

118TH CONGRESS
2D SESSION

H. R. 7408

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2024

Mr. WESTERMAN (for himself, Mr. BENTZ, Ms. HAGEMAN, Mr. STAUBER, Mr. CURTIS, Mr. CARL, Mr. LAMBORN, Ms. BOEBERT, Mrs. KIGGANS of Virginia, Mr. LAMALFA, Mr. NEWHOUSE, Mrs. RADEWAGEN, Mr. MOYLAN, Mrs. GONZÁLEZ-COLÓN, Ms. MALOY, Mr. CARTER of Georgia, Mr. ZINKE, Mr. SMITH of Nebraska, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “America’s Wildlife Habitat Conservation Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Statement of purpose.
- Sec. 3. GAO study.

TITLE I—WILDLIFE CONSERVATION AND RESTORATION

- Sec. 101. Wildlife Conservation and Restoration Subaccount.
- Sec. 102. Technical amendments.
- Sec. 103. Savings clause.

TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

- Sec. 201. Indian Tribes.

**TITLE III—CONSERVATION AND MANAGEMENT FOR WILDLIFE
REFUGES**

- Sec. 301. Definitions.
- Sec. 302. Good neighbor authority for the United States Fish and Wildlife
Service.
- Sec. 303. Stewardship end result contracting projects.

**TITLE IV—INCENTIVIZING WILDLIFE CONSERVATION ON
PRIVATE LANDS**

- Sec. 401. Candidate Conservation Agreements with Assurances.
- Sec. 402. Designation of critical habitat.
- Sec. 403. Private land.

TITLE V—FOREST INFORMATION REFORM

- Sec. 501. No additional consultation required.

**TITLE VI—PROVIDING FOR GREATER INCENTIVES TO RECOVER
LISTED SPECIES**

- Sec. 601. Protective regulations under Endangered Species Act of 1973.

TITLE VII—RESCISSIONS AND REPEALS

- Sec. 701. Rescission of funds.
- Sec. 702. Repeal of certain programs.

1 **SEC. 2. STATEMENT OF PURPOSE.**

2 The purpose of this Act is to extend financial and
3 technical assistance to States, territories, the District of
4 Columbia, and Indian Tribes, including under the Pitt-
5 man-Robertson Wildlife Restoration Act (16 U.S.C. 669
6 et seq.), for the purpose of restoring habitat on State,
7 Tribal, Federal, and private lands—

8 (1) to recover species currently listed as threat-
9 ened or endangered under the Endangered Species
10 Act of 1973 (16 U.S.C. 1531 et seq.) or under State
11 law; and

12 (2) to prevent the need to list species under the
13 Endangered Species Act of 1973 (16 U.S.C. 1531 et
14 seq.) or under State law.

15 **SEC. 3. GAO STUDY.**

16 Not later than 5 years after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall conduct a study to examine the progress of States,
19 territories, the District of Columbia, and Indian Tribes to-
20 ward achieving the purpose described in section 2.

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 amend-
7 ed—

8 (1) in subsection (a)—

9 (A) by striking “(1) An amount equal to”
10 and inserting “An amount equal to”; and

11 (B) by striking paragraph (2); and

12 (2) subsection (c)—

13 (A) by redesignating paragraphs (2) and
14 (3) as paragraphs (10) and (11); and

15 (B) by striking paragraph (1) and insert-
16 ing the following:

17 “(1) DEFINITIONS.—In this subsection:

18 “(A) RESTORATION.—The term ‘restora-
19 tion’ means the implementation of conservation
20 actions and practices that reestablish or en-
21 hance environmental conditions and ecosystem
22 functions that benefit the diversity, resilience,
23 health, and productivity of plants and animals.

24 “(B) REWILDING.—The term ‘rewilding’
25 means a restoration approach that prohibits

1 human management activities and relies only on
2 natural processes to maintain or improve habi-
3 tat.

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

10 “(2) ESTABLISHMENT OF SUBACCOUNT.—

11 “(A) IN GENERAL.—There is established in
12 the fund a subaccount to be known as the
13 ‘Wildlife Habitat Conservation and Restoration
14 Subaccount’.

15 “(B) AVAILABILITY.—Amounts in the Sub-
16 account shall be available until expended, sub-
17 ject to future appropriations, for apportionment
18 in accordance with this Act.

19 “(C) DEPOSITS INTO SUBACCOUNT.—Sub-
20 ject to the availability of appropriations made
21 in advance for such purposes, the Secretary
22 shall allocate not more than \$300,000,000 to
23 the Subaccount for each of fiscal years 2025
24 through 2029.

1 “(D) TREATMENT OF REVENUE.—Funds
2 received by a State fish and wildlife department
3 as a result of a wildlife conservation and res-
4 toration program or project of such department
5 that is carried out on Federal or State land and
6 funded by the Subaccount shall be retained and
7 used by such department to carry out additional
8 authorized wildlife conservation and restoration
9 programs or projects pursuant to this Act.

10 “(E) SUNSET.—No funds may be appro-
11 priated to the Subaccount after fiscal year
12 2029.

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

17 “(A) the funds distributed pursuant to the
18 Dingell-Johnson Sport Fish Restoration Act
19 (16 U.S.C. 777 et seq.); and

20 “(B) the fund.

21 “(4) INNOVATION GRANTS.—

22 “(A) IN GENERAL.—The Secretary shall
23 distribute 10 percent of amounts in the Sub-
24 account in each fiscal year through a competi-
25 tive grant program to State fish and wildlife de-

1 partments, the District of Columbia fish and
2 wildlife department, fish and wildlife depart-
3 ments of territories, or to regional associations
4 of fish and wildlife departments (or any group
5 composed of more than 1 such entity).

6 “(B) PURPOSE.—Recipients of a grant
7 issued under subparagraph (A) shall use such
8 grant funds for the purpose of catalyzing inno-
9 vation of techniques, tools, strategies, or col-
10 laborative partnerships that accelerate, expand,
11 or replicate effective and measurable recovery
12 efforts for habitat of species of greatest con-
13 servation need and species listed under the En-
14 dangered Species Act of 1973 (16 U.S.C. 1531
15 et seq.).

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

19 “(i) 1 State Director from each re-
20 gional association of State fish and wildlife
21 departments;

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

1 “(iii) 1 delegate from the United
2 States Fish and Wildlife Service, for the
3 purpose of providing technical assistance;

4 “(iv) 2 individuals who represent 2
5 different nonprofit organizations, each of
6 which participated in carrying out wildlife
7 conservation and restoration activities
8 using funds apportioned from the Sub-
9 account during the 5-year period ending on
10 the date of appointment of such individual;
11 and

12 “(v) 2 individuals who represent 2 dif-
13 ferent nonprofit hunting and fishing orga-
14 nizations who are each a member of—

15 “(I) the Hunting and Wildlife
16 Conservation Council of the Depart-
17 ment of the Interior and Department
18 of Agriculture and classified as rep-
19 resenting a ‘wildlife & habitat con-
20 servation/management organization’;
21 or

22 “(II) the Sport Fishing and
23 Boating Partnership Council of the
24 Department of the Interior and classi-
25 fied as representing a ‘recreational

1 fishery resource conservation organi-
2 zation’.

3 “(D) SUPPORT FROM UNITED STATES FISH
4 AND WILDLIFE SERVICE.—Using not more than
5 3 percent of the amounts distributed under sub-
6 paragraph (A) to carry out a competitive grant
7 program, the United States Fish and Wildlife
8 Service shall provide any personnel or adminis-
9 trative support services necessary for such com-
10 mittee to carry out its responsibilities under
11 this Act.

