

BUSINESS MEETING

MEETING

OF THE

COMMITTEE ON

ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

APRIL 7, 2022

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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BUSINESS MEETING

THURSDAY, APRIL 7, 2022

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee, met, pursuant to notice, at 10:08 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Sanders, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Cramer, Lummis, Boozman, and Sullivan.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Good morning, everyone. I am pleased to call this business meeting to order today.

We have, as you know, a very full agenda. We are going to vote on nominations for key leadership posts at the Environmental Protection Agency, wildlife conservation and recycling legislation as well as 10 General Services Administration resolutions.

Let me just take a minute and give you the run of the show. We will vote on the nominations of David Uhlmann to be EPA Assistant Administrator for Enforcement and Compliance Assurance, and Carlton Waterhouse to be EPA Assistant Administrator of Land and Emergency Management. I am anxious to see both of these talented and dedicated men confirmed. And I am glad we are finally taking an important step toward that happening in today's process.

Then we will vote on the General Services Administration Resolutions, and then on the recycling legislation by voice. We will recess the business meeting and reconvene here at noon to debate amendments on the Recovering America's Wildlife Act, RAWA. Then we will stop and take any necessary votes off the floor at 1:30 in the President's Room.

I want to speak quickly on a few of the business meeting matters. He is not here, but I want to acknowledge Senator Heinrich and Senator Blunt for their leadership on RAWA, which many of you have joined, and their commitment to working with our Committee to improve it. This legislation, as you know, seeks to address a serious challenge that we face, biodiversity loss, which threatens our economy, our ecosystems, and our health.

While I believe we still need to find a way to pay for the bill as it moves to the floor, we have a moral imperative to conserve all of the species with which we share this planet. On balance, the Re-

covering America's Wildlife Act is an historic bill that advances shared conservation goals.

On the two recycling bills, one that I introduced with my Senate Recycling Caucus Co-Chair, Senator Boozman, has joined us.

Thank you, John.

And Ranking Member Capito, and another authored by Senator Capito and Senator Boozman and I and others who joined in supporting that legislation, co-sponsoring that legislation.

Both of these bills are bipartisan. I think they are a product of the best of our Committee's tradition of working together on conservation and sustainability issues.

I would like for us to proceed without delay. Before we do, I want to ask our Ranking Member, Senator Capito, for any remarks that she has.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman.

I want to thank everybody for being here.

In the interest of time, I would like to submit my opening statement for the record. I know everybody is going to be sad about that.

[Laughter.]

Senator CAPITO. You can give me a standing ovation later.

[The prepared statement of Senator Capito was not received at time of print.]

Senator CARPER. Do we have a majority of the Committee physically present, and mentally present?

Mary Frances tells me that we can start off by taking up some of the GSA resolutions. The Committee noticed 11 GSA resolutions for consideration at this business meeting. At the request of one of our members, and after consultation with the Ranking Member, we are deferring consideration of one of these resolutions, the resolution for leased space in Sumner, Washington.

I call up the remaining 10 GSA resolutions en bloc.

For the record, the Chair observes that a quorum is present in the room. Given the presence of a quorum, I move to approve these resolutions and report these matters favorably to the Senate. All in favor, say aye.

[Chorus of ayes.]

Senator CARPER. Opposed, say nay.

[No audible response.]

Senator CARPER. The ayes have it. The ayes have it, and the legislation is favorably reported.

Next, I want to call up our recycling legislation, first S. 3742, Recycling Infrastructure and Accessibility Act of 2022, and S. 3743, the Recycling and Composting Accountability Act of 2022, and a Carper substitute Amendment No. 1 to 3743, en bloc. I move that the Carper Amendment 1 to S. 3743 be adopted, and that the Committee report both S. 3742 and 3743 as amended.

Is there a second?

Senator CAPITO. I second.

Senator CARPER. Thank you very much.

All in favor say aye.

[Chorus of ayes.]

Senator CARPER. Opposed, nay.

Senator CRAMER. No.

Senator CARPER. We have one nay. In the opinion of the Chair, the ayes have it, and these bills are favorably reported.

[Pause.]

Senator CARPER. We are still waiting for Senator Markey and one more member.

Senator WHITEHOUSE. If I could, Mr. Chairman, very briefly, I just want to thank you for your leadership on the recycling, thank you for the hearings that you have done. And I look forward to having this Committee continue to look into and work on these issues.

In the arena of single use plastic, which is the stuff that most often ends up in oceans and rivers and all that, the American Plastics Industry has managed to achieve a grand total of 2 percent, 2 percent recycled content. I teased them by saying, that is how much falls in accidentally. Now that is not true, but it is a measure of how helpless the recycling effort has been, particularly as it affects that really important single use, discardable, throwaway plastic. Not car parts, not children's car seats, not bicycle helmets, not stuff that is multiple use, but the throwaway plastic. We can do a lot better, and I thank you, Chairman, for your leadership to help us get there.

Senator CARPER. This is, as you know, very much a team effort.

My wife and I compost at home. We have a big bin behind our house, and we turn it into really fertile soil for our plants and stuff in our yard. We ought to have the ability to compost in our offices as well as to recycle. And we are working with Senator Capito's staff and Senator Boozman's staff and the Architect of the Capitol to make sure that we start doing that, and enable that activity. So we are looking forward to that.

Anybody else want to speak to any of these bills as we are waiting the arrival of our two colleagues? Anybody else?

Senator MERKLEY. Mr. Chairman.

Senator CARPER. Yes, please.

Senator MERKLEY. Actually not to the bills, but to follow up on the point Senator Whitehouse was making.

Senator CARPER. Please, go ahead.

Senator MERKLEY. The Tuesday edition of the Science Times has in it that the results of an investigation have found that the plastic in the ocean is largely binding with other microorganisms and dropping to the bottom of the ocean, changing the ecosystems tremendously. And that while that was not the expectation, we thought plastic would float and gather in kind of garbage centers in the ocean, some 98 percent is dropping down way below the surface, much of it to the bottom of the ocean, and is also changing temperatures in the process.

So we are learning a lot more about microplastic pollution and how it alters the fundamental nature of ocean ecosystems. None of the news is good news. It just continues why we have to keep working on this intensely.

Senator WHITEHOUSE. Particularly the news that microplastics have now been found in human blood.

Senator CARPER. Correct me if I am wrong, Sheldon, but I have seen reports that the amount of plastic in the oceans now weighs more than the fish and mammals and so forth.

Senator WHITEHOUSE. That is the projection for the year 2050, when many of us will, with any luck, still be around, although perhaps not as mobile as we are right now.

[Laughter.]

Senator WHITEHOUSE. But for sure, our children will be around. And I think the notion that we are going to leave to our children an ocean that has by mass more waste plastic in it than it has living fish is something that ought to drive us to fairly diligent action. Some greatest generation we are.

Senator MERKLEY. While we are on the topic, Senator Murkowski and I work together on the Appropriations Subcommittee on Interior. And we just decided we would revert to inviting people to bring their water bottles with them, just symbolically. I would suggest that here on the Environment Committee, we ought to consider doing the same thing, rather than having the small disposables. An idea worth considering.

Senator CARPER. All right.

Others, please.

Senator CAPITO. Well, I guess I can talk now, since we are still waiting.

Senator MERKLEY. We are all waiting for that opening statement.

[Laughter.]

Senator CAPITO. Well, I am pleased with the recycling bills. I think it came out in the hearings and certainly from a small, rural community in a smaller, rural State, the opportunities for recycling kind of ebb and flow. Economically, it hasn't been a winner for our counties, or our States, or our cities.

I think this is the point, is to try to get it out into the rest of the country so it can be more effective. And I look forward to that, and I think it is a good start.

I also would like to thank Senators Heinrich and Blunt for, they are calling it RAWA, the Wildlife Bill. It has been something that has been in the making, according to Senator Heinrich, for 20 years. It hasn't been easy, I will say that, to try to muscle this one through Committee. But I think we do need to look at the pay for, again, as the Committee Chairman mentioned in his opening remarks.

So with that, that is a synopsis of my opening statement.

Senator CARPER. Thank you for that synopsis.

Senator Whitehouse, please.

Senator WHITEHOUSE. I would be delighted to join Senator Capito in appreciation for Senator Blunt and Senator Heinrich on the Wildlife Bill. I think they put a lot of work into it. It is a very, very good bill. I am an enthusiastic supporter of it.

But as we look down the panel here at the oceans' State population, particularly the Ocean State population, I look forward to the day when we put the same effort into conservation, species protection, for oceans and coasts that we put into uplands and freshwater. As you know, I think we should rename the Land and Water Conservation Fund the Upland and Freshwater Conservation Fund to more accurately reflect what it actually does.

We are continuing to try to develop the Oceans and Coasts Fund as a parallel, a coastal and oceans parallel, to the Land and Water Conservation Fund. I enthusiastically support Martin's bill and Roy's bill. And I think it is really, really good. But there is a part of me that wishes it covered the creatures of the sea and the coasts as well.

Senator CAPITO. Could I ask a question of you, of the bill? So this is going to go to the State organizations. Could your State not use some of this money for that very purpose?

Senator WHITEHOUSE. I think we may be able to. But the focus of the bill and the population, the species to which it was directed are terrestrial species. And it gets a little bit more complicated when you are dealing with fisheries that are moving about the way they are moving about now, because of the warming of the seas.

So as I said, I support this bill and we will try to use it to be as helpful as we can in my home State. But there is a persistent lean in a lot of these conservation programs toward upland and freshwater and away from coasts.

Senator CAPITO. Understood. I just was thinking.

Senator CARDIN. Would my colleague yield?

Senator CAPITO. Yes, go ahead.

Senator CARDIN. Thank you.

I agree completely with Senator Whitehouse on this issue. That is why I have an amendment that is pending in regard to the coastal programs. I support this bill, and I compliment the Chair and Ranking Member for working out the issues so we can move this bill forward. But this bill leaves out an essential part of habitat restoration, and that deals with the coastal areas.

In June of last year, I filed bipartisan legislation with Senator Graham that deals with habitat restoration along the coastal communities. It has been in our Committee now for almost a year. We don't have that many markups on legislation.

