands Conservation Act or the Alaska Native  
25 Claims Settlement Act shall prevail.”.



1 **TITLE II—TRIBAL WILDLIFE**  
2 **CONSERVATION AND RES-**  
3 **TORATION**

4 **SEC. 201. INDIAN TRIBES.**

5 (a) DEFINITIONS.—In this section:

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

9 (2) CONSERVATION.—The term “conservation”  
10 has the meaning given the term in section 2 of the  
11 Pittman-Robertson Wildlife Restoration Act (16  
12 U.S.C. 669a).

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

17 (4) RESTORATION.—The term “restoration”  
18 means the implementation of conservation actions  
19 and practices that reestablish or enhance environ-  
20 mental conditions and ecosystem functions that ben-  
21 efit the diversity, resilience, health, and productivity  
22 of plants and animals.

23 (5) REWILDING.—The term “rewilding” means  
24 a restoration approach that prohibits human man-

1       agement activities and relies only on natural proc-  
2       esses to maintain or improve habitat.

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

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

10                   (A) of low or declining population,

11                   (B) facing threats and in need of conserva-  
12       tion attention; or

13                   (C) of cultural importance to such Indian  
14       Tribe.

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

17                   (A) wild, free-ranging fauna, including  
18       fish; and

19                   (B) fauna in a captive breeding program  
20       the object of which is to reintroduce individuals  
21       of a depleted indigenous species into previously  
22       occupied range of such species.

23               (b) TRIBAL WILDLIFE CONSERVATION AND RES-  
24       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 until expended, subject to future  
6 appropriations, for each fiscal year for apportion-  
7 ment in accordance with this section.

8           (3) DEPOSITS INTO ACCOUNT.—There is au-  
9 thorized to be appropriated to the Account  
10 \$20,000,000 for each of fiscal years 2025 through  
11 2029.

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

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

21           (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

22           (1) IN GENERAL.—The distribution guidelines  
23 and criteria described in subsection (c) shall be  
24 based, in part, upon the wildlife management re-  
25 sponsibilities of an Indian Tribe.

1 (2) INDIAN TRIBES IN ALASKA.—

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

11 (B) COOPERATIVE AGREEMENTS.—An In-  
12 dian Tribe in Alaska may enter into a coopera-  
13 tive agreement with the State of Alaska regard-  
14 ing a conservation project of mutual concern.

15 (e) USE OF AMOUNTS.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), amounts distributed to an Indian Tribe  
18 under subsection (c)—

19 (A) shall be used for purposes consistent  
20 with section 2;

21 (B) shall be used to carry out, develop, or  
22 enhance wildlife and habitat conservation and  
23 restoration programs;

24 (C) shall be used to assist in the restora-  
25 tion of habitat for species found in the lands

1 and waters of such Tribe that are listed as en-  
2 dangered species, threatened species, candidate  
3 species or species proposed for listing, or spe-  
4 cies petitioned for listing under the Endangered  
5 Species Act of 1973 (16 U.S.C. 1531 et seq.),  
6 or under State or Tribal law;

7 (D) may be used for management of ani-  
8 mals, including harvesting;

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

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

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

24 (i) planting, seeding, and harvesting;

25 (ii) mechanical thinning;

- 1 (iii) prescribed burning;
- 2 (iv) chemical applications designed to  
3 restore natural range of variation including  
4 creating and maintaining early seral com-  
5 munities; and
- 6 (v) prescribed haying and grazing  
7 practices.

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

- 11 (A) rewilding; or
- 12 (B) the reintroduction or management of a  
13 species in a manner not supported by the appli-  
14 cable Tribal fish and wildlife management au-  
15 thorities.

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

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

24 (h) ADMINISTRATIVE COSTS.—Of the amounts de-  
25 posited under subsection (b)(3) for each fiscal year, not

1 more than 3 percent shall be used by the Secretary for  
2 administrative costs.

3 (i) ACCOUNTABILITY.—

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

10 (A) A summary of each activity carried out  
11 using funding received under subsection (c), in-  
12 cluding—

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

16 (ii) the number of acres of habitat re-  
17 stored, enhanced, or conserved by each  
18 such activity.