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

19 “(5) USE OF FUNDS.—

20 “(A) IN GENERAL.—Funds apportioned
21 from the Subaccount under paragraph (2)(B)—

22 “(i) shall be used for purposes and
23 practices consistent with section 2 of the
24 America’s Wildlife Habitat Conservation
25 Act;

1 “(ii) shall be used to develop, carry
2 out, revise, or enhance the Wildlife Con-
3 servation Strategy of a State, territory, or
4 the District of Columbia, as required under
5 section 4(e), by carrying out, revising, or
6 enhancing existing wildlife conservation
7 and restoration programs or strategies and
8 developing and implementing new wildlife
9 conservation and restoration programs or
10 strategies, as determined by the appro-
11 priate State fish and wildlife department;

12 “(iii) shall be used to assist in the res-
13 toration of habitat for species found in the
14 State, territory, or the District of Colum-
15 bia that are listed as endangered species,
16 threatened species, candidate species or
17 species proposed for listing, or species peti-
18 tioned for listing under the Endangered
19 Species Act of 1973 (16 U.S.C. 1531 et
20 seq.) or under State law;

21 “(iv) may be used for management of
22 animals, including harvesting;

23 “(v) may be used for the conservation
24 and restoration of habitat for species of
25 greatest conservation need whose range is

1 shared with another State, territory, In-
2 dian Tribe, or foreign government;

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

7 “(vii) may be used for forest and
8 vegetation management activities if a pri-
9 mary purpose of such activity is to modify,
10 improve, enhance, or create wildlife habitat
11 or reduce the risk of damage or destruc-
12 tion to wildlife habitat due to wildfires, in-
13 sects, or disease, including—

14 “(I) planting, seeding, and har-
15 vesting;

16 “(II) mechanical thinning;

17 “(III) prescribed burning;

18 “(IV) chemical applications de-
19 signed to restore natural range vari-
20 ation including creating and maintain-
21 ing early seral communities; and

22 “(V) prescribed haying and graz-
23 ing practices;

24 “(viii) may be used to carry out vol-
25 untary, collaborative conservation work

1 with willing landowners consistent with
2 section 2 of the America’s Wildlife Habitat
3 Conservation Act to keep private lands
4 working; and

5 “(ix) may be used to provide incen-
6 tives to private landowners to carry out
7 habitat conservation work for threatened
8 and endangered species or species of great-
9 est conservation need on the land owned by
10 such private landowners and to provide fi-
11 nancial assistance or technical assistance
12 to such private landowners to carry out
13 such work.

14 “(B) PROHIBITED USES.—Funds appor-
15 tioned from the Subaccount may not be used
16 for—

17 “(i) rewilding;

18 “(ii) the reintroduction or manage-
19 ment of a species in a manner not sup-
20 ported by the applicable State fish and
21 wildlife management authorities; or

22 “(iii) climate-focused decisions that
23 lack a connection to the State comprehen-
24 sive plan developed under section 4(e)(1).

1 “(6) MINIMUM REQUIRED SPENDING FOR EN-
2 DANGERED SPECIES RECOVERY.—Not less than 15
3 percent of the total amount apportioned to a State,
4 territory, or the District of Columbia from the Sub-
5 account during the period of fiscal years 2025
6 through 2029 shall be used for purposes described
7 in paragraph (5)(A)(iii).

8 “(7) PUBLIC ACCESS TO PRIVATE LANDS NOT
9 REQUIRED.—Apportionment of funds from the Sub-
10 account may not be conditioned upon the provision
11 of public access to private lands, waters, or holdings.

12 “(8) REQUIREMENTS FOR MATCHING FUNDS.—

13 “(A) IN GENERAL.—For the purposes of
14 the non-Federal fund matching requirement for
15 a wildlife conservation and restoration program
16 or project funded by the Subaccount, a State,
17 territory, or the District of Columbia may use
18 as matching non-Federal funds—

19 “(i) in-kind contributions of services
20 and materials;

21 “(ii) voluntarily donated privately
22 owned easements;

23 “(iii) in circumstances described in
24 subparagraph (B), revenue generated

1 through the sale of State hunting and fish-
2 ing licenses; and

3 “(iv) other sources consistent with
4 part 80 of title 50, Code of Federal Regu-
5 lations, as in effect on the date of the en-
6 actment of the America’s Wildlife Habitat
7 Conservation Act.

8 “(B) CIRCUMSTANCES DESCRIBED.—Rev-
9 enue described in subparagraph (A)(iii) may
10 only be used to fulfill the requirements of such
11 non-Federal fund matching requirement if—

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

20 “(ii) the project or program being
21 funded benefits the habitat of a species
22 that is a—

23 “(I) hunted or fished species; and

24 “(II) species of greatest con-
25 servation need.

1 “(9) STATE LAND ACQUISITION.—Land ac-
2 quired by a State, territory, or the District of Co-
3 lumbia using funds apportioned from the Sub-
4 account—

5 “(A) may only be purchased from a willing
6 seller;

7 “(B) may only be so acquired for the pur-
8 poses described in paragraph (5)(A)(iii);

9 “(C) may only be so acquired when no
10 other source of funding is available to purchase
11 such land; and

12 “(D) shall be open to the public for wild-
13 life-related outdoor recreation, including hunt-
14 ing, trapping, fishing, or recreational shooting
15 to the extent allowed by State law.”.

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

19 (1) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by inserting “, after deducting the
22 amount distributed pursuant to section
23 3(c)(4),” after “Secretary of the Interior
24 shall”;

25 (ii) in subparagraph (A)—

1 (I) by striking “to the District of
2 Columbia and to the Commonwealth
3 of Puerto Rico, each” and inserting
4 “To the District of Columbia”; and

5 (II) by striking “one-half” and
6 inserting “one-fourth”;

7 (iii) in subparagraph (B)—

8 (I) by striking “to Guam” and
9 inserting “To Guam”; and

10 (II) by striking “not more than
11 one-fourth of 1 percent” and inserting
12 “not less than one-third of 1 percent”;
13 and

14 (iv) by adding at the end the fol-
15 lowing:

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

19 (B) in paragraph (2)(A)—

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

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

- 1 (ii) in clause (ii)—
- 2 (I) by striking “two-thirds” and
3 inserting “one-quarter”; and
- 4 (II) by striking the period and
5 inserting “; and”; and
- 6 (iii) by adding at the end the fol-
7 lowing:
- 8 “(iii) one quarter of which is based upon
9 the ratio to which the number of species listed
10 as endangered or threatened under the Endan-
11 gered Species Act of 1973 in such State bears
12 to the total number of such species listed in all
13 such States.”;
- 14 (C) by amending paragraph (2)(B) to read
15 as follows:
- 16 “(B) The amounts apportioned under this para-
17 graph shall be adjusted equitably so that no such
18 State, unless otherwise designated, shall be appor-
19 tioned a sum which is less than 1 percent or more
20 than 5 percent of the amount available for appor-
21 tionment under—
- 22 “(i) subparagraph (A)(i);
23 “(ii) subparagraph (A)(ii); and
24 “(iii) the overall amount available for sub-
25 paragraph (A).”; and

1 (D) in paragraph (3), by striking “3 per-
2 cent” and inserting “one-third of 1 percent”;

3 (2) in subsection (e) in paragraph (3), by strik-
4 ing “75” and inserting “90”; and

5 (3) by adding at the end following:

6 “(f) ACCOUNTABILITY.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of the America’s Wildlife
9 Habitat Conservation Act and every 2 years there-
10 after until the last day of fiscal year 2029, the head
11 of each State fish and wildlife department shall sub-
12 mit to the Director of the United States Fish and
13 Wildlife Service a report describing, with respect to
14 such department during the preceding 2 years, the
15 following:

16 “(A) A summary of each activity carried
17 out using funds apportioned from the Sub-
18 account, including—

19 “(i) an accounting of the administra-
20 tive costs associated with each such activ-
21 ity;

22 “(ii) an accounting of land acquired,
23 if any, from willing sellers by each State
24 fish and wildlife department using funds
25 from the Subaccount, including—

1 “(I) the number of acres ac-
2 quired;

3 “(II) the endangered species,
4 threatened species, candidate species
5 or species proposed for listing, or spe-
6 cies petitioned for listing under the
7 Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.) or State law as-
9 sociated with the land acquired;

10 “(III) the justification for such
11 land acquisition; and

12 “(IV) a detailed explanation re-
13 garding why other sources of funding
14 were not used for the land acquisition;
15 and

16 “(iii) the number of acres of habitat
17 restored, enhanced, created, or conserved
18 by each such activity.

