

RECOVERING AMERICA'S WILDLIFE ACT OF 2021

—————
JUNE 9, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2773]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2773) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recovering America’s Wildlife Act of 2021”.

TITLE I—WILDLIFE CONSERVATION AND RESTORATION

SEC. 101. WILDLIFE CONSERVATION AND RESTORATION SUBACCOUNT.

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

(1) by redesignating paragraphs (2) and (3) as paragraphs (10) and (11); and
(2) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT OF SUBACCOUNT.—

“(A) IN GENERAL.—There is established in the fund a subaccount to be known as the ‘Wildlife Conservation and Restoration Subaccount’ (referred to in this section as the ‘Subaccount’).

“(B) AVAILABILITY.—Amounts in the Subaccount shall be available without further appropriation, for each fiscal year, for apportionment in accordance with this Act.

“(C) DEPOSITS INTO SUBACCOUNT.—Beginning in fiscal year 2022, the Secretary of the Treasury shall transfer \$1,300,000,000 from the general fund of the treasury each fiscal year to the fund for deposit in the Subaccount.

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

“(A) the funds distributed pursuant to the Dingell-Johnson Sport Fish Restoration Act; and

“(B) the fund.

“(3) INNOVATION GRANTS.—

“(A) IN GENERAL.—The Secretary shall distribute 10 percent of funds apportioned from the Subaccount through a competitive grant program to State fish and wildlife departments, the District of Columbia fish and wildlife department, fish and wildlife departments of territories, or to regional associations of fish and wildlife departments (or any group composed of more than 1 such entity).

“(B) PURPOSE.—Such grants shall be provided for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for species of greatest conservation need and species listed under the Endangered Species Act of 1973 and the habitats of such species.

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

“(i) a State Director from each regional association of State fish and wildlife departments;

“(ii) the head of a department responsible for fish and wildlife management in a territory; and

“(iii) 4 individuals representing 4 different nonprofit organizations each of which is actively participating in carrying out wildlife conservation restoration activities using funds apportioned from the Subaccount.

“(D) SUPPORT FROM UNITED STATES FISH AND WILDLIFE SERVICE.—The United States Fish and Wildlife Service shall provide any personnel or administrative support services necessary for such Committee to carry out its responsibilities under this Act.

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

“(F) SPECIAL RULE BEFORE DISBURSEMENT OF FUNDS FROM SUBACCOUNT.—In any fiscal year that begins before the first disbursement of funds from the Subaccount, any nonprofit organization that actively participates in carrying out wildlife conservation restoration activities shall be deemed to fulfill the requirement described in subparagraph (C)(iii).

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

“(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(e), by carrying out, revising, or enhancing existing wildlife and habitat conservation and restoration programs and developing and implementing new wildlife conservation and restoration programs to recover and manage species of greatest conservation need and the key habitats and plant community types essential to the conservation of those species as determined by the appropriate State fish and wildlife department;

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

“(C) shall be used to assist in the recovery of species found in the State, territory, or the District of Columbia that are listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 or under State law;

“(D) may be used for wildlife conservation education and wildlife-associated recreation projects, especially in historically underserved communities;

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

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

“(G) may be used for law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need and the habitat of such species.

“(5) MINIMUM REQUIRED SPENDING FOR ENDANGERED SPECIES RECOVERY.—Not less than an average of 15 percent over a 5-year period of amounts apportioned to a State, territory, or the District of Columbia from the Subaccount shall be used for purposes described in paragraph (4)(C). The Secretary may reduce the minimum requirement of a State, territory, or the District of Columbia on an annual basis if the Secretary determines that the State, territory, or the District of Columbia is meeting the conservation and recovery needs of all species described in paragraph (4)(C).

“(6) PUBLIC ACCESS TO PRIVATE LANDS NOT REQUIRED.—Funds apportioned from the Subaccount shall not be conditioned upon the provision of public access to private lands, waters, or holdings.

“(7) REQUIREMENTS FOR MATCHING FUNDS.—

“(A) For the purposes of the non-Federal fund matching requirement for a wildlife conservation or restoration program or project funded by the Subaccount, a State, territory, or the District of Columbia may use as matching non-Federal funds—

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

“(ii) donated private lands and waters, including privately owned easements;

“(iii) in circumstances described in subparagraph (B), revenue generated through the sale of State hunting and fishing licenses; and

“(iv) other sources consistent with part 80 of title 50, Code of Federal Regulations, in effect on the date of enactment of the Recovering America’s Wildlife Act of 2021.

“(B) Revenue described in subparagraph (A)(iii) may only be used to fulfill the requirements of such non-Federal fund matching requirement if—

“(i) no Federal funds apportioned to the State fish and wildlife department of such State from the Wildlife Restoration Program or the Sport Fish Restoration Program have been reverted because of a failure to fulfill such non-Federal fund matching requirement by such State during the previous 2 fiscal years; and

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

“(8) ADMINISTRATIVE COSTS.—Of the funds authorized under this subsection, not more than 3 percent may be used by the Secretary for administrative costs.

