

(Original Signature of Member)

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

Mr. WESTERMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the

5 “America’s Wildlife Habitat Conservation Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

3 **SEC. 2. STATEMENT OF PURPOSE.**

4 The purpose of this Act is to extend financial and
5 technical assistance to States, territories, the District of
6 Columbia, and Indian Tribes, including under the Pitt-
7 man-Robertson Wildlife Restoration Act (16 U.S.C. 669

1 et seq.), for the purpose of restoring habitat on State,
2 Tribal, Federal, and private lands—

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

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

10 **SEC. 3. GAO STUDY.**

11 Not later than 5 years after the date of enactment
12 of this Act, the Comptroller General of the United States
13 shall conduct a study to examine the progress of States,
14 territories, the District of Columbia, and Indian Tribes to-
15 ward achieving the purpose described in section 2.

16 **TITLE I—WILDLIFE CONSERVA-**
17 **TION AND RESTORATION**

18 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**

19 **SUBACCOUNT.**

20 (a) **IN GENERAL.**—Section 3 of the Pittman-Robert-
21 son Wildlife Restoration Act (16 U.S.C. 669b) is amend-
22 ed—

23 (1) in subsection (a)—

24 (A) by striking “(1) An amount equal to”
25 and inserting “An amount equal to”; and

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

2 (2) subsection (c)—

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

5 (B) by striking paragraph (1) and insert-
6 ing the following:

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

8 “(A) RESTORATION.—The term ‘restora-
9 tion’ means the implementation of conservation
10 actions and practices that reestablish or en-
11 hance environmental conditions and ecosystem
12 functions that benefit the diversity, resilience,
13 health, and productivity of plants and animals.

14 “(B) REWILDING.—The term ‘rewilding’
15 means a restoration approach that prohibits
16 human management activities and relies only on
17 natural processes to maintain or improve habi-
18 tat.

19 “(C) TERRITORY AND TERRITORIES.—The
20 terms ‘territory’ and ‘territories’ mean the
21 Commonwealth of Puerto Rico, Guam, Amer-
22 ican Samoa, the Commonwealth of the North-
23 ern Mariana Islands, and the United States
24 Virgin Islands.

25 “(2) ESTABLISHMENT OF SUBACCOUNT.—

1 “(A) IN GENERAL.—There is established in
2 the fund a subaccount to be known as the
3 ‘Wildlife Habitat Conservation and Restoration
4 Subaccount’.

5 “(B) AVAILABILITY.—Amounts in the Sub-
6 account shall be available until expended, sub-
7 ject to future appropriations, for apportionment
8 in accordance with this Act.

9 “(C) DEPOSITS INTO SUBACCOUNT.—Sub-
10 ject to the availability of appropriations made
11 in advance for such purposes, the Secretary
12 shall allocate not more than \$300,000,000 to
13 the Subaccount for each of fiscal years 2025
14 through 2029.

15 “(D) TREATMENT OF REVENUE.—Funds
16 received by a State fish and wildlife department
17 as a result of a wildlife conservation and res-
18 toration program or project of such department
19 that is carried out on Federal or State land and
20 funded by the Subaccount shall be retained and
21 used by such department to carry out additional
22 authorized wildlife conservation and restoration
23 programs or projects pursuant to this Act.

1 “(E) SUNSET.—No funds may be appro-
2 priated to the Subaccount after fiscal year
3 2029.

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

8 “(A) the funds distributed pursuant to the
9 Dingell-Johnson Sport Fish Restoration Act
10 (16 U.S.C. 777 et seq.); and

11 “(B) the fund.

12 “(4) INNOVATION GRANTS.—

13 “(A) IN GENERAL.—The Secretary shall
14 distribute 10 percent of amounts in the Sub-
15 account in each fiscal year through a competi-
16 tive grant program to State fish and wildlife de-
17 partments, the District of Columbia fish and
18 wildlife department, fish and wildlife depart-
19 ments of territories, or to regional associations
20 of fish and wildlife departments (or any group
21 composed of more than 1 such entity).

22 “(B) PURPOSE.—Recipients of a grant
23 issued under subparagraph (A) shall use such
24 grant funds for the purpose of catalyzing inno-
25 vation of techniques, tools, strategies, or col-

1 laborative partnerships that accelerate, expand,
2 or replicate effective and measurable recovery
3 efforts for habitat of species of greatest con-
4 servation need and species listed under the En-
5 dangered Species Act of 1973 (16 U.S.C. 1531
6 et seq.).

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

10 “(i) 1 State Director from each re-
11 gional association of State fish and wildlife
12 departments;

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

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

19 “(iv) 2 individuals who represent 2
20 different nonprofit organizations, each of
21 which participated in carrying out wildlife
22 conservation and restoration activities
23 using funds apportioned from the Sub-
24 account during the 5-year period ending on

1 the date of appointment of such individual;
2 and

3 “(v) 2 individuals who represent 2 dif-
4 ferent nonprofit hunting and fishing orga-
5 nizations who are each a member of—

6 “(I) the Hunting and Wildlife
7 Conservation Council of the Depart-
8 ment of the Interior and Department
9 of Agriculture and classified as rep-
10 resenting a ‘wildlife & habitat con-
11 servation/management organization’;
12 or

13 “(II) the Sport Fishing and
14 Boating Partnership Council of the
15 Department of the Interior and classi-
16 fied as representing a ‘recreational
17 fishery resource conservation organi-
18 zation’.

19 “(D) SUPPORT FROM UNITED STATES FISH
20 AND WILDLIFE SERVICE.—Using not more than
21 3 percent of the amounts distributed under sub-
22 paragraph (A) to carry out a competitive grant
23 program, the United States Fish and Wildlife
24 Service shall provide any personnel or adminis-
25 trative support services necessary for such com-

1 mittee to carry out its responsibilities under
2 this Act.

3 “(E) EVALUATION.—Such committee shall
4 evaluate each proposal submitted under this
5 paragraph and recommend projects for funding,
6 giving preference to solutions that accelerate
7 the recovery of habitat for species identified as
8 priorities through regional scientific assess-
9 ments of species of greatest conservation need.

