

The Recovering America's Wildlife Act in the 117th Congress

The bipartisan Recovering America's Wildlife Act (H.R. 2773) will provide dedicated funding to states, territories, and Tribal Nations for proactive, on-the-ground conservation actions to help prevent species from becoming endangered. A summary of changes and improvements made to the bill as it's moved through the legislative process are listed below.

1. Changed the Funding Source

- Instead of the funding for the Recovering America's Wildlife Act (RAWA) coming specifically from onshore and offshore energy revenues and fees, it now will come from the general U.S. Treasury fund. This revision simply eliminates the restriction on the source of revenue, but not the need for dedicated funding.

2. Added a Tribal Title with Permanent Funding and Reporting Requirements

- Indian Tribes will receive a dedicated and permanent \$97.5 million annually to fund proactive wildlife conservation efforts.
- 15% of the total funds allocated to Tribes must be spent on federally listed threatened and endangered species.
- Reporting requirements were added for Indian Tribes that receive funding through this legislation. Those requirements will be determined by the Secretary of Interior, acting through the Director of the BIA, in consultation with Indian Tribes.

3. Increased Funding for the Recovery of Species Listed as Federally Threatened or Endangered Under the ESA

- The state funding apportionment formula was changed - from 50% proportion of land and 50% proportion of human population to 50% proportion of land, 25% proportion of human population, and 25% proportion of the number of species listed as federally threatened or endangered in a State. This will not change the Pittman-Robertson Act formula for allocating excise taxes on guns, ammunition, and archery equipment to states.
- A new formula was adopted to ensure states with a high number of threatened and endangered species will have the resources they need to protect and restore those species.
- There were no T&E species funding requirements in the first version of this bill. After listening to the concerns of stakeholders, we reintroduced the bill in the 116th Congress with a requirement that 10% of the funding a State or territory receives be spent on T&E species conservation. That number increased to 15% during the committee markup process in House Natural Resources.
- The new bill requires States and territories to spend at least an average of 15% of the funds apportioned to them over a 5-year period on the recovery of federally threatened or endangered species.
- Most States and territories currently use their State Wildlife Grants to recover these species and would continue to do so with the additional funds offered through the *Recovering America's Wildlife Act*.

4. Directed More Funding to U.S. Territories

- Increased the percent of funds to each of the U.S. territories from 0.25% to 0.33%.
- Increased the percent of funds to Puerto Rico from 0.25% to not less than 1%.

5. Explicitly Included Plants as Eligible for Funding

- The bill clarifies that plants are crucial to healthy habitats for fish and wildlife. It provides flexibility for State fish and wildlife agencies to fund conservation efforts for these species when working towards implementation of their State Wildlife Action Plans (SWAPs).
- Plants (flora) were explicitly added to the definition of Species of Greatest Conservation Need (SGCN).

- Changed the apportionment formula to distribute funding based in part on a state’s number of federally endangered or threatened plants, directing additional funding to States with federally listed plants.
- Adds a financial incentive for States to include plants in their list of State SGCNs and in the conservation planning and habitat prioritization efforts of their SWAPs. States that meet this requirement will receive an additional 5% of their apportioned amount to restore native plants.

6. Competitive Innovative Grants Program

- 10% of the total funding of the Subaccount will be allocated through a competitive innovation grants program. Grants will be awarded to State and U.S. territory fish and wildlife agencies, a group of States, or regional associations of fish and wildlife agencies to implement the most effective and innovative species restoration projects.
- We added language that preferences projects that support the recovery of species that are identified as priorities through regional scientific assessments of species of greatest conservation need.
- This program will advance the creative work being done on-the-ground, and invests in the type of resourceful efforts needed to address the daunting challenges facing our nation’s fish and wildlife in the 21st century.

7. Eliminated Statutory Requirements to Use Funds on Wildlife Conservation Education and Wildlife-Associated Recreation

- Existing statute requires that States “shall use funds on wildlife conservation education and wildlife-associated recreation....” This was changed to a discretionary “may” for these purposes, and guidance was added to encourage use of these funds in historically underserved communities.
- The bill now restricts States’ and Indian Tribes’ ability to use their apportioned funding on wildlife conservation education and wildlife-associated recreation projects. No more than an average of 15 percent over 5 years of their funding can be spent on those types of projects and programs.

8. Added More Frequent Reporting and Accountability for States

- A reporting requirement for states and territories was added that was initially every 5 years, but it was changed to every 3 years.
- The first report will be submitted one year after the bill is passed into law and every three years thereafter. Each State fish and wildlife agency shall submit a three-year work plan and budget for implementing its SWAP and a report describing the results derived from activities accomplished under activities accomplished the implementation of its SWAP during the previous three years to the House Committee on Natural Resources, the Senate Committee on Environment and Public Works, and the U.S. Fish and Wildlife Service.
- This is in addition to the existing reporting requirements of annual grant and progress reports to the USFWS.

9. “Nuisance” Species language removed

- Management of “nuisance” species will no longer be specifically funded due to concerns that the term could have been applied too broadly.

10. “Species of Greatest Conservation Need” definition added

- A definition was provided to clarify that this funding is for species in conservation need, defined as fauna or flora, terrestrial, aquatic, marine, or invertebrate species of “low population, declining, rare, or facing threats and in need of conservation attention.”