19 (B) A summary of the results and effec-  
20 tiveness of each activity carried out using fund-  
21 ing received under subsection (c), including, if  
22 determinable—

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

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

3 (2) SUMMARY REPORT.—The Director of the  
4 Bureau of Indian Affairs shall, not later than 180  
5 days after each deadline for the submission of re-  
6 ports under paragraph (1), submit a report summa-  
7 rizing each report received by the Director under  
8 paragraph (1) to—

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

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

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

18 (k) STATUTORY CONSTRUCTION WITH RESPECT TO  
19 ALASKA.—If any conflict arises between any provision of  
20 this section and any provision of the Alaska National In-  
21 terest Lands Conservation Act (16 U.S.C. 3101 et seq.)  
22 or the Alaska Native Claims Settlement Act (43 U.S.C.  
23 1601 et seq.), then the provision in the Alaska National  
24 Interest Lands Conservation Act or the Alaska Native  
25 Claims Settlement Act shall prevail.



1 **TITLE III—CONSERVATION AND**  
2 **MANAGEMENT FOR WILDLIFE**  
3 **REFUGES**

4 **SEC. 301. DEFINITIONS.**

5 In this title:

6 (1) **AUTHORIZED RECREATION SERVICES.**—The  
7 term “authorized recreation services” means similar  
8 and complementary recreation enhancement or im-  
9 provement services carried out—

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

13 (B) by the Secretary, a Governor, or a  
14 county, as applicable, pursuant to a good neigh-  
15 bor agreement.

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

20 (A) carried out—

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

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

3 (B) in the case of forest, rangeland, and  
4 watershed restoration services carried out on  
5 land administered by the United States Fish  
6 and Wildlife Service, such services shall be con-  
7 sistent with the purposes for which such lands  
8 were established.

9 (3) COUNTY.—The term “county” means—

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

12 (B) in any case in which multiple counties  
13 or parishes are affected, the appropriate execu-  
14 tive official of a compact of the affected coun-  
15 ties or parishes.

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

18 (A) The term “forest, rangeland, and wa-  
19 tershed restoration services” means an activ-  
20 ity—

21 (i) to reduce hazardous fuels;

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

1 (iii) to remove vegetation or other ac-  
2 tivities to promote healthy forest structure  
3 and composition;

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

6 (v) to control noxious or exotic weeds;

7 (vi) to reestablish native plant species;

8 or

9 (vii) to maintain a road or trail to re-  
10 store or maintain water quality.

11 (B) The term “forest, rangeland, and wa-  
12 tershed restoration services” does not include—

13 (i) construction, reconstruction, re-  
14 pair, or restoration of paved roads or park-  
15 ing areas, other than—

16 (I) activities described in sub-  
17 paragraph (A)(vii); or

18 (II) the reconstruction, repair, or  
19 restoration of a National Wildlife Ref-  
20 uge System road or other road on  
21 United States Fish and Wildlife Serv-  
22 ice land that is necessary to carry out  
23 authorized restoration services pursu-  
24 ant to a good neighbor agreement; or

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

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

6 (6) GOVERNOR.—The term “Governor” means  
7 the Governor or any other appropriate executive offi-  
8 cial of an affected State or a territory or possession  
9 of the United States.

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

14 (8) RECREATION ENHANCEMENT OR IMPROVE-  
15 MENT SERVICES.—The term “recreation enhance-  
16 ment or improvement services” means—

17 (A) establishing, repairing, restoring, im-  
18 proving, relocating, constructing, or recon-  
19 structing new or existing—

20 (i) trails or trailheads;

21 (ii) shooting ranges;

22 (iii) paved or permanent roads or  
23 parking areas that serve existing recreation  
24 facilities or areas;

1 (iv) fishing piers, wildlife viewing plat-  
2 forms, docks, or other constructed features  
3 at a recreation site;

4 (v) boat landings;

5 (vi) hunting or fishing sites; or

6 (vii) levees and drainage structures to  
7 improve wetland habitat; and

8 (B) activities that create, improve, or re-  
9 store access to existing recreation facilities or  
10 areas.

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

13 **SEC. 302. GOOD NEIGHBOR AUTHORITY FOR THE UNITED**  
14 **STATES FISH AND WILDLIFE SERVICE.**

15 (a) IN GENERAL.—The Secretary may enter into a  
16 cooperative agreement or contract with a Governor, an In-  
17 dian Tribe, or a county to carry out authorized restoration  
18 services or authorized recreation services.