10 “(5) USE OF FUNDS.—

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

13 “(i) shall be used for purposes and
14 practices consistent with section 2 of the
15 America’s Wildlife Habitat Conservation
16 Act;

17 “(ii) shall be used to develop, carry
18 out, revise, or enhance the Wildlife Con-
19 servation Strategy of a State, territory, or
20 the District of Columbia, as required under
21 section 4(e), by carrying out, revising, or
22 enhancing existing wildlife conservation
23 and restoration programs or strategies and
24 developing and implementing new wildlife
25 conservation and restoration programs or

1 strategies, as determined by the appro-
2 priate State fish and wildlife department;

3 “(iii) shall be used to assist in the res-
4 toration of habitat for species found in the
5 State, territory, or the District of Colum-
6 bia that are listed as endangered species,
7 threatened species, candidate species or
8 species proposed for listing, or species peti-
9 tioned for listing under the Endangered
10 Species Act of 1973 (16 U.S.C. 1531 et
11 seq.) or under State law;

12 “(iv) may be used for management of
13 animals, including harvesting;

14 “(v) may be used for the conservation
15 and restoration of habitat for species of
16 greatest conservation need whose range is
17 shared with another State, territory, In-
18 dian Tribe, or foreign government;

19 “(vi) may be used to manage, control,
20 and prevent invasive species, disease, and
21 other risks to the habitat of species of
22 greatest conservation need;

23 “(vii) may be used for forest and
24 vegetation management activities if a pri-
25 mary purpose of such activity is to modify,

1 improve, enhance, or create wildlife habitat
2 or reduce the risk of damage or destruc-
3 tion to wildlife habitat due to wildfires, in-
4 sects, or disease, including—

5 “(I) planting, seeding, and har-
6 vesting;

7 “(II) mechanical thinning;

8 “(III) prescribed burning;

9 “(IV) chemical applications de-
10 signed to restore natural range vari-
11 ation including creating and maintain-
12 ing early seral communities; and

13 “(V) prescribed haying and graz-
14 ing practices;

15 “(viii) may be used to carry out vol-
16 untary, collaborative conservation work
17 with willing landowners consistent with
18 section 2 of the America’s Wildlife Habitat
19 Conservation Act to keep private lands
20 working; and

21 “(ix) may be used to provide incen-
22 tives to private landowners to carry out
23 habitat conservation work for threatened
24 and endangered species or species of great-
25 est conservation need on the land owned by

1 such private landowners and to provide fi-
2 nancial assistance or technical assistance
3 to such private landowners to carry out
4 such work.

5 “(B) PROHIBITED USES.—Funds appor-
6 tioned from the Subaccount may not be used
7 for—

8 “(i) rewilding;

9 “(ii) the reintroduction or manage-
10 ment of a species in a manner not sup-
11 ported by the applicable State fish and
12 wildlife management authorities; or

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

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

23 “(7) PUBLIC ACCESS TO PRIVATE LANDS NOT
24 REQUIRED.—Apportionment of funds from the Sub-

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

3 “(8) REQUIREMENTS FOR MATCHING FUNDS.—

4 “(A) IN GENERAL.—For the purposes of
5 the non-Federal fund matching requirement for
6 a wildlife conservation and restoration program
7 or project funded by the Subaccount, a State,
8 territory, or the District of Columbia may use
9 as matching non-Federal funds—

10 “(i) in-kind contributions of services
11 and materials;

12 “(ii) voluntarily donated privately
13 owned easements;

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

18 “(iv) other sources consistent with
19 part 80 of title 50, Code of Federal Regu-
20 lations, as in effect on the date of the en-
21 actment of the America’s Wildlife Habitat
22 Conservation Act.

23 “(B) CIRCUMSTANCES DESCRIBED.—Rev-
24 enue described in subparagraph (A)(iii) may

1 only be used to fulfill the requirements of such
2 non-Federal fund matching requirement 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 species
13 that is a—

14 “(I) hunted or fished species; and

15 “(II) species of greatest con-
16 servation need.

17 “(9) STATE LAND ACQUISITION.—Land ac-
18 quired by a State, territory, or the District of Co-
19 lumbia using funds apportioned from the Sub-
20 account—

21 “(A) may only be purchased from a willing
22 seller;

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

1 “(C) may only be so acquired when no
2 other source of funding is available to purchase
3 such land; and

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

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

11 (1) in subsection (d)—

12 (A) in paragraph (1)—

13 (i) by inserting “, after deducting the
14 amount distributed pursuant to section
15 3(c)(4),” after “Secretary of the Interior
16 shall”;

17 (ii) in subparagraph (A)—

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

22 (II) by striking “one-half” and
23 inserting “one-fourth”;

24 (iii) in subparagraph (B)—

1 (I) by striking “to Guam” and
2 inserting “To Guam”; and

3 (II) by striking “not more than
4 one-fourth of 1 percent” and inserting
5 “not less than one-third of 1 percent”;
6 and

7 (iv) by adding at the end the fol-
8 lowing:

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

12 (B) in paragraph (2)(A)—

13 (i) by amending clause (i) to read as
14 follows:

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

19 (ii) in clause (ii)—

20 (I) by striking “two-thirds” and
21 inserting “one-quarter”; and

22 (II) by striking the period and
23 inserting “; and”; and

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

1 “(iii) one quarter of which is based upon
2 the ratio to which the number of species listed
3 as endangered or threatened under the Endan-
4 gered Species Act of 1973 in such State bears
5 to the total number of such species listed in all
6 such States.”;

7 (C) by amending paragraph (2)(B) to read
8 as follows:

9 “(B) The amounts apportioned under this para-
10 graph shall be adjusted equitably so that no such
11 State, unless otherwise designated, shall be appor-
12 tioned a sum which is less than 1 percent or more
13 than 5 percent of the amount available for appor-
14 tionment under—

15 “(i) subparagraph (A)(i);

16 “(ii) subparagraph (A)(ii); and

17 “(iii) the overall amount available for sub-
18 paragraph (A).”; and

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

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

23 (3) by adding at the end following:

24 “(f) ACCOUNTABILITY.—

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

10 “(A) A summary of each activity carried
11 out using funds apportioned from the Sub-
12 account, including—

13 “(i) an accounting of the administra-
14 tive costs associated with each such activ-
15 ity;

16 “(ii) an accounting of land acquired,
17 if any, from willing sellers by each State
18 fish and wildlife department using funds
19 from the Subaccount, including—

20 “(I) the number of acres ac-
21 quired;

22 “(II) the endangered species,
23 threatened species, candidate species
24 or species proposed for listing, or spe-
25 cies petitioned for listing under the

1 Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.) or State law as-
3 sociated with the land acquired;

4 “(III) the justification for such
5 land acquisition; and

6 “(IV) a detailed explanation re-
7 garding why other sources of funding
8 were not used for the land acquisition;
9 and

10 “(iii) the number of acres of habitat
11 restored, enhanced, created, or conserved
12 by each such activity.