“(9) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) PARTNERSHIPS.—The term ‘partnerships’ may include collaborative efforts with Federal agencies, State agencies, local agencies, Indian Tribes, nonprofit organizations, academic institutions, industry groups, and private individuals to implement a State’s Wildlife Conservation Strategy.

“(B) SPECIES OF GREATEST CONSERVATION NEED.—The term ‘species of greatest conservation need’ may be fauna or flora, and may include terrestrial, aquatic, marine, and invertebrate species that are of low population, declining, rare, or facing threats and in need of conservation attention, as determined by each State fish and wildlife department, with respect to funds apportioned to such State.

“(C) TERRITORY AND TERRITORIES.—The terms ‘territory’ and ‘territories’ mean the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, the United States Virgin Islands, and American Samoa.

“(D) WILDLIFE.—The term ‘wildlife’ means any species of wild, free-ranging fauna, including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.”

(b) OVERSIGHT AND ACCOUNTABILITY.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended by adding at the end the following:

“(e) To the Office of Inspector General, for the purposes of oversight and accountability with respect to the expenditure of funds authorized under subsection (c), there is authorized to be appropriated, until September 30, 2029, ½ of 1 percent of the amounts made available under such subsection.”

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

(1) in subsection (d)—

- (A) in paragraph (1)—
- (i) in subparagraph (A), by striking “to the District of Columbia and to the Commonwealth of Puerto Rico, each” and inserting “To the District of Columbia”;
 - (ii) in subparagraph (B)—
 - (I) by striking “to Guam” and inserting “To Guam”; and
 - (II) by striking “not more than one-fourth of 1 percent” and inserting “not less than $\frac{1}{3}$ of 1 percent”; and
 - (iii) by adding at the end the following:

“(C) To the Commonwealth of Puerto Rico, a sum equal to not less than 1 percent thereof.”;
- (B) in paragraph (2)(A)—
- (i) by amending clause (i) to read as follows:

“(i) $\frac{1}{2}$ of which is based on the ratio to which the land and water area of such State bears to the total land and water area of all such States.”;
 - (ii) in clause (ii)—
 - (I) by striking “two-thirds” and inserting “ $\frac{1}{4}$ ”; and
 - (II) by striking the period and inserting “; and”; and
 - (iii) by adding at the end the following:

“(iii) $\frac{1}{4}$ of which is based upon the ratio to which the number of species listed as endangered or threatened under the Endangered Species Act of 1973 in such State bears to the total number of such species listed in all such States.”;
- (C) by amending paragraph (2)(B) to read as follows:

“(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State, unless otherwise designated, shall be apportioned a sum which is less than 1 percent or more than 5 percent of the amount available for apportionment under—

 - “(i) subparagraph (A)(i);
 - “(ii) subparagraph (A)(ii); and
 - “(iii) the overall amount available for subparagraph (A).”; and

(D) in paragraph (3), by striking “3 percent” and inserting “1.85 percent”; and

and

(2) in subsection (e)(4)—

(A) by amending subparagraph (B) to read as follows:

“(B) Not more than an average of 15 percent over a 5-year period of amounts apportioned to each State, territory, or the District of Columbia under this section for a wildlife conservation and restoration program may be used for wildlife conservation education and wildlife-associated recreation.”; and

(B) by adding at the end the following:

“(C) \$55 million shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.”; and

(3) by adding at the end following:

“(f) MINIMIZATION OF PLANNING AND REPORTING.—Nothing in this Act shall be interpreted to require a State to create a comprehensive strategy related to conservation education or outdoor recreation.

“(g) ACCOUNTABILITY.—Not more than 1 year after the date of enactment of the Recovering America’s Wildlife Act of 2021 and every 3 years thereafter, each State fish and wildlife department of a State or territory that receives funding under subsection (c) shall submit a 3-year work plan and budget for implementing its Wildlife Conservation Strategy and a report describing the results derived from activities accomplished under subsection (c)(4) during the previous 3 years to—

- “(1) the Committee on Environment and Public Works of the Senate;
 - “(2) the Committee on Natural Resources of the House of Representatives;
- and
- “(3) the United States Fish and Wildlife Service.”.