19 “(B) A summary of the results and effec-
20 tiveness of each activity carried out using funds
21 apportioned from the Subaccount, including, if
22 determinable—

23 “(i) any change in the population
24 trends of species of greatest conservation
25 need; and

1 “(ii) any reduction in threats to spe-
2 cies of greatest conservation need.

3 “(2) SUMMARY REPORT.—The Secretary shall,
4 not later than 180 days after each deadline for the
5 submission of reports under paragraph (1), submit
6 a report summarizing each report received by the
7 Secretary under paragraph (1) to—

8 “(A) the Committee on Environment and
9 Public Works of the Senate; and

10 “(B) the Committee on Natural Resources
11 of the House of Representatives.

12 “(3) STATE DEFINED.—In this subsection, the
13 term ‘State’ includes the District of Columbia, the
14 Commonwealth of Puerto Rico, Guam, American
15 Samoa, the Commonwealth of the Northern Mariana
16 Islands, and the United States Virgin Islands.”.

17 **SEC. 102. TECHNICAL AMENDMENTS.**

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

21 (1) in paragraph (7), by striking “including
22 fish,”; and

23 (2) in paragraph (9)—

24 (A) by striking “section 304(d)” and in-
25 serting “section 4(e)”; and

1 (B) by inserting “Indian Tribes,” before
2 “wildlife conservation organizations”.

3 (b) CONFORMING AMENDMENTS.—The Pittman-Rob-
4 ertson Wildlife Restoration Act (16 U.S.C. 669 et seq.)
5 is amended—

6 (1) in section 2—

7 (A) by redesignating paragraphs (6)
8 through (11) as paragraphs (7) through (12),
9 respectively;

10 (B) by inserting after paragraph (5) the
11 following:

12 “(6) the term ‘species of greatest conservation
13 need’ means, with respect to funds apportioned to a
14 State, terrestrial, aquatic, or marine fauna or flora
15 that the State fish and wildlife department of such
16 State determines are—

17 “(A) of low or declining population; or

18 “(B) facing threats and in need of con-
19 servation attention;”;

20 (C) by redesignating paragraphs (8)
21 through (12), as so redesignated by subpara-
22 graph (A) of this paragraph, as paragraphs (9)
23 through (13), respectively; and

24 (D) by inserting after paragraph (7) the
25 following:

1 “(8) the term ‘Subaccount’ means the Wildlife
2 Habitat Conservation and Restoration Subaccount
3 established by section 3(c)(2)(A);”;

4 (2) in section 3—

5 (A) in subsection (c)—

6 (i) in paragraph (10), as so redesignig-
7 nated by section 101(a)(3) of this Act, by
8 striking “or an Indian tribe”; and

9 (ii) in paragraph (11), as so redesignig-
10 nated by section 101(a)(3) of this Act—

11 (I) by striking “Wildlife Con-
12 servation and Restoration Account”
13 and inserting “Subaccount”; and

14 (II) by striking “those species
15 with the greatest conservation need as
16 defined by the State wildlife conserva-
17 tion and restoration program” and in-
18 serting “species of greatest conserva-
19 tion need”; and

20 (B) in subsection (d), by striking “Wildlife
21 Conservation and Restoration Account” and in-
22 serting “Subaccount”;

23 (3) in section 4 (16 U.S.C. 669c)—

24 (A) in subsection (d)—

1 (i) in the heading, by striking “WILD-
 2 LIFE CONSERVATION AND RESTORATION
 3 ACCOUNT” and inserting “SUBACCOUNT”;
 4 and

5 (ii) by striking “Wildlife Conservation
 6 and Restoration Account” each place it ap-
 7 pears and inserting “Subaccount”; and

8 (B) in subsection (e)(1), by striking “Wild-
 9 life Conservation and Restoration Account” and
 10 inserting “Subaccount”; and

11 (4) in section 8 (16 U.S.C. 669g), in subsection
 12 (a), by striking “Wildlife Conservation and Restora-
 13 tion Account” and inserting “Subaccount”.

14 **SEC. 103. SAVINGS CLAUSE.**

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

17 (1) by redesignating section 14 as section 16;
 18 and

19 (2) by inserting after section 13 the following:

20 **“SEC. 14. SAVINGS CLAUSE.**

21 “(a) IN GENERAL.—Nothing in this Act may be con-
 22 strued to enlarge or diminish the authority, jurisdiction,
 23 or responsibility of a State, territory, or the District of
 24 Columbia to manage, control, or regulate fish and wildlife

1 on lands and waters within the State, territory, or the Dis-
2 trict of Columbia including on Federal lands and waters.

3 “(b) NO FUNDS AUTHORIZED FOR DAM REMOVAL
4 OR MODIFICATION.—None of the funds made available
5 under this Act may be used to remove a federally owned
6 dam or modify a federally owned dam in a manner that
7 reduces storage or diversion capacity.

8 “(c) PROHIBITION ON LAND TRANSFERS.—The Fed-
9 eral Government may not accept a transfer, donation, or
10 exchange of land or an interest in land from a State gov-
11 ernment, a fish and wildlife department of the District of
12 Columbia or a territory, or a regional association of fish
13 and wildlife departments if such land or interest in land
14 was purchased using funds apportioned under this Act.

15 “(d) TERRITORY DEFINED.—In this section, the
16 term ‘territory’ has the meaning given the term in section
17 3(c)(1).

18 **“SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO**

19 **ALASKA.**

20 “If any conflict arises between any provision of this
21 Act and any provision of the Alaska National Interest
22 Lands Conservation Act or the Alaska Native Claims Set-
23 tlement Act, then the provision in the Alaska National In-
24 terest Lands Conservation Act or the Alaska Native
25 Claims Settlement Act shall prevail.”.

1 **TITLE II—TRIBAL WILDLIFE**
2 **CONSERVATION AND RES-**
3 **TORATION**

4 **SEC. 201. INDIAN TRIBES.**

5 (a) DEFINITIONS.—In this section:

6 (1) ACCOUNT.—The term “Account” means the
7 Tribal Wildlife Conservation and Restoration Ac-
8 count established by subsection (b)(1).

9 (2) CONSERVATION.—The term “conservation”
10 has the meaning given the term in section 2 of the
11 Pittman-Robertson Wildlife Restoration Act (16
12 U.S.C. 669a).

13 (3) 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 (4) RESTORATION.—The term “restoration”
18 means the implementation of conservation actions
19 and practices that reestablish or enhance environ-
20 mental conditions and ecosystem functions that ben-
21 efit the diversity, resilience, health, and productivity
22 of plants and animals.

23 (5) REWILDING.—The term “rewilding” means
24 a restoration approach that prohibits human man-

1 agement activities and relies only on natural pro-
2 esses to maintain or improve habitat.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (7) TRIBAL SPECIES OF GREATEST CONSERVA-
6 TION NEED.—The term “Tribal species of greatest
7 conservation need” means, with respect to an Indian
8 Tribe, any terrestrial, aquatic, or marine fauna or
9 flora that such Indian Tribe determines is—

10 (A) of low or declining population,

11 (B) facing threats and in need of conserva-
12 tion attention; or

13 (C) of cultural importance to such Indian
14 Tribe.