13 “(B) A summary of the results and effec-
14 tiveness of each activity carried out using funds
15 apportioned from the Subaccount, including, if
16 determinable—

17 “(i) any change in the population
18 trends of species of greatest conservation
19 need; and

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

22 “(2) SUMMARY REPORT.—The Secretary shall,
23 not later than 180 days after each deadline for the
24 submission of reports under paragraph (1), submit

1 a report summarizing each report received by the
2 Secretary under paragraph (1) to—

3 “(A) the Committee on Environment and
4 Public Works of the Senate; and

5 “(B) the Committee on Natural Resources
6 of the House of Representatives.

7 “(3) STATE DEFINED.—In this subsection, the
8 term ‘State’ includes the District of Columbia, the
9 Commonwealth of Puerto Rico, Guam, American
10 Samoa, the Commonwealth of the Northern Mariana
11 Islands, and the United States Virgin Islands.”.

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) in paragraph (7), by striking “including
17 fish,”; and

18 (2) in paragraph (9)—

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

21 (B) by inserting “Indian Tribes,” before
22 “wildlife conservation organizations”.

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

1 (1) in section 2—

2 (A) by redesignating paragraphs (6)
3 through (11) as paragraphs (7) through (12),
4 respectively;

5 (B) by inserting after paragraph (5) the
6 following:

7 “(6) the term ‘species of greatest conservation
8 need’ means, with respect to funds apportioned to a
9 State, terrestrial, aquatic, or marine fauna or flora
10 that the State fish and wildlife department of such
11 State determines are—

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

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

15 (C) by redesignating paragraphs (8)
16 through (12), as so redesignated by subpara-
17 graph (A) of this paragraph, as paragraphs (9)
18 through (13), respectively; and

19 (D) by inserting after paragraph (7) the
20 following:

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

24 (2) in section 3—

25 (A) in subsection (c)—

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

4 (ii) in paragraph (11), as so redesign-
5 nated by section 101(a)(3) of this Act—

6 (I) by striking “Wildlife Con-
7 servation and Restoration Account”
8 and inserting “Subaccount”; and

9 (II) by striking “those species
10 with the greatest conservation need as
11 defined by the State wildlife conserva-
12 tion and restoration program” and in-
13 serting “species of greatest conserva-
14 tion need”; and

15 (B) in subsection (d), by striking “Wildlife
16 Conservation and Restoration Account” and in-
17 serting “Subaccount”;

18 (3) in section 4 (16 U.S.C. 669c)—

19 (A) in subsection (d)—

20 (i) in the heading, by striking “WILD-
21 LIFE CONSERVATION AND RESTORATION
22 ACCOUNT” and inserting “SUBACCOUNT”;
23 and

1 (ii) by striking “Wildlife Conservation
2 and Restoration Account” each place it ap-
3 pears and inserting “Subaccount”; and
4 (B) in subsection (e)(1), by striking “Wild-
5 life Conservation and Restoration Account” and
6 inserting “Subaccount”; and
7 (4) in section 8 (16 U.S.C. 669g), in subsection
8 (a), by striking “Wildlife Conservation and Restora-
9 tion Account” and inserting “Subaccount”.

10 **SEC. 103. SAVINGS CLAUSE.**

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

13 (1) by redesignating section 14 as section 16;

14 and

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

16 **“SEC. 14. SAVINGS CLAUSE.**

17 “(a) IN GENERAL.—Nothing in this Act may be con-
18 strued to enlarge or diminish the authority, jurisdiction,
19 or responsibility of a State, territory, or the District of
20 Columbia to manage, control, or regulate fish and wildlife
21 on lands and waters within the State, territory, or the Dis-
22 trict of Columbia including on Federal lands and waters.

23 “(b) NO FUNDS AUTHORIZED FOR DAM REMOVAL
24 OR MODIFICATION.— None of the funds made available
25 under this Act may be used to remove a federally owned

1 dam or modify a federally owned dam in a manner that
2 reduces storage or diversion capacity.

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

10 “(d) TERRITORY DEFINED.—In this section, the
11 term ‘territory’ has the meaning given the term in section
12 3(c)(1).

13 **“SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO**
14 **ALASKA.**

15 “If any conflict arises between any provision of this
16 Act and any provision of the Alaska National Interest
17 Lands Conservation Act or the Alaska Native Claims Set-
18 tlement Act, then the provision in the Alaska National In-
19 terest Lands Conservation Act or the Alaska Native
20 Claims Settlement Act shall prevail.”

21 **TITLE II—TRIBAL WILDLIFE**
22 **CONSERVATION AND RES-**
23 **TORATION**

24 **SEC. 201. INDIAN TRIBES.**

25 (a) DEFINITIONS.—In this section:

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

4 (2) CONSERVATION.—The term “conservation”
5 has the meaning given the term in section 2 of the
6 Pittman-Robertson Wildlife Restoration Act (16
7 U.S.C. 669a).

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

12 (4) RESTORATION.—The term “restoration”
13 means the implementation of conservation actions
14 and practices that reestablish or enhance environ-
15 mental conditions and ecosystem functions that ben-
16 efit the diversity, resilience, health, and productivity
17 of plants and animals.

