

118TH CONGRESS  
1ST SESSION

# S. 1149

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 SENATE OF THE UNITED STATES

MARCH 30, 2023

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

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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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recovering America’s  
5 Wildlife Act of 2023”.

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 avoiding the need to list spe-  
 7 cies, or recovering species currently listed as a threatened  
 8 species or an endangered species, under the Endangered  
 9 Species Act of 1973 (16 U.S.C. 1531 et seq.) or under  
 10 State law.

11 **SEC. 3. SENSE OF CONGRESS RELATING TO OFFSETS.**

12       It is the sense of Congress that the costs of carrying  
 13 out this Act, and the amendments made by this Act, shall  
 14 be offset.

15 **TITLE I—WILDLIFE CONSERVA-**  
 16 **TION AND RESTORATION**

17 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**  
 18 **SUBACCOUNT.**

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

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

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

26               “(1) ESTABLISHMENT OF SUBACCOUNT.—

1           “(A) IN GENERAL.—There is established in  
2 the fund a subaccount to be known as the  
3 ‘Wildlife Conservation and Restoration Sub-  
4 account’ (referred to in this section as the ‘Sub-  
5 account’).

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

10           “(C) DEPOSITS INTO SUBACCOUNT.—The  
11 Secretary of the Treasury shall transfer from  
12 the general fund of the Treasury to the Sub-  
13 account—

14                   “(i) for fiscal year 2024,  
15                   \$850,000,000;

16                   “(ii) for fiscal year 2025,  
17                   \$1,100,000,000;

18                   “(iii) for fiscal year 2026,  
19                   \$1,200,000,000; and

20                   “(iv) for fiscal year 2027, and each  
21 fiscal year thereafter, \$1,300,000,000.

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

1           “(A) the funds distributed pursuant to the  
2           Dingell-Johnson Sport Fish Restoration Act  
3           (16 U.S.C. 777 et seq.); and

4           “(B) the fund.

5           “(3) INNOVATION GRANTS.—

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

15          “(B) PURPOSE.—Such grants shall be pro-  
16          vided for the purpose of catalyzing innovation  
17          of techniques, tools, strategies, or collaborative  
18          partnerships that accelerate, expand, or rep-  
19          licate effective and measurable recovery efforts  
20          for species of greatest conservation need and  
21          species listed under the Endangered Species Act  
22          of 1973 (16 U.S.C. 1531 et seq.) and the habi-  
23          tats of such species.

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

4           “(i) a State Director from each re-  
5 gional association of State fish and wildlife  
6 departments;

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

10           “(iii) one delegate from the United  
11 States Fish and Wildlife Service, for the  
12 purpose of providing technical assistance;  
13 and

14           “(iv) beginning in fiscal year 2024,  
15 four individuals representing four different  
16 nonprofit organizations each of which is  
17 actively participating in carrying out wild-  
18 life conservation restoration activities using  
19 funds apportioned from the Subaccount.

20           “(D) SUPPORT FROM UNITED STATES FISH  
21 AND WILDLIFE SERVICE.—Using not more than  
22 3 percent of the amounts apportioned under  
23 subparagraph (A) to carry out a competitive  
24 grant program, the United States Fish and  
25 Wildlife Service shall provide any personnel or

1 administrative support services necessary for  
2 such committee to carry out its responsibilities  
3 under this Act.

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

11 “(4) USE OF FUNDS.—Funds apportioned from  
12 the Subaccount shall be used for purposes consistent  
13 with section 2 of the Recovering America’s Wildlife  
14 Act of 2023 and—

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

1           terminated by the appropriate State fish and  
2           wildlife department;

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

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

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

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

24          “(F) may be used to manage, control, and  
25          prevent invasive species, disease, and other

1 risks to species of greatest conservation need;  
2 and

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

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

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

24 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

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

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

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

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

17           “(iv) other sources consistent with  
18 part 80 of title 50, Code of Federal Regu-  
19 lations, in effect on the date of enactment  
20 of the Recovering America’s Wildlife Act of  
21 2023.

