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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R.

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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

Mrs. DINGELL introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The populations of several species of wildlife  
4 across America are in crisis. The Nation's efforts to  
5 recover at-risk wildlife populations are not keeping  
6 pace with the increased demand for natural re-  
7 sources and threats to native wildlife, including dis-  
8 ease, invasive species, habitat loss and fragmenta-  
9 tion, shifts in temperature ranges, and extreme  
10 weather. More than 150 species are presumed ex-  
11 tinct, another 500 are likely extinct, and more than  
12 12,000 species are designated as species of greatest  
13 conservation need, including more than 700 wildlife  
14 species in the United States that are already listed  
15 as threatened or endangered under the Endangered  
16 Species Act. An assessment of the best-known  
17 groups of United States wildlife and plants indicates  
18 that one-third of America's species are vulnerable to  
19 extinction and one-fifth imperiled and at high-risk of  
20 extinction.

21 (2) A diverse array of species of fish and wild-  
22 life is of significant value to the United States for  
23 aesthetic, ecological, educational, cultural, rec-  
24 reational, economic, and scientific reasons.

25 (3) More than 100 million citizens of the  
26 United States participate in outdoor recreation

1 through hunting, fishing, birding, and other wildlife-  
2 dependent recreation, all of which have significant  
3 value to the citizens who engage in those activities  
4 and provide economic benefits to local communities.

5 (4) It is in the interest of the United States—

6 (A) to retain for present and future gen-  
7 erations the opportunity to hunt, fish, observe,  
8 understand, and appreciate a wide variety of  
9 fish and wildlife;

10 (B) to recover species of fish and wildlife  
11 listed as threatened species or endangered spe-  
12 cies under the Endangered Species Act of 1973  
13 (16 U.S.C. 1531 et seq.) and to prevent fish  
14 and wildlife species from declining to the point  
15 of requiring Federal protection under such Act;  
16 and

17 (C) to support collaborative and proactive  
18 conservation that will sustain the diverse fish  
19 and wildlife populations of the United States.

20 (5) The first nongovernmental conservation or-  
21 ganizations to instill fish and wildlife conservation  
22 values in hunters, anglers, bird watchers, and all  
23 citizens were founded during the 1880s to 1890s at  
24 the behest of hunters and anglers, including Theo-  
25 dore Roosevelt and naturalist George Bird Grinnell,

1 who were alarmed that game and sportfish could not  
2 sustain unregulated harvest and that avifauna need-  
3 ed protection from commercial take.

4 (6) At the turn of the 20th century, the  
5 States—

6 (A) realized the need to regulate the har-  
7 vest of game and sportfish for sustainable use;

8 (B) required hunters and anglers to obtain  
9 licenses and established regulations for game  
10 seasons, bag and creel limits, and legal means  
11 of take for game and sportfish; and

12 (C) used the funds received for such li-  
13 censes largely for enforcement of such regula-  
14 tions.

15 (7) In 1937, an alliance between hunters and  
16 conservation organizations, States, the Federal Gov-  
17 ernment, and the shooting sports industry convinced  
18 Congress to transfer to the States receipts from an  
19 existing Federal excise tax on sporting arms and  
20 ammunition, matched by State hunting license dol-  
21 lars, for the management of wildlife and conserva-  
22 tion of habitat under the Pittman-Robertson Wildlife  
23 Restoration Act (16 U.S.C. 669 et seq.), which  
24 greatly enhanced the States' ability to move from

1 primarily enforcing game seasons and bag limits to  
2 science-based research and management of wildlife.

3 (8) In 1951, an alliance between anglers and  
4 conservation organizations, States, the Federal Gov-  
5 ernment, and the sportfishing industry convinced  
6 Congress to impose a Federal excise tax on fishing  
7 equipment under the Dingell-Johnson Sportfish Res-  
8 toration Act (16 U.S.C. 777 et seq.) and to transfer  
9 to the States such receipts, matched by State fishing  
10 license revenues, to manage sportfish and conserve  
11 aquatic habitats, enhancing the State fish and wild-  
12 life department's ability to use science-based re-  
13 search and management of fish species.

14 (9) Such user-pay, public-benefits means of  
15 funding fish and wildlife conservation are unique in  
16 the world, having been started in the United States  
17 by sportsmen and sportswomen who were willing to  
18 pay these fees to ensure dedicated funds went to fish  
19 and wildlife conservation delivered by the States.