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

24 (c) RESTORATION ACTIVITIES REQUIRING TIMBER  
25 SALES.—

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

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

11           (A) to carry out authorized restoration  
12           services or authorized recreation services on  
13           Federal land under the good neighbor agree-  
14           ment; and

15           (B) if there are funds remaining after car-  
16           rying out authorized restoration services or au-  
17           thorized recreation services under subparagraph  
18           (A), to carry out authorized restoration services  
19           or authorized recreation services on Federal  
20           land within the State under other good neigh-  
21           bor agreements.

22          (d) RETENTION OF NATIONAL ENVIRONMENTAL  
23          PROTECTION ACT OF 1969 RESPONSIBILITIES.—Any de-  
24          cision required to be made under the National Environ-  
25          mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with

1 respect to any authorized restoration services or author-  
2 ized recreation services to be conducted under this section  
3 on land administered by the United States Fish and Wild-  
4 life Service may not be delegated to a Governor, an Indian  
5 Tribe, or county.

6 (e) PUBLIC AVAILABILITY.—The Secretary shall  
7 make each good neighbor agreement available to the pub-  
8 lic.

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

11 (1) a component of the National Wilderness  
12 Preservation System;

13 (2) land on which the removal of vegetation is  
14 prohibited or restricted by an Act of Congress or a  
15 Presidential proclamation (including the applicable  
16 implementation plan) and for which there is no au-  
17 thority to otherwise manage or permit such actions  
18 consistent with the purposes for which the lands  
19 were established; or

20 (3) a wilderness study area.

21 **SEC. 303. STEWARDSHIP END RESULT CONTRACTING**  
22 **PROJECTS.**

23 (a) IN GENERAL.—The Secretary may enter into an  
24 agreement or contract with a private person or other pub-  
25 lic or private entity to perform forest, rangeland, and wa-

1 watershed restoration services that are consistent with the  
2 purposes for which the United States Fish and Wildlife  
3 Service lands that are the subject of the agreement were  
4 established and local and rural community needs.

5 (b) AGREEMENTS OR CONTRACTS.—

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

11 (2) CONTRACT FOR SALE OF FOREST PROD-  
12 UCTS.—A contract entered into under this section  
13 may, at the discretion of the Secretary, be consid-  
14 ered a contract for the sale of forest products under  
15 such terms as the Secretary may prescribe without  
16 regard to any other provision of law.

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

20 (4) OFFSETS.—

21 (A) IN GENERAL.—The Secretary may  
22 apply the value of forest products removed as  
23 an offset against the cost of forest, rangeland,  
24 and watershed restoration services received pur-



1           suant to an agreement or contract under this  
2           section.

3                   (B) VALUE OF OFFSET.—The value of tim-  
4           ber or other forest products used as an offset—

5                           (i) shall be determined using appro-  
6                           priate methods of appraisal commensurate  
7                           with the quantity of products to be re-  
8                           moved; and

9                           (ii) may—

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

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

15                   (C) CONTRACTING OFFICER.—Notwith-  
16           standing any other provision of law, the Sec-  
17           retary may determine the appropriate con-  
18           tracting officer to enter into and administer an  
19           agreement or contract under this section.

20           (e) RECEIPTS.—

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

1           (2) DISPOSITION AND AVAILABILITY OF MON-  
2           EYS.—Monies from an agreement or contract under  
3           this section shall remain available until expended for  
4           forest, rangeland, and watershed restoration services  
5           at the project site from which the monies are col-  
6           lected, or at another project site.

7           (d) RELATION TO OTHER LAWS.—Notwithstanding  
8           any other provision of law, the value of services received  
9           by the Secretary under a stewardship contract project con-  
10          ducted under this section, and any payments made or re-  
11          sources provided by the contractor or Secretary, shall not  
12          be considered monies received from United States Fish  
13          and Wildlife Service lands.

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

18          (f) PERFORMANCE AND PAYMENT GUARANTEES.—

19                 (1) IN GENERAL.—The Secretary may require  
20                 performance and payment bonds under sections  
21                 28.103–2 and 28.103–3 of the Federal Acquisition  
22                 Regulation, in an amount that the contracting offi-  
23                 cer considers sufficient to protect the investment in  
24                 receipts by the Federal Government generated by  
25                 the contractor from the estimated value of the forest

1 products to be removed under a contract under this  
2 section.