SEC. 102. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

- (1) in paragraph (7), by striking “including fish.”; and
- (2) in paragraph (9)—
 - (A) by striking “304(d)” and inserting “4(d)”; and

- (B) by inserting “Indian Tribes, academic institutions,” before “wildlife conservation organizations”.
- (b) CONFORMING AMENDMENTS.—The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a et seq.) is amended—
- (1) in section 3 (16 U.S.C. 669b)—
 - (A) in subsection (a)—
 - (i) by striking “(1) An amount equal to” and inserting “An amount equal to”; and
 - (ii) by striking paragraph (2);
 - (B) in subsection (c)—
 - (i) in paragraph (10), as redesignated by section 101(a)(1), by striking “or an Indian tribe”; and
 - (ii) in paragraph (11), as redesignated by section 101(a)(1), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”; and
 - (C) in subsection (d), by striking “Wildlife Conservation and Restoration Account” and inserting “Subaccount”;
 - (2) in section 4 (16 U.S.C. 669c)—
 - (A) in subsection (d)—
 - (i) in the heading, by striking “ACCOUNT” and inserting “SUBACCOUNT”; and
 - (ii) by striking “Account” each place it appears and inserting “Subaccount”; and
 - (B) in subsection (e)(1), by striking “Account” and inserting “Subaccount”; and
 - (3) in section 8 (16 U.S.C. 669g), in subsection (a), by striking “Account” and inserting “Subaccount”.

SEC. 103. SAVINGS CLAUSE.

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

- (1) by redesignating section 13 as section 15; and
- (2) by inserting after section 12 the following:

“SEC. 13. SAVINGS CLAUSE.

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

“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

“If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act, then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.”.

TITLE II—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

SEC. 201. INDIAN TRIBES.

(a) DEFINITIONS.—In this section:

- (1) ACCOUNT.—The term “Account” means the Tribal Wildlife Conservation and Restoration Account established by subsection (b)(1).
- (2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (4) TRIBAL SPECIES OF GREATEST CONSERVATION NEED.—The term “Tribal species of greatest conservation need” means any species identified by an Indian Tribe as requiring conservation management because of declining population, habitat loss, or other threats, or because of their biological or cultural importance to such Tribe.
- (5) WILDLIFE.—The term “wildlife” means—
 - (A) any species of wild flora or fauna including fish and marine mammals;
 - (B) flora or fauna in a captive breeding, rehabilitation, and holding or quarantine program, the object of which is to reintroduce individuals of a

depleted indigenous species into previously occupied range or to maintain a species for conservation purposes; and

(C) does not include game farm animals.

(b) TRIBAL WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

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

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

(3) DEPOSITS.—Beginning in fiscal year 2022, and each fiscal year thereafter, the Secretary of the Treasury shall transfer \$97,500,000 to the Account.

(c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—Each fiscal year, the Secretary of the Treasury shall deposit funds into the Account and distribute such funds through a noncompetitive application process according to guidelines and criteria, and reporting requirements determined by the Secretary of the Interior, acting through the Director of the Bureau of Indian Affairs, in consultation with Indian Tribes. Such funds shall remain available until expended.

(d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—The distribution guidelines and criteria described in subsection (c) shall be based, in part, upon an Indian Tribe’s wildlife management responsibilities. Any funding allocated to Indian Tribes in Alaska may only be used in a manner consistent with the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, and the Alaska Statehood Act. Alaska Native Corporations or Tribes may enter into cooperative agreements with the State of Alaska on conservation projects of mutual concern.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may distribute funds from the Account to an Indian Tribe for any of the following purposes:

(A) To develop, carry out, revise, or enhance wildlife conservation and restoration programs to manage Tribal species of greatest conservation need and the habitats of such species as determined by the Indian Tribe.

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

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

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

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

(F) For law enforcement activities that are directly related to the protection and conservation of wildlife.

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

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

(2) CONDITIONS ON THE USE OF FUNDS.—

(A) REQUIRED USE OF FUNDS.—In order to be eligible to receive funds under subsection (c), a Tribe’s application must include a proposal to use funds for at least 1 of the purposes described in subparagraphs (A) and (B) of paragraph (1).

(B) IMPERILED SPECIES RECOVERY.—In distributing funds under this section, the Secretary shall distribute not less than 15 percent of the total funds distributed to proposals to fund the recovery of a species, subspecies, or distinct population segment listed as a threatened species, endangered species, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

(C) LIMITATION.—In distributing funds under this section, the Secretary shall distribute not more than 15 percent of all funds distributed under this section for the purpose described in paragraph (1)(C).

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

(g) PUBLIC ACCESS NOT REQUIRED.—Funds apportioned from the Tribal Wildlife Conservation and Restoration Account shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

(h) ADMINISTRATIVE COSTS.—Of the funds deposited under subsection (b)(3) for each fiscal year, not more than 3 percent shall be used by the Secretary for administrative costs.

(i) OVERSIGHT AND ACCOUNTABILITY.—To the Office of Inspector General, for the purposes of oversight and accountability with respect to the expenditure of funds authorized under this title, there is authorized to be appropriated, until September 30, 2029, ½ of 1 percent of the amounts made available under this title.

(j) SAVINGS CLAUSE.—Nothing in this Act shall be construed as modifying or abrogating a treaty with any Indian Tribe, or as enlarging or diminishing the authority, jurisdiction, or responsibility of an Indian Tribe to manage, control, or regulate wildlife. If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act, then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.