So we will have a chance during the discussion of the amendment process as to whether we can include that in this legislation. Because I do think it balances the underlying bill for the coastal communities.

I strongly support this bill. When you look at the way that the State of Maryland comes out percentage-wise, it is not as high as we do in many other programs. And I support this. I recognize it is based upon the factors that are not as favorable to the State of Maryland.

To answer the Ranking Member's question directly, it is very challenging to use these funds for coastal habitat restoration. That is why we filed the separate legislation, which by the way is existing policy. We have a program today on coastal restoration. It is a voluntary program in which public and private sectors can get technical assistance from the Federal Government. It has been in existence since 1985. And the legislation that Senator Graham and I authored codifies that program and provides an authorized level.

So I think it complements the underlying bill and provides a better balance among all the States dealing with habitat restoration.

Senator CARPER. All right, I think we are ready to roll. I want to thank everybody for staying so we can get this show on the road.

Next, I want to call up Presidential Nomination 1555, David Uhlmann of Michigan to be Assistant Administrator for Enforcement and Compliance Assurance of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator CARDIN. Second.

Senator CARPER. It has been moved and seconded.

The Clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. No.

The CLERK. Ms. Capito.

Senator CAPITO. No.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CRAMER. No.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. Aye.

The CLERK. Ms. Ernst.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Graham.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Kelly.

Senator KELLY. Aye.

The CLERK. Ms. Lummis.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Markey.

Senator MARKEY. Aye.

The CLERK. Mr. Merkley.

Senator MERKLEY. Aye.

The CLERK. Mr. Padilla.

Senator PADILLA. Aye.

The CLERK. Mr. Sanders.

Senator SANDERS. Aye.

The CLERK. Mr. Shelby.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Stabenow.

Senator STABENOW. Aye.

The CLERK. Mr. Sullivan.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Chairman, the ayes are 10, the nays are 10.

Senator CARPER. All right.

Next, I want to call up the Presidential Nomination 1556 of Carlton Waterhouse of Virginia to be Assistant Administrator for Land and Emergency Management of the Environmental Protec-

tion Agency. I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator CARDIN. Second.

Senator CARPER. Thank you very much.

The Clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. No.

The CLERK. Ms. Capito.

Senator CAPITO. No.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. Aye.

The CLERK. Ms. Ernst.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Graham.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Kelly.

Senator KELLY. Aye.

The CLERK. Ms. Lummis.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Markey.

Senator MARKEY. Aye.

The CLERK. Mr. Merkley.

Senator MERKLEY. Aye.

The CLERK. Mr. Padilla.

Senator PADILLA. Aye.

The CLERK. Mr. Sanders.

Senator SANDERS. Aye.

The CLERK. Mr. Shelby.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Stabenow.

Senator STABENOW. Aye.

The CLERK. Mr. Sullivan.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Chairman, the ayes are 10, the nays are 10.

Senator CARPER. All right. That conclude this morning's Committee votes. My thanks to everybody for helping us get this far. We will reconvene here at noon. Thanks very much.

[Whereupon, at 10:26 a.m., the Committee was recessed, to reconvene at 12 p.m. the same day.]

[12:06 p.m.]

Senator CARPER. I call our business meeting back to order.

I would like to call up S. 2372, the Recovering America's Wildlife Act of 2021. By agreement with the Ranking Member, the Carper Substitute Amendment No. 1 to S. 2372 is adopted and considered to be original text for purpose of amendments.

We will now move to consider amendments. Senator Cardin is delayed just a little bit, and I understand Senator Cramer has an amendment, as does Senator Lummis, and I think after that Senator Sullivan.

Senator Cramer has an amendment, and you are recognized to offer Cramer Amendment No. 4.

Senator CRAMER. Thank you, Chair.

Yes, I call up Cramer No. 4. Thank you, Mr. Chairman, for having this markup.

Before I state what my amendment does, I really want to take the opportunity to provide some background on the enormous frustration that the people of North Dakota have had with the Fish and Wildlife Service. Put simply, the Fish and Wildlife Service is the textbook example of an intransigent bureaucracy which is more interested in its own self-interests than the interests of the citizens of this country. Frankly, more interested in their self-interests than they are in their mission.

Since I came to Congress in 2013, I have heard, not from a few, not from dozens, literally hundreds, hundreds of landowners in North Dakota who have had nothing but bad experiences with the Fish and Wildlife Service under every type of Administration. Their experiences have been disastrous. They have had their private property rights trampled on, their personal rights trampled on. They have had their personal safety trampled on by gun toting bulletproof vest wearing SWAT teams. They are really biologists pretending to be tough guys. And their livelihoods, and in some cases are literally driven to bankruptcy by zealots in the Fish and Wildlife Service.

In other words, I have very little faith in the Fish and Wildlife Service. In an attempt to work with them, I have voted for Republicans and Democrats in the Department of Interior to include Fish and Wildlife Service directors and under secretaries and deputy secretaries. So this brings us today to this bill.

This Recovering America's Wildlife Act is a bill that I was an original co-sponsor of, along with 16 Democrats and 15 other Republicans, I got on this bill. Because it sent funding to State, I emphasize State, fish and wildlife agencies to proactively, and I stress proactively, to address and to keep species off, I stress off, the Endangered Species Act list. It should be the goal of every conservationist in the world.

Instead, we see from our Federal bureaucracy and some of their stakeholders this desire to keep critters on the Endangered Species List. I have never understood that.

So when Senators Blunt and Heinrich brought this to me, I said, this makes sense. It emphasizes what States can do. They are more responsive to their constituents, more nimble, frankly, they are more attuned to the situation in front of them.

Instead, and this, Mr. Chairman, is why I voted no on the substitute that creates the bill that is in front of us, it reduces the money going to States, and instead shifts it over to the very people

who say, if you just give us more money, we can do better for you. Just give us more money, and we can respond in a faster way.

Forgive my skepticism and the skepticism of the people of North Dakota, but I am so tired of bureaucrats who say, if you just give us more, we could help the landowners more. I don't care how fast they do it or how slowly they do it, the outcome is never right. I have yet to have an appeal, for example, on a waterfall production area appeal, ever go the landowner's way. Not under the previous Administration, in fact, under this Administration literally dozens of appeals have never been acted on. In fact, a letter sent by farmers over a year ago to the Director has never even been returned has never been responded to.

So I don't see how giving them more money to not work helps my landowners.

With that, again I want to applaud Senators Heinrich and Blunt and the people who got on this bill and made it a very, very good bill before today. But this is not that bill.

So my amendment is simple. It simply strips the substitute, returns the bill to its original form, which is what I and many others on the Committee signed onto. I urge my colleagues to join me in supporting my amendment to remove the substitute, return the bill to its evenly bipartisan form.

With that, I yield, and thank you.

Senator CARPER. Thank you.

Senator CAPITO.

Senator CAPITO. Thank you, Mr. Chairman.

I want to thank Senator Cramer for his amendment. As we know, and you know, Chairman, we have been talking a lot about this bill and the agreement that we reached on today's substitute was difficult, but it was necessary so we could bring this bipartisan bill before this Committee.

However, as I have stated publicly in the past, I support the bill as introduced, as Senator Cramer described, the first one that was introduced by Senators Heinrich and Blunt. For that reason, I will be supporting Senator Cramer's amendment.

Senator CARPER. Anyone else on Senator Cramer's Amendment No. 4? Anyone else?

All right. I now move to adopt Cramer Amendment No. 4 to S. 2372.

Is there a second?

Senator CAPITO. Second.

Senator CARPER. Thank you.

The Clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Ms. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARDIN. No.

The CLERK. Mr. Cramer.

Senator CRAMER. Yes.

The CLERK. Ms. Duckworth.

Senator CARPER. No, by proxy.

The CLERK. Ms. Ernst.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Graham.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Kelly.

Senator CARPER. Mr. Kelly, no, by proxy.

The CLERK. Ms. Lummis.

Senator LUMMIS. Aye.

The CLERK. Mr. Markey.

Senator CARPER. No, by proxy.

The CLERK. Mr. Merkley.

Senator CARPER. No, by proxy.

The CLERK. Mr. Padilla.

Senator CARPER. No, by proxy.

The CLERK. Mr. Sanders.

Senator CARPER. No, by proxy.

The CLERK. Mr. Shelby.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Stabenow.

Senator CARPER. No, by proxy.

The CLERK. Mr. Sullivan.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. No.

The CLERK. Mr. Wicker.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. No.

The CLERK. Mr. Chairman, the ayes are 9, the nays are 11.

Senator CARPER. The ayes are 9, and the nays are 11. The amendment is not agreed to.

I understand that Senator Lummis has an amendment she would like to offer.

I just want to say thanks very much to you for your work with us to make it to the finish line here today. Thank you so much.

Senator LUMMIS. My pleasure, Mr. Chairman, thank you.

I call up my amendment Lummis No. 1. It is very straightforward. It requires any data used by Federal agencies for Endangered Species Act determinations to be shared with States affected by that determination. That is it.

As we have heard in testimony from both Democrats and Republican witnesses in previous hearings, ESA listing decisions have enormous impacts on communities, from some who love recreating on public lands to those who ranch it or farm it, to the kind of people that Senator Cramer heard from in North Dakota when he discussed his last amendment. These decisions literally affect lives and livelihoods, especially for those of us in the West.

If members of this Committee are willing to trust States with billions of dollars in additional conservation funding in perpetuity, as the sponsors and supporters of RAWA indicate they are, then we should be able to trust States with the data that Federal agencies have used in making listing determinations. I trust Governor Carper as much as I trust Senator Carper.

[Laughter.]

Senator LUMMIS. This amendment is about transparency and about good government. I would ask for my colleagues on both sides of the aisle to support this. It doesn't matter when this information is provided, and this proprietary nature of the data argument just doesn't wash when we are spending this much money on decisions and we are trusting these States to manage to a standard that they are not even allowed to look at.

Thank you, Mr. Chairman. I ask for a recorded vote.

Senator CARPER. All right, you will get one.

Senator CAPITO.

Senator CAPITO. Thank you, Mr. Chairman. I want to thank Senator Lummis for her good government transparency amendment. I will be in support of it. I think she makes a great case that these decisions we are making have huge impacts, and why wouldn't we share the data with our State partners? So I am voting in favor of the Lummis amendment.