15 (8) WILDLIFE.—The term “wildlife” means any
16 species of—

17 (A) wild, free-ranging fauna, including
18 fish; and

19 (B) fauna in a captive breeding program
20 the object of which is to reintroduce individuals
21 of a depleted indigenous species into previously
22 occupied range of such species.

23 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
24 TORATION ACCOUNT.—

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

4 (2) AVAILABILITY.—Amounts in the Account
5 shall be available until expended, subject to future
6 appropriations, for each fiscal year for apportion-
7 ment in accordance with this section.

8 (3) DEPOSITS INTO ACCOUNT.—There is au-
9 thorized to be appropriated to the Account
10 \$20,000,000 for each of fiscal years 2025 through
11 2029.

12 (4) SUNSET.—No funds may be appropriated to
13 the Account after fiscal year 2029.

14 (c) DISTRIBUTION OF AMOUNTS TO INDIAN
15 TRIBES.—Each fiscal year, the Secretary shall distribute
16 amounts in the Account through a noncompetitive grant
17 program according to guidelines, criteria, and reporting
18 requirements determined by the Secretary, acting through
19 the Director of the Bureau of Indian Affairs, in consulta-
20 tion with Indian Tribes.

21 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

22 (1) IN GENERAL.—The distribution guidelines
23 and criteria described in subsection (c) shall be
24 based, in part, upon the wildlife management re-
25 sponsibilities of an Indian Tribe.

1 (2) INDIAN TRIBES IN ALASKA.—

2 (A) IN GENERAL.—Any amounts allocated
3 to an Indian Tribe in Alaska under this section
4 may only be used in a manner consistent with
5 the Alaska Native Claims Settlement Act (43
6 U.S.C. 1601 et seq.), the Alaska National In-
7 terest Lands Conservation Act (16 U.S.C. 3101
8 et seq.), and Public Law 85–508 (commonly
9 known as the “Alaska Statehood Act”) (48
10 U.S.C. note prec. 21).

11 (B) COOPERATIVE AGREEMENTS.—An In-
12 dian Tribe in Alaska may enter into a coopera-
13 tive agreement with the State of Alaska regard-
14 ing a conservation project of mutual concern.

15 (e) USE OF AMOUNTS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), amounts distributed to an Indian Tribe
18 under subsection (e)—

19 (A) shall be used for purposes consistent
20 with section 2;

21 (B) shall be used to carry out, develop, or
22 enhance wildlife and habitat conservation and
23 restoration programs;

24 (C) shall be used to assist in the restora-
25 tion of habitat for species found in the lands

1 and waters of such Tribe that are listed as en-
2 dangered species, threatened species, candidate
3 species or species proposed for listing, or spe-
4 cies petitioned for listing under the Endangered
5 Species Act of 1973 (16 U.S.C. 1531 et seq.),
6 or under State or Tribal law;

7 (D) may be used for management of ani-
8 mals, including harvesting;

9 (E) may be used for the conservation and
10 restoration of habitat for Tribal species of
11 greatest conservation need whose range is
12 shared with another State, territory, Indian
13 Tribe, or foreign government;

14 (F) may be used to manage, control, and
15 prevent invasive species, disease, and other
16 risks to the habitat of Tribal species of greatest
17 conservation need; and

18 (G) may be used for forest and vegetation
19 management activities if the primary purpose of
20 such activity is to modify, improve, enhance, or
21 create wildlife habitat or reduce the risk of
22 damage or destruction to wildlife habitat due to
23 wildfires, insects, or disease, including—

24 (i) planting, seeding, and harvesting;

25 (ii) mechanical thinning;

- 1 (iii) prescribed burning;
- 2 (iv) chemical applications designed to
- 3 restore natural range of variation including
- 4 creating and maintaining early seral com-
- 5 munities; and
- 6 (v) prescribed haying and grazing
- 7 practices.

8 (2) PROHIBITED USES.—Amounts distributed

9 to an Indian Tribe under subsection (c) may not be

10 used for—

11 (A) rewilding; or

12 (B) the reintroduction or management of a

13 species in a manner not supported by the appli-

14 cable Tribal fish and wildlife management au-

15 thorities.

16 (f) MATCHING REQUIREMENT.—With respect to any

17 grant issued under subsection (c) that exceeds \$100,000,

18 the Federal share of total costs of the project funded

19 through such grant may not exceed 90 percent.

20 (g) PUBLIC ACCESS NOT REQUIRED.—Amounts dis-

21 tributed to an Indian Tribe under subsection (c) shall not

22 be conditioned upon the provision of public or non-Tribal

23 access to Tribal or private lands, waters, or holdings.

24 (h) ADMINISTRATIVE COSTS.—Of the amounts de-

25 posited under subsection (b)(3) for each fiscal year, not

1 more than 3 percent shall be used by the Secretary for
2 administrative costs.

3 (i) ACCOUNTABILITY.—

4 (1) TRIBAL REPORTS.—Not later than the last
5 day of fiscal year 2029, each Indian Tribe that re-
6 ceives funds under this section shall submit to the
7 Director of the Bureau of Indian Affairs a report
8 describing, with respect to such Indian Tribe during
9 the preceding 5 years, the following:

10 (A) A summary of each activity carried out
11 using funding received under subsection (c), in-
12 cluding—

13 (i) an accounting of the administrative
14 costs associated with each such activity;
15 and

16 (ii) the number of acres of habitat re-
17 stored, enhanced, or conserved by each
18 such activity.

19 (B) A summary of the results and effec-
20 tiveness of each activity carried out using fund-
21 ing received under subsection (c), including, if
22 determinable—

23 (i) any change in the population
24 trends of species of greatest conservation
25 need; and

1 (ii) any reduction in threats to species
2 of greatest conservation need.

3 (2) SUMMARY REPORT.—The Director of the
4 Bureau of Indian Affairs shall, not later than 180
5 days after each deadline for the submission of re-
6 ports under paragraph (1), submit a report summa-
7 rizing each report received by the Director under
8 paragraph (1) to—

9 (A) the Committee on Environment and
10 Public Works of the Senate; and

11 (B) the Committee on Natural Resources
12 of the House of Representatives.

13 (j) SAVINGS CLAUSE.—Nothing in this section may
14 be 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.

18 (k) STATUTORY CONSTRUCTION WITH RESPECT TO
19 ALASKA.—If any conflict arises between any provision of
20 this section and any provision of the Alaska National In-
21 terest Lands Conservation Act (16 U.S.C. 3101 et seq.)
22 or the Alaska Native Claims Settlement Act (43 U.S.C.
23 1601 et seq.), then the provision in the Alaska National
24 Interest Lands Conservation Act or the Alaska Native
25 Claims Settlement Act shall prevail.

1 **TITLE III—CONSERVATION AND**
2 **MANAGEMENT FOR WILDLIFE**
3 **REFUGES**

4 **SEC. 301. DEFINITIONS.**

5 In this title:

6 (1) **AUTHORIZED RECREATION SERVICES.**—The
7 term “authorized recreation services” means similar
8 and complementary recreation enhancement or im-
9 provement services carried out—

10 (A) on Federal land, non-Federal land, and
11 land owned by or held in trust for an Indian
12 Tribe; and

13 (B) by the Secretary, a Governor, or a
14 county, as applicable, pursuant to a good neigh-
15 bor agreement.

16 (2) **AUTHORIZED RESTORATION SERVICES.**—
17 The term “authorized restoration services” means
18 similar and complementary forest, rangeland, and
19 watershed restoration services—

20 (A) carried out—

21 (i) on land administered by the
22 United States Fish and Wildlife Service,
23 non-Federal land, and land owned by an
24 Indian Tribe; and

1 (ii) by the Secretary, a Governor, an
2 Indian Tribe, or a county; and

3 (B) in the case of forest, rangeland, and
4 watershed restoration services carried out on
5 land administered by the United States Fish
6 and Wildlife Service, such services shall be con-
7 sistent with the purposes for which such lands
8 were established.