PURPOSE OF THE BILL

The purpose of H.R. 2773 is 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.

BACKGROUND AND NEED FOR LEGISLATION

America’s wildlife face numerous threats, including habitat loss and fragmentation, climate change, invasive species, and emerging diseases. For example, a 2019 report in the journal *Science* estimated that North American bird populations have declined by nearly three billion or 29% since 1970.¹ Additionally, Chronic Wasting Disease, a fatal disease to North America’s deer, elk, and moose, has spread to 25 states, posing significant risks to those populations.² About 40% of America’s freshwater fish species are rare or imperiled due to diminished water quality, over-fishing, and aquatic invasive species.³

In the United States, states, territories, and tribes carry out most wildlife management and conservation. Most of the funding comes from federal sources such as the Pittman-Robertson Wildlife Restoration Act. The Pittman-Robertson Act provides significant funding for state conservation programs through an excise tax on hunting equipment. However, non-hunted species do not have a similar conservation funding stream. To qualify for funds, states, territories, and the District of Columbia must draft their own Wildlife Action Plans, which FWS approves.⁴

H.R. 2773 amends the Pittman-Robertson Act to provide an additional \$1.3975 billion per year to assist states, territories, and tribes in conserving, restoring, and protecting wildlife and wildlife habitat. The \$1.3 billion per year would be distributed in the following manner:

- 10% for a competitive grant program to spur innovative tools, techniques, strategies, and partnerships that effectively recover species and their habitats.
- 90% apportioned to the states and territories to carry out wildlife conservation and habitat restoration activities focused on species of greatest conservation need and update and carry out wildlife conservation plans. Funds may also be used to

¹Daley. 2019. “Silent Skies: Billions of North American Birds Have Vanished.” <https://www.scientificamerican.com/article/silent-skies-billions-of-north-american-birds-have-vanished/>.

²CDC. January 2021. “Chronic Wasting Disease.” <https://www.cdc.gov/prions/cwd/occurrence.html>.

³McCormick. 2018. “One-Third of American Wildlife at Increased Risk of Extinction.” <https://www.nwf.org/Latest-News/Press-Releases/2018/03-29-18-Wildlife-Crisis-Report>.

⁴Crafton, R. Eliot. CRS Report. *Pittman-Robertson Wildlife Restoration Act: Understanding Apportionments for States and Territories*. April 5, 2019. <https://www.crs.gov/reports/pdf/R45667>.

combat invasive species, engage in law enforcement activities directly related to conservation, carry out education and recreational programs associated with wildlife, and coordinate with other states, territories, and tribes. In addition, \$55 million is reserved for states and territories that include plants among their species of greatest conservation need and in their Wildlife Conservation Strategy. Recipients of these funds must spend at least 15% on species listed under the Endangered Species Act. “Species of greatest conservation need” is defined by each state and territory. The bill also amends apportionment ratios under the Pittman-Robertson Act, accounting for the size and population of the state and the number of endangered species in the state.

In addition, this bill requires each state to report to Congress every three years on funded activities.

The bill makes technical corrections to the Pittman-Robertson Wildlife Restoration Act. It adds a savings clause clarifying that nothing in the Pittman-Robertson Act interferes with state authorities to manage wildlife and that nothing overrides the State of Alaska’s authorities under the Alaska National Interest Lands Conservation Act.

The bill also establishes a \$97.5 million annual noncompetitive Tribal Wildlife Conservation and Restoration grant program to assist tribes in carrying out wildlife conservation and habitat restoration activities, updating wildlife conservation plans, combating invasive species, engaging in law enforcement activities directly related to conservation, carrying out education and recreational programs associated with wildlife, and coordinating with other states, territories, and tribes. At least 15% of the funds must be spent on recovering species listed under the ESA or considered threatened or endangered under tribal law.

COMMITTEE ACTION

H.R. 2773 was introduced on April 22, 2021, by Representative Debbie Dingell (D–MI). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife and the Subcommittee for Indigenous Peoples of the United States. On July 29, 2021, the Subcommittee on Water, Oceans, and Wildlife held a hearing on the bill. On January 19, 2022, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. Rep. Russ Fulcher (R–ID) offered an amendment designated Fulcher #14 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 25 nays,⁵ as follows:

⁵During the markup, the total on this vote was announced incorrectly. The numbers above and in the clerk’s tally sheet above accord with the clerk’s roll call.