18 (5) REWILDING.—The term “rewilding” means
19 a restoration approach that prohibits human man-
20 agement activities and relies only on natural proc-
21 esses to maintain or improve habitat.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (7) TRIBAL SPECIES OF GREATEST CONSERVA-
25 TION NEED.—The term “Tribal species of greatest

1 conservation need” means, with respect to an Indian
2 Tribe, any terrestrial, aquatic, or marine fauna or
3 flora that such Indian Tribe determines is—

4 (A) of low or declining population,

5 (B) facing threats and in need of conserva-
6 tion attention; or

7 (C) of cultural importance to such Indian
8 Tribe.

9 (8) WILDLIFE.—The term “wildlife” means any
10 species of—

11 (A) wild, free-ranging fauna, including
12 fish; and

13 (B) fauna in a captive breeding program
14 the object of which is to reintroduce individuals
15 of a depleted indigenous species into previously
16 occupied range of such species.

17 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
18 TORATION ACCOUNT.—

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

22 (2) AVAILABILITY.—Amounts in the Account
23 shall be available until expended, subject to future
24 appropriations, for each fiscal year for apportion-
25 ment in accordance with this section.

1 (3) DEPOSITS INTO ACCOUNT.—There is au-
2 thorized to be appropriated to the Account
3 \$20,000,000 for each of fiscal years 2025 through
4 2029.

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

7 (e) DISTRIBUTION OF AMOUNTS TO INDIAN
8 TRIBES.—Each fiscal year, the Secretary shall distribute
9 amounts in the Account through a noncompetitive grant
10 program according to guidelines, criteria, and reporting
11 requirements determined by the Secretary, acting through
12 the Director of the Bureau of Indian Affairs, in consulta-
13 tion with Indian Tribes.

14 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

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

19 (2) INDIAN TRIBES IN ALASKA.—

20 (A) IN GENERAL.—Any amounts allocated
21 to an Indian Tribe in Alaska under this section
22 may only be used in a manner consistent with
23 the Alaska Native Claims Settlement Act (43
24 U.S.C. 1601 et seq.), the Alaska National In-
25 terest Lands Conservation Act (16 U.S.C. 3101

1 et seq.), and Public Law 85-508 (commonly
2 known as the “Alaska Statehood Act”) (48
3 U.S.C. note prec. 21).

4 (B) COOPERATIVE AGREEMENTS.—An In-
5 dian Tribe in Alaska may enter into a coopera-
6 tive agreement with the State of Alaska regard-
7 ing a conservation project of mutual concern.

8 (e) USE OF AMOUNTS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), amounts distributed to an Indian Tribe
11 under subsection (c)—

12 (A) shall be used for purposes consistent
13 with section 2;

14 (B) shall be used to carry out, develop, or
15 enhance wildlife and habitat conservation and
16 restoration programs;

17 (C) shall be used to assist in the restora-
18 tion of habitat for species found in the lands
19 and waters of such Tribe that are listed as en-
20 dangered species, threatened species, candidate
21 species or species proposed for listing, or spe-
22 cies petitioned for listing under the Endangered
23 Species Act of 1973 (16 U.S.C. 1531 et seq.),
24 or under State or Tribal law;

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

3 (E) may be used for the conservation and
4 restoration of habitat for Tribal species of
5 greatest conservation need whose range is
6 shared with another State, territory, Indian
7 Tribe, or foreign government;

8 (F) may be used to manage, control, and
9 prevent invasive species, disease, and other
10 risks to the habitat of Tribal species of greatest
11 conservation need; and

12 (G) may be used for forest and vegetation
13 management activities if the primary purpose of
14 such activity is to modify, improve, enhance, or
15 create wildlife habitat or reduce the risk of
16 damage or destruction to wildlife habitat due to
17 wildfires, insects, or disease, including—

18 (i) planting, seeding, and harvesting;

19 (ii) mechanical thinning;

20 (iii) prescribed burning;

21 (iv) chemical applications designed to
22 restore natural range of variation including
23 creating and maintaining early seral com-
24 munities; and

1 (v) prescribed haying and grazing
2 practices.

3 (2) PROHIBITED USES.—Amounts distributed
4 to an Indian Tribe under subsection (c) may not be
5 used for—

6 (A) rewilding; or

7 (B) the reintroduction or management of a
8 species in a manner not supported by the appli-
9 cable Tribal fish and wildlife management au-
10 thorities.

11 (f) MATCHING REQUIREMENT.—With respect to any
12 grant issued under subsection (c) that exceeds \$100,000,
13 the Federal share of total costs of the project funded
14 through such grant may not exceed 90 percent.

15 (g) PUBLIC ACCESS NOT REQUIRED.—Amounts dis-
16 tributed to an Indian Tribe under subsection (c) shall not
17 be conditioned upon the provision of public or non-Tribal
18 access to Tribal or private lands, waters, or holdings.

19 (h) ADMINISTRATIVE COSTS.—Of the amounts de-
20 posited under subsection (b)(3) for each fiscal year, not
21 more than 3 percent shall be used by the Secretary for
22 administrative costs.

23 (i) ACCOUNTABILITY.—

24 (1) TRIBAL REPORTS.—Not later than the last
25 day of fiscal year 2029, each Indian Tribe that re-

1 ceives funds under this section shall submit to the
2 Director of the Bureau of Indian Affairs a report
3 describing, with respect to such Indian Tribe during
4 the preceding 5 years, the following:

5 (A) A summary of each activity carried out
6 using funding received under subsection (c), in-
7 cluding—

8 (i) an accounting of the administrative
9 costs associated with each such activity;
10 and

11 (ii) the number of acres of habitat re-
12 stored, enhanced, or conserved by each
13 such activity.

14 (B) A summary of the results and effec-
15 tiveness of each activity carried out using fund-
16 ing received under subsection (c), including, if
17 determinable—

18 (i) any change in the population
19 trends of species of greatest conservation
20 need; and

21 (ii) any reduction in threats to species
22 of greatest conservation need.

23 (2) SUMMARY REPORT.—The Director of the
24 Bureau of Indian Affairs shall, not later than 180
25 days after each deadline for the submission of re-

1 ports under paragraph (1), submit a report summa-
2 rizing each report received by the Director under
3 paragraph (1) to—

4 (A) the Committee on Environment and
5 Public Works of the Senate; and

6 (B) the Committee on Natural Resources
7 of the House of Representatives.