9 (3) COUNTY.—The term “county” means—

10 (A) the appropriate executive official of an
11 affected county or parish; or

12 (B) in any case in which multiple counties
13 or parishes are affected, the appropriate execu-
14 tive official of a compact of the affected coun-
15 ties or parishes.

16 (4) FOREST, RANGELAND, AND WATERSHED
17 RESTORATION SERVICES.—

18 (A) The term “forest, rangeland, and wa-
19 tershed restoration services” means an activ-
20 ity—

21 (i) to reduce hazardous fuels;

22 (ii) to restore or improve fish, wildlife,
23 and their habitats;

1 (iii) to remove vegetation or other ac-
2 tivities to promote healthy forest structure
3 and composition;

4 (iv) to treat insect- or disease-infected
5 trees;

6 (v) to control noxious or exotic weeds;

7 (vi) to reestablish native plant species;

8 or

9 (vii) to maintain a road or trail to re-
10 store or maintain water quality.

11 (B) The term “forest, rangeland, and wa-
12 tershed restoration services” does not include—

13 (i) construction, reconstruction, re-
14 pair, or restoration of paved roads or park-
15 ing areas, other than—

16 (I) activities described in sub-
17 paragraph (A)(vii); or

18 (II) the reconstruction, repair, or
19 restoration of a National Wildlife Ref-
20 uge System road or other road on
21 United States Fish and Wildlife Serv-
22 ice land that is necessary to carry out
23 authorized restoration services pursu-
24 ant to a good neighbor agreement; or

1 (ii) construction, alteration, repair, or
2 replacement of public buildings or works.

3 (5) GOOD NEIGHBOR AGREEMENT.—The term
4 “good neighbor agreement” means an agreement or
5 contract authorized by section 302(a).

6 (6) GOVERNOR.—The term “Governor” means
7 the Governor or any other appropriate executive offi-
8 cial of an affected State or a territory or possession
9 of the United States.

10 (7) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given such term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (8) RECREATION ENHANCEMENT OR IMPROVE-
15 MENT SERVICES.—The term “recreation enhance-
16 ment or improvement services” means—

17 (A) establishing, repairing, restoring, im-
18 proving, relocating, constructing, or recon-
19 structing new or existing—

20 (i) trails or trailheads;

21 (ii) shooting ranges;

22 (iii) paved or permanent roads or
23 parking areas that serve existing recreation
24 facilities or areas;

1 (iv) fishing piers, wildlife viewing plat-
2 forms, docks, or other constructed features
3 at a recreation site;

4 (v) boat landings;

5 (vi) hunting or fishing sites; or

6 (vii) levees and drainage structures to
7 improve wetland habitat; and

8 (B) activities that create, improve, or re-
9 store access to existing recreation facilities or
10 areas.

11 (9) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 302. GOOD NEIGHBOR AUTHORITY FOR THE UNITED**
14 **STATES FISH AND WILDLIFE SERVICE.**

15 (a) IN GENERAL.—The Secretary may enter into a
16 cooperative agreement or contract with a Governor, an In-
17 dian Tribe, or a county to carry out authorized restoration
18 services or authorized recreation services.

19 (b) APPROVAL OF FOREST, RANGELAND, AND WA-
20 TERSHED RESTORATION SERVICES.—The Secretary shall
21 provide or approve any forest, rangeland, and watershed
22 services to be carried out on land administered by the
23 United States Fish and Wildlife Service under this section.

24 (c) RESTORATION ACTIVITIES REQUIRING TIMBER
25 SALES.—

1 (1) APPROVAL OF SILVICULTURE PRESCRIP-
2 TIONS AND MARKING GUIDES.—The Secretary shall
3 provide or approve all silviculture prescriptions and
4 marking guides to be applied on Federal land in all
5 timber sale projects conducted under this section.

6 (2) TREATMENT OF REVENUE.—Funds received
7 from the sale of timber by a Governor, an Indian
8 Tribe, or a county under a good neighbor agreement
9 shall be retained and used by the Governor, Indian
10 Tribe, or county, as applicable—

11 (A) to carry out authorized restoration
12 services or authorized recreation services on
13 Federal land under the good neighbor agree-
14 ment; and

15 (B) if there are funds remaining after car-
16 rying out authorized restoration services or au-
17 thorized recreation services under subparagraph
18 (A), to carry out authorized restoration services
19 or authorized recreation services on Federal
20 land within the State under other good neigh-
21 bor agreements.

22 (d) RETENTION OF NATIONAL ENVIRONMENTAL
23 PROTECTION ACT OF 1969 RESPONSIBILITIES.—Any de-
24 cision required to be made under the National Environ-
25 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with

1 respect to any authorized restoration services or author-
2 ized recreation services to be conducted under this section
3 on land administered by the United States Fish and Wild-
4 life Service may not be delegated to a Governor, an Indian
5 Tribe, or county.

6 (e) PUBLIC AVAILABILITY.—The Secretary shall
7 make each good neighbor agreement available to the pub-
8 lic.

9 (f) EXCLUSIONS.—The authority provided by this
10 section does not apply to—

11 (1) a component of the National Wilderness
12 Preservation System;

13 (2) land on which the removal of vegetation is
14 prohibited or restricted by an Act of Congress or a
15 Presidential proclamation (including the applicable
16 implementation plan) and for which there is no au-
17 thority to otherwise manage or permit such actions
18 consistent with the purposes for which the lands
19 were established; or

20 (3) a wilderness study area.

21 **SEC. 303. STEWARDSHIP END RESULT CONTRACTING**
22 **PROJECTS.**

23 (a) IN GENERAL.—The Secretary may enter into an
24 agreement or contract with a private person or other pub-
25 lic or private entity to perform forest, rangeland, and wa-

1 watershed restoration services that are consistent with the
2 purposes for which the United States Fish and Wildlife
3 Service lands that are the subject of the agreement were
4 established and local and rural community needs.

5 (b) AGREEMENTS OR CONTRACTS.—

6 (1) PROCUREMENT PROCEDURE.—A source for
7 performance or an agreement or contract entered
8 into under subsection (a) shall be selected on a best-
9 value basis, including consideration of source under
10 other public and private agreements or contracts.

11 (2) CONTRACT FOR SALE OF FOREST PROD-
12 UCTS.—A contract entered into under this section
13 may, at the discretion of the Secretary, be consid-
14 ered a contract for the sale of forest products under
15 such terms as the Secretary may prescribe without
16 regard to any other provision of law.

17 (3) TERM.—The Secretary may enter into an
18 agreement or contract under subsection (a) for an
19 initial period of not more than 20 years.

20 (4) OFFSETS.—

21 (A) IN GENERAL.—The Secretary may
22 apply the value of forest products removed as
23 an offset against the cost of forest, rangeland,
24 and watershed restoration services received pur-

1 suant to an agreement or contract under this
2 section.

3 (B) VALUE OF OFFSET.—The value of tim-
4 ber or other forest products used as an offset—

5 (i) shall be determined using appro-
6 priate methods of appraisal commensurate
7 with the quantity of products to be re-
8 moved; and

9 (ii) may—

10 (I) be determined using a unit of
11 measure appropriate to the contracts;
12 and

13 (II) may include valuing products
14 on a per-acre basis.

15 (C) CONTRACTING OFFICER.—Notwith-
16 standing any other provision of law, the Sec-
17 retary may determine the appropriate con-
18 tracting officer to enter into and administer an
19 agreement or contract under this section.