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Fulcher #14 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
REP. MEMBERS (22)				
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR			
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
Total: 48 / Quorum: 16 / Report: 25		17	25	
TOTALS		YEAS	NAYS	PRESENT

Rep. Fulcher offered an amendment designated Fulcher #15 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Fulcher #15 amendment

Disposition: Not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sabian, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	18	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Matt Rosendale (R-MT) offered an amendment designated Rosendale #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Rosendale #1 amendment

Disposition: Not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Oberholte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	18	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Rosendale offered an amendment designated Rosendale #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 20 yeas and 24 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Rosendale #2 amendment

Disposition: Not agreed to by a roll call vote of 20 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sabian, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Oberholte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	20	24	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Rosendale offered an amendment designated Rosendale #3 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Rosendale #3 amendment

Disposition: Not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA			
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obermole, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 46 / Quorum: 16 / Report: 25	18	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Rosendale offered an amendment designated Rosendale #4 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas and 24 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Rosendale #4 amendment

Disposition: Not agreed to by a roll call vote of 19 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM			
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obermole, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 46 / Quorum: 16 / Report: 26	19	24	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Cliff Bentz (R-OR) offered an amendment designated Bentz #4 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. Rep. Bentz offered an amendment designated Bentz #3 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas to 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Bentz #3 amendment

Disposition: Not agreed to by a roll call vote of 19 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Oberholte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	19	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Lauren Boebert (R-CO) offered an amendment designated Boebert #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas and 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Boebert #2 amendment

Disposition: Not agreed to by a roll call vote of 19 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sabian, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obermole, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 46 / Quorum: 16 / Report: 25	19	25	
	TOTALS	YEAS	NAYS	PRESENT

Ranking Member Bruce Westerman (R-AR) offered an amendment designated Westerman #5 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773**Amendment:** Rep. Westerman #5 amendment**Disposition:** Not agreed to by a roll call vote of 17 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obermole, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK		X	
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	17	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Dingell offered an amendment designated Dingell #204 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. Rep. Tom Tiffany (R-WI) offered an amendment designated Tiffany #03 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. Ranking Member Westerman offered an amendment designated Westerman #6 to the amendment in the nature of a substitute. The amendment was not agreed to by voice vote. Ranking Member Westerman offered an amendment designated Westerman #7 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 25 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment: Rep. Westerman #7 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obenolte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK		X	
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	17	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Yvette Herrell (R-NM) offered an amendment designated Herrell #2773_ESA to the amendment in the nature of a substitute. The amendment was not agreed to by voice vote. The amendment in the nature of a substitute, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote 29 yeas and 15 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2773

Amendment:

Disposition: Final Passage: H.R. 2773, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 29 yeas and 15 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. García, IL	X		
9	Mr. Grijalva, AZ (<i>Chair</i>)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY			
REP. MEMBERS (22)				
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA		X	
8	Ms. Herrell, NM		X	
9	Mr. Hice, GA		X	
10	Mr. Lamborn, CO		X	
11	Mr. McClintock, CA			
12	Mr. Moore, UT		X	
13	Mr. Oberholte, CA		X	
14	Mrs. Radewagen, AS		X	
15	Mr. Rosendale, MT		X	
16	Mr. Stauber, MN		X	
17	Mr. Tiffany, WI		X	
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)		X	
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
Total: 48 / Quorum: 16 / Report: 25		29	15	
TOTALS		YEAS	NAYS	PRESENT

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on July 29, 2021.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Section 101(a) of the bill, as reported, would require the Secretary to appoint a review committee. In reporting the bill favorably to the House of Representatives, the Committee on Natural Resources finds that these functions would be better performed by the proposed review committee than by one or more agencies or an existing advisory committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139. The Wildlife Restoration and Basic Hunter Education (CFDA No. 15.611) modified by this bill is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. §6104: Sport Fish Restoration (CFDA No. 15.605), Cooperative Endangered Species Conservation Fund (CFDA No. 15.615), and Enhanced Hunter Education and Safety (CFDA No. 15.626). The Tribal Wildlife Conservation and Restoration program authorized by Section 201 of the bill, as reported, is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. §6104: Partners for Fish and Wildlife (CFDA No. 15.631) and Tribal Wildlife Grants (CFDA No. 15.639).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) for the purposes of determining the number of paid hunting-license holders in a State, the term “fiscal year” means the fiscal year or license year of the State;

(3) the term “hunter recruitment and recreational shooter recruitment” means any activity or project to recruit or retain hunters and recreational shooters, including by—

(A) outreach and communications as a means—

(i) to improve communications with hunters, recreational shooters, and the general public with respect to hunting and recreational shooting opportunities;

(ii) to reduce barriers to participation in these activities;

(iii) to advance the adoption of sound hunting and recreational shooting practices;

(iv) to promote conservation and the responsible use of the wildlife resources of the United States; and

(v) to further safety in hunting and recreational shooting;

(B) providing education, mentoring, and field demonstrations;

(C) enhancing access for hunting and recreational shooting, including through range construction; and

(D) providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation;

(4) the term “public target range” means a specific location that—

(A) is identified by a governmental agency for recreational shooting;

(B) is open to the public;

(C) may be supervised; and

(D) may accommodate archery or rifle, pistol, or shotgun shooting;

(5) the term “Secretary” means the Secretary of the Interior;