Senator CARPER. All right, thank you.

Does any other Senator care to be recognized on Lummis No. 1? Anyone else?

All right. If not, I now move to adopt Lummis Amendment No. 1 to S. 2372.

Is there a second?

Senator CAPITO. Second.

Senator CARPER. The Clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Ms. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARDIN. No.

The CLERK. Mr. Cramer.

Senator CRAMER. Yes.

The CLERK. Ms. Duckworth.

Senator CARPER. Duckworth votes no, by proxy.

The CLERK. Ms. Ernst.

Senator CAPITO. Ernst is yes, by proxy.

The CLERK. Mr. Graham.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Kelly.

Senator CARPER. No, by proxy.

The CLERK. Ms. Lummis.

Senator LUMMIS. Aye.

The CLERK. Mr. Markey.

Senator CARPER. No, by proxy.

The CLERK. Mr. Merkley.

Senator CARPER. No, by proxy.

The CLERK. Mr. Padilla.

Senator CARPER. No, by proxy.

The CLERK. Mr. Sanders.

Senator CARPER. No, by proxy.

The CLERK. Mr. Shelby.

Senator CAPITO. Yes, by proxy.

The CLERK. Ms. Stabenow.

Senator CARPER. No, by proxy.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. Aye.

The CLERK. Mr. Whitehouse.

Senator CARPER. No, by proxy.

The CLERK. Mr. Wicker.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. No.

The CLERK. Chairman, the yeas are 10, the nays are 10.

Senator CARPER. The yeas are 10, the nays are 10. The amendment is defeated. Thank you again very much.

Senator Cardin, then Senator Sullivan, we will go to you next. Senator Cardin has an amendment he would like to offer, Cardin Amendment No. 1.

Senator CARDIN. I appreciate that my Republican friends are here to listen to it. I am sorry my Democratic friends are not.

I am a little bit perplexed as to this amendment having been even controversial. It codifies an existing program so it takes on the turf of the Congress rather than the executive branch. It is our responsibility to do this. It has been in existence since 1985. There are no substantive changes in regard to how the program operates. And it provides balance between how the underlying bill operates and coastal habitat restoration.

It is a voluntary program. There is no land use issue here as far as private ownership is concerned. So we don't get involved in any of our traditional controversial areas.

That is why the bill that I introduced with Senator Graham, a bipartisan bill, was introduced in June of last year. I recognize that we need to be able to act on bills in this Committee. This Wildlife Bill has been involved, and we have had discussions about it.

But those of us who live in coastal areas are entitled to have our considerations as well. We all want to work in a cooperative way. But I haven't heard one reason why we shouldn't move this bill forward. We have had no hearings in the Committee. I don't know why; the House has had hearings on it; the Senate has not had hearings on it.

So quite frankly, Mr. Chairman, I am frustrated as to why we have not been able to get the same type of considerations on coastal habitat we have as we have on the underlying bill. So that is the reason this amendment is being offered. As I said, it is bipartisan. I would just like to get an explanation from the Committee why this would be opposed.

Senator CARPER. Do other Senators care to be recognized on this amendment? If not, I now move to adopt Cardin Amendment No. 1 to S. 2372.

Senator SULLIVAN. Mr. Chairman, may I ask Senator Cardin, does this program already exist?

Senator CARDIN. Yes, it does.

Senator SULLIVAN. So what does it do in addition to it already existing?

Senator CARDIN. Statutory—

Senator SULLIVAN. You know, I am always, when States are trying to get a little help, I am open ears, right, I am always trying to get a little help for my State, and you will see that in a minute.

Senator CARDIN. I appreciate the question. It provides a statutory base but it also provides an authorized level.

Senator SULLIVAN. You mean on funding.

Senator CARDIN. On funding. Right now, there is no authorized level. The current appropriation, I think it is \$18 million that is currently being spent in this program. We have an authorized level starting at \$20 million, going up to \$25 million. So that would be new authorization. There is no authorization today.

And the actual appropriation is \$18 million today.

Senator SULLIVAN. So it is plussing up the——

Senator CARDIN. No, there is no appropriation here. It is just an authorized level.

Senator SULLIVAN. Right. So it is authorizing more for an existing program?

Senator CARDIN. That is correct. A program that is currently being, is operative, but is not under statutory authority.

Senator SULLIVAN. OK.

Senator CARDIN. The appropriators must have done it at some point over the years. We are taking on our Committee's jurisdiction here by putting it in the Code.

Senator SULLIVAN. Is there—I mean, I am just throwing this out, and I don't want to get in front of the Ranking Member's—is there interest in trying to—I am just trying to understand this. I get nervous about easements and things in my State. But if your State wants that, I am just——

Senator CARDIN. It is a totally voluntary program. So it has to be initiated by the owner, whether it is public or private. This is strictly a voluntary program, and it is technical support for those who want to move in this direction to deal with habitat on coastal areas.

Senator CAPITO [presiding]. Would you like for me to weigh in here?

Senator SULLIVAN. Yes.

Senator CAPITO. I am going to oppose this amendment, not because I oppose the coastal program. I heard Senator Cardin discuss this in the earlier meeting along with Senator Whitehouse. And I did raise the question, which I think they gave me a good answer to, as to whether the existing bill could help with some of the coastal wildlife. It seems like it is not flexible enough to really use that for the State Fish and Wildlife folks, which is the crux of this.

But we struck—it was difficult to get to where we are right now in trying to negotiate all the different things. So I would like to work with you and Senator Graham to have a hearing and bring this before the Committee and discuss it, so we could all appreciate where it is falling short because it hasn't been reauthorized. To me, that would be the preferred route.

Senator SULLIVAN. I would support that, too, to work with you, in really good faith.

Senator CARDIN. Our problem is that—I regret we haven't had a hearing on it. I think we should have had a hearing. We introduced it earlier in this Congress.

The challenge is that if the underlying bill becomes the only vehicle we have available, the absence of action on our Committee makes it virtually difficult, because it will probably end up in some omnibus bill along the way, and the fact that we have no Committee action on it means that it will be left by the side.

That is my frustration, Mr. Chairman. I don't disagree with the Ranking Member or the Senator from Alaska. We should have those discussions. I am more than happy. That is why we introduced it as current practice rather than looking at changes, because we knew that we hadn't had that discussion. I would welcome having that discussion.

But my concern is that if this Committee takes a pass on it at this particular moment, the odds are we will not get back to it in this Congress.

Senator SULLIVAN. Could we delay the vote on the underlying bill that it would be attached to so that you don't have that problem?

Senator CARDIN. That is fine with me, if we have the Chairman and Ranking Member willing to do that. They have to sign off on any opportunity for this bill to move forward. If I have their assurances, I would be fine with that.

Senator CARPER [presiding]. For now, I am just going to suggest we go ahead and vote. If the votes are there, fine, if they are not, what you both, the Ranking Member and Senator Sullivan suggested, for us to re-engage, and maybe with the scheduling of a hearing in a timely manner. But for now, I would like for us to go ahead and vote.

With that, does any other Senator want to be recognized?

All right, if not, then the Clerk will call the roll on Cardin Amendment No. 1 to S. 2372.

The CLERK. Mr. Boozman.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Capito.

Senator CAPITO. No.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Duckworth.

Senator CARDIN. Yes, by proxy.

The CLERK. Ms. Ernst.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Graham.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Kelly.

Senator CARDIN. Aye, by proxy.

The CLERK. Ms. Lummis.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Markey.

Senator CARDIN. Aye, by proxy.

The CLERK. Mr. Merkley.

Senator CARDIN. Aye, by proxy.

The CLERK. Mr. Padilla.

Senator CARDIN. Aye, by proxy.

The CLERK. Mr. Sanders.

Senator CARDIN. Aye, by proxy.

The CLERK. Mr. Shelby.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Stabenow.

Senator CARDIN. Aye, by proxy.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. No, for now. But I will work with you, Ben.

The CLERK. Mr. Whitehouse.

Senator CARDIN. Aye, by proxy.

The CLERK. Mr. Wicker.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Chairman, the yeas are 10, the nays are 10.

Senator CAPITO [presiding]. OK, the amendment fails. And we are asking for additional amendments.

Does anybody have an amendment?

Senator Sullivan.

Senator SULLIVAN. Yes, Madam Chair. I have three amendments. I will try to be brief. I would like to call up Sullivan No. 1. This is to make additional Federal land available for selection under the Alaska Native Vietnam Era Veterans Allotment Act.

Madam Chair, dating back to the early 20th century, there were various Federal programs that existed to grant Alaska Natives parcels of land in Alaska, up to 160 acres. That dated back to 1909.

In 1971, the Alaska Native Claims Settlement Act extinguished the ability of Alaska Natives to select these land allotments. However, thousands of Alaska Natives served their country during the Vietnam era, and they missed this deadline. So here you have indigenous people in my State serving in a war that a lot of American men were trying to avoid, and they missed the deadline to apply for these allotments. Total injustice.

In 2019, we passed the Dingle Act, bipartisan, that included my bill, the Alaska Native Vietnam Era Veterans Lands Allotment Act. That just said, if you were serving in the military during the Vietnam era, you have a chance to apply for an allotment which you missed because you were serving your country in the military.

This program allows approximately 2,800 Alaska Natives, by the way, who serve at higher rates in the military than any other ethnic group in the country, to apply for congressionally promised Native allotments that they missed the opportunity to do so because they were serving and fighting in the jungles of Vietnam. Pretty strong equity issues.

These land selections were largely limited to BLM but the Dingle Act, which passed, said U.S. Fish and Wildlife Service would study whether to make lands available for this program also. Fish and Wildlife Service, in accordance with the law, issued a study and recommended additional acreage to be included in the lands available from which Alaska Native Vietnam era veterans could choose. All my bill does is take what Fish and Wildlife Service said, said here is the additional land that you can choose from.