20 (10) Such user-pay funds (licenses and excise  
21 taxes)—

22 (A) have benefitted not only hunters and  
23 anglers, but all citizens of the United States by  
24 providing abundant fish and wildlife (including  
25 both game and nongame species), clean water,

1 outdoor recreation, healthy activities, and qual-  
2 ity of life; and

3 (B) provide, and will continue to provide,  
4 a majority of the funds that are available to  
5 State fish and wildlife departments for science-  
6 based research and management of fish and  
7 wildlife.

8 (11) State fish and wildlife agencies are respon-  
9 sible for the conservation and management of all  
10 fish and wildlife in the State, but are grossly under-  
11 funded because there are few funds available at the  
12 State level for fish and wildlife conservation, except  
13 those driven by hunting and fishing license revenues  
14 and Federal excise tax revenues.

15 (12) Congress created a subaccount known as  
16 the Wildlife Conservation and Restoration Sub-  
17 account under section 3(a)(2) of the Pittman-Rob-  
18 ertson Wildlife Restoration Act (16 U.S.C.  
19 669b(a)(2)) to support the full array of fish and  
20 wildlife conservation needs identified by State fish  
21 and wildlife departments, including for species that  
22 are not hunted or fished, but only authorized appro-  
23 priations for the Subaccount for one year.

24 (13) While some appropriated funds have been  
25 made available through related programs, the lack of

1 assured and sufficient dedicated funding for the  
2 Wildlife Conservation and Restoration Subaccount  
3 has left unrealized the goals of the Subaccount,  
4 thereby allowing fish and wildlife populations to con-  
5 tinue to decline across the United States and result-  
6 ing in hundreds of species being listed as threatened  
7 species or endangered species under the Endangered  
8 Species Act of 1973 (16 U.S.C. 1531 et seq.).

9 (14) Under the Pittman-Robertson Wildlife  
10 Restoration Act (16 U.S.C. 669 et seq.), each State  
11 and territory is required to seek public input and  
12 produce a comprehensive fish and wildlife conserva-  
13 tion strategy, otherwise known as a State Wildlife  
14 Action Plan, to guide the State-led conservation of  
15 the full array of fish, wildlife, and their habitats.

16 (15) Providing assured and sufficient dedicated  
17 funding to the Wildlife Conservation and Restoration  
18 Subaccount will advance the national interest by as-  
19 suring sustainable populations of fish and wildlife  
20 species are available for the use and enjoyment of  
21 citizens of the United States through implementing  
22 the comprehensive fish and wildlife conservation  
23 strategy of each State, territory, and the District of  
24 Columbia.

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 amended  
7 in subsection (c)—

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

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

12 “(1) ESTABLISHMENT OF SUBACCOUNT.—

13 “(A) IN GENERAL.—There is established in  
14 the fund a subaccount to be known as the  
15 ‘Wildlife Conservation and Restoration Sub-  
16 account’ (referred to in this section as the ‘Sub-  
17 account’).

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

22 “(C) DEPOSITS INTO SUBACCOUNT.—Be-  
23 ginning in fiscal year 2020, the Secretary of the  
24 Treasury shall transfer \$1,300,000,000 from

1           the general fund of the treasury each fiscal year  
2           to the fund for deposit in the Subaccount.

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

7                     “(A) the funds distributed pursuant to the  
8           Dingell-Johnson Sport Fish Restoration Act  
9           (16 U.S.C. 777 et seq.); and

10                    “(B) the fund.

11           “(3) INNOVATION GRANTS.—

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

21                    “(B) PURPOSE.—Such grants shall be pro-  
22           vided for the purpose of catalyzing innovation  
23           of techniques, tools, strategies, or collaborative  
24           partnerships that accelerate, expand, or rep-  
25           licate effective and measurable recovery efforts

1 for species of greatest conservation need and  
2 species listed under the Endangered Species Act  
3 of 1973 (15 U.S.C. 1531 et seq.) and the habi-  
4 tats of such species.

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

8 “(i) a State Director from each re-  
9 gional association of State fish and wildlife  
10 departments;

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

14 “(iii) four individuals representing  
15 four different nonprofit organizations each  
16 of which is actively participating in car-  
17 rying out wildlife conservation restoration  
18 activities using funds apportioned from the  
19 Subaccount.