(6) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

(7) the term “wildlife” means any species of wild, free-ranging fauna [including fish,] and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

(8) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

(9) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section **【304(d)】** 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), *Indian Tribes*, *academic institutions*, wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

(10) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

(11) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

SEC. 3. (a) **【(1) An amount equal to】** *An amount equal to* all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1986 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the “fund”) and is authorized to be appropriated and made available until expended to carry out the purposes of this Act. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

【(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the “Wildlife Conservation and Restoration Account”. There are authorized to be

appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).】

(b)(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may—

(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

(B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund—

(A) shall be credited to the fund;

(B) constitute the sums available for allocation by the Secretary under section 8 of the North American Wetlands Conservation Act; and

(C) shall become available for apportionment under this Act at the beginning of fiscal year 2026.

(c)【(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.】

(1) *ESTABLISHMENT OF SUBACCOUNT.*—

(A) *IN GENERAL.*—*There is established in the fund a subaccount to be known as the “Wildlife Conservation and Restoration Subaccount” (referred to in this section as the “Subaccount”).*

(B) *AVAILABILITY.*—*Amounts in the Subaccount shall be available without further appropriation, for each fiscal year, for apportionment in accordance with this Act.*

(C) *DEPOSITS INTO SUBACCOUNT.*—*Beginning in fiscal year 2022, the Secretary of the Treasury shall transfer \$1,300,000,000 from the general fund of the treasury each fiscal year to the fund for deposit in the Subaccount.*

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

(A) *the funds distributed pursuant to the Dingell-Johnson Sport Fish Restoration Act; and*

(B) *the fund.*

(3) *INNOVATION GRANTS.*—

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

partment, fish and wildlife departments of territories, or to regional associations of fish and wildlife departments (or any group composed of more than 1 such entity).

(B) *PURPOSE.*—Such grants shall be provided for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for species of greatest conservation need and species listed under the Endangered Species Act of 1973 and the habitats of such species.

(C) *REVIEW COMMITTEE.*—The Secretary shall appoint a review committee comprised of—

(i) a State Director from each regional association of State fish and wildlife departments;

(ii) the head of a department responsible for fish and wildlife management in a territory; and

(iii) 4 individuals representing 4 different nonprofit organizations each of which is actively participating in carrying out wildlife conservation restoration activities using funds apportioned from the Subaccount.

(D) *SUPPORT FROM UNITED STATES FISH AND WILDLIFE SERVICE.*—The United States Fish and Wildlife Service shall provide any personnel or administrative support services necessary for such Committee to carry out its responsibilities under this Act.

(E) *EVALUATION.*—Such committee shall evaluate each proposal submitted under this paragraph and recommend projects for funding, giving preference to solutions that accelerate the recovery of species identified as priorities through regional scientific assessments of species of greatest conservation need.

(F) *SPECIAL RULE BEFORE DISBURSEMENT OF FUNDS FROM SUBACCOUNT.*—In any fiscal year that begins before the first disbursement of funds from the Subaccount, any nonprofit organization that actively participates in carrying out wildlife conservation restoration activities shall be deemed to fulfill the requirement described in subparagraph (C)(iii).

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

(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(e), by carrying out, revising, or enhancing existing wildlife and habitat conservation and restoration programs and developing and implementing new wildlife conservation and restoration programs to recover and manage species of greatest conservation need and the key habitats and plant community types essential to the conservation of those species as determined by the appropriate State fish and wildlife department;

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

(C) shall be used to assist in the recovery of species found in the State, territory, or the District of Columbia that are

listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 or under State law;

(D) may be used for wildlife conservation education and wildlife-associated recreation projects, especially in historically underserved communities;

(E) may be used to manage a species of greatest conservation need whose range is shared with another State, territory, Indian Tribe, or foreign government and for the conservation of the habitat of such species;

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

(G) may be used for law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need and the habitat of such species.

(5) MINIMUM REQUIRED SPENDING FOR ENDANGERED SPECIES RECOVERY.—Not less than an average of 15 percent over a 5-year period of amounts apportioned to a State, territory, or the District of Columbia from the Subaccount shall be used for purposes described in paragraph (4)(C). The Secretary may reduce the minimum requirement of a State, territory, or the District of Columbia on an annual basis if the Secretary determines that the State, territory, or the District of Columbia is meeting the conservation and recovery needs of all species described in paragraph (4)(C).

(6) PUBLIC ACCESS TO PRIVATE LANDS NOT REQUIRED.—Funds apportioned from the Subaccount shall not be conditioned upon the provision of public access to private lands, waters, or holdings.

(7) REQUIREMENTS FOR MATCHING FUNDS.—

(A) For the purposes of the non-Federal fund matching requirement for a wildlife conservation or restoration program or project funded by the Subaccount, a State, territory, or the District of Columbia may use as matching non-Federal funds—

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

(ii) donated private lands and waters, including privately owned easements;

(iii) in circumstances described in subparagraph (B), revenue generated through the sale of State hunting and fishing licenses; and

(iv) other sources consistent with part 80 of title 50, Code of Federal Regulations, in effect on the date of enactment of the Recovering America's Wildlife Act of 2021.