20 (c) RECEIPTS.—

21 (1) IN GENERAL.—The Secretary may collect
22 monies from an agreement or contract under this
23 section if the collection is a secondary objective of
24 negotiating the contract that will best achieve the
25 purpose of this section.

1 (2) DISPOSITION AND AVAILABILITY OF MON-
2 EYS.—Monies from an agreement or contract under
3 this section shall remain available until expended for
4 forest, rangeland, and watershed restoration services
5 at the project site from which the monies are col-
6 lected, or at another project site.

7 (d) RELATION TO OTHER LAWS.—Notwithstanding
8 any other provision of law, the value of services received
9 by the Secretary under a stewardship contract project con-
10 ducted under this section, and any payments made or re-
11 sources provided by the contractor or Secretary, shall not
12 be considered monies received from United States Fish
13 and Wildlife Service lands.

14 (e) COSTS OF REMOVAL.—Notwithstanding the fact
15 that a contractor did not harvest the timber, the Secretary
16 may collect deposits from a contractor covering the costs
17 of removal of timber or other forest products.

18 (f) PERFORMANCE AND PAYMENT GUARANTEES.—

19 (1) IN GENERAL.—The Secretary may require
20 performance and payment bonds under sections
21 28.103–2 and 28.103–3 of the Federal Acquisition
22 Regulation, in an amount that the contracting offi-
23 cer considers sufficient to protect the investment in
24 receipts by the Federal Government generated by
25 the contractor from the estimated value of the forest

1 products to be removed under a contract under this
2 section.

3 (2) EXCESS OFFSET VALUE.—If the offset
4 value of the forest products exceeds the value of the
5 resource improvement treatments, the Secretary
6 may—

7 (A) use the excess to satisfy any out-
8 standing liabilities from cancelled agreements or
9 contracts; or

10 (B) if there are no outstanding liabilities
11 described in subparagraph (A), apply the excess
12 to other authorized stewardship projects.

13 (g) CANCELLATION CEILINGS.—Notwithstanding
14 section 3903(b)(1) of title 41, United States Code, the
15 Secretary may obligate funds in stages that are economi-
16 cally or programmatically viable to cover any potential
17 cancellation or termination costs for an agreement or con-
18 tract under this section.

19 (h) MONITORING AND EVALUATION.—

20 (1) IN GENERAL.—The Secretary shall establish
21 a monitoring and evaluation process that accesses
22 the stewardship contracting projects conducted
23 under this section.

1 (2) PARTICIPANTS.—Other than the Secretary,
2 participants in the process described in this para-
3 graph may include—

4 (A) any cooperating governmental agen-
5 cies, including Tribal governments; and

6 (B) other interested groups or individuals.

7 **TITLE IV—INCENTIVIZING WILD-**
8 **LIFE CONSERVATION ON PRI-**
9 **VATE LANDS**

10 **SECTION 401. CANDIDATE CONSERVATION AGREEMENTS**
11 **WITH ASSURANCES.**

12 (a) LISTING DETERMINATIONS.—Section 4(b)(1) of
13 the Endangered Species Act of 1973 (16 U.S.C.
14 1533(b)(1)) is amended by adding at the end the fol-
15 lowing:

16 “(C) CANDIDATE CONSERVATION AGREEMENTS
17 WITH ASSURANCES.—In making a determination
18 under subsection (a)(1) with respect to a species, the
19 Secretary shall take into account the net conserva-
20 tion benefit (as that term is defined in section
21 10(k)) of any Candidate Conservation Agreement
22 with Assurances or any programmatic Candidate
23 Conservation Agreement with Assurances (as those
24 terms are defined in that subsection) relating to
25 such species.”.

1 (b) CANDIDATE CONSERVATION AGREEMENTS WITH
2 ASSURANCES.—Section 10 of the Endangered Species Act
3 of 1973 (16 U.S.C. 1539) is amended by adding at the
4 end the following:

5 “(k) CANDIDATE CONSERVATION AGREEMENTS
6 WITH ASSURANCES.—

7 “(1) PROPOSED AGREEMENT.—A covered party
8 may submit a proposed Agreement to the Secretary.

9 “(2) APPROVAL.—Not later than 120 days
10 after the date of the receipt of a proposed Agree-
11 ment under paragraph (1), the Secretary shall ap-
12 prove the proposed Agreement if the Secretary de-
13 termines that the proposed Agreement—

14 “(A) sets forth specific management activi-
15 ties that the covered party will undertake to
16 conserve the covered species;

17 “(B) provides a positive estimate of the net
18 conservation benefit of such management activi-
19 ties to the covered species;

20 “(C) requires the Director of the United
21 States Fish and Wildlife Service to determine,
22 to the maximum extent practicable, the existing
23 population levels of the covered species or the
24 existing quality of habitat;

1 “(D) includes a monitoring plan to be car-
2 ried out by the parties to the Agreement; and

3 “(E) provides assurances to the covered
4 party that no additional conservation measures
5 will be required and additional land, water, or
6 resource use restrictions will not be imposed on
7 the covered party if the covered species becomes
8 listed after the effective date of such Agree-
9 ment.

10 “(3) DENIAL.—Not later than 120 days after
11 the date of the receipt of a proposed Agreement
12 under paragraph (1), the Secretary shall—

13 “(A) deny the proposed Agreement if the
14 Secretary determines that the proposed Agree-
15 ment does not meet the requirements described
16 in paragraph (2); and

17 “(B) provide the submitting covered party
18 a written explanation for such determination
19 and the adjustments required for the Secretary
20 to approve such proposed Agreement.

21 “(4) PROGRAMMATIC CANDIDATE CONSERVA-
22 TION AGREEMENT WITH ASSURANCES.—

23 “(A) IN GENERAL.—The Secretary, acting
24 through the Director of the United States Fish
25 and Wildlife Service, may enter into a Can-

1 didate Candidate Conservation Agreement with Assurances
2 with a covered party that authorizes such cov-
3 ered party—

4 “(i) to administer such Candidate
5 Conservation Agreement with Assurances;

6 “(ii) to hold any permit issued under
7 this section with regard to such Candidate
8 Conservation Agreement with Assurances;

9 “(iii) to enroll other covered parties
10 within the area covered by such Candidate
11 Conservation Agreement with Assurances
12 in such Candidate Conservation Agreement
13 with Assurances; and

14 “(iv) to convey any permit authoriza-
15 tion held by such covered party under
16 clause (ii) to each covered party enrolled
17 under clause (iii).

18 “(B) PUBLICATION.—Upon receipt of a
19 proposed programmatic Candidate Conservation
20 Agreement with Assurances under paragraph
21 (1) and before approving or denying such a pro-
22 posed programmatic Candidate Conservation
23 Agreement with Assurances under paragraph
24 (2) or (3), respectively, the Secretary shall—

1 “(i) not later than 30 days after the
2 date of such receipt, publish the proposed
3 programmatic Candidate Conservation
4 Agreement with Assurances in the Federal
5 Register for public comment for a period
6 of not less than 60 days;

7 “(ii) review any comments received
8 under clause (i); and

9 “(iii) after the close of the public com-
10 ment period for the proposed pro-
11 grammatic Candidate Conservation Agree-
12 ment with Assurances, publish in the Fed-
13 eral Register—

14 “(I) any comments received
15 under clause (i); and

16 “(II) the approval or denial of
17 the proposed programmatic Candidate
18 Conservation Agreement with Assur-
19 ances under paragraph (2) or (3), re-
20 spectively.

21 “(5) INCIDENTAL TAKE AUTHORIZATION.—If a
22 covered species is listed under section 4, the Sec-
23 retary shall issue a permit to the relevant covered
24 party under this section allowing incidental take of

1 and modification to the habitat of such covered spe-
2 cies consistent with the Agreement.