8 (j) SAVINGS CLAUSE.—Nothing in this section may
9 be construed as modifying or abrogating a treaty with any
10 Indian Tribe, or as enlarging or diminishing the authority,
11 jurisdiction, or responsibility of an Indian Tribe to man-
12 age, control, or regulate wildlife.

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

21 **TITLE III—CONSERVATION AND**
22 **MANAGEMENT FOR WILDLIFE**
23 **REFUGES**

24 **SEC. 301. DEFINITIONS.**

25 In this title:

1 (1) AUTHORIZED RECREATION SERVICES.—The
2 term “authorized recreation services” means similar
3 and complementary recreation enhancement or im-
4 provement services carried out—

5 (A) on Federal land, non-Federal land, and
6 land owned by or held in trust for an Indian
7 Tribe; and

8 (B) by the Secretary, a Governor, or a
9 county, as applicable, pursuant to a good neigh-
10 bor agreement.

11 (2) AUTHORIZED RESTORATION SERVICES.—
12 The term “authorized restoration services” means
13 similar and complementary forest, rangeland, and
14 watershed restoration services—

15 (A) carried out—

16 (i) on land administered by the
17 United States Fish and Wildlife Service,
18 non-Federal land, and land owned by an
19 Indian Tribe; and

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

22 (B) in the case of forest, rangeland, and
23 watershed restoration services carried out on
24 land administered by the United States Fish
25 and Wildlife Service, such services shall be con-

1 sistent with the purposes for which such lands
2 were established.

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

4 (A) the appropriate executive official of an
5 affected county or parish; or

6 (B) in any case in which multiple counties
7 or parishes are affected, the appropriate execu-
8 tive official of a compact of the affected coun-
9 ties or parishes.

10 (4) FOREST, RANGELAND, AND WATERSHED
11 RESTORATION SERVICES.—

12 (A) The term “forest, rangeland, and wa-
13 tershed restoration services” means an activ-
14 ity—

15 (i) to reduce hazardous fuels;

16 (ii) to restore or improve fish, wildlife,
17 and their habitats;

18 (iii) to remove vegetation or other ac-
19 tivities to promote healthy forest structure
20 and composition;

21 (iv) to treat insect- or disease-infected
22 trees;

23 (v) to control noxious or exotic weeds;

24 (vi) to reestablish native plant species;

25 or

1 (vii) to maintain a road or trail to re-
2 store or maintain water quality.

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

5 (i) construction, reconstruction, re-
6 pair, or restoration of paved roads or park-
7 ing areas, other than—

8 (I) activities described in sub-
9 paragraph (A)(vii); or

10 (II) the reconstruction, repair, or
11 restoration of a National Wildlife Ref-
12 uge System road or other road on
13 United States Fish and Wildlife Serv-
14 ice land that is necessary to carry out
15 authorized restoration services pursu-
16 ant to a good neighbor agreement; or
17 (ii) construction, alteration, repair, or
18 replacement of public buildings or works.

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

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

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

5 (8) RECREATION ENHANCEMENT OR IMPROVE-
6 MENT SERVICES.—The term “recreation enhance-
7 ment or improvement services” means—

8 (A) establishing, repairing, restoring, im-
9 proving, relocating, constructing, or recon-
10 structing new or existing—

11 (i) trails or trailheads;

12 (ii) shooting ranges;

13 (iii) paved or permanent roads or
14 parking areas that serve existing recreation
15 facilities or areas;

16 (iv) fishing piers, wildlife viewing plat-
17 forms, docks, or other constructed features
18 at a recreation site;

19 (v) boat landings;

20 (vi) hunting or fishing sites; or

21 (vii) levees and drainage structures to
22 improve wetland habitat; and

23 (B) activities that create, improve, or re-
24 store access to existing recreation facilities or
25 areas.

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

3 **SEC. 302. GOOD NEIGHBOR AUTHORITY FOR THE UNITED**
4 **STATES FISH AND WILDLIFE SERVICE.**

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

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

14 (c) RESTORATION ACTIVITIES REQUIRING TIMBER
15 SALES.—

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

21 (2) TREATMENT OF REVENUE.—Funds received
22 from the sale of timber by a Governor, an Indian
23 Tribe, or a county under a good neighbor agreement
24 shall be retained and used by the Governor, Indian
25 Tribe, or county, as applicable—

1 (A) to carry out authorized restoration
2 services or authorized recreation services on
3 Federal land under the good neighbor agree-
4 ment; and

5 (B) if there are funds remaining after car-
6 rying out authorized restoration services or au-
7 thorized recreation services under subparagraph
8 (A), to carry out authorized restoration services
9 or authorized recreation services on Federal
10 land within the State under other good neigh-
11 bor agreements.

12 (d) RETENTION OF NATIONAL ENVIRONMENTAL
13 PROTECTION ACT OF 1969 RESPONSIBILITIES.—Any de-
14 cision required to be made under the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with
16 respect to any authorized restoration services or author-
17 ized recreation services to be conducted under this section
18 on land administered by the United States Fish and Wild-
19 life Service may not be delegated to a Governor, an Indian
20 Tribe, or county.

21 (e) PUBLIC AVAILABILITY.—The Secretary shall
22 make each good neighbor agreement available to the pub-
23 lic.

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

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

3 (2) land on which the removal of vegetation is
4 prohibited or restricted by an Act of Congress or a
5 Presidential proclamation (including the applicable
6 implementation plan) and for which there is no au-
7 thority to otherwise manage or permit such actions
8 consistent with the purposes for which the lands
9 were established; or

10 (3) a wilderness study area.

11 **SEC. 303. STEWARDSHIP END RESULT CONTRACTING**
12 **PROJECTS.**

13 (a) IN GENERAL.—The Secretary may enter into an
14 agreement or contract with a private person or other pub-
15 lic or private entity to perform forest, rangeland, and wa-
16 tershed restoration services that are consistent with the
17 purposes for which the United States Fish and Wildlife
18 Service lands that are the subject of the agreement were
19 established and local and rural community needs.