20 “(D) SUPPORT FROM UNITED STATES FISH  
21 AND WILDLIFE SERVICE.—The United States  
22 Fish and Wildlife Service shall provide any per-  
23 sonnel or administrative support services nec-  
24 essary for such Committee to carry out its re-  
25 sponsibilities under this Act.

1           “(E) EVALUATION.—Such committee shall  
2           evaluate each proposal submitted under this  
3           paragraph and recommend projects for funding.

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

6           “(A) shall be used to carry out, revise, or  
7           enhance existing wildlife and habitat conserva-  
8           tion and restoration programs and to develop  
9           and implement new wildlife conservation and  
10          restoration programs to recover and manage  
11          species of greatest conservation need and the  
12          key habitats and plant community types essen-  
13          tial to the conservation of those species as de-  
14          termined by the appropriate State fish and  
15          wildlife department;

16          “(B) shall be used to develop, revise, and  
17          implement a wildlife conservation strategy of  
18          the State as may be required by this Act;

19          “(C) shall be used to assist in the recovery  
20          of species found in the State, territory, or in  
21          the case of funds received by the District of Co-  
22          lumbia, the District of Columbia that are listed  
23          as endangered or threatened under the Endan-  
24          gered Species Act of 1973 (16 U.S.C. 1531 et  
25          seq.) or under State law;

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

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

9           “(F) may be used to manage, control, and  
10 prevent invasive and nuisance species, disease,  
11 and other risks to species of greatest conserva-  
12 tion need; and

13           “(G) may be used for law enforcement ac-  
14 tivities that are directly related to the protec-  
15 tion and conservation of a species of greatest  
16 conservation need and the habitat of such spe-  
17 cies.

18           “(5) MINIMUM REQUIRED SPENDING FOR SPE-  
19 CIES RECOVERY.—Not less than 10 percent of funds  
20 apportioned to a State or territory from the Sub-  
21 account shall be used for purposes described in para-  
22 graph (4)(C).

23           “(6) PUBLIC ACCESS TO PRIVATE LANDS NOT  
24 REQUIRED.—Funds apportioned from the Sub-

1 account shall not be conditioned upon the provision  
2 of public access to private lands, waters, or holdings.

3 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

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

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

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

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

19 “(iv) other sources consistent with  
20 part 80 of title 50, Code of Federal Regu-  
21 lations, in effect on the date of enactment  
22 of the Recovering America’s Wildlife Act of  
23 2019.

24 “(B) Revenue described in subparagraph  
25 (A)(iii) may only be used to fulfill the require-

1           ments of such non-Federal fund matching re-  
2           quirement if—

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

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

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

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

22                   “(B) TERRITORY AND TERRITORIES.—The  
23                   terms ‘territory’ and ‘territories’ mean the  
24                   Commonwealth of Puerto Rico, Guam, Amer-  
25                   ican Samoa, the Commonwealth of the North-

1           ern Mariana Islands, and the United States  
2           Virgin Islands.

3           “(C) WILDLIFE.—The term ‘wildlife’  
4           means any species of wild, freeranging fauna,  
5           including fish, and also fauna in captive breed-  
6           ing programs the object of which is to reintro-  
7           duce individuals of a depleted indigenous spe-  
8           cies into previously occupied range.”.

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

12           (1) by redesignating the second subsection (c),  
13           relating to the apportionment of the Wildlife Con-  
14           servation and Restoration Account, and subsection  
15           (d) as subsections (d) and (e) respectively;

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

17           (A) in paragraph (1)—

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

22           (ii) in subparagraph (B), by striking  
23           “to Guam” and inserting “To Guam” and

24           (iii) by adding at the end the fol-  
25           lowing:

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

4           (B) in paragraph (2)(A), as redesignated—

5                 (i) in clause (i), by striking “one-  
6 third” and inserting “one-half”; and

7                 (ii) in clause (ii), by striking “two-  
8 thirds” and inserting “one-half”; and

9           (C) in paragraph (3), by striking “3 per-  
10 cent” and inserting “1.85 percent”; and

11           (3) by amending subsection (e)(4)(B), as red-  
12 igned, to read as follows:

13                 “(B) Not more than an average of 15 per-  
14 cent over a 5-year period of amounts appor-  
15 tioned to each State under this section for a  
16 State’s wildlife conservation and restoration  
17 program may be used for wildlife conservation  
18 education and wildlife-associated recreation.”;

19           and

20           (4) by adding at the end following:

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

1       “(g) REPORT TO CONGRESS.—Not more than five  
2 years after the date of enactment of the Recovering Amer-  
3 ica’s Wildlife Act of 2019 and every 5 years thereafter,  
4 each State fish and wildlife department shall submit a re-  
5 port describing the results derived from activities accom-  
6 plished under paragraph (3) to—

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

9               “(2) the Committee on Natural Resources of  
10 the House of Representatives.”.

11 **SEC. 102. TECHNICAL AMENDMENTS.**

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

15               (1) by striking paragraph (5);

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

18               (3) in paragraph (6), as redesignated by para-  
19 graph (2), by inserting “Indian Tribes, academic in-  
20 stitutions,” before “wildlife conservation organiza-  
21 tions”.

22       (b) CONFORMING AMENDMENTS.—The Pittman-Rob-  
23 ertson Wildlife Restoration Act (16 U.S.C. 669a et seq.)  
24 is amended—

25               (1) in section 3—

- 1 (A) in subsection (a)—
- 2 (i) by striking “(1) An amount equal
- 3 to” and inserting “An amount equal to”;
- 4 and
- 5 (ii) by striking paragraph (2);
- 6 (B) in subsection (c)—
- 7 (i) in paragraph (9), as redesignated
- 8 by section 101(a)(1), by striking “or an
- 9 Indian tribe”; and
- 10 (ii) in paragraph (10), as redesignated
- 11 by section 101(a)(1), by striking “Wildlife
- 12 Conservation and Restoration Account”
- 13 and inserting “Subaccount”; and
- 14 (C) in subsection (d), by striking “Wildlife
- 15 Conservation and Restoration Account” and in-
- 16 serting “Subaccount”.
- 17 (2) in section 4 (16 U.S.C. 669c)—
- 18 (A) in subsection (d), as redesignated—
- 19 (i) in the heading, by striking “AC-
- 20 COUNT” and inserting “SUBACCOUNT”;
- 21 and
- 22 (ii) by striking “Account” each place
- 23 it appears and inserting “Subaccount”;
- 24 and

1 (B) in subsection (e)(1), as redesignated,  
2 by striking “Account” and inserting “Sub-  
3 account”; and

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

7 **SEC. 103. SAVINGS CLAUSE.**

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

10 (1) by redesignating section 13 as section 15;

11 and

12 (2) by inserting after section 12 the following:

13 **“SEC. 13. SAVINGS CLAUSE.**

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

20 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**  
21 **ALASKA.**

22 “If any conflict arises between any provision of this  
23 Act and any provision of the Alaska National Interest  
24 Lands Conservation Act (Public Law 46–487, 16 U.S.C.

1 3101 et seq.), then the provision in the Alaska National  
2 Interest Lands Conservation Act shall prevail.”.

3 **SEC. 104. EXCLUSION FROM PAYGO SCORECARDS.**

4 (a) **STATUTORY PAY-AS-YOU-GO SCORECARDS.**—The  
5 budgetary effects of this Act shall not be entered on any  
6 PAYGO scorecard maintained pursuant to section 4(d) of  
7 the Statutory Pay-As-You-Go Act of 2010.

8 (b) **SENATE PAYGO SCORECARDS.**—The budgetary  
9 effects of this Act shall not be entered on any PAYGO  
10 scorecard maintained for purposes of section 4106 of H.  
11 Con. Res. 71 (115th Congress), the concurrent resolution  
12 on the budget for fiscal year 2018.

13 **TITLE II—TRIBAL WILDLIFE**  
14 **CONSERVATION AND RES-**  
15 **TORATION**

16 **SEC. 201. INDIAN TRIBES.**

17 (a) **FINDINGS.**—Congress finds that—

18 (1) Indian Tribes are responsible for conserva-  
19 tion and management of all fish, wildlife, and flora  
20 on lands within their jurisdiction;

21 (2) however, their efforts remain grossly under-  
22 funded;

23 (3) Tribes do not benefit from Federal excise  
24 tax revenues;

1           (4) Tribal lands and waters provide vital habi-  
2           tat for hundreds of federally listed, sensitive, eco-  
3           nomically important and culturally significant spe-  
4           cies; and

5           (5) a stable and consistent funding source that  
6           supports Tribal wildlife conservation and manage-  
7           ment will benefit the well-being of Tribes and the  
8           species they protect and conserve.