3 “(6) TECHNICAL ASSISTANCE.—The Secretary
4 shall, upon request, provide a covered party with
5 technical assistance in developing a proposed Agree-
6 ment.

7 “(7) REQUEST BY FEDERAL AGENCY TO JOIN
8 AGREEMENT.—A Federal agency may, subject to the
9 consent of the relevant covered party, join the
10 Agreement of a covered party that conducts activi-
11 ties on land administered by the Federal agency pur-
12 suant to a permit or lease issued to the covered
13 party.

14 “(8) EXEMPTION FROM CONSULTATION RE-
15 QUIREMENT.—An Agreement approved under this
16 subsection shall be deemed to have been granted an
17 exemption under section 7(h) for the purposes of
18 that section.

19 “(9) EXEMPTION FROM DISCLOSURE.—Infor-
20 mation submitted by a private party to the Secretary
21 under this subsection shall be exempt from diselo-
22 sure under section 552(b)(3)(B) of title 5, United
23 States Code.

24 “(10) DEFINITIONS.—In this subsection:

1 “(A) AGREEMENT.—The term ‘Agreement’
2 means—

3 “(i) a Candidate Conservation Agree-
4 ment with Assurances; or

5 “(ii) a programmatic Candidate Con-
6 servation Agreement with Assurances.

7 “(B) CANDIDATE CONSERVATION AGREE-
8 MENT WITH ASSURANCES.—The term ‘Can-
9 didate Conservation Agreement with Assur-
10 ances’ means a voluntary agreement between
11 the Secretary, acting through the Director of
12 the United States Fish and Wildlife Service,
13 and a covered party in which—

14 “(i) the covered party commits to im-
15 plementing mutually agreed upon conserva-
16 tion measures for a candidate species; and

17 “(ii) the Secretary provides assur-
18 ances that, if such candidate species is list-
19 ed pursuant to section 4—

20 “(I) the covered party shall incur
21 no additional obligations beyond ac-
22 tions agreed to in the agreement with
23 respect to conservation activities re-
24 quired under this Act; and

1 “(II) no additional land, water,
2 or resource use restrictions shall be
3 imposed on the covered party beyond
4 those included in the agreement.

5 “(C) CANDIDATE SPECIES.—The term
6 ‘candidate species’ means a species—

7 “(i) designated by the Secretary as a
8 candidate species under this Act; or

9 “(ii) proposed to be listed pursuant to
10 section 4.

11 “(D) COVERED PARTY.—The term ‘covered
12 party’ means a—

13 “(i) party that conducts activities on
14 land administered by a Federal agency
15 pursuant to a permit or lease issued to the
16 party;

17 “(ii) private property owner;

18 “(iii) county;

19 “(iv) State or State agency;

20 “(v) Federal agency; or

21 “(vi) Tribal government.

22 “(E) COVERED SPECIES.—The term ‘cov-
23 ered species’ means, with respect to an Agree-
24 ment, the species that is the subject of such
25 Agreement.

1 “(F) NET CONSERVATION BENEFIT.—The
2 term ‘net conservation benefit’ means the net
3 effect of an Agreement, determined by com-
4 paring the situation of the candidate species
5 without the Agreement in effect and a situation
6 in which the Agreement is in effect, on a can-
7 didate species, including—

8 “(i) the net effect on threats to such
9 species;

10 “(ii) the net effect on the number of
11 individuals of such species; and

12 “(iii) the net effect on the habitat of
13 such species.

14 “(G) PROGRAMMATIC CANDIDATE CON-
15 SERVATION AGREEMENT WITH ASSURANCES.—
16 The term ‘programmatic Candidate Conserva-
17 tion Agreement with Assurances’ means a Can-
18 didate Conservation Agreement with Assurances
19 described in paragraph (4)(A).”.

20 **SEC. 402. DESIGNATION OF CRITICAL HABITAT.**

21 Section 4(a)(3) of the Endangered Species Act of
22 1973 (16 U.S.C. 1533(a)(3)) is amended by adding at the
23 end the following:

24 “(C) PRIVATELY OWNED OR CONTROLLED
25 LAND.—The Secretary may not designate as critical

1 habitat under subparagraph (A) any privately owned
2 or controlled land or other geographical area that is
3 subject to a land management plan that—

4 “(i) the Secretary determines is similar in
5 nature to an integrated natural resources man-
6 agement plan described in section 101 of the
7 Sikes Act (16 U.S.C. 670a);

8 “(ii)(I) is prepared in cooperation with the
9 Secretary and the head of each applicable State
10 fish and wildlife agency of each State in which
11 such land or other geographical area is located;
12 or

13 “(II) is submitted to the Secretary in a
14 manner that is similar to the manner in which
15 an applicant submits a conservation plan to the
16 Secretary under section 10(a)(2)(A);

17 “(iii) includes an activity or a limitation on
18 an activity that the Secretary determines will
19 likely conserve the species concerned;

20 “(iv) the Secretary determines will result
21 in—

22 “(I) an increase in the population of
23 the species concerned above the population
24 of such species on the date that such spe-

1 cies is listed as threatened or endangered;
2 or

3 “(II) maintaining the same population
4 of such species on the land or other geo-
5 graphical area as the population that
6 would likely occur if such land or other
7 geographical area is designated as critical
8 habitat; and

9 “(v) to the maximum extent practicable,
10 will minimize and mitigate the impacts of any
11 activity that will likely result in an incidental
12 taking of the species concerned.”.

13 **SEC. 403. PRIVATE LAND.**

14 (a) **IN GENERAL.**—Except as provided in subsection
15 (b), information regarding the occurrence of, including the
16 specific location of, a species of fish or wildlife or plant
17 on privately owned or controlled land may not be made
18 available to the public under section 552 of title 5, United
19 States Code.

20 (b) **EXCEPTION.**—

21 (1) **IN GENERAL.**—The Secretary may make
22 publicly available information described in subsection

23 (a) upon receipt of a written request submitted by—

24 (A)(i) a Federal agency;

25 (ii) a State governmental agency; or

1 (iii) a bona fide educational or research in-
2 stitution; and

3 (B) the private party concerned.

4 (2) REQUIREMENTS.—A written request sub-
5 mitted under paragraph (1) shall—

6 (A) describe the specific site or area for
7 which information described in subsection (a) is
8 sought;

9 (B) explain the purpose for which such in-
10 formation is sought; and

11 (C) include assurances sufficient to satisfy
12 the Secretary that the confidentiality of such
13 information will be protected.

14 **TITLE V—FOREST INFORMATION** 15 **REFORM**

16 **SEC. 501. NO ADDITIONAL CONSULTATION REQUIRED.**

17 (a) FOREST SERVICE PLANS.—Section 6(d)(2) of the
18 Forest and Rangeland Renewable Resources Planning Act
19 of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as
20 follows:

21 “(2) NO ADDITIONAL CONSULTATION RE-
22 QUIRED UNDER CERTAIN CIRCUMSTANCES.—Not-
23 withstanding any other provision of law, the Sec-
24 retary shall not be required to reinitiate consultation
25 under section 7(a)(2) of the Endangered Species Act

1 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of
2 title 50, Code of Federal Regulations (or a successor
3 regulation), on a land management plan approved,
4 amended, or revised under this section when a spe-
5 cies is listed, critical habitat is designated, or new
6 information concerning a listed species or critical
7 habitat becomes available.”.