20 (b) AGREEMENTS OR CONTRACTS.—

21 (1) PROCUREMENT PROCEDURE.—A source for
22 performance or an agreement or contract entered
23 into under subsection (a) shall be selected on a best-
24 value basis, including consideration of source under
25 other public and private agreements or contracts.

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

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

10 (4) OFFSETS.—

11 (A) IN GENERAL.—The Secretary may
12 apply the value of forest products removed as
13 an offset against the cost of forest, rangeland,
14 and watershed restoration services received pur-
15 suant to an agreement or contract under this
16 section.

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

19 (i) shall be determined using appro-
20 priate methods of appraisal commensurate
21 with the quantity of products to be re-
22 moved; and

23 (ii) may—

1 (I) be determined using a unit of
2 measure appropriate to the contracts;
3 and

4 (II) may include valuing products
5 on a per-acre basis.

6 (C) CONTRACTING OFFICER.—Notwith-
7 standing any other provision of law, the Sec-
8 retary may determine the appropriate con-
9 tracting officer to enter into and administer an
10 agreement or contract under this section.

11 (c) RECEIPTS.—

12 (1) IN GENERAL.—The Secretary may collect
13 monies from an agreement or contract under this
14 section if the collection is a secondary objective of
15 negotiating the contract that will best achieve the
16 purpose of this section.

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

23 (d) RELATION TO OTHER LAWS.—Notwithstanding
24 any other provision of law, the value of services received
25 by the Secretary under a stewardship contract project con-

1 ducted under this section, and any payments made or re-
2 sources provided by the contractor or Secretary, shall not
3 be considered monies received from United States Fish
4 and Wildlife Service lands.

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

9 (f) PERFORMANCE AND PAYMENT GUARANTEES.—

10 (1) IN GENERAL.—The Secretary may require
11 performance and payment bonds under sections
12 28.103–2 and 28.103–3 of the Federal Acquisition
13 Regulation, in an amount that the contracting offi-
14 cer considers sufficient to protect the investment in
15 receipts by the Federal Government generated by
16 the contractor from the estimated value of the forest
17 products to be removed under a contract under this
18 section.

19 (2) EXCESS OFFSET VALUE.—If the offset
20 value of the forest products exceeds the value of the
21 resource improvement treatments, the Secretary
22 may—

23 (A) use the excess to satisfy any out-
24 standing liabilities from cancelled agreements or
25 contracts; or

1 (B) if there are no outstanding liabilities
2 described in subparagraph (A), apply the excess
3 to other authorized stewardship projects.

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

10 (h) MONITORING AND EVALUATION.—

11 (1) IN GENERAL.—The Secretary shall establish
12 a monitoring and evaluation process that accesses
13 the stewardship contracting projects conducted
14 under this section.

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

18 (A) any cooperating governmental agen-
19 cies, including Tribal governments; and

20 (B) other interested groups or individuals.

1 **TITLE IV—INCENTIVIZING WILD-**
2 **LIFE CONSERVATION ON PRI-**
3 **VATE LANDS**

4 **SECTION 401. CANDIDATE CONSERVATION AGREEMENTS**
5 **WITH ASSURANCES.**

6 (a) LISTING DETERMINATIONS.—Section 4(b)(1) of
7 the Endangered Species Act of 1973 (16 U.S.C.
8 1533(b)(1)) is amended by adding at the end the fol-
9 lowing:

10 “(C) CANDIDATE CONSERVATION AGREEMENTS
11 WITH ASSURANCES.—In making a determination
12 under subsection (a)(1) with respect to a species, the
13 Secretary shall take into account the net conserva-
14 tion benefit (as that term is defined in section
15 10(k)) of any Candidate Conservation Agreement
16 with Assurances or any programmatic Candidate
17 Conservation Agreement with Assurances (as those
18 terms are defined in that subsection) relating to
19 such species.”.

20 (b) CANDIDATE CONSERVATION AGREEMENTS WITH
21 ASSURANCES.—Section 10 of the Endangered Species Act
22 of 1973 (16 U.S.C. 1539) is amended by adding at the
23 end the following:

24 “(k) CANDIDATE CONSERVATION AGREEMENTS
25 WITH ASSURANCES.—

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

3 “(2) APPROVAL.—Not later than 120 days
4 after the date of the receipt of a proposed Agree-
5 ment under paragraph (1), the Secretary shall ap-
6 prove the proposed Agreement if the Secretary de-
7 termines that the proposed Agreement—

8 “(A) sets forth specific management activi-
9 ties that the covered party will undertake to
10 conserve the covered species;

11 “(B) provides a positive estimate of the net
12 conservation benefit of such management activi-
13 ties to the covered species;

14 “(C) requires the Director of the United
15 States Fish and Wildlife Service to determine,
16 to the maximum extent practicable, the existing
17 population levels of the covered species or the
18 existing quality of habitat;

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

21 “(E) provides assurances to the covered
22 party that no additional conservation measures
23 will be required and additional land, water, or
24 resource use restrictions will not be imposed on
25 the covered party if the covered species becomes

1 listed after the effective date of such Agree-
2 ment.

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

6 “(A) deny the proposed Agreement if the
7 Secretary determines that the proposed Agree-
8 ment does not meet the requirements described
9 in paragraph (2); and

10 “(B) provide the submitting covered party
11 a written explanation for such determination
12 and the adjustments required for the Secretary
13 to approve such proposed Agreement.

14 “(4) PROGRAMMATIC CANDIDATE CONSERVA-
15 TION AGREEMENT WITH ASSURANCES.—

16 “(A) IN GENERAL.—The Secretary, acting
17 through the Director of the United States Fish
18 and Wildlife Service, may enter into a Can-
19 didate Conservation Agreement with Assurances
20 with a covered party that authorizes such cov-
21 ered party—

22 “(i) to administer such Candidate
23 Conservation Agreement with Assurances;

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

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

“(iv) to convey any permit authorization held by such covered party under clause (ii) to each covered party enrolled under clause (iii).