(B) Revenue described in subparagraph (A)(iii) may only be used to fulfill the requirements of such non-Federal fund matching requirement if—

(i) no Federal funds apportioned to the State fish and wildlife department of such State from the Wildlife

Restoration Program or the Sport Fish Restoration Program have been reverted because of a failure to fulfill such non-Federal fund matching requirement by such State during the previous 2 fiscal years; and

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

(8) *ADMINISTRATIVE COSTS.—Of the funds authorized under this subsection, not more than 3 percent may be used by the Secretary for administrative costs.*

(9) *DEFINITIONS.—In this subsection, the following definitions apply:*

(A) PARTNERSHIPS.—The term “partnerships” may include collaborative efforts with Federal agencies, State agencies, local agencies, Indian Tribes, nonprofit organizations, academic institutions, industry groups, and private individuals to implement a State’s Wildlife Conservation Strategy.

(B) SPECIES OF GREATEST CONSERVATION NEED.—The term ‘species of greatest conservation need’ may be fauna or flora, and may include terrestrial, aquatic, marine, and invertebrate species that are of low population, declining, rare, or facing threats and in need of conservation attention, as determined by each State fish and wildlife department, with respect to funds apportioned to such State.

(C) TERRITORY AND TERRITORIES.—The terms “territory” and “territories” mean the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, the United States Virgin Islands, and American Samoa.

(D) WILDLIFE.—The term “wildlife” means any species of wild, free-ranging fauna, including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.

[(2)] (10) Funds may be used by a State [or an Indian tribe] for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

[(3)] (11) Priority for funding from the [Wildlife Conservation and Restoration Account] *Subaccount* shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the [Wildlife Conservation and Restoration Account] *Subaccount*, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.

(e) To the Office of Inspector General, for the purposes of oversight and accountability with respect to the expenditure of funds authorized under subsection (c), there is authorized to be appropriated,

until September 30, 2029, $\frac{1}{2}$ of 1 percent of the amounts made available under such subsection.

SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) IN GENERAL.—

(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

(i) for the fiscal year that includes the date of enactment of the Surface Transportation Reauthorization Act of 2021, the sum obtained by adding—

(I) the available amount specified in this subparagraph for the preceding fiscal year; and

(II) \$979,500; and

(ii) for each fiscal year thereafter, the sum obtained by adding—

(I) the available amount specified in this subparagraph for the preceding fiscal year; and

(II) the product obtained by multiplying—

(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the subsequent fiscal year.

(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

(i) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remained available for obligation pursuant to subparagraph (A) during that fiscal year and remains unobligated at the end of that fiscal year.

(ii) REQUIREMENT.—The available amount apportioned under clause (i) shall be apportioned on the same basis and in the same manner as other amounts made available under this Act were apportioned among the States for the fiscal year in which the amount was originally made available.

(b) APPORTIONMENT TO STATES.—The Secretary of the Interior, after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

(c) APPORTIONMENT OF REVENUES FROM PISTOLS, REVOLVERS, BOWS, AND ARROWS.—

(1) IN GENERAL.—Subject to paragraph (2), $\frac{1}{2}$ of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States.

(2) CONDITION.—The amount apportioned to each State under paragraph (1) shall be not greater than 3 percent and not less than 1 percent of the revenues described in such paragraph and Guam, the Virgin Islands, American Samoa, Puerto Rico, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues.

(3) POPULATION DETERMINATION.—For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

(4) USE OF FUNDS.—In addition to other uses authorized under this Act, amounts apportioned under this subsection may be used for hunter recruitment and recreational shooter recruitment.

(d) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION [ACCOUNT] SUBACCOUNT.—

(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration [Account] Subaccount:

(A) [to the District of Columbia and to the Commonwealth of Puerto Rico, each] *To the District of Columbia* a sum equal to not more than one-half of 1 percent thereof.

(B) [to Guam] *To Guam*, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to [not more than one-fourth of 1 percent] *not less than 1/3 of 1 percent* thereof.

(C) *To the Commonwealth of Puerto Rico, a sum equal to not less than 1 percent thereof.*

(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remaining amount in the Wildlife Conservation and Restoration **[Account]** *Subaccount* for each fiscal year among the States in the following manner:

[(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and]

(i) 1/2 of which is based on the ratio to which the land and water area of such State bears to the total land and water area of all such States;

(ii) [two-thirds] 1/4 of which is based on the ratio to which the population of such State bears to the total population of all such States[.]; and

(iii) 1/4 of which is based upon the ratio to which the number of species listed as endangered or threatened under the Endangered Species Act of 1973 in such State bears to the total number of such species listed in all such States.