22           “(B) Revenue described in subparagraph  
23 (A)(iii) may only be used to fulfill the require-  
24 ments of such non-Federal fund matching re-  
25 quirement if—

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

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

13           “(8) DEFINITIONS.—In this subsection, the fol-  
14          lowing definitions apply:

15           “(A) PARTNERSHIPS.—The term ‘partner-  
16          ships’ may include collaborative efforts with  
17          Federal agencies, State agencies, local agencies,  
18          Indian Tribes, nonprofit organizations, aca-  
19          demic institutions, industry groups, and private  
20          individuals to implement a State’s Wildlife Con-  
21          servation Strategy.

22           “(B) SPECIES OF GREATEST CONSERVA-  
23          TION NEED.—The term ‘species of greatest con-  
24          servation need’ may be fauna or flora, and may  
25          include terrestrial, aquatic, marine, and inverte-

1           brate species that are of low population, declin-  
 2           ing, rare, or facing threats and in need of con-  
 3           servation attention, as determined by each  
 4           State fish and wildlife department, with respect  
 5           to funds apportioned to such State.

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

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

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

21                 (1) in subsection (d)—

22                         (A) in paragraph (1)—

23                                 (i) in subparagraph (A), by striking  
 24                                 “to the District of Columbia and to the

1 Commonwealth of Puerto Rico, each” and  
2 inserting “To the District of Columbia”;

3 (ii) in subparagraph (B)—

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

6 (II) by striking “not more than  
7 one-fourth of one percent” and insert-  
8 ing “not less than one-third of one  
9 percent”; and

10 (iii) by adding at the end the fol-  
11 lowing:

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

15 (B) in paragraph (2)(A)—

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

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

22 (ii) in clause (ii)—

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

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

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(iii) one-quarter of which is based upon  
6 the ratio to which the number of species listed  
7 as endangered or threatened under the Endan-  
8 gered Species Act of 1973 (16 U.S.C. 1531 et  
9 seq.) in such State bears to the total number of  
10 such species listed in all such States.”;

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

13 “(B) The amounts apportioned under this  
14 paragraph shall be adjusted equitably so that  
15 no such State, unless otherwise designated,  
16 shall be apportioned a sum which is less than  
17 1 percent or more than 5 percent of the amount  
18 available for apportionment under—

19 “(i) subparagraph (A)(i);

20 “(ii) subparagraph (A)(ii); and

21 “(iii) the overall amount available for  
22 subparagraph (A).”; and

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

25 (2) in subsection (e)(4)—

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

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

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

11 “(C) 5 percent of amounts apportioned to each  
12 State, each territory, or the District of Columbia  
13 under this section for a wildlife conservation and  
14 restoration program shall be reserved for States and  
15 territories that include plants among their species of  
16 greatest conservation need and in the conservation  
17 planning and habitat prioritization efforts of their  
18 Wildlife Conservation Strategy. Each eligible State,  
19 territory, or the District of Columbia shall receive an  
20 additional 5 percent of their apportioned amount.  
21 Any unallocated resources shall be allocated propor-  
22 tionally among all States and territories under the  
23 formulas of this section.”; and

24 (3) by adding at the end following:

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

5       “(g) ACCOUNTABILITY.—

6           “(1) IN GENERAL.—Not more than one year  
7     after the date of enactment of the Recovering Amer-  
8     ica’s Wildlife Act of 2023 and every 3 years there-  
9     after, each State fish and wildlife department shall  
10    submit a 3-year work plan and budget for imple-  
11    menting its Wildlife Conservation Strategy and a re-  
12    port describing the results derived from activities ac-  
13    complished under subsection (e) during the previous  
14    3 years to the United States Fish and Wildlife Serv-  
15    ice for review, which shall summarize such findings  
16    and submit a report to—

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

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

21           “(2) REQUIREMENTS.—The format of the 3-  
22    year work plans, budgets, and reports required  
23    under paragraph (1) shall be established by the  
24    United States Fish and Wildlife Service, in consulta-

1 tion with the Association of Fish and Wildlife Agen-  
2 cies.