There is a lot of talk in this Committee and this Senate about taking care of our veterans. This is 100 percent taking care of our veterans. There is a lot of talk, particularly my friends on the other side of the aisle, about racial equity, environmental justice, racial justice. This is 100 percent racial equity. These were men and women who are indigenous people serving in Vietnam, and when they came home they not only got spit on because they were Vietnam veterans, not only got discriminated against because they are Alaska Native, but they were then told, you can't apply for your allotment, which you have been able to do for 100 years.

All we are trying to do is fix it. If you believe in supporting our vets and you believe in racial equity, this should be a unanimous vote, Madam Chair.

Senator CAPITO. Thank you, Senator Sullivan. I plan to support your amendment. At this point, because we are waiting for people to come back from a vote, I will suspend the vote on this, and you can go to your next amendment, make the case for that.

Senator SULLIVAN. OK, Madam Chair. This is another one, if you believe in racial equity, this is simple, too. This is Sullivan No. 2 to clarify treatment of authentic Alaska Native articles of handicrafts containing non-edible migratory bird parts under the Migratory Treaty Bird Act.

So let me just explain this one. For thousands of years, inclusion of bones, feathers, and non-edible parts in traditional handicrafts from Alaska Native people was commonplace in Alaska Native cultures. However, in light of a number of years ago, when widely celebrated Tlingit artists were cited by Fish and Wildlife Service for including feathers in a piece offered for sale, somebody actually got fined for that in Alaska.

The result was the Alaska Federation of Natives passed a resolution saying, we need a legislative fix to this problem. We are not going to eat the birds, but we can use their feathers for handicrafts.

Now, why does that matter? In certain Alaska Native villages, the men and women who create handicrafts are the No. 1 economic drivers of these communities. Because they can sell their handicrafts to tourists and things like this.

All this amendment does, it would recognize the legitimate subsistencies of Alaska Natives and allow the sale of handicrafts that include non-edible migratory bird parts. That is it.

Handicraft sales are often small but important parts of the economic activity for our Native villages. Other laws, such as the Marine Mammal Protection Act, include similar subsistence exemptions for other species, and this amendment seeks to apply equal treatment for this subset of the Alaska Native artistic community.

The amendment is unanimously supported by the Alaska Native members from the Migratory Bird Co-Management Council, the Alaska Federation of Natives. Again, racial equity for disadvantaged communities. This is a no brainer. We hope that we can pass that as well.

Senator CAPITO. Again, I would ask my colleagues to support this amendment. It is an interesting amendment, really, when you think about the culture and the economic opportunities that that brings.

So I would hope that we can have a successful vote on that. But we are going to suspend the vote on that and let you go to No. 3.

Senator SULLIVAN. Sullivan No. 3, thank you, Madam Chair. This is a simple amendment. It just makes the sub-account here subject to appropriations. We recognize this is important legislation that we are debating, protecting, conserving America's countless species of plants, wildlife as a knowable cause. We care about it back home in Alaska.

However, funding decisions for this cause should be made on an annualized basis the way other appropriations bills are. Singling out this bill for permanent funding I don't think makes sense.

This bill is not the answer to a broken Endangered Species Act problem. The bill turns a blind eye to the fact that States and Federal agencies are at the mercy of serial litigants who abuse the ESA. This is a huge problem in my State. This bill does not propose a realistic pay for, \$1.3 billion on new annual mandatory spending is provided by this bill. This bill should go through the normal appropriations process that most every other bill in the U.S. Senate goes through. That is what my amendment would do.

Senator CAPITO. Thank you, Senator Sullivan. I again will urge my colleagues to vote yes on this amendment. I am on the Appropriations Committee, and I think it is right and proper that we know that this bill has some, when we get the score back, it is going to have some issues in terms of the pay for. So I think this is the responsible way to go.

So if we can suspend right now, we are going to see how we go forward here.

[Pause.]

The Committee stands in recess until 1:30 in the President's Room.

[Whereupon, at 12:45 p.m., the Committee was recessed, to reconvene the same day at 1:30 where we will meet in the President's Room.]

[1:30 p.m.]

Senator CARPER [presiding]. I now move that we adopt the Sullivan Amendment No. 1 to S. 2372.

The Clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Ms. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARDIN. No.

The CLERK. Mr. Cramer.

Senator CAPITO. Yes, by proxy.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. No.

The CLERK. Ms. Ernst.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Graham.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Kelly.

Senator CARPER. No, by proxy.
 The CLERK. Ms. Lummis.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Markey.
 Senator MARKEY. No.
 The CLERK. Mr. Merkley.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Padilla.
 Senator PADILLA. No.
 The CLERK. Mr. Sanders.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Shelby.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Ms. Stabenow.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Sullivan.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Whitehouse.
 Senator WHITEHOUSE. No.
 The CLERK. Mr. Wicker.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Chairman.
 Senator CARPER. No.
 The CLERK. Mr. Chairman, the yeas are 10, the nays are 10.
 Senator CARPER. The yeas are 10, the nays are 10, and the amendment fails.
 I now move to adopt Sullivan Amendment No. 2 to S. 2372.
 Is there a second?
 Senator CAPITO. Second.
 Senator CARPER. The Clerk will call the roll.
 The CLERK. Mr. Boozman.
 Senator BOOZMAN. Yes.
 The CLERK. Ms. Capito.
 Senator CAPITO. Yes.
 The CLERK. Mr. Cardin.
 Senator CARDIN. No.
 The CLERK. Mr. Cramer.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Ms. Duckworth.
 Senator DUCKWORTH. No.
 The CLERK. Ms. Ernst.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Graham.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Inhofe.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Kelly.
 Senator CARPER. No, by proxy.
 The CLERK. Ms. Lummis.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Markey.
 Senator MARKEY. No.
 The CLERK. Mr. Merkley.
 Senator CARPER. No, by proxy.

The CLERK. Mr. Padilla.
 Senator PADILLA. No.
 The CLERK. Mr. Sanders.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Shelby.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Ms. Stabenow.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Sullivan.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Whitehouse.
 Senator WHITEHOUSE. No.
 The CLERK. Mr. Wicker.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Chairman.
 Senator CARPER. No.
 The CLERK. Mr. Chairman, the yeas are 10, the nays are 10.
 Senator CARPER. The yeas are 10, and the nays are 10. The amendment fails.
 Now I move to adopt Sullivan Amendment No. 3 to S. 2372.
 Is there a second?
 Senator CAPITO. Second.
 Senator CARPER. The Clerk will call the roll.
 The CLERK. Mr. Boozman.
 Senator BOOZMAN. Yes.
 The CLERK. Ms. Capito.
 Senator CAPITO. Yes.
 The CLERK. Mr. Cardin.
 Senator CARDIN. No.
 The CLERK. Mr. Cramer.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Ms. Duckworth.
 Senator DUCKWORTH. No.
 The CLERK. Ms. Ernst.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Graham.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Inhofe.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Kelly.
 Senator CARPER. No, by proxy.
 The CLERK. Ms. Lummis.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Markey.
 Senator MARKEY. No.
 The CLERK. Mr. Merkley.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Padilla.
 Senator PADILLA. No.
 The CLERK. Mr. Sanders.
 Senator CARPER. No, by proxy.
 The CLERK. Mr. Shelby.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Ms. Stabenow.

Senator CARPER. No, by proxy.
 The CLERK. Mr. Sullivan.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Whitehouse.
 Senator WHITEHOUSE. No.
 The CLERK. Mr. Wicker.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Chairman.
 Senator CARPER. No.
 The CLERK. Mr. Chairman, the yeas are 9, the nays are 11.
 Senator CARPER. The yeas are 9, the nays are 11. The amendment has failed.
 [Simultaneous conversations.]
 Senator CARPER. I now move that the Committee report S. 2372, the Recovering America's Wildlife Act of 2021, as amended.
 Is there a second?
 Senator CAPITO. Second.
 Senator CARPER. The Clerk will call the roll.
 The CLERK. Mr. Boozman.
 Senator BOOZMAN. Yes.
 The CLERK. Ms. Capito.
 Senator CAPITO. Yes.
 The CLERK. Mr. Cardin.
 Senator CARDIN. Yes.
 The CLERK. Mr. Cramer.
 Senator CAPITO. No, by proxy.
 The CLERK. Ms. Duckworth.
 Senator DUCKWORTH. Yes.
 The CLERK. Ms. Ernst.
 Senator CAPITO. No, by proxy.
 The CLERK. Mr. Graham.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Inhofe.
 Senator CAPITO. Yes, by proxy.
 The CLERK. Mr. Kelly.
 Senator KELLY. Aye.
 The CLERK. Ms. Lummis.
 Senator CAPITO. No, by proxy.
 The CLERK. Mr. Markey.
 Senator MARKEY. Aye.
 The CLERK. Mr. Merkley.
 Senator CARPER. Aye, by proxy.
 The CLERK. Mr. Padilla.
 Senator PADILLA. Aye.
 The CLERK. Mr. Sanders.
 Senator CARPER. Aye, by proxy.
 The CLERK. Mr. Shelby.
 Senator CAPITO. No, by proxy.
 The CLERK. Ms. Stabenow.
 Senator STABENOW. Aye.
 The CLERK. Mr. Sullivan.
 Senator CAPITO. No, by proxy.
 The CLERK. Mr. Whitehouse.
 Senator CARPER. Aye, by proxy.

The CLERK. Mr. Wicker.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Chairman, the yeas are 15, the nays are 5.

Senator CARPER. Would anyone like to be recorded live?

Senator CAPITO. Senator Lummis, no.

The CLERK. Thank you. The yeas are 15, the nays are 5.

Senator CARPER. The yeas are 15 and the nays are 5; the bill is approved as amended, and the bill passes.

I think that is it. It is a wrap. Thanks for coming.

[Whereupon, at 1:46 p.m., the business meeting was adjourned.]

[The referenced legislation follows:]

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION
OKLAHOMA CITY, OK
POK-02-OK22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 115,000 rentable square feet, including 288 official parking spaces, for the Department of Justice, Federal Bureau of Investigation, currently located at 3301 West Memorial Drive, in Oklahoma City, OK, at a proposed annual cost of \$3,642,050 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.



Chairman



Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICES
SUBURBAN KANSAS CITY, MO
PMO-01-KC22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE.