“(B) PUBLICATION.—Upon receipt of a proposed programmatic Candidate Conservation Agreement with Assurances under paragraph (1) and before approving or denying such a proposed programmatic Candidate Conservation Agreement with Assurances under paragraph (2) or (3), respectively, the Secretary shall—

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

1 “(ii) review any comments received
2 under clause (i); and

3 “(iii) after the close of the public com-
4 ment period for the proposed pro-
5 grammatic Candidate Conservation Agree-
6 ment with Assurances, publish in the Fed-
7 eral Register—

8 “(I) any comments received
9 under clause (i); and

10 “(II) the approval or denial of
11 the proposed programmatic Candidate
12 Conservation Agreement with Assur-
13 ances under paragraph (2) or (3), re-
14 spectively.

15 “(5) INCIDENTAL TAKE AUTHORIZATION.—If a
16 covered species is listed under section 4, the Sec-
17 retary shall issue a permit to the relevant covered
18 party under this section allowing incidental take of
19 and modification to the habitat of such covered spe-
20 cies consistent with the Agreement.

21 “(6) TECHNICAL ASSISTANCE.—The Secretary
22 shall, upon request, provide a covered party with
23 technical assistance in developing a proposed Agree-
24 ment.

1 “(7) REQUEST BY FEDERAL AGENCY TO JOIN
2 AGREEMENT.—A Federal agency may, subject to the
3 consent of the relevant covered party, join the
4 Agreement of a covered party that conducts activi-
5 ties on land administered by the Federal agency pur-
6 suant to a permit or lease issued to the covered
7 party.

8 “(8) EXEMPTION FROM CONSULTATION RE-
9 QUIREMENT.—An Agreement approved under this
10 subsection shall be deemed to have been granted an
11 exemption under section 7(h) for the purposes of
12 that section.

13 “(9) EXEMPTION FROM DISCLOSURE.—Infor-
14 mation submitted by a private party to the Secretary
15 under this subsection shall be exempt from disclo-
16 sure under section 552(b)(3)(B) of title 5, United
17 States Code.

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

19 “(A) AGREEMENT.—The term ‘Agreement’
20 means—

21 “(i) a Candidate Conservation Agree-
22 ment with Assurances; or

23 “(ii) a programmatic Candidate Con-
24 servation Agreement with Assurances.

1 “(B) CANDIDATE CONSERVATION AGREE-
2 MENT WITH ASSURANCES.—The term ‘Can-
3 didate Conservation Agreement with Assur-
4 ances’ means a voluntary agreement between
5 the Secretary, acting through the Director of
6 the United States Fish and Wildlife Service,
7 and a covered party in which—

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

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

14 “(I) the covered party shall incur
15 no additional obligations beyond ac-
16 tions agreed to in the agreement with
17 respect to conservation activities re-
18 quired under this Act; and

19 “(II) no additional land, water,
20 or resource use restrictions shall be
21 imposed on the covered party beyond
22 those included in the agreement.

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

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

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

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

7 “(i) party that conducts activities on
8 land administered by a Federal agency
9 pursuant to a permit or lease issued to the
10 party;

11 “(ii) private property owner;

12 “(iii) county;

13 “(iv) State or State agency;

14 “(v) Federal agency; or

15 “(vi) Tribal government.

16 “(E) COVERED SPECIES.—The term ‘cov-
17 ered species’ means, with respect to an Agree-
18 ment, the species that is the subject of such
19 Agreement.

20 “(F) NET CONSERVATION BENEFIT.—The
21 term ‘net conservation benefit’ means the net
22 effect of an Agreement, determined by com-
23 paring the situation of the candidate species
24 without the Agreement in effect and a situation

1 in which the Agreement is in effect, on a can-
2 didate species, including—

3 “(i) the net effect on threats to such
4 species;

5 “(ii) the net effect on the number of
6 individuals of such species; and

7 “(iii) the net effect on the habitat of
8 such species.

9 “(G) PROGRAMMATIC CANDIDATE CON-
10 SERVATION AGREEMENT WITH ASSURANCES.—

11 The term ‘programmatic Candidate Conserva-
12 tion Agreement with Assurances’ means a Can-
13 didate Conservation Agreement with Assurances
14 described in paragraph (4)(A).”

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

16 Section 4(a)(3) of the Endangered Species Act of
17 1973 (16 U.S.C. 1533(a)(3)) is amended by adding at the
18 end the following:

19 “(C) PRIVATELY OWNED OR CONTROLLED
20 LAND.—The Secretary may not designate as critical
21 habitat under subparagraph (A) any privately owned
22 or controlled land or other geographical area that is
23 subject to a land management plan that—

24 “(i) the Secretary determines is similar in
25 nature to an integrated natural resources man-

1 agement plan described in section 101 of the
2 Sikes Act (16 U.S.C. 670a);

3 “(ii)(I) is prepared in cooperation with the
4 Secretary and the head of each applicable State
5 fish and wildlife agency of each State in which
6 such land or other geographical area is located;
7 or

8 “(II) is submitted to the Secretary in
9 a manner that is similar to the manner in
10 which an applicant submits a conservation
11 plan to the Secretary under section
12 10(a)(2)(A);

13 “(iii) includes an activity or a limitation on
14 an activity that the Secretary determines will
15 likely conserve the species concerned;

16 “(iv) the Secretary determines will result
17 in—

18 “(I) an increase in the population of
19 the species concerned above the population
20 of such species on the date that such spe-
21 cies is listed as threatened or endangered;
22 or

23 “(II) maintaining the same population
24 of such species on the land or other geo-
25 graphical area as the population that

1 would likely occur if such land or other
2 geographical area is designated as critical
3 habitat; and

4 “(v) to the maximum extent practicable,
5 will minimize and mitigate the impacts of any
6 activity that will likely result in an incidental
7 taking of the species concerned.”.

8 **SEC. 403. PRIVATE LAND.**

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

15 (b) EXCEPTION.—

16 (1) IN GENERAL.—The Secretary may make
17 publicly available information described in subsection

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

19 (A)(i) a Federal agency;

20 (ii) a State governmental agency; or

21 (iii) a bona fide educational or re-
22 search institution; and

23 (B) the private party concerned.