3 “(3) GAO STUDY.—Not later than 7 years after  
4 the date of enactment of the Recovering America’s  
5 Wildlife Act of 2023, the Comptroller General of the  
6 United States shall conduct a study to examine the  
7 progress of States, territories, the District of Colum-  
8 bia, and Indian Tribes towards achieving the pur-  
9 pose described in section 2 of that Act.”.

10 **SEC. 102. TECHNICAL AMENDMENTS.**

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

14 (1) in paragraph (7), by striking “including  
15 fish,”; and

16 (2) in paragraph (9), by inserting “Indian  
17 Tribes, academic institutions,” before “wildlife con-  
18 servation organizations”.

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

22 (1) in section 3—

23 (A) in subsection (a)—

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

4 (ii) by striking paragraph (2);  
5 (B) in subsection (c)—

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

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

13 (C) in subsection (d), by striking “Wildlife  
14 Conservation and Restoration Account” and in-  
15 serting “Subaccount”;

16 (2) in section 4 (16 U.S.C. 669c)—

17 (A) in subsection (d)—

18 (i) in the heading, by striking “AC-  
19 COUNT” and inserting “SUBACCOUNT”;  
20 and

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

24 (B) in subsection (e)(1), by striking “Ac-  
25 count” and inserting “Subaccount”; and

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

4 **SEC. 103. SAVINGS CLAUSE.**

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

7           (1) by redesignating section 14 as section 16;

8           and

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

10 **“SEC. 14. SAVINGS CLAUSE.**

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

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

19           “If any conflict arises between any provision of this  
20 Act and any provision of the Alaska National Interest  
21 Lands Conservation Act (16 U.S.C. 3101 et seq.) or the  
22 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et  
23 seq.), then the provision in the Alaska National Interest  
24 Lands Conservation Act or the Alaska Native Claims Set-  
25 tlement 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) INDIAN TRIBE.—The term “Indian Tribe”  
10 has the meaning given such term in section 4 of the  
11 Indian Self-Determination and Education Assistance  
12 Act (25 U.S.C. 5304).

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

15 (4) TRIBAL SPECIES OF GREATEST CONSERVA-  
16 TION NEED.—The term “Tribal species of greatest  
17 conservation need” means any species identified by  
18 an Indian Tribe as requiring conservation manage-  
19 ment because of declining population, habitat loss,  
20 or other threats, or because of their biological or cul-  
21 tural importance to such Tribe.

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

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

1 (B) flora or fauna in a captive breeding,  
2 rehabilitation, and holding or quarantine pro-  
3 gram, the object of which is to reintroduce indi-  
4 viduals of a depleted indigenous species into  
5 previously occupied range or to maintain a spe-  
6 cies for conservation purposes; and

7 (C) does not include game farm animals.

8 (b) TRIBAL WILDLIFE CONSERVATION AND RES-  
9 TINATION ACCOUNT.—

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

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

17 (3) DEPOSITS INTO ACCOUNT.—Beginning in  
18 fiscal year 2024, and for each fiscal year thereafter,  
19 the Secretary of the Treasury shall transfer  
20 \$97,500,000 from the general fund of the Treasury  
21 to the Account.

22 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—  
23 Each fiscal year, the Secretary of the Treasury shall de-  
24 posit funds into the Account and distribute such funds  
25 through a noncompetitive application process according to

1 guidelines and criteria, and reporting requirements deter-  
2 mined by the Secretary of the Interior, acting through the  
3 Director of the Bureau of Indian Affairs, in consultation  
4 with Indian Tribes. Such funds shall remain available  
5 until expended.

6 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—  
7 The distribution guidelines and criteria described in sub-  
8 section (c) shall be based, in part, upon an Indian Tribe’s  
9 wildlife management responsibilities. Any funding allo-  
10 cated to an Indian Tribe in Alaska may only be used in  
11 a manner consistent with the Alaska Native Claims Settle-  
12 ment Act (43 U.S.C. 1601 et seq.), the Alaska National  
13 Interest Lands Conservation Act (16 U.S.C. 3101 et seq.),  
14 and Public Law 85–508 (commonly known as the “Alaska  
15 Statehood Act”) (48 U.S.C. note prec. 21). Alaska Native  
16 Corporations or Tribes may enter into cooperative agree-  
17 ments with the State of Alaska on conservation projects  
18 of mutual concern.