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 342,245 rentable square feet, including 5 official parking spaces, for the Department of Homeland Security, Citizenship and Immigration Service, currently housed at 150 NW Space Center Loop in Lee's Summit, MO, at a proposed annual cost of \$6,465,008 for a lease term of up to 10 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
CUSTOMS AND BORDER PROTECTION
WASHINGTON, DC
PDC-09-WA22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 393,061 rentable square feet, including 47 official parking spaces, for the Department of Homeland Security, Customs and Border Protection, currently located at 90 K Street NE and 1331 Pennsylvania Avenue NW, in Washington, DC, at a proposed annual cost of \$18,474,000 for a lease term of up to 10 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION
LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
WINCHESTER, VA
PVA-01-WI22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 162,094 rentable square feet, including 734 official parking spaces, for the Federal Emergency Management Agency, currently housed at 430 Market Street in Winchester, VA, at a proposed annual cost of \$4,862,280 for a lease term of up to 10 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION
LEASE
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
RIVERDALE, MD
PMD-03-WA22

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 269,000 rentable square feet, including 3 official parking spaces, for the Department of Commerce, National Oceanic and Atmospheric Administration, currently housed at 5825 University Research Court and 5830 University Research Court in Riverdale, MD, at a proposed annual cost of \$9,415,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

**CONSTRUCTION
NEW U.S. COURTHOUSE
HARTFORD, CT
PCT-CTC-HA21**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE
UNITED STATES SENATE**

that pursuant to 40 U.S.C. §3307, appropriations are authorized for the site acquisition and related site work, design, and construction of a new U.S. Courthouse of approximately 281,000 gross square feet, including approximately 66 inside parking spaces, in Hartford, Connecticut, at a site cost of \$34,711,000 a design cost of \$23,925,000, an estimated construction cost of \$259,711,000, and a management and inspection cost of \$16,623,000, for a total estimated project cost of \$334,970,000, a prospectus for which is attached hereto and included in this resolution.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
NATIONAL CANCER INSTITUTE
ROCKVILLE, MD
PMD-01-WA22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307; a prospectus providing for a lease of up to 610,000 rentable square feet, including 5 official parking spaces, for the Department of Health and Human Services, National Cancer Institute, currently housed at 9609 Medical Center Drive and 11400 Rockville Pike in Rockville, MD, at a proposed annual cost of \$21,350,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.



 Chairman



 Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

**ALTERATION
ROBERT F. KENNEDY FEDERAL BUILDING – 950 PENNSYLVANIA AVE, N.W.
WASHINGTON, D.C.
PDC-0023-WA22**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE
UNITED STATES SENATE**

that pursuant to 40 U.S.C. §3307, appropriations are authorized for a repair and alteration project to modernize elevators at the Robert F. Kennedy (RFK) Federal Building, located at 950 Pennsylvania Avenue, N.W., Washington, DC. The proposed project will upgrade the 36 passenger elevators and 4 freight elevators in the National Register of Historic Places-listed RFK Federal Building, also known as the Main Justice Building at a design cost of \$2,793,000, an estimated construction cost of \$28,479,000, and a management and inspection cost of \$2,267,000 for an estimated total project cost of \$33,539,000, a prospectus for which is attached to and included in this resolution.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC
PDC-05-WA22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 133,000 rentable square feet, for the Department of Veterans Affairs, currently located at 1100 First Street NE, in Washington, DC, at a proposed annual cost of \$6,650,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.



Chairman



Ranking Member

Adopted: April 7, 2022

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
ARLINGTON, VA
PVA-01-WA22RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 353,631 rentable square feet, including 11 official parking spaces, for the Department of Defense; Department of the Army (DA), Defense Threat Reduction Agency, (DTRA), Office of the Secretary of Defense/Joint Strike Fighter, (OSD/JSF), and Pentagon Force Protection Agency (PFPA) currently located at 2521 S. Clark Street in Arlington, VA, at a proposed annual cost of \$13,791,609 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area if the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: April 7, 2022

Calendar No. _____

117TH CONGRESS
2D SESSION**S. 3742**

[Report No. 117-_____]]

To establish a pilot grant program to improve recycling accessibility, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Mrs. CAPITO (for herself, Mr. CARPER, Mr. BOOZMAN, Mr. SULLIVAN, Ms. DUCKWORTH, Ms. COLLINS, Mr. KELLY, Mr. KING, Mr. CASEY, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

_____, (legislative day, _____), _____

Reported by Mr. CARPER, without amendment

A BILL

To establish a pilot grant program to improve recycling
accessibility, 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.**

4 This Act may be cited as the “Recycling Infrastruc-
5 ture and Accessibility Act of 2022”.

1 **SEC. 2. RECYCLING INFRASTRUCTURE AND ACCESSIBILITY**
2 **PROGRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) CURBSIDE RECYCLING.—The term
8 “curbside recycling” means the process by which
9 residential recyclable materials are picked up
10 curbside.

11 (3) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means—

13 (A) a State (as defined in section 1004 of
14 the Solid Waste Disposal Act (42 U.S.C.
15 6903));

16 (B) a unit of local government;

17 (C) an Indian Tribe; and

18 (D) a public-private partnership.

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

23 (5) MATERIALS RECOVERY FACILITY.—

24 (A) IN GENERAL.—The term “materials
25 recovery facility” means a recycling facility
26 where primarily residential recyclables, which

1 are diverted from disposal by a generator and
2 collected separately from municipal solid waste,
3 are mechanically or manually sorted into com-
4 modities for further processing into specifica-
5 tion-grade commodities for sale to end users.

6 (B) EXCLUSION.—The term “materials re-
7 covery facility” does not include a solid waste
8 management facility that may process munic-
9 ipal solid waste to remove recyclable materials.

10 (6) PILOT GRANT PROGRAM.—The term “pilot
11 grant program” means the Recycling Infrastructure
12 and Accessibility Program established under sub-
13 section (b).

14 (7) RECYCLABLE MATERIAL.—The term “recy-
15 clable material” means obsolete, previously used, off-
16 specification, surplus, or incidentally produced mate-
17 rial for processing into a specification-grade com-
18 modity for which a market exists.

19 (8) TRANSFER STATION.—The term “transfer
20 station” means a facility that—

21 (A) receives and consolidates recyclable
22 material from curbside recycling or drop-off fa-
23 cilities; and

24 (B) loads the recyclable material onto trac-
25 tor trailers, railcars, or barges for transport to

1 a distant materials recovery facility or another
2 recycling-related facility.

3 (9) UNDERSERVED COMMUNITY.—The term
4 “underserved community” means a community, in-
5 cluding an unincorporated area, without access to
6 full recycling services because—

7 (A) transportation, distance, or other rea-
8 sons render utilization of available processing
9 capacity at an existing materials recovery facil-
10 ity cost prohibitive; or

11 (B) the processing capacity of an existing
12 materials recovery facility is insufficient to
13 manage the volume of recyclable materials pro-
14 duced by that community.

15 (b) ESTABLISHMENT.—Not later than 18 months
16 after the date of enactment of this Act, the Administrator
17 shall establish a pilot grant program, to be known as the
18 “Recycling Infrastructure and Accessibility Program”, to
19 award grants, on a competitive basis, to eligible entities
20 to improve recycling accessibility in a community or com-
21 munities within the same geographic area.

22 (c) GOAL.—The goal of the pilot grant program is
23 to fund eligible projects that will significantly improve ac-
24 cessibility to recycling systems through investments in in-
25 frastructure in underserved communities through the use

1 of a hub-and-spoke model for recycling infrastructure de-
2 velopment.

3 (d) APPLICATIONS.—To be eligible to receive a grant
4 under the pilot grant program, an eligible entity shall sub-
5 mit to the Administrator an application at such time, in
6 such manner, and containing such information as the Ad-
7 ministrator may require.

8 (e) CONSIDERATIONS.—In selecting eligible entities
9 to receive a grant under the pilot grant program, the Ad-
10 ministrator shall consider—

11 (1) whether the community or communities in
12 which the eligible entity is seeking to carry out a
13 proposed project has curbside recycling;

14 (2) whether the proposed project of the eligible
15 entity will improve accessibility to recycling services
16 in a single underserved community or multiple un-
17 derserved communities; and

18 (3) if the eligible entity is a public-private part-
19 nership, the financial health of the private entity
20 seeking to enter into that public-private partnership.

21 (f) PRIORITY.—In selecting eligible entities to receive
22 a grant under the pilot grant program, the Administrator
23 shall give priority to eligible entities seeking to carry out
24 a proposed project in a community in which there is not

1 more than 1 materials recovery facility within a 75-mile
2 radius of that community.

3 (g) USE OF FUNDS.—An eligible entity awarded a
4 grant under the pilot grant program may use the grant
5 funds for projects to improve recycling accessibility in
6 communities, including in underserved communities, by—

7 (1) increasing the number of transfer stations;

8 (2) expanding curbside recycling collection pro-
9 grams where appropriate; and

10 (3) leveraging public-private partnerships to re-
11 duce the costs associated with collecting and trans-
12 porting recyclable materials in underserved commu-
13 nities.

14 (h) PROHIBITION ON USE OF FUNDS.—An eligible
15 entity awarded a grant under the pilot grant program may
16 not use the grant funds for projects relating to recycling
17 education programs.

18 (i) MINIMUM AND MAXIMUM GRANT AMOUNT.—A
19 grant awarded to an eligible entity under the pilot grant
20 program shall be in an amount—

21 (1) not less than \$500,000; and

22 (2) not more than \$15,000,000.

23 (j) SET-ASIDE.—The Administrator shall set aside
24 not less than 70 percent of the amounts made available
25 to carry out the pilot grant program for each fiscal year

1 to award grants to eligible entities to carry out a proposed
2 project or program in a single underserved community or
3 multiple underserved communities.

4 (k) FEDERAL SHARE.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 the Federal share of the cost of a project or pro-
7 gram carried out by an eligible entity using grant
8 funds shall be not more than 90 percent.

9 (2) WAIVER.—The Administrator may waive
10 the Federal share requirement under paragraph (1)
11 if the Administrator determines that an eligible enti-
12 ty would experience significant financial hardship as
13 a result of that requirement.

