

**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:

1 SECTION 1. SHORT TITLE.

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

**4 TITLE I—WILDLIFE CONSERVA-
5 TION AND RESTORATION**

**6 SEC. 101. WILDLIFE CONSERVATION AND RESTORATION
7 SUBACCOUNT.**

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

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

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

15 “(1) ESTABLISHMENT OF SUBACCOUNT.—

16 “(A) IN GENERAL.—There is established in
17 the fund a subaccount to be known as the
18 ‘Wildlife Conservation and Restoration Sub-

1 account' (referred to in this section as the 'Sub-
2 account').

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

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

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

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

19 “(B) the fund.

20 “(3) INNOVATION GRANTS.—

21 “(A) IN GENERAL.—The Secretary shall
22 distribute 10 percent of funds apportioned from
23 the Subaccount through a competitive grant
24 program to State fish and wildlife departments,
25 the District of Columbia fish and wildlife de-

1 department, fish and wildlife departments of terri-
2 tories, or to regional associations of fish and
3 wildlife departments (or any group composed of
4 more than 1 such entity).

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

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

17 “(i) a State Director from each re-
18 gional association of State fish and wildlife
19 departments;

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

23 “(iii) four individuals representing
24 four different nonprofit organizations each
25 of which is actively participating in car-

1 rying out wildlife conservation restoration
2 activities using funds apportioned from the
3 Subaccount.

4 “(D) SUPPORT FROM UNITED STATES FISH
5 AND WILDLIFE SERVICE.—The United States
6 Fish and Wildlife Service shall provide any per-
7 sonnel or administrative support services nec-
8 essary for such Committee to carry out its re-
9 sponsibilities under this Act.

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

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

19 “(A) shall be used to implement the Wild-
20 life Conservation Strategy of a State, territory,
21 or the District of Columbia, as required under
22 section 4(d), by carrying out, revising, or en-
23 hancing existing wildlife and habitat conserva-
24 tion and restoration programs and developing
25 and implementing new wildlife conservation and

1 restoration programs to recover and manage
2 species of greatest conservation need and the
3 key habitats and plant community types essen-
4 tial to the conservation of those species as de-
5 termined by the appropriate State fish and
6 wildlife department;

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

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

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

22 “(E) may be used to manage a species of
23 greatest conservation need whose range is
24 shared with another State, territory, Indian

1 Tribe, or foreign government and for the con-
2 servation of the habitat of such species;

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

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

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

24 “(6) PUBLIC ACCESS TO PRIVATE LANDS NOT
25 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)—

23 (I) by striking “to Guam” and
24 inserting “To Guam”; and

1 (II) by striking “not more than
2 one-fourth of one percent” and insert-
3 ing “not less than one-third of one
4 percent”; and

5 (iii) by adding at the end the fol-
6 lowing:

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

10 (B) in paragraph (2)(A)—

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

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

17 (ii) in clause (ii)—

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

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

22 (iii) by adding at the end the fol-
23 lowing:

24 “(iii) one-quarter of which is based
25 upon the ratio to which the number of

1 vertebrate and invertebrate species listed
2 as endangered or threatened under the En-
3 dangered Species Act of 1973 (15 U.S.C.
4 1531 et seq.) in such State bears to the
5 total number of such species listed in all
6 such States.”; and

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

9 (3) by amending subsection (e)(4)(B), as reded-
10 igned, to read as follows:

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

18 (4) by adding at the end following:

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

23 “(g) ACCOUNTABILITY.—Not more than one year
24 after the date of enactment of the Recovering America’s
25 Wildlife Act of 2019 and every 3 years thereafter, each

1 State fish and wildlife department shall submit a 3-year
2 work plan and budget for implementing its Wildlife Con-
3 servation Strategy and a report describing the results de-
4 rived from activities accomplished under subsection (c)(4)
5 during the previous 3 years to—

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

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

10 “(3) the United States Fish and Wildlife Serv-
11 ice.”.

12 **SEC. 102. TECHNICAL AMENDMENTS.**

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

16 (1) by striking paragraph (5);

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

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

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

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

18 (1) **ACCOUNT.**—The term “Account” means the
19 Tribal Wildlife Conservation and Restoration Ac-
20 count established by subsection (b)(1).

21 (2) **INDIAN TRIBE.**—The term “Indian Tribe”
22 has the meaning given such term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5304).

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

3 (4) TRIBAL SPECIES OF GREATEST CONSERVA-
4 TION NEED.—The term “Tribal species of greatest
5 conservation need” means any species identified by
6 an Indian Tribe as requiring conservation manage-
7 ment because of declining population, habitat loss,
8 or other threats, or because of their biological or cul-
9 tural importance to such Tribe.

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

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

13 (B) flora or fauna in a captive breeding,
14 rehabilitation, and holding or quarantine pro-
15 gram, the object of which is to reintroduce indi-
16 viduals of a depleted indigenous species into
17 previously occupied range or to maintain a spe-
18 cies for conservation purposes; and

19 (C) does not include game farm animals.

20 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
21 TINATION ACCOUNT.—

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

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

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

8 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—
9 Each fiscal year, the Secretary of the Treasury shall de-
10 posit funds into the Account and distribute such funds
11 through a noncompetitive application process according to
12 guidelines and criteria determined by the Secretary of the
13 Interior, acting through the Director of the Bureau of In-
14 dian Affairs, in consultation with Indian Tribes. Such
15 funds shall remain available until expended.

16 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—
17 The distribution guidelines and criteria described in sub-
18 section (c) shall be based, in part, upon Indian Tribes'
19 wildlife management responsibilities.

20 (e) USE OF FUNDS.—

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

1 (A) To develop, carry out, revise, or en-
2 hance wildlife conservation and restoration pro-
3 grams to manage Tribal species of greatest con-
4 servation need and the habitats of such species
5 as determined by the Indian Tribe.

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

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

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

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

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

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

1 (H) For the hiring and training of wildlife
2 conservation and restoration program staff.

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

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

10 (B) IMPERILED SPECIES RECOVERY.—In
11 distributing funds under this section, the Sec-
12 retary shall distribute not less than 15 percent
13 of the total funds distributed to proposals to
14 fund the recovery of a species, subspecies, or
15 distinct population segment listed as a threat-
16 ened species, endangered species, or candidate
17 species under the Endangered Species Act of
18 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

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

1 (f) NO MATCHING FUNDS REQUIRED.—No Indian
2 Tribe shall be required to provide matching funds to be
3 eligible to receive funds under this Act.

4 (g) PUBLIC ACCESS NOT REQUIRED.—Funds appor-
5 tioned from the Tribal Wildlife Conservation and Restora-
6 tion Account shall not be conditioned upon the provision
7 of public or non-Tribal access to Tribal or private lands,
8 waters, or holdings.

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

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