19 (e) USE OF FUNDS.—

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

24 (A) To develop, carry out, revise, or en-  
25 hance wildlife conservation and restoration pro-

1           grams to manage Tribal species of greatest con-  
2           servation need and the habitats of such species,  
3           as determined by the Indian Tribe.

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

8           (C) For wildlife conservation education and  
9           wildlife-associated recreation projects.

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

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

17          (F) For law enforcement activities that are  
18          directly related to the protection and conserva-  
19          tion of wildlife.

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

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

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

1           (A) REQUIRED USE OF FUNDS.—In order  
2 to be eligible to receive funds under subsection  
3 (c), a Tribe’s application must include a pro-  
4 posal to use funds for at least one of the pur-  
5 poses described in subparagraphs (A) and (B)  
6 of paragraph (1).

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

16           (C) LIMITATION.—In distributing funds  
17 under this section, the Secretary shall distribute  
18 not more than 15 percent of all funds distrib-  
19 uted under this section for the purpose de-  
20 scribed in paragraph (1)(C).

21           (f) NO MATCHING FUNDS REQUIRED.—No Indian  
22 Tribe shall be required to provide matching funds to be  
23 eligible to receive funds under this section.

24           (g) PUBLIC ACCESS NOT REQUIRED.—Funds appor-  
25 tioned from the Tribal Wildlife Conservation and Restora-

1 tion Account shall not be conditioned upon the provision  
2 of public or non-Tribal access to Tribal or private lands,  
3 waters, or holdings.

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

8 (i) SAVINGS CLAUSE.—Nothing in this section shall  
9 be construed as modifying or abrogating a treaty with any  
10 Indian Tribe, or as enlarging or diminishing the authority,  
11 jurisdiction, or responsibility of an Indian Tribe to man-  
12 age, control, or regulate wildlife.

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

1 **TITLE III—ENDANGERED SPE-**  
2 **CIES RECOVERY AND HABI-**  
3 **TAT CONSERVATION LEGACY**  
4 **FUND**

5 **SEC. 301. ENDANGERED SPECIES RECOVERY AND HABITAT**  
6 **CONSERVATION LEGACY FUND.**

7 (a) **ESTABLISHMENT.**—There is established in the  
8 Treasury of the United States a fund, to be known as the  
9 “Endangered Species Recovery and Habitat Conservation  
10 Legacy Fund” (referred to in this section as the “Fund”).

11 (b) **FUNDING.**—For each of fiscal years 2024  
12 through 2027, the Secretary of the Treasury shall transfer  
13 from the general fund of the Treasury to the Fund  
14 \$187,500,000.

15 (c) **AVAILABILITY OF FUNDS.**—Amounts in the Fund  
16 shall be available to the Secretary of the Interior, acting  
17 through the Director of the United States Fish and Wild-  
18 life Service (referred to in this section as the “Secretary”),  
19 as provided in subsection (e), without further appropria-  
20 tion or fiscal year limitation.

21 (d) **INVESTMENT OF AMOUNTS.**—

22 (1) **IN GENERAL.**—The Secretary may request  
23 the Secretary of the Treasury to invest any portion  
24 of the Fund that is not, as determined by the Sec-

1       retary, required to meet the current needs of the  
2       Fund.

3           (2) REQUIREMENT.—An investment requested  
4       under paragraph (1) shall be made by the Secretary  
5       of the Treasury in a public debt security—

6           (A) with a maturity suitable to the needs  
7       of the Fund, as determined by the Secretary;  
8       and

9           (B) bearing interest at a rate determined  
10       by the Secretary of the Treasury, taking into  
11       consideration current market yields on out-  
12       standing marketable obligations of the United  
13       States of comparable maturity.

14          (3) CREDITS TO FUND.—The income on invest-  
15       ments of the Fund under this subsection shall be  
16       credited to, and form a part of, the Fund.