14 (l) REPORT.—Not later than 2 years after the date
15 on which the first grant is awarded under the pilot grant
16 program, the Administrator shall submit to Congress a re-
17 port describing the implementation of the pilot grant pro-
18 gram, which shall include—

19 (1) a list of eligible entities that have received
20 a grant under the pilot grant program;

21 (2) the actions taken by each eligible entity that
22 received a grant under the pilot grant program to
23 improve recycling accessibility with grant funds; and

24 (3) to the extent information is available, a de-
25 scription of how grant funds received under the pilot

1 grant program improved recycling rates in each com-
2 munity in which a project or program was carried
3 out under the pilot grant program.

4 (m) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the Administrator to carry out the
7 pilot grant program such sums as may be necessary
8 for each of fiscal years 2023 through 2027, to re-
9 main available until expended.

10 (2) ADMINISTRATIVE COSTS AND TECHNICAL
11 ASSISTANCE.—Of the amounts made available under
12 paragraph (1), the Administrator may use up to 5
13 percent—

14 (A) for administrative costs relating to car-
15 rying out the pilot grant program; and

16 (B) to provide technical assistance to eligi-
17 ble entities applying for a grant under the pilot
18 grant program.

Calendar No. _____

117TH CONGRESS
2D SESSION**S. 3743**

[Report No. 117-_____]

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Mr. CARPER (for himself, Mr. BOOZMAN, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

(legislative day, _____), _____

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Recycling and
3 Composting Accountability Act".

4 **SEC. 2. DEFINITIONS.**

5 (a) **IN GENERAL.**—In this Act:

6 (1) **ADMINISTRATOR.**—The term "Adminis-
7 trator" means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) **CIRCULAR MARKET.**—The term "circular
10 market" means a market that utilizes industrial
11 processes and economic activities to enable post-in-
12 dustrial and post-consumer materials used in those
13 processes and activities to maintain their highest
14 values for as long as possible.

15 (3) **COMPOST.**—The term "compost" means a
16 product that—

17 (A) is manufactured through the controlled
18 aerobic, biological decomposition of biodegrad-
19 able materials;

20 (B) has been subjected to medium and
21 high temperature organisms; which—

22 (i) significantly reduce the viability of
23 pathogens and weed seeds; and

24 (ii) stabilize carbon in the product
25 such that the product is beneficial to plant
26 growth; and

1 (C) is typically used as a soil amendment;
2 but may also contribute plant nutrients.

3 (4) COMPOSTABLE MATERIAL.—The term
4 “compostable material” means material that is a
5 feedstock for creating compost, including—

- 6 (A) wood;
- 7 (B) agricultural crops;
- 8 (C) paper;
- 9 (D) certified compostable products associ-
- 10 ated with organic waste;
- 11 (E) other organic plant material;
- 12 (F) marine products;
- 13 (G) organic waste, including food waste
- 14 and yard waste; and
- 15 (H) such other material that is composed
- 16 of biomass that can be continually replenished
- 17 or renewed, as determined by the Adminis-
- 18 trator.

19 (5) COMPOSTING FACILITY.—The term
20 “composting facility” means a location, structure, or
21 device that transforms compostable materials into
22 compost.

23 (6) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term in section 4 of the

4

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (7) MATERIALS RECOVERY FACILITY.—

4 (A) IN GENERAL.—The term “materials
5 recovery facility” means a dedicated recycling
6 facility where primarily residential recyclables,
7 which are diverted from disposal by the gener-
8 ator and collected separately from municipal
9 solid waste, are mechanically or manually sort-
10 ed into commodities for further processing into
11 specification-grade commodities for sale to end
12 users.

13 (B) EXCLUSION.—The term “materials re-
14 covery facility” does not include a solid waste
15 management facility that may process munic-
16 ipal solid waste to remove recyclable materials.

17 (8) RECYCLABLE MATERIAL.—The term “recy-
18 clable material” means a material that is obsolete,
19 previously used, off-specification, surplus, or inciden-
20 tally produced for processing into a specification-
21 grade commodity for which a circular market cur-
22 rently exists or is being developed.

23 (9) RECYCLING.—The term “recycling” means
24 the series of activities—

1 (A) during which recyclable materials are
2 processed into specification-grade commodities;
3 and consumed as raw-material feedstock, in lieu
4 of virgin materials, in the manufacturing of new
5 products;

6 (B) that may include sorting, collection,
7 processing, and brokering; and

8 (C) that result in subsequent consumption
9 by a materials manufacturer, including for the
10 manufacturing of new products.

11 (10) STATE.—The term “State” has the mean-
12 ing given the term in section 1004 of the Solid
13 Waste Disposal Act (42 U.S.C. 6903).

14 (b) DEFINITION OF PROCESSING.—In paragraphs
15 (7), (8), and (9) of subsection (a), the term “processing”
16 means any mechanical, manual, or other method that—

17 (1) transforms a recyclable material into a spec-
18 ification-grade commodity; and

19 (2) may occur in multiple steps, with different
20 steps, including sorting, occurring at different loca-
21 tions.

22 **SEC. 3. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

1 (1) recycling conserves resources, protects the
2 environment, and is important to the United States
3 economy;

4 (2) the United States recycling infrastructure
5 encompasses each of the entities that collect, pro-
6 cess, broker, and consume recyclable materials
7 sourced from commercial, industrial, and residential
8 sources;

9 (3) the residential segment of the United States
10 recycling infrastructure is facing challenges from—

11 (A) confusion over what materials are recy-
12 clable materials;

13 (B) reduced export markets;

14 (C) growing, but still limited, domestic end
15 markets;

16 (D) an ever-changing and heterogeneous
17 supply stream; and

18 (E) in some areas, a recycling infrastruc-
19 ture in need of revitalization; and

20 (4) in an effort to address those challenges, the
21 United States must use a combination of tactics to
22 improve recycling and composting in the United
23 States.

1 **SEC. 4. REPORT ON COMPOSTING INFRASTRUCTURE CAPA-**
2 **BILITIES.**

3 The Administrator, in consultation with States, units
4 of local government, and Indian Tribes, shall—

5 (1) prepare a report describing the capability of
6 the United States to implement a national residen-
7 tial composting strategy for compostable materials
8 for the purposes of reducing contamination rates for
9 residential recycling, including—

10 (A) an evaluation of existing Federal,
11 State, and local laws that may present barriers
12 to implementation of a national residential
13 composting strategy;

14 (B)(i) an evaluation of existing composting
15 programs of States, units of local government,
16 and Indian Tribes; and

17 (ii) a description of best practices based on
18 those programs;

19 (C) an evaluation of existing composting
20 infrastructure in States, units of local govern-
21 ment, and Indian Tribes for the purposes of es-
22 timating cost and approximate land needed to
23 expand composting programs; and

24 (D) a study of the practices of manufac-
25 turers and companies that are moving to using
26 compostable packaging and food service ware

1 for the purpose of making the composting proc-
2 ess the end-of-life use of those products; and
3 (2) not later than 1 year after the date of en-
4 actment of this Act, submit the report prepared
5 under paragraph (1) to Congress.

6 **SEC. 5. REPORT ON FEDERAL AGENCY RECYCLING PRAC-**
7 **TICES.**

8 Not later than 1 year after the date of enactment
9 of this Act, and annually thereafter, the Comptroller Gen-
10 eral of the United States, in consultation with the Admin-
11 istrator, shall make publicly available a report describ-
12 ing—

13 (1) the total annual recycling and composting
14 rates reported by all Federal agencies;

15 (2) the total annual percentage of products con-
16 taining recyclable material, compostable material, or
17 recovered materials purchased by all Federal agen-
18 cies, including—

19 (A) the total quantity of procured products
20 containing recyclable material or recovered ma-
21 terials listed in the comprehensive procurement
22 guidelines published under section 6002(c) of
23 the Solid Waste Disposal Act (42 U.S.C.
24 6962(c)); and

- 1 ~~(B) the total quantity of compostable ma-~~
2 ~~terial purchased;~~
3 ~~(3) recommendations for updating—~~
4 ~~(A) the comprehensive procurement guide-~~
5 ~~lines published under section 6002(e) of the~~
6 ~~Solid Waste Disposal Act (42 U.S.C. 6962(e));~~
7 ~~and~~
8 ~~(B) the environmentally preferable pur-~~
9 ~~chasing program established under section~~
10 ~~6604(b)(11) of the Pollution Prevention Act of~~
11 ~~1990 (42 U.S.C. 13103(b)(11)); and~~
12 ~~(4) the activities of each Federal agency that~~
13 ~~promote recycling or composting.~~

14 **SEC. 6. IMPROVING DATA AND REPORTING.**

15 ~~(a) INVENTORY OF MATERIALS RECOVERY FACILI-~~
16 ~~TIES.—Not later than 1 year after the date of enactment~~
17 ~~of this Act, and biannually thereafter, the Administrator,~~
18 ~~in consultation with States, units of local government, and~~
19 ~~Indian Tribes, shall—~~

20 ~~(1) prepare an inventory of public and private~~
21 ~~materials recovery facilities in the United States, in-~~
22 ~~cluding—~~

23 ~~(A) the number of materials recovery fa-~~
24 ~~cilities in each unit of local government in each~~
25 ~~State; and~~

10

1 (B) a description of the materials that
2 each materials recovery facility can process, in-
3 cluding—

4 (i) in the case of plastic, a description
5 of—

6 (I) the types of accepted resin, if
7 applicable; and

8 (II) the container type, such as a
9 jug, a carton, or film;

10 (ii) food packaging and service ware,
11 such as a bottle, cutlery, or a cup;

12 (iii) paper;

13 (iv) aluminum, such as an aluminum
14 beverage can, food can, aerosol can, or foil;

15 (v) steel, such as a steel food or aer-
16 osol can;

17 (vi) other scrap metal;

18 (vii) glass; or

19 (viii) any other material not described
20 in any of clauses (i) through (vii) that a
21 materials recovery facility can process; and

22 (2) submit the inventory prepared under para-
23 graph (1) to Congress.