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

7 (A) use the excess to satisfy any out-  
8 standing liabilities from cancelled agreements or  
9 contracts; or

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

13 (g) CANCELLATION CEILINGS.—Notwithstanding  
14 section 3903(b)(1) of title 41, United States Code, the  
15 Secretary may obligate funds in stages that are economi-  
16 cally or programmatically viable to cover any potential  
17 cancellation or termination costs for an agreement or con-  
18 tract under this section.

19 (h) MONITORING AND EVALUATION.—

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

1           (2) PARTICIPANTS.—Other than the Secretary,  
2 participants in the process described in this para-  
3 graph may include—

4                   (A) any cooperating governmental agen-  
5 cies, including Tribal governments; and

6                   (B) other interested groups or individuals.

7 **TITLE IV—INCENTIVIZING WILD-**  
8 **LIFE CONSERVATION ON PRI-**  
9 **VATE LANDS**

10 **SECTION 401. CANDIDATE CONSERVATION AGREEMENTS**  
11 **WITH ASSURANCES.**

12           (a) LISTING DETERMINATIONS.—Section 4(b)(1) of  
13 the Endangered Species Act of 1973 (16 U.S.C.  
14 1533(b)(1)) is amended by adding at the end the fol-  
15 lowing:

16                   “(C) CANDIDATE CONSERVATION AGREEMENTS  
17 WITH ASSURANCES.—In making a determination  
18 under subsection (a)(1) with respect to a species, the  
19 Secretary shall take into account the net conserva-  
20 tion benefit (as that term is defined in section  
21 10(k)) of any Candidate Conservation Agreement  
22 with Assurances or any programmatic Candidate  
23 Conservation Agreement with Assurances (as those  
24 terms are defined in that subsection) relating to  
25 such species.”.

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

5 “(k) CANDIDATE CONSERVATION AGREEMENTS  
6 WITH ASSURANCES.—

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

9 “(2) APPROVAL.—Not later than 120 days  
10 after the date of the receipt of a proposed Agree-  
11 ment under paragraph (1), the Secretary shall ap-  
12 prove the proposed Agreement if the Secretary de-  
13 termines that the proposed Agreement—

14 “(A) sets forth specific management activi-  
15 ties that the covered party will undertake to  
16 conserve the covered species;

17 “(B) provides a positive estimate of the net  
18 conservation benefit of such management activi-  
19 ties to the covered species;

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

1           “(D) includes a monitoring plan to be car-  
2 ried out by the parties to the Agreement; and

3           “(E) provides assurances to the covered  
4 party that no additional conservation measures  
5 will be required and additional land, water, or  
6 resource use restrictions will not be imposed on  
7 the covered party if the covered species becomes  
8 listed after the effective date of such Agree-  
9 ment.

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

13           “(A) deny the proposed Agreement if the  
14 Secretary determines that the proposed Agree-  
15 ment does not meet the requirements described  
16 in paragraph (2); and

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

21           “(4) PROGRAMMATIC CANDIDATE CONSERVA-  
22 TION AGREEMENT WITH ASSURANCES.—

23           “(A) IN GENERAL.—The Secretary, acting  
24 through the Director of the United States Fish  
25 and Wildlife Service, may enter into a Can-

1 didate Candidate Conservation Agreement with Assurances  
2 with a covered party that authorizes such cov-  
3 ered party—

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

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

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

14 “(iv) to convey any permit authoriza-  
15 tion held by such covered party under  
16 clause (ii) to each covered party enrolled  
17 under clause (iii).

18 “(B) PUBLICATION.—Upon receipt of a  
19 proposed programmatic Candidate Conservation  
20 Agreement with Assurances under paragraph  
21 (1) and before approving or denying such a pro-  
22 posed programmatic Candidate Conservation  
23 Agreement with Assurances under paragraph  
24 (2) or (3), respectively, the Secretary shall—

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

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

9           “(iii) after the close of the public com-  
10          ment period for the proposed pro-  
11          grammatic Candidate Conservation Agree-  
12          ment with Assurances, publish in the Fed-  
13          eral Register—

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

16               “(II) the approval or denial of  
17               the proposed programmatic Candidate  
18               Conservation Agreement with Assur-  
19               ances under paragraph (2) or (3), re-  
20               spectively.

21           “(5) INCIDENTAL TAKE AUTHORIZATION.—If a  
22           covered species is listed under section 4, the Sec-  
23           retary shall issue a permit to the relevant covered  
24           party under this section allowing incidental take of



1 and modification to the habitat of such covered spe-  
2 cies consistent with the Agreement.

