

**AMENDMENT TO AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7408
OFFERED BY REPRESENTATIVE LEGER FERNÁNDEZ**

Strike Title II and insert the following:

**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 INTO ACCOUNT.—Beginning in fiscal year 2023, and for each fiscal year thereafter, the Secretary of the Treasury shall transfer \$97,500,000 from the general fund of the Treasury 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, and reporting requirements 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 an Indian Tribe's wildlife management responsibilities. Any funding allocated to an Indian Tribe in Alaska may only be used in a manner consistent with the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), and Public Law 85–508 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21). Alaska Native Corporations or Tribes may enter into cooperative agreements with the State of Alaska on conservation projects of mutual concern.

(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) AUTHORIZATION OF APPROPRIATIONS TO INSPECTOR GENERAL.—There is authorized to be appropriated to the Office of the Inspector General of the Department of the Interior $\frac{1}{2}$ of 1 percent of the amounts made available this section for the purposes of providing oversight and accountability with respect to expenditure of funds authorized under this section, to remain available until September 30, 2029.

(j) 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.

(k) 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 (16 U.S.C. 3101 et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.