24 (b) ESTABLISHMENT OF A COMPREHENSIVE BASE-
25 LINE OF DATA FOR THE UNITED STATES RECYCLING

11

1 ~~SYSTEM.—The Administrator, in consultation with States,~~
 2 ~~units of local government, and Indian Tribes, shall deter-~~
 3 ~~mine, with respect to the United States—~~

4 (1) the number of community curbside recycling
 5 and composting programs;

6 (2) the number of community drop-off recycling
 7 and composting programs;

8 (3) the types and forms of materials accepted
 9 by each community curbside recycling, drop-off recy-
 10 cling, or composting program;

11 (4) the number of individuals with access to re-
 12 cycling and composting services to at least the ex-
 13 tent of access to disposal services;

14 (5) the number of individuals with barriers to
 15 accessing recycling and composting services to at
 16 least the extent of access to disposal services;

17 (6) the inbound contamination and capture
 18 rates of community curbside recycling, drop-off recy-
 19 cling, or composting programs; and

20 (7) where applicable, other available recycling
 21 or composting programs within a community, includ-
 22 ing store drop-offs.

23 (c) ~~STANDARDIZATION OF RECYCLING REPORTING~~
 24 ~~RATES.—~~

25 (1) ~~COLLECTION OF RATES.—~~

1 (A) IN GENERAL.—The Administrator may
2 use amounts made available under section 9 to
3 biannually collect from each State the nation-
4 ally standardized rate of recyclable materials in
5 that State that have been successfully diverted
6 from the waste stream and brought to a mate-
7 rials recovery facility or composting facility.

8 (B) CONFIDENTIAL OR PROPRIETARY
9 BUSINESS INFORMATION.—Information col-
10 lected under subparagraph (A) shall not include
11 any confidential or proprietary business infor-
12 mation, as determined by the Administrator.

13 (2) USE.—Using amounts made available under
14 section 9, the Administrator may use the rates col-
15 lected under paragraph (1) to further assist States,
16 units of local government, and Indian Tribes—

17 (A) to reduce the overall waste produced
18 by the States and units of local government;
19 and

20 (B) to increase recycling and composting
21 rates.

22 (d) REPORT ON END MARKETS.—

23 (1) IN GENERAL.—The Administrator, in con-
24 sultation with States, units of local government, and
25 Indian Tribes, shall—

1 (A) provide an update to the report sub-
2 mitted under section 306 of the Save Our Seas
3 2.0 Act (Public Law 116-224, 134 Stat. 1096)
4 to include an addendum on the end-market sale
5 of all recyclable materials; in addition to recy-
6 cled plastics as described in that section; from
7 materials recovery facilities that process recy-
8 clable materials collected from households and
9 publicly available recyclable materials drop-off
10 centers; including—

11 (i) the total, in dollars per ton, domes-
12 tic sales of bales of recyclable materials;
13 and

14 (ii) the total, in dollars per ton, inter-
15 national sales of bales of recyclable mate-
16 rials;

17 (B) prepare a report on the end-market
18 sale of compost from all compostable materials
19 collected from households and publicly available
20 compost drop-off centers; including the total, in
21 dollars per ton, of domestic sales of
22 compostable materials; and

23 (C) not later than 1 year after the date of
24 enactment of this Act, submit to Congress the
25 update to the report prepared under subpara-

14

1 graph (A) and the report prepared under sub-
2 paragraph (B).

3 ~~(2) CONFIDENTIAL OR PROPRIETARY BUSINESS~~
4 ~~INFORMATION.~~—Information collected under sub-
5 paragraphs (A) and (B) of paragraph (1) shall not
6 include any confidential or proprietary business in-
7 formation, as determined by the Administrator.

8 **SEC. 7. STUDY ON THE DIVERSION OF RECYCLABLE MATE-**
9 **RIALS FROM A CIRCULAR MARKET.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Administrator shall de-
12 velop a metric for determining the proportion of recyclable
13 materials in commercial and municipal waste streams that
14 are being diverted from a circular market.

15 (b) STUDY, REPORT.—Not later than 1 year after the
16 development of a metric under subsection (a), the Admin-
17 istrator shall conduct a study of, and submit to Congress
18 a report on, the proportion of recyclable materials in com-
19 mercial and municipal waste streams that, during each of
20 the 10 calendar years preceding the year of submission
21 of the report, were diverted from a circular market.

22 (c) DATA.—The report under subsection (b) shall
23 provide data on specific recyclable materials, including
24 aluminum, plastics, paper and paperboard, textiles, and
25 glass, that were prevented from remaining in a circular

1 market through disposal or elimination, and to what use
2 those specific recyclable materials were lost.

3 (d) EVALUATION.—The report under subsection (b)
4 shall include an evaluation of whether the establishment
5 or improvement of recycling programs would—

- 6 (1) improve recycling rates; or
7 (2) reduce the quantity of recyclable materials
8 being unutilized in a circular market.

9 **SEC. 8. VOLUNTARY GUIDELINES.**

10 The Administrator shall—

11 (1) in consultation with States, units of local
12 government, and Indian Tribes, develop, based on
13 the results of the studies, reports, inventory, and
14 data determined under sections 4 through 7, and
15 provide to States, units of local government, and In-
16 dian Tribes best practices that the States, units of
17 local government, and Indian Tribes may use to en-
18 hance recycling and composting, including—

19 (A) labeling techniques for containers of
20 waste, compost, and recycling, with the goal of
21 creating consistent, readily available, and un-
22 derstandable labeling across jurisdictions;

23 (B) pamphlets or other literature readily
24 available to constituents;

- 1 ~~(C) primary and secondary school edu-~~
2 ~~cational resources on recycling;~~
3 ~~(D) web and media-based campaigns; and~~
4 ~~(E) guidance for the labeling of recyclable~~
5 ~~materials and compostable materials that mini-~~
6 ~~mizes contamination and diversion of those ma-~~
7 ~~terials from waste streams toward recycling and~~
8 ~~composting systems; and~~
9 ~~(2) not later than 2 years after the date of en-~~
10 ~~actment of this Act, submit to Congress a report de-~~
11 ~~scribing the best practices developed under para-~~
12 ~~graph (1).~~

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Ad-
15 ministrator such sums as are necessary to carry out this
16 Act for each fiscal year.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Recycling and*
19 *Composting Accountability Act”.*

20 **SEC. 2. DEFINITIONS.**

21 (a) *IN GENERAL.—In this Act:*

22 (1) *ADMINISTRATOR.—The term “Adminis-*
23 *trator” means the Administrator of the Environ-*
24 *mental Protection Agency.*

1 (2) *CIRCULAR MARKET*.—The term “circular
2 market” means a market that utilizes industrial proc-
3 esses and economic activities to enable post-industrial
4 and post-consumer materials used in those processes
5 and activities to maintain their highest values for as
6 long as possible.

7 (3) *COMPOST*.—The term “compost” means a
8 product that—

9 (A) is manufactured through the controlled
10 aerobic, biological decomposition of biodegradable
11 materials;

12 (B) has been subjected to medium and high
13 temperature organisms, which—

14 (i) significantly reduce the viability of
15 pathogens and weed seeds; and

16 (ii) stabilize carbon in the product
17 such that the product is beneficial to plant
18 growth; and

19 (C) is typically used as a soil amendment,
20 but may also contribute plant nutrients.

21 (4) *COMPOSTABLE MATERIAL*.—The term
22 “compostable material” means material that is a
23 feedstock for creating compost, including—

24 (A) wood;

25 (B) agricultural crops;

- 1 (C) paper;
- 2 (D) certified compostable products associ-
- 3 ated with organic waste;
- 4 (E) other organic plant material;
- 5 (F) marine products;
- 6 (G) organic waste, including food waste and
- 7 yard waste; and
- 8 (H) such other material that is composed of
- 9 biomass that can be continually replenished or
- 10 renewed, as determined by the Administrator.
- 11 (5) COMPOSTING FACILITY.—The term
- 12 “composting facility” means a location, structure, or
- 13 device that transforms compostable materials into
- 14 compost.
- 15 (6) INDIAN TRIBE.—The term “Indian Tribe”
- 16 has the meaning given the term in section 4 of the In-
- 17 dian Self-Determination and Education Assistance
- 18 Act (25 U.S.C. 5304).
- 19 (7) MATERIALS RECOVERY FACILITY.—
- 20 (A) IN GENERAL.—The term “materials re-
- 21 covery facility” means a dedicated facility where
- 22 primarily residential recyclable materials, which
- 23 are diverted from disposal by the generator and
- 24 collected separately from municipal solid waste,
- 25 are mechanically or manually sorted into com-

1 *modities for further processing into specification-*
2 *grade commodities for sale to end users.*

3 *(B) EXCLUSION.—The term “materials re-*
4 *covery facility” does not include a solid waste*
5 *management facility that may process municipal*
6 *solid waste to remove recyclable materials.*

7 *(8) RECYCLABLE MATERIAL.—The term “recycla-*
8 *ble material” means a material that is obsolete, pre-*
9 *viously used, off-specification, surplus, or incidentally*
10 *produced for processing into a specification-grade*
11 *commodity for which a circular market currently ex-*
12 *ists or is being developed.*

13 *(9) RECYCLING.—The term “recycling” means*
14 *the series of activities—*

15 *(A) during which recyclable materials are*
16 *processed into specification-grade commodities,*
17 *and consumed as raw-material feedstock, in lieu*
18 *of virgin materials, in the manufacturing of new*
19 *products;*

20 *(B) that may include sorting, collection,*
21 *processing, and brokering; and*

22 *(C) that result in subsequent consumption*
23 *by a materials manufacturer, including for the*
24 *manufacturing of new products.*

1 (10) *STATE*.—The term “State” has the meaning
2 given the term in section 1004 of the Solid Waste Dis-
3 posal Act (42 U.S.C. 6903).

4 (b) *DEFINITION OF PROCESSING*.—In paragraphs (7),
5 (8), and (9) of subsection (a), the term “processing” means
6 any mechanical, manual, or other method that—

7 (1) transforms a recyclable material into a speci-
8 fication-grade commodity; and

9 (2) may occur in multiple steps, with different
10 steps, including sorting, occurring at different loca-
11 tions.