17          (e) USE OF FUNDS.—Amounts in the Fund shall be  
18       used for recovering the species managed under the Endan-  
19       gered Species Act of 1973 (16 U.S.C. 1531 et seq.), in  
20       addition to amounts otherwise available for such purposes,  
21       as follows:

22           (1) ENDANGERED SPECIES RECOVERY GRANT  
23       PROGRAM.—\$75,000,000 for each of fiscal years  
24       2024 through 2027, to remain available until ex-  
25       pended, shall be used to establish and implement a

1 grant and technical assistance program, to be known  
2 as the “Endangered Species Recovery Grant Pro-  
3 gram”, to provide competitive matching grants for  
4 the purpose of recovering species listed as a threat-  
5 ened species or an endangered species under section  
6 4 of the Endangered Species Act of 1973 (16 U.S.C.  
7 1533) by addressing the backlog in the development  
8 of recovery plans, and implementing the backlog of  
9 activities identified in existing recovery plans, under  
10 subsection (f) of that section (16 U.S.C. 1533(f)).  
11 The Secretary shall enter into an agreement with  
12 the National Fish and Wildlife Foundation to estab-  
13 lish and cooperatively manage the Endangered Spe-  
14 cies Recovery Grant Program in accordance with the  
15 Endangered Species Act of 1973 (16 U.S.C. 1531 et  
16 seq.) and the National Fish and Wildlife Foundation  
17 Establishment Act (16 U.S.C. 3701 et seq.).

18 (2) INTERAGENCY CONSULTATION RESPON-  
19 SIBILITIES.—\$75,000,000 for each of fiscal years  
20 2024 through 2027, to remain available until ex-  
21 pended, shall be used for the United States Fish and  
22 Wildlife Service to address interagency consultation  
23 responsibilities under section 7 of the Endangered  
24 Species Act of 1973 (16 U.S.C. 1536).

1           (3) CONSERVATION ACTIVITIES.—\$28,125,000  
2           for each of fiscal years 2024 through 2027, to re-  
3           main available until expended, shall be used for the  
4           United States Fish and Wildlife Service to work  
5           with non-Federal entities, including through, but not  
6           limited to, the Partners for Fish and Wildlife Pro-  
7           gram, the Coastal Program, and the North Amer-  
8           ican Wetlands Conservation Act (16 U.S.C. 4401 et  
9           seq.)—

10                   (A) to conserve at risk species, species that  
11                   are candidates or proposed for listing, and spe-  
12                   cies that are listed as threatened or endangered  
13                   species under section 4 of the Endangered Spe-  
14                   cies Act of 1973 (16 U.S.C. 1533), including  
15                   through rescue and rehabilitation efforts; and

16                   (B) to conserve wildlife habitat.

17           (4) VOLUNTARY CONSERVATION AGREE-  
18           MENTS.—\$9,375,000 for each of fiscal years 2024  
19           through 2027, to remain available until expended,  
20           shall be used for the United States Fish and Wildlife  
21           Service to address the development and permitting  
22           of voluntary conservation agreements under section  
23           10 of the Endangered Species Act of 1973 (16  
24           U.S.C. 1539).

1 (f) SUPPLEMENT, NOT SUPPLANT.—Amounts made  
2 available under this section shall supplement and not sup-  
3 plant any other Federal amounts made available to carry  
4 out activities described in this section in an annual appro-  
5 priations Act of Congress.

6 (g) SUBMISSION OF SPECIES LISTS TO CONGRESS.—

7 (1) PRIORITY LIST OF SPECIES.—Not later  
8 than 90 days after the date of enactment of this  
9 Act, the Secretary, shall submit to the Committees  
10 on Environment and Public Works and Appropria-  
11 tions of the Senate and the Committees on Natural  
12 Resources and Appropriations of the House of Rep-  
13 resentatives a list of threatened species and endan-  
14 gered species for which recovery plans described in  
15 subsection (e)(1) will be developed or implemented  
16 for fiscal year 2024.