8 (b) BUREAU OF LAND MANAGEMENT PLANS.—Sec-
9 tion 202 of the Federal Land Policy and Management Act
10 of 1976 (43 U.S.C. 1712) is amended by adding at the
11 end the following:

12 “(g) NO ADDITIONAL CONSULTATION REQUIRED
13 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding
14 any other provision of law, the Secretary shall not be re-
15 quired to reinitiate consultation under section 7(a)(2) of
16 the Endangered Species Act of 1973 (16 U.S.C.
17 1536(a)(2)) or section 402.16 of title 50, Code of Federal
18 Regulations (or a successor regulation), on a land use plan
19 approved, amended, or revised under this section when a
20 species is listed, critical habitat is designated, or new in-
21 formation concerning a listed species or critical habitat be-
22 comes available.”.

1 **TITLE VI—PROVIDING FOR**
2 **GREATER INCENTIVES TO RE-**
3 **COVER LISTED SPECIES**

4 **SEC. 601. PROTECTIVE REGULATIONS UNDER ENDAN-**
5 **GERED SPECIES ACT OF 1973.**

6 (a) AMENDMENT TO DEFINITION.—Section 3(3) of
7 the Endangered Species Act of 1973 (16 U.S.C. 1532(3))
8 is amended by striking “and transplantation, and, in the
9 extraordinary case where population pressures within a
10 given ecosystem cannot be otherwise relieved, may in-
11 clude” and inserting “transplantation, and, at the discre-
12 tion of the Secretary,”.

13 (b) PROTECTIVE REGULATIONS.—Section 4 of the
14 Endangered Species Act of 1973 (16 U.S.C. 1533) is
15 amended—

16 (1) in subsection (d), to read as follows:

17 “(d) PROTECTIVE REGULATIONS.—

18 “(1) IN GENERAL.—Whenever any species
19 is listed as a threatened species pursuant to
20 subsection (c), the Secretary shall issue such
21 regulations as are necessary and advisable to
22 provide for the conservation of that species.

23 “(2) RECOVERY GOALS.—If the Secretary
24 issues a regulation under paragraph (1) that
25 prohibits an act described in section 9(a), the

1 Secretary shall, with respect to the species that
2 is the subject of such regulation—

3 “(A) establish objective, incremental
4 recovery goals;

5 “(B) provide for the stringency of
6 such regulation to decrease as such recov-
7 ery goals are met; and

8 “(C) provide for State management
9 within such State, if such State is willing
10 to take on such management, beginning on
11 the date on which the Secretary determines
12 all such recovery goals are met and, if such
13 recovery goals remain met, continuing until
14 such species is removed from the list of
15 threatened species published pursuant to
16 subsection (c).

17 “(3) COOPERATIVE AGREEMENT.—A regu-
18 lation issued under paragraph (1) that prohibits
19 an act described in section 9(a)(1) with respect
20 to a resident species shall apply with respect to
21 a State that has entered into a cooperative
22 agreement with the Secretary pursuant to sec-
23 tion 6(c) only to the extent that such regulation
24 is adopted by such State.

25 “(4) STATE RECOVERY STRATEGY.—

1 “(A) IN GENERAL.—A State may de-
2 velop a recovery strategy for a threatened
3 species or a candidate species and submit
4 to the Secretary a petition for the Sec-
5 retary to use such recovery strategy as the
6 basis for any regulation issued under para-
7 graph (1) with respect to such species
8 within such State.

9 “(B) APPROVAL OR DENIAL OF PETI-
10 TION.—Not later than 120 days after the
11 date on which the Secretary receives a pe-
12 tition submitted under subparagraph (A),
13 the Secretary shall—

14 “(i) approve such petition if the
15 recovery strategy is reasonably certain
16 to be implemented by the petitioning
17 State and to be effective in conserving
18 the species that is the subject of such
19 recovery strategy; or

20 “(ii) deny such petition if the re-
21 quirements described in clause (i) are
22 not met.

23 “(C) PUBLICATION.—Not later than
24 30 days after the date on which the Sec-
25 retary approves or denies a petition under

1 subparagraph (B), the Secretary shall pub-
2 lish such approval or denial in the Federal
3 Register.

4 “(D) DENIAL OF PETITION.—

5 “(i) WRITTEN EXPLANATION.—If
6 the Secretary denies a petition under
7 subparagraph (B), the Secretary shall
8 include in such denial a written expla-
9 nation for such denial, including a de-
10 scription of the changes to such peti-
11 tion that are necessary for the Sec-
12 retary to approve such petition.

13 “(ii) RESUBMISSION OF DENIED
14 PETITION.—A State may resubmit a
15 petition that is denied under subpara-
16 graph (B).

17 “(E) USE IN PROTECTIVE REGULA-
18 TIONS.—If the Secretary approves a peti-
19 tion under subparagraph (B), the Sec-
20 retary shall—

21 “(i) issue a regulation under
22 paragraph (1) that adopts the recov-
23 ery strategy as such regulation with
24 respect to the species that is the sub-

1 ject of such recovery strategy within
2 the petitioning State; and

3 “(ii) establish objective criteria to
4 evaluate the effectiveness of such re-
5 covery strategy in conserving such
6 species within such State.

7 “(F) REVISION.—If a recovery strat-
8 egy that is adopted as a regulation issued
9 under paragraph (1) is determined by the
10 Secretary to be ineffective in conserving
11 the species that is the subject of such re-
12 covery strategy in accordance with the ob-
13 jective criteria established under subpara-
14 graph (E)(ii) for such recovery strategy,
15 the Secretary shall revise such regulation
16 and reissue such regulation in accordance
17 with paragraph (1).”; and

18 (2) in subsection (f)(1)(B)—

19 (A) in clause (ii), by striking “and” at the
20 end;

21 (B) in clause (iii), by striking the period at
22 the end and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(iv) with respect to an endangered spe-
25 cies, objective, incremental recovery goals in ac-

1 cordance with subsection (d)(2)(A) for use
2 under that subsection if such endangered spe-
3 cies is changed in status from an endangered
4 species to a threatened species under subsection
5 (e)(2)(B)(ii).”.

6 **TITLE VII—RESCISSIONS AND** 7 **REPEALS**

8 **SEC. 701. RESCISSION OF FUNDS.**

9 (a) IN GENERAL.—Any unobligated covered funds
10 are hereby rescinded.

11 (b) COVERED FUNDS DEFINED.—In this section, the
12 term “covered funds” means—

13 (1) any funds appropriated or otherwise made
14 available by sections 40002, 50232, 60401, and
15 60402 of Public Law 117–169 (commonly known as
16 the “Inflation Reduction Act”);

17 (2) \$700,000,000 of the \$2,600,000,000 appro-
18 priated to the National Oceanic and Atmospheric
19 Administration in section 40001 of Public Law 117–
20 169 (commonly known as the “Inflation Reduction
21 Act”);

22 (3) \$700,000,000 of the \$3,200,000,000 appro-
23 priated to the “Bureau of Reclamation—Water and
24 Related Resources” account in the Infrastructure
25 Investment and Jobs Act (Public Law 117–58) for

1 transfer into the Aging Infrastructure Account es-
2 tablished by section 9603(d)(1) of the Omnibus Pub-
3 lic Land Management Act of 2009 (43 U.S.C.
4 510b(d)(1)); and

5 (4) \$50,000,000 of the \$250,000,000 appro-
6 priated to the “Bureau of Reclamation—Water and
7 Related Resources” account in the Infrastructure
8 Investment and Jobs Act (Public Law 117–58) for
9 design, study, and construction of aquatic ecosystem
10 restoration and protection projects in accordance
11 with section 1109 of division FF of the Consolidated
12 Appropriations Act, 2021 (Public Law 116–260).

13 **SEC. 702. REPEAL OF CERTAIN PROGRAMS.**

14 The following sections of division AA of the Consoli-
15 dated Appropriations Act, 2021 (Public Law 116–260)
16 are repealed:

17 (1) Section 507 (16 U.S.C. 4701 note).

18 (2) Section 508 (16 U.S.C. 742b note).

19 (3) Section 510 (16 U.S.C. 742b note).

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