[(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.]

(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State, unless otherwise designated, shall be apportioned a sum which is less than 1 percent or more than 5 percent of the amount available for apportionment under—

(i) subparagraph (A)(i);

(ii) subparagraph (A)(ii); and

(iii) the overall amount available for subparagraph (A).

(3) Of the amounts transferred to the Wildlife Conservation and Restoration **[Account]** *Subaccount*, not to exceed **[3 percent]** *1.85 percent* shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

(e) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration **[Account]** *Subaccount*, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

(B) provisions for the development and implementation of—

(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

(ii) wildlife-associated recreation projects; and

(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

(D) WILDLIFE CONSERVATION STRATEGY.—Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (d), as redesignated an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

[(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.]

(B) Not more than an average of 15 percent over a 5-year period of amounts apportioned to each State, territory, or the District of Columbia under this section for a wildlife conservation and restoration program may be used for wildlife conservation education and wildlife-associated recreation.

(C) \$55 million shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.

(5) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(f) MINIMIZATION OF PLANNING AND REPORTING.—Nothing in this Act shall be interpreted to require a State to create a comprehensive strategy related to conservation education or outdoor recreation.

(g) ACCOUNTABILITY.—Not more than 1 year after the date of enactment of the Recovering America's Wildlife Act of 2021 and every 3 years thereafter, each State fish and wildlife department of a State or territory that receives funding under subsection (c) shall submit a 3-year work plan and budget for implementing its Wildlife Conservation Strategy and a report describing the results derived from activities accomplished under subsection (c)(4) during the previous 3 years to—

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

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

(3) the United States Fish and Wildlife Service.

* * * * *

SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term "wildlife-restoration project", as defined in section 2 of this Act, shall include maintenance of completed projects. Not-

withstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration [Account] Subaccount may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State may use the funds apportioned to it under section 4(c) to pay up to 75 per centum of the costs of a hunter safety program and the operation and maintenance of public target ranges.

(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.

(3) NON-FEDERAL SHARE.—The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs.

(4) REGULATIONS.—The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public target ranges under this subsection.

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SEC. 12. The Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this Act.

SEC. 13. SAVINGS CLAUSE.

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

SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act, then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.

SEC. [13.] 15. VALUE OF LAND.

Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.

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DISSENTING VIEWS

H.R. 2773 would direct funding to state and tribal fish and wildlife departments to help them develop and implement Wildlife Conservation Strategies with the goal of recovering species listed under the Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.) and preventing at-risk species from being listed.

While states and tribes generally do a better job of managing fish and wildlife and conserving habitat than federal agencies and are more accountable to the people than the federal government, this bill has significant fiscal and other issues. Unfortunately, the Democrat Majority blocked Republican efforts to resolve these issues at the committee level. Therefore, while well-intended, we oppose this bill as passed out of the Committee on Natural Resources.

At a time when our national debt continues to balloon and inflation rises because of reckless government spending pushed forward last year by the Majority, the unchecked mandatory spending in this bill will make these matters worse. Specifically, the bill would divert \$1.4 billion annually from the U.S. Treasury without any offsets. Republican amendments to provide offsets or make funding accountable to the annual appropriations process were met with universal opposition from the Majority.

In addition, the bill lacks a sunset provision, which would provide Congress the opportunity to evaluate and make necessary changes to this program as it develops. That means \$1.4 billion would be siphoned off from the Treasury every year for infinity without any mechanism to ensure fiscal accountability. Although the bill would require that the states submit wildlife action plans along with reports every three years to account for their past and future spending under the bill, it does little to help Congress understand whether this program is working as it is intended. It is good government to ensure that any spending program is working and is being used as Congress intended, and this bill lacks any such controls. Again, the Majority universally opposed Republican amendment efforts to insert a sunset and basic accountability mechanisms in this bill.

In addition, this bill is yet another attempt by the Majority to focus on spending taxpayer money as THE solution to addressing endangered species issues. As many localities, landowners and those who depend on the multiple uses of our federal lands, waters and projects know, the ESA needs to be modernized to benefit both species and people. The ESA, which has not been updated since 1988, has been hijacked by litigation and special interests. For example, the San Joaquin Valley of California has experienced man-made drought and massive unemployment due to endangered species-based litigation and regulation associated with the three-inch Delta smelt, which continues to decline despite receiving billions of gallons of water diverted from farms and cities. With few excep-

tions, species are not recovered, and communities suffer from an inflexible, litigation-laden law. The Majority has repeatedly turned a blind eye to the need for ESA modernization and blocked Republican efforts to insert common sense ESA reforms into this bill at markup.

While we have undertaken repeated, good-faith efforts to improve H.R. 2773, the Majority has ignored our concerns by attempting to move this bill in the full House without resolution on the above issues. Because of this, I opposed H.R. 2773 at our markup and will continue to do so until these concerns have been addressed.

BRUCE WESTERMAN.