17 (2) ANNUAL LIST OF SPECIES.—Until the date  
18 on which all of the amounts in the Fund are ex-  
19 pended, the President shall annually submit to Con-  
20 gress, together with the annual budget of the United  
21 States, a list of threatened species and endangered  
22 species for which recovery plans described in sub-  
23 section (e)(1) will be developed or implemented with  
24 amounts from the Fund.

25 (h) PUBLIC DONATIONS.—

1           (1) IN GENERAL.—The Secretary may accept  
2 public cash donations that advance efforts—

3                   (A) to address the backlog in the develop-  
4 ment and implementation of recovery plans; and

5                   (B) to encourage relevant public-private  
6 partnerships.

7           (2) CREDITS TO FUND.—Any cash donations  
8 accepted under paragraph (1) shall be credited to,  
9 and form a part of, the Fund.

10          (3) REJECTION OF DONATIONS.—The Secretary  
11 may reject a donation under this section when the  
12 rejection is in the interest of the Federal Govern-  
13 ment, as determined by the Secretary.

14          (i) ALLOCATION AUTHORITY.—

15               (1) SUBMISSION OF COST ESTIMATES.—The  
16 President shall submit to Congress detailed alloca-  
17 tions by program element of the amount rec-  
18 ommended for allocation in a fiscal year from  
19 amounts made available under subsection (c), con-  
20 sistent with the use of funds under subsection (e),  
21 as follows:

22                   (A) For fiscal year 2024, not later than 90  
23 days after the date of enactment of this Act.

24                   (B) For each fiscal year thereafter, until  
25 the date on which all of the amounts in the

1 Fund are allocated, as part of the annual budg-  
2 et submission of the President under section  
3 1105(a) of title 31, United States Code.

4 (2) ALTERNATE ALLOCATION.—

5 (A) IN GENERAL.—The Committees on  
6 Appropriations of the Senate and House of  
7 Representatives may provide for alternate allo-  
8 cation of amounts recommended for allocation  
9 in a given fiscal year from amounts made avail-  
10 able under subsection (c), consistent with the  
11 use of funds under subsection (e), including al-  
12 locations by program element.

13 (B) ALLOCATION BY PRESIDENT.—

14 (i) NO ALTERNATE ALLOCATIONS.—If  
15 Congress has not enacted legislation estab-  
16 lishing alternate allocations, including by  
17 program, by the date on which the Act  
18 making full-year appropriations for the De-  
19 partment of the Interior, Environment,  
20 and Related Agencies for the applicable fis-  
21 cal year is enacted into law, only then shall  
22 amounts recommended for allocation for  
23 that fiscal year from amounts made avail-  
24 able under subsection (c), consistent with  
25 the use of funds under subsection (e), be

1 allocated by the President or apportioned  
2 or allotted by program pursuant to title  
3 31, United States Code.

4 (ii) INSUFFICIENT ALTERNATE ALLO-  
5 CATION.—If Congress enacts legislation es-  
6 tablishing alternate allocations, including  
7 by program, for amounts recommended for  
8 allocation in a given fiscal year from  
9 amounts made available under subsection  
10 (c), consistent with the use of funds under  
11 subsection (e), that are less than the full  
12 amount recommended for allocation for  
13 that fiscal year, the difference between the  
14 amount recommended for allocation and  
15 the alternate allocation shall be allocated  
16 by the President and apportioned and al-  
17 lotted by program pursuant to title 31,  
18 United States Code.

19 (j) PROHIBITIONS.—No amounts from the Fund shall  
20 be used—

21 (1) to make any listing determination relating  
22 to the endangered or threatened status of any spe-  
23 cies pursuant to section 4(a) of the Endangered Spe-  
24 cies Act of 1973 (16 U.S.C. 1533(a));

1           (2) on any experimental population (as defined  
2           in paragraph (1) of section 10(j) of the Endangered  
3           Species Act of 1973 (16 U.S.C. 1539(j))) of a  
4           threatened or endangered species that is determined  
5           to be nonessential under that section;

6           (3) outside of the United States (as defined in  
7           section 3 of the Endangered Species Act of 1973 (16  
8           U.S.C. 1532)); and

9           (4) to acquire any Federal land.

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