3 “(6) TECHNICAL ASSISTANCE.—The Secretary  
4 shall, upon request, provide a covered party with  
5 technical assistance in developing a proposed Agree-  
6 ment.

7 “(7) REQUEST BY FEDERAL AGENCY TO JOIN  
8 AGREEMENT.—A Federal agency may, subject to the  
9 consent of the relevant covered party, join the  
10 Agreement of a covered party that conducts activi-  
11 ties on land administered by the Federal agency pur-  
12 suant to a permit or lease issued to the covered  
13 party.

14 “(8) EXEMPTION FROM CONSULTATION RE-  
15 QUIREMENT.—An Agreement approved under this  
16 subsection shall be deemed to have been granted an  
17 exemption under section 7(h) for the purposes of  
18 that section.

19 “(9) EXEMPTION FROM DISCLOSURE.—Infor-  
20 mation submitted by a private party to the Secretary  
21 under this subsection shall be exempt from diselo-  
22 sure under section 552(b)(3)(B) of title 5, United  
23 States Code.

24 “(10) DEFINITIONS.—In this subsection:

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

3                   “(i) a Candidate Conservation Agree-  
4 ment with Assurances; or

5                   “(ii) a programmatic Candidate Con-  
6 servation Agreement with Assurances.

7                   “(B) CANDIDATE CONSERVATION AGREE-  
8 MENT WITH ASSURANCES.—The term ‘Can-  
9 didate Conservation Agreement with Assur-  
10 ances’ means a voluntary agreement between  
11 the Secretary, acting through the Director of  
12 the United States Fish and Wildlife Service,  
13 and a covered party in which—

14                   “(i) the covered party commits to im-  
15 plementing mutually agreed upon conserva-  
16 tion measures for a candidate species; and

17                   “(ii) the Secretary provides assur-  
18 ances that, if such candidate species is list-  
19 ed pursuant to section 4—

20                   “(I) the covered party shall incur  
21 no additional obligations beyond ac-  
22 tions agreed to in the agreement with  
23 respect to conservation activities re-  
24 quired under this Act; and

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

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

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

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

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

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

17                  “(ii) private property owner;

18                  “(iii) county;

19                  “(iv) State or State agency;

20                  “(v) Federal agency; or

21                  “(vi) Tribal government.

22                  “(E) COVERED SPECIES.—The term ‘cov-  
23                  ered species’ means, with respect to an Agree-  
24                  ment, the species that is the subject of such  
25                  Agreement.

1           “(F) NET CONSERVATION BENEFIT.—The  
2           term ‘net conservation benefit’ means the net  
3           effect of an Agreement, determined by com-  
4           paring the situation of the candidate species  
5           without the Agreement in effect and a situation  
6           in which the Agreement is in effect, on a can-  
7           didate species, including—

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

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

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

14           “(G) PROGRAMMATIC CANDIDATE CON-  
15           SERVATION AGREEMENT WITH ASSURANCES.—  
16           The term ‘programmatic Candidate Conserva-  
17           tion Agreement with Assurances’ means a Can-  
18           didate Conservation Agreement with Assurances  
19           described in paragraph (4)(A).”.

20 **SEC. 402. DESIGNATION OF CRITICAL HABITAT.**

21           Section 4(a)(3) of the Endangered Species Act of  
22           1973 (16 U.S.C. 1533(a)(3)) is amended by adding at the  
23           end the following:

24                   “(C) PRIVATELY OWNED OR CONTROLLED  
25           LAND.—The Secretary may not designate as critical

1 habitat under subparagraph (A) any privately owned  
2 or controlled land or other geographical area that is  
3 subject to a land management plan that—

4 “(i) the Secretary determines is similar in  
5 nature to an integrated natural resources man-  
6 agement plan described in section 101 of the  
7 Sikes Act (16 U.S.C. 670a);

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

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

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

20 “(iv) the Secretary determines will result  
21 in—

22 “(I) an increase in the population of  
23 the species concerned above the population  
24 of such species on the date that such spe-

1           cies is listed as threatened or endangered;  
2           or

3                   “(II) maintaining the same population  
4           of such species on the land or other geo-  
5           graphical area as the population that  
6           would likely occur if such land or other  
7           geographical area is designated as critical  
8           habitat; and

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

13 **SEC. 403. PRIVATE LAND.**

14          (a) IN GENERAL.—Except as provided in subsection  
15          (b), information regarding the occurrence of, including the  
16          specific location of, a species of fish or wildlife or plant  
17          on privately owned or controlled land may not be made  
18          available to the public under section 552 of title 5, United  
19          States Code.