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

1 (A) describe the specific site or area for
2 which information described in subsection (a) is
3 sought;

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

6 (C) include assurances sufficient to satisfy
7 the Secretary that the confidentiality of such
8 information will be protected.

9 **TITLE V—FOREST INFORMATION** 10 **REFORM**

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

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

16 “(2) NO ADDITIONAL CONSULTATION RE-
17 QUIRED UNDER CERTAIN CIRCUMSTANCES.—Not-
18 withstanding any other provision of law, the Sec-
19 retary shall not be required to reinitiate consultation
20 under section 7(a)(2) of the Endangered Species Act
21 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of
22 title 50, Code of Federal Regulations (or a successor
23 regulation), on a land management plan approved,
24 amended, or revised under this section when a spe-
25 cies is listed, critical habitat is designated, or new

1 information concerning a listed species or critical
2 habitat becomes available.”.

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

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

18 **TITLE VI—PROVIDING FOR**
19 **GREATER INCENTIVES TO RE-**
20 **COVER LISTED SPECIES**

21 **SEC. 601. PROTECTIVE REGULATIONS UNDER ENDAN-**
22 **GERED SPECIES ACT OF 1973.**

23 (a) AMENDMENT TO DEFINITION.—Section 3(3) of
24 the Endangered Species Act of 1973 (16 U.S.C. 1532(3))
25 is amended by striking “and transplantation, and, in the

1 extraordinary case where population pressures within a
2 given ecosystem cannot be otherwise relieved, may in-
3 clude” and inserting “transplantation, and, at the discre-
4 tion of the Secretary,”.

5 (b) PROTECTIVE REGULATIONS.—Section 4 of the
6 Endangered Species Act of 1973 (16 U.S.C. 1533) is
7 amended—

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

9 “(d) PROTECTIVE REGULATIONS.—

10 “(1) IN GENERAL.—Whenever any species
11 is listed as a threatened species pursuant to
12 subsection (c), the Secretary shall issue such
13 regulations as are necessary and advisable to
14 provide for the conservation of that species.

15 “(2) RECOVERY GOALS.—If the Secretary
16 issues a regulation under paragraph (1) that
17 prohibits an act described in section 9(a), the
18 Secretary shall, with respect to the species that
19 is the subject of such regulation—

20 “(A) establish objective, incremental
21 recovery goals;

22 “(B) provide for the stringency of
23 such regulation to decrease as such recov-
24 ery goals are met; and

1 “(C) provide for State management
2 within such State, if such State is willing
3 to take on such management, beginning on
4 the date on which the Secretary determines
5 all such recovery goals are met and, if such
6 recovery goals remain met, continuing until
7 such species is removed from the list of
8 threatened species published pursuant to
9 subsection (c).

10 “(3) COOPERATIVE AGREEMENT.—A regu-
11 lation issued under paragraph (1) that prohibits
12 an act described in section 9(a)(1) with respect
13 to a resident species shall apply with respect to
14 a State that has entered into a cooperative
15 agreement with the Secretary pursuant to sec-
16 tion 6(c) only to the extent that such regulation
17 is adopted by such State.

18 “(4) STATE RECOVERY STRATEGY.—

19 “(A) IN GENERAL.—A State may de-
20 velop a recovery strategy for a threatened
21 species or a candidate species and submit
22 to the Secretary a petition for the Sec-
23 retary to use such recovery strategy as the
24 basis for any regulation issued under para-

1 graph (1) with respect to such species
2 within such State.

3 “(B) APPROVAL OR DENIAL OF PETI-
4 TION.—Not later than 120 days after the
5 date on which the Secretary receives a pe-
6 tition submitted under subparagraph (A),
7 the Secretary shall—

8 “(i) approve such petition if the
9 recovery strategy is reasonably certain
10 to be implemented by the petitioning
11 State and to be effective in conserving
12 the species that is the subject of such
13 recovery strategy; or

14 “(ii) deny such petition if the re-
15 quirements described in clause (i) are
16 not met.

17 “(C) PUBLICATION.—Not later than
18 30 days after the date on which the Sec-
19 retary approves or denies a petition under
20 subparagraph (B), the Secretary shall pub-
21 lish such approval or denial in the Federal
22 Register.

23 “(D) DENIAL OF PETITION.—

24 “(i) WRITTEN EXPLANATION.—If
25 the Secretary denies a petition under

1 subparagraph (B), the Secretary shall
2 include in such denial a written expla-
3 nation for such denial, including a de-
4 scription of the changes to such peti-
5 tion that are necessary for the Sec-
6 retary to approve such petition.

7 “(ii) RESUBMISSION OF DENIED
8 PETITION.—A State may resubmit a
9 petition that is denied under subpara-
10 graph (B).

11 “(E) USE IN PROTECTIVE REGULA-
12 TIONS.—If the Secretary approves a peti-
13 tion under subparagraph (B), the Sec-
14 retary shall—

15 “(i) issue a regulation under
16 paragraph (1) that adopts the recov-
17 ery strategy as such regulation with
18 respect to the species that is the sub-
19 ject of such recovery strategy within
20 the petitioning State; and

21 “(ii) establish objective criteria to
22 evaluate the effectiveness of such re-
23 covery strategy in conserving such
24 species within such State.

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

12 (2) in subsection (f)(1)(B)—

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

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

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

18 “(iv) with respect to an endangered spe-
19 cies, objective, incremental recovery goals in ac-
20 cordance with subsection (d)(2)(A) for use
21 under that subsection if such endangered spe-
22 cies is changed in status from an endangered
23 species to a threatened species under subsection
24 (c)(2)(B)(ii).”.

1 (4) \$50,000,000 of the \$250,000,000 appro-
2 priated to the “Bureau of Reclamation—Water and
3 Related Resources” account in the Infrastructure
4 Investment and Jobs Act (Public Law 117–58) for
5 design, study, and construction of aquatic ecosystem
6 restoration and protection projects in accordance
7 with section 1109 of division FF of the Consolidated
8 Appropriations Act, 2021 (Public Law 116–260).

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

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

- 13 (1) Section 507 (16 U.S.C. 4701 note).
14 (2) Section 508 (16 U.S.C. 742b note).
15 (3) Section 510 (16 U.S.C. 742b note).