9           (b) DEFINITIONS.—In this section—

10           (1) ACCOUNT.—The term “Account” means the  
11           Tribal Wildlife Conservation and Restoration Ac-  
12           count established by subsection (c)(1).

13           (2) 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           (3) SECRETARY.—The term “Secretary” means  
18           the Secretary of the Interior.

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

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

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

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

10 (C) does not include game farm animals.

11 (c) TRIBAL WILDLIFE CONSERVATION AND RES-  
12 TINATION ACCOUNT.—

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

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

20 (3) DEPOSITS.—Beginning in fiscal year 2020,  
21 and each fiscal year thereafter, the Secretary of the  
22 Treasury shall transfer \$97,500,000 to the Account.

23 (d) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—  
24 Each fiscal year, the Secretary of the Treasury shall de-  
25 posit funds into the Account and distribute such funds

1 through a noncompetitive application process according to  
2 guidelines and criteria determined by the Secretary of the  
3 Interior, acting through the Director of the Bureau of In-  
4 dian Affairs, in consultation with Indian Tribes. Such  
5 funds shall remain available until expended.

6 (e) WILDLIFE MANAGEMENT RESPONSIBILITIES.—  
7 The distribution guidelines and criteria described in sub-  
8 section (d) shall be based, in part, upon Indian Tribes'  
9 wildlife management responsibilities.

10 (f) USE OF FUNDS.—

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

15 (A) To develop, carry out, revise, or en-  
16 hance wildlife conservation and restoration pro-  
17 grams to manage Tribal species of greatest con-  
18 servation need and the habitats of such species  
19 as determined by the such Indian Tribe.

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

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

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

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

8 (F) For law enforcement activities that are  
9 directly related to the protection and conserva-  
10 tion of wildlife.

11 (G) To develop, revise, and implement  
12 comprehensive wildlife conservation strategies  
13 and plans for such Tribe.

14 (H) For the hiring and training of wildlife  
15 conservation and restoration program staff.

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

17 (A) REQUIRED USE OF FUNDS.—In order  
18 to be eligible to receive funds under subsection  
19 (d), a Tribe's application must include a pro-  
20 posal to use funds for at least one of the pur-  
21 poses described in subparagraphs (A) and (B)  
22 of paragraph (1).

23 (B) IMPERILED SPECIES RECOVERY.—In  
24 distributing funds under this section, the Sec-  
25 retary shall distribute not less than 15 percent

1 of the total funds distributed to proposals to  
2 fund the recovery of a species, subspecies, or  
3 distinct population segment listed as a threat-  
4 ened species, endangered species, or candidate  
5 species under the Endangered Species Act of  
6 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

7 (C) LIMITATION.—In distributing funds  
8 under this section, the Secretary shall distribute  
9 not more than 15 percent of all funds distrib-  
10 uted under this section for the purpose de-  
11 scribed in paragraph (1)(C).

12 (g) NO MATCHING FUNDS REQUIRED.—No Indian  
13 Tribe shall be required to provide matching funds to be  
14 eligible to receive funds under this Act.

15 (h) PUBLIC ACCESS NOT REQUIRED.—Funds appor-  
16 tioned from the Tribal Wildlife Conservation and Restora-  
17 tion Account shall not be conditioned upon the provision  
18 of public or non-Tribal access to Tribal or private lands,  
19 waters, or holdings.

20 (i) ADMINISTRATIVE COSTS.—Of the funds deposited  
21 under subsection (c)(3) for each fiscal year, not more than  
22 3 percent shall be used by the Secretary for administrative  
23 costs.

24 (j) SAVINGS CLAUSE.—Nothing in this Act shall be  
25 construed as modifying or abrogating a treaty with any

- 1 Indian Tribe, or as enlarging or diminishing the authority,
- 2 jurisdiction, or responsibility of an Indian Tribe to man-
- 3 age, control, or regulate wildlife.