20          (b) EXCEPTION.—

21                  (1) IN GENERAL.—The Secretary may make  
22          publicly available information described in subsection

23          (a) upon receipt of a written request submitted by—

24                          (A)(i) a Federal agency;

25                          (ii) a State governmental agency; or

1 (iii) a bona fide educational or research in-  
2 stitution; and

3 (B) the private party concerned.

4 (2) REQUIREMENTS.—A written request sub-  
5 mitted under paragraph (1) shall—

6 (A) describe the specific site or area for  
7 which information described in subsection (a) is  
8 sought;

9 (B) explain the purpose for which such in-  
10 formation is sought; and

11 (C) include assurances sufficient to satisfy  
12 the Secretary that the confidentiality of such  
13 information will be protected.

## 14 **TITLE V—FOREST INFORMATION** 15 **REFORM**

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

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

21 “(2) NO ADDITIONAL CONSULTATION RE-  
22 QUIRED UNDER CERTAIN CIRCUMSTANCES.—Not-  
23 withstanding any other provision of law, the Sec-  
24 retary shall not be required to reinitiate consultation  
25 under section 7(a)(2) of the Endangered Species Act

1 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of  
2 title 50, Code of Federal Regulations (or a successor  
3 regulation), on a land management plan approved,  
4 amended, or revised under this section when a spe-  
5 cies is listed, critical habitat is designated, or new  
6 information concerning a listed species or critical  
7 habitat becomes available.”.

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

12 “(g) NO ADDITIONAL CONSULTATION REQUIRED  
13 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding  
14 any other provision of law, the Secretary shall not be re-  
15 quired to reinitiate consultation under section 7(a)(2) of  
16 the Endangered Species Act of 1973 (16 U.S.C.  
17 1536(a)(2)) or section 402.16 of title 50, Code of Federal  
18 Regulations (or a successor regulation), on a land use plan  
19 approved, amended, or revised under this section when a  
20 species is listed, critical habitat is designated, or new in-  
21 formation concerning a listed species or critical habitat be-  
22 comes available.”.



1 **TITLE VI—PROVIDING FOR**  
2 **GREATER INCENTIVES TO RE-**  
3 **COVER LISTED SPECIES**

4 **SEC. 601. PROTECTIVE REGULATIONS UNDER ENDAN-**  
5 **GERED SPECIES ACT OF 1973.**

6 (a) AMENDMENT TO DEFINITION.—Section 3(3) of  
7 the Endangered Species Act of 1973 (16 U.S.C. 1532(3))  
8 is amended by striking “and transplantation, and, in the  
9 extraordinary case where population pressures within a  
10 given ecosystem cannot be otherwise relieved, may in-  
11 clude” and inserting “transplantation, and, at the discre-  
12 tion of the Secretary,”.

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

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

17 “(d) PROTECTIVE REGULATIONS.—

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

23 “(2) RECOVERY GOALS.—If the Secretary  
24 issues a regulation under paragraph (1) that  
25 prohibits an act described in section 9(a), the

1 Secretary shall, with respect to the species that  
2 is the subject of such regulation—

3 “(A) establish objective, incremental  
4 recovery goals;

5 “(B) provide for the stringency of  
6 such regulation to decrease as such recov-  
7 ery goals are met; and

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

17 “(3) COOPERATIVE AGREEMENT.—A regu-  
18 lation issued under paragraph (1) that prohibits  
19 an act described in section 9(a)(1) with respect  
20 to a resident species shall apply with respect to  
21 a State that has entered into a cooperative  
22 agreement with the Secretary pursuant to sec-  
23 tion 6(c) only to the extent that such regulation  
24 is adopted by such State.

25 “(4) STATE RECOVERY STRATEGY.—

1           “(A) IN GENERAL.—A State may de-  
2           velop a recovery strategy for a threatened  
3           species or a candidate species and submit  
4           to the Secretary a petition for the Sec-  
5           retary to use such recovery strategy as the  
6           basis for any regulation issued under para-  
7           graph (1) with respect to such species  
8           within such State.

