AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3742
OFFERED BY MR. GRIJALVA OF ARIZONA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recovering America’s Wildlife Act of 2019”.

TITLE I—WILDLIFE CONSERVATION AND RESTORATION

SEC. 101. WILDLIFE CONSERVATION AND RESTORATION SUBACCOUNT.

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

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

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

“(1) Establishment of subaccount.—

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

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

“(C) DEPOSITS INTO SUBACCOUNT.—Be-
going in fiscal year 2020, the Secretary of the
Treasury shall transfer $1,300,000,000 from
the general fund of the treasury each fiscal year
to the fund for deposit in the Subaccount.

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

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

“(B) the fund.

“(3) INNOVATION GRANTS.—

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

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

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

“(i) a State Director from each re-

gional association of State fish and wildlife
departments;

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

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

“(D) SUPPORT FROM UNITED STATES FISH AND WILDLIFE SERVICE.—The United States Fish and Wildlife Service shall provide any personnel or administrative support services necessary for such Committee to carry out its responsibilities under this Act.

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

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

“(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(d), by carrying out, revising, or enhancing existing wildlife and habitat conservation and restoration programs and developing and implementing new wildlife conservation and
restoration programs to recover and manage species of greatest conservation need and the key habitats and plant community types essential to the conservation of those species as determined by the appropriate State fish and wildlife department;

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

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

“(D) may be used for wildlife conservation education and wildlife-associated recreation projects;

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

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

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

“(5) **Minimum required spending for endangered species recovery.**—Not less than an average of 15 percent over a 5-year period of amounts apportioned to a State, territory, or the District of Columbia from the Subaccount shall be used for purposes described in paragraph (4)(C). The Secretary may reduce the minimum requirement of a State, territory, or the District of Columbia on an annual basis if the Secretary determines that the State, territory, or the District of Columbia is meeting the conservation and recovery needs of all species described in paragraph (4)(C).

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

“(7) REQUIREMENTS FOR MATCHING FUNDS.—

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

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

“(ii) donated private lands and waters, including privately owned easements;

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


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

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

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

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

“(A) SPECIES OF GREATEST CONSERVA-
TION NEED.—The term ‘species of greatest con-
servation need’ has the meaning given to it by
each State fish and wildlife department, with
respect to funds apportioned to such State.

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

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

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

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

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

(A) in paragraph (1)—

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

(ii) in subparagraph (B)—

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

(iii) by adding at the end the following:

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

(B) in paragraph (2)(A)—

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

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

(ii) in clause (ii)—

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

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

(iii) by adding at the end the following:

“(iii) one-quarter of which is based upon the ratio to which the number of
vertebrate and invertebrate species listed as endangered or threatened under the Endangered Species Act of 1973 (15 U.S.C. 1531 et seq.) in such State bears to the total number of such species listed in all such States.”; and

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

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

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

and

(4) by adding at the end following:

“(f) Minimization of Planning and Reporting.—Nothing in this Act shall be interpreted to require a State to create a comprehensive strategy related to conservation education or outdoor recreation.

“(g) Accountability.—Not more than one year after the date of enactment of the Recovering America’s Wildlife Act of 2019 and every 3 years thereafter, each
State fish and wildlife department shall submit a 3-year work plan and budget for implementing its Wildlife Conservation Strategy and a report describing the results derived from activities accomplished under subsection (c)(4) during the previous 3 years to—

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

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

“(3) the United States Fish and Wildlife Service.”.

SEC. 102. TECHNICAL AMENDMENTS.

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

(1) by striking paragraph (5);

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

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

(b) CONFORMING AMENDMENTS.—The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a et seq.) is amended—
(1) in section 3—

(A) in subsection (a)—

(i) by striking ``(1) An amount equal to'' and inserting ``An amount equal to'';

and

(ii) by striking paragraph (2);

(B) in subsection (c)—

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

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

(C) in subsection (d), by striking ``Wildlife Conservation and Restoration Account'' and inserting ``Subaccount'';

(2) in section 4 (16 U.S.C. 669c)—

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

(i) in the heading, by striking ``ACCOUNT'' and inserting ``SUBACCOUNT''; and

(ii) by striking ``Account'' each place it appears and inserting ``Subaccount''; and
(B) in subsection (e)(1), as redesignated, by striking “Account” and inserting “Sub-account”; and

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

SEC. 103. SAVINGS CLAUSE.

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

(1) by redesignating section 13 as section 15;

and

(2) by inserting after section 12 the following:

“SEC. 13. SAVINGS CLAUSE.

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

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

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

SEC. 104. EXCLUSION FROM PAYGO SCORECARDS.

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

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

TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

SEC. 201. INDIAN TRIBES.

(a) Definitions.—In this section—

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

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

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

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

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

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

(C) does not include game farm animals.

(b) **TRIBAL WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.**—

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


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

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

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

(d) **Wildlife Management Responsibilities.**—The distribution guidelines and criteria described in subsection (c) shall be based, in part, upon Indian Tribes’ wildlife management responsibilities.

(e) **Use of Funds.**—

   (1) **In general.**—Except as provided in paragraph (2), the Secretary may distribute funds from the Account to an Indian Tribe for any of the following purposes:
(A) To develop, carry out, revise, or enhance wildlife conservation and restoration programs to manage Tribal species of greatest conservation need and the habitats of such species as determined by the Indian Tribe.

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

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

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

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

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

(G) To develop, revise, and implement comprehensive wildlife conservation strategies and plans for such Tribe.
(H) For the hiring and training of wildlife conservation and restoration program staff.

(2) CONDITIONS ON THE USE OF FUNDS.—

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

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

(C) LIMITATION.—In distributing funds under this section, the Secretary shall distribute not more than 15 percent of all funds distributed under this section for the purpose described in paragraph (1)(C).
(f) No Matching Funds Required.—No Indian Tribe shall be required to provide matching funds to be eligible to receive funds under this Act.

(g) Public Access Not Required.—Funds apportioned from the Tribal Wildlife Conservation and Restoration Account shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

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

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