9           “(B) APPROVAL OR DENIAL OF PETI-  
10          TION.—Not later than 120 days after the  
11          date on which the Secretary receives a pe-  
12          tition submitted under subparagraph (A),  
13          the Secretary shall—

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

20                 “(ii) deny such petition if the re-  
21                 quirements described in clause (i) are  
22                 not met.

23          “(C) PUBLICATION.—Not later than  
24          30 days after the date on which the Sec-  
25          retary approves or denies a petition under

1 subparagraph (B), the Secretary shall pub-  
2 lish such approval or denial in the Federal  
3 Register.

4 “(D) DENIAL OF PETITION.—

5 “(i) WRITTEN EXPLANATION.—If  
6 the Secretary denies a petition under  
7 subparagraph (B), the Secretary shall  
8 include in such denial a written expla-  
9 nation for such denial, including a de-  
10 scription of the changes to such peti-  
11 tion that are necessary for the Sec-  
12 retary to approve such petition.

13 “(ii) RESUBMISSION OF DENIED  
14 PETITION.—A State may resubmit a  
15 petition that is denied under subpara-  
16 graph (B).

17 “(E) USE IN PROTECTIVE REGULA-  
18 TIONS.—If the Secretary approves a peti-  
19 tion under subparagraph (B), the Sec-  
20 retary shall—

21 “(i) issue a regulation under  
22 paragraph (1) that adopts the recov-  
23 ery strategy as such regulation with  
24 respect to the species that is the sub-

1                   ject of such recovery strategy within  
2                   the petitioning State; and

3                   “(ii) establish objective criteria to  
4                   evaluate the effectiveness of such re-  
5                   covery strategy in conserving such  
6                   species within such State.

7                   “(F) REVISION.—If a recovery strat-  
8                   egy that is adopted as a regulation issued  
9                   under paragraph (1) is determined by the  
10                  Secretary to be ineffective in conserving  
11                  the species that is the subject of such re-  
12                  covery strategy in accordance with the ob-  
13                  jective criteria established under subpara-  
14                  graph (E)(ii) for such recovery strategy,  
15                  the Secretary shall revise such regulation  
16                  and reissue such regulation in accordance  
17                  with paragraph (1).”; and

18                  (2) in subsection (f)(1)(B)—

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

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

23                   (C) by adding at the end the following:

24                   “(iv) with respect to an endangered spe-  
25                   cies, objective, incremental recovery goals in ac-

1 cordance with subsection (d)(2)(A) for use  
2 under that subsection if such endangered spe-  
3 cies is changed in status from an endangered  
4 species to a threatened species under subsection  
5 (e)(2)(B)(ii).”.

## 6 **TITLE VII—RESCISSIONS AND** 7 **REPEALS**

### 8 **SEC. 701. RESCISSION OF FUNDS.**

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

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

13 (1) any funds appropriated or otherwise made  
14 available by sections 40002, 50232, 60401, and  
15 60402 of Public Law 117–169 (commonly known as  
16 the “Inflation Reduction Act”);

17 (2) \$700,000,000 of the \$2,600,000,000 appro-  
18 priated to the National Oceanic and Atmospheric  
19 Administration in section 40001 of Public Law 117–  
20 169 (commonly known as the “Inflation Reduction  
21 Act”);

22 (3) \$700,000,000 of the \$3,200,000,000 appro-  
23 priated to the “Bureau of Reclamation—Water and  
24 Related Resources” account in the Infrastructure  
25 Investment and Jobs Act (Public Law 117–58) for

1 transfer into the Aging Infrastructure Account es-  
2 tablished by section 9603(d)(1) of the Omnibus Pub-  
3 lic Land Management Act of 2009 (43 U.S.C.  
4 510b(d)(1)); and

5 (4) \$50,000,000 of the \$250,000,000 appro-  
6 priated to the “Bureau of Reclamation—Water and  
7 Related Resources” account in the Infrastructure  
8 Investment and Jobs Act (Public Law 117–58) for  
9 design, study, and construction of aquatic ecosystem  
10 restoration and protection projects in accordance  
11 with section 1109 of division FF of the Consolidated  
12 Appropriations Act, 2021 (Public Law 116–260).

13 **SEC. 702. REPEAL OF CERTAIN PROGRAMS.**

14 The following sections of division AA of the Consoli-  
15 dated Appropriations Act, 2021 (Public Law 116–260)  
16 are repealed:

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

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

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

○