12 **SEC. 3. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) recycling and composting conserve resources,
15 protect the environment, and are important to the
16 United States economy;

17 (2) the United States recycling and composting
18 infrastructure encompass each of the entities that col-
19 lect, process, broker, and consume recyclable materials
20 and compostable materials sourced from commercial,
21 industrial, institutional, and residential sources;

22 (3) the residential segment of the United States
23 recycling and composting infrastructure is facing
24 challenges from—

- 1 (A) confusion over what materials are recy-
- 2 clable materials or compostable materials;
- 3 (B) reduced export markets;
- 4 (C) growing, but still limited, domestic end
- 5 markets; and
- 6 (D) an ever-changing and heterogeneous
- 7 supply stream;
- 8 (4) in some areas, recycling and composting in-
- 9 frastructure is in need of revitalization; and
- 10 (5) in an effort to address those challenges, the
- 11 United States must use a combination of tactics to
- 12 improve recycling and composting in the United
- 13 States.

14 **SEC. 4. REPORT ON COMPOSTING INFRASTRUCTURE CAPA-**
 15 **BILITIES.**

16 The Administrator, in consultation with States, units
 17 of local government, and Indian Tribes, shall—

- 18 (1) prepare a report describing the capability of
- 19 the United States to implement a national
- 20 composting strategy for compostable materials for the
- 21 purposes of reducing contamination rates for recy-
- 22 cling, including—

- 23 (A) an evaluation of existing Federal, State,
- 24 and local laws that may present barriers to im-
- 25 plementation of a national composting strategy;

1 (B)(i) an evaluation of existing composting
2 programs of States, units of local government,
3 and Indian Tribes; and

4 (ii) a description of best practices based on
5 those programs;

6 (C) an evaluation of existing composting in-
7 frastructure in States, units of local government,
8 and Indian Tribes for the purposes of estimating
9 cost and approximate land needed to expand
10 composting programs; and

11 (D) a study of the practices of manufactur-
12 ers and companies that are moving to using
13 compostable packaging and food service ware for
14 the purpose of making the composting process the
15 end-of-life use of those products; and

16 (2) not later than 1 year after the date of enact-
17 ment of this Act, submit the report prepared under
18 paragraph (1) to Congress.

19 **SEC. 5. REPORT ON FEDERAL AGENCY RECYCLING PRAC-**
20 **TICES.**

21 Not later than 1 year after the date of enactment of
22 this Act, and annually thereafter, the Comptroller General
23 of the United States, in consultation with the Adminis-
24 trator, shall make publicly available a report describing—

1 (1) the total annual recycling and composting
2 rates reported by all Federal agencies;

3 (2) the total annual percentage of products con-
4 taining recyclable material, compostable material, or
5 recovered materials purchased by all Federal agencies,
6 including—

7 (A) the total quantity of procured products
8 containing recyclable material or recovered ma-
9 terials listed in the comprehensive procurement
10 guidelines published under section 6002(e) of the
11 Solid Waste Disposal Act (42 U.S.C. 6962(e));
12 and

13 (B) the total quantity of compostable mate-
14 rial purchased;

15 (3) recommendations for updating—

16 (A) the comprehensive procurement guide-
17 lines published under section 6002(e) of the Solid
18 Waste Disposal Act (42 U.S.C. 6962(e)); and

19 (B) the environmentally preferable pur-
20 chasing program established under section
21 6604(b)(11) of the Pollution Prevention Act of
22 1990 (42 U.S.C. 13103(b)(11)); and

23 (4) the activities of each Federal agency that
24 promote recycling or composting.

1 **SEC. 6. IMPROVING DATA AND REPORTING.**

2 (a) *INVENTORY OF MATERIALS RECOVERY FACILI-*
 3 *TIES.*—Not later than 1 year after the date of enactment
 4 of this Act, and biannually thereafter, the Administrator,
 5 in consultation with States, units of local government, and
 6 Indian Tribes, shall—

7 (1) prepare an inventory of public and private
 8 materials recovery facilities in the United States, in-
 9 cluding—

10 (A) the number of materials recovery facili-
 11 ties in each unit of local government in each
 12 State; and

13 (B) a description of the materials that each
 14 materials recovery facility can process, includ-
 15 ing—

16 (i) in the case of plastic, a description
 17 of—

18 (I) the types of accepted resin, if
 19 applicable; and

20 (II) the packaging or product for-
 21 mat, such as a jug, a carton, or film;

22 (ii) food packaging and service ware,
 23 such as a bottle, cutlery, or a cup;

24 (iii) paper;

25 (iv) aluminum, such as an aluminum
 26 beverage can, food can, aerosol can, or foil;

- 1 (v) steel, such as a steel food or aerosol
2 can;
3 (vi) other scrap metal;
4 (vii) glass; or
5 (viii) any other material not described
6 in any of clauses (i) through (vii) that a
7 materials recovery facility can process; and
8 (2) submit the inventory prepared under para-
9 graph (1) to Congress.

10 (b) *ESTABLISHMENT OF A COMPREHENSIVE BASELINE*
11 *OF DATA FOR THE UNITED STATES RECYCLING SYSTEM.—*
12 *The Administrator, in consultation with States, units of*
13 *local government, and Indian Tribes, shall determine, with*
14 *respect to the United States—*

- 15 (1) *the number of community curbside recycling*
16 *and composting programs;*
17 (2) *the number of community drop-off recycling*
18 *and composting programs;*
19 (3) *the types and forms of materials accepted by*
20 *each community curbside recycling, drop-off recy-*
21 *cling, or composting program;*
22 (4) *the number of individuals with access to re-*
23 *cycling and composting services to at least the extent*
24 *of access to disposal services;*

1 (5) the number of individuals with barriers to
2 accessing recycling and composting services to at least
3 the extent of access to disposal services;

4 (6) the inbound contamination and capture rates
5 of community curbside recycling, drop-off recycling,
6 or composting programs;

7 (7) where applicable, other available recycling or
8 composting programs within a community, including
9 store drop-offs; and

10 (8) the average cost to States, units of local gov-
11 ernment, and Indian Tribes of recycling and
12 composting programs.

13 (c) STANDARDIZATION OF RECYCLING REPORTING
14 RATES.—

15 (1) COLLECTION OF RATES.—

16 (A) IN GENERAL.—The Administrator may
17 use amounts made available under section 9 to
18 biannually collect from each State the nationally
19 standardized rate of recyclable materials in that
20 State that have been successfully diverted from
21 the waste stream and brought to a materials re-
22 covery facility or composting facility.

23 (B) CONFIDENTIAL OR PROPRIETARY BUSI-
24 NESS INFORMATION.—Information collected
25 under subparagraph (A) shall not include any

1 *confidential or proprietary business information,*
2 *as determined by the Administrator.*

3 *(2) USE.—Using amounts made available under*
4 *section 9, the Administrator may use the rates col-*
5 *lected under paragraph (1) to further assist States,*
6 *units of local government, and Indian Tribes—*

7 *(A) to reduce the overall waste produced by*
8 *the States and units of local government; and*

9 *(B) to increase recycling and composting*
10 *rates.*

11 *(d) REPORT ON END MARKETS.—*

12 *(1) IN GENERAL.—The Administrator, in con-*
13 *sultation with States, units of local government, and*
14 *Indian Tribes, shall—*

15 *(A) provide an update to the report sub-*
16 *mitted under section 306 of the Save Our Seas*
17 *2.0 Act (Public Law 116–224; 134 Stat. 1096) to*
18 *include an addendum on the end-market sale of*
19 *all recyclable materials, in addition to recycled*
20 *plastics as described in that section, from mate-*
21 *rials recovery facilities that process recyclable*
22 *materials collected from households and publicly*
23 *available recyclable materials drop-off centers,*
24 *including—*

1 (i) the total, in dollars per ton, domes-
2 tic sales of bales of recyclable materials; and

3 (ii) the total, in dollars per ton, inter-
4 national sales of bales of recyclable mate-
5 rials;

6 (B) prepare a report on the end-market sale
7 of compost from all compostable materials col-
8 lected from households and publicly available
9 compost drop-off centers, including the total, in
10 dollars per ton, of domestic sales of compostable
11 materials; and

12 (C) not later than 1 year after the date of
13 enactment of this Act, submit to Congress the up-
14 date to the report prepared under subparagraph
15 (A) and the report prepared under subparagraph
16 (B).

17 (2) **CONFIDENTIAL OR PROPRIETARY BUSINESS**
18 **INFORMATION.**—Information collected under subpara-
19 graphs (A) and (B) of paragraph (1) shall not in-
20 clude any confidential or proprietary business infor-
21 mation, as determined by the Administrator.

22 **SEC. 7. STUDY ON THE DIVERSION OF RECYCLABLE MATE-**
23 **RIALS FROM A CIRCULAR MARKET.**

24 (a) **IN GENERAL.**—Not later than 1 year after the date
25 of enactment of this Act, the Administrator shall develop

1 *a metric for determining the proportion of recyclable mate-*
 2 *rials in commercial and municipal waste streams that are*
 3 *being diverted from a circular market.*

4 *(b) STUDY; REPORT.—Not later than 1 year after the*
 5 *development of a metric under subsection (a), the Adminis-*
 6 *trator shall conduct a study of, and submit to Congress a*
 7 *report on, the proportion of recyclable materials in commier-*
 8 *cial and municipal waste streams that, during each of the*
 9 *10 calendar years preceding the year of submission of the*
 10 *report, were diverted from a circular market.*

11 *(c) DATA.—The report under subsection (b) shall pro-*
 12 *vide data on specific recyclable materials, including alu-*
 13 *minum, plastics, paper and paperboard, textiles, and glass,*
 14 *that were prevented from remaining in a circular market*
 15 *through disposal or elimination, and to what use those spe-*
 16 *cific recyclable materials were lost.*

17 *(d) EVALUATION.—The report under subsection (b)*
 18 *shall include an evaluation of whether the establishment or*
 19 *improvement of recycling programs would—*

- 20 *(1) improve recycling rates; or*
 21 *(2) reduce the quantity of recyclable materials*
 22 *being unutilized in a circular market.*

23 **SEC. 8. VOLUNTARY GUIDELINES.**

24 *The Administrator shall—*

1 *(1) in consultation with States, units of local*
2 *government, and Indian Tribes, develop, based on the*
3 *results of the studies, reports, inventory, and data de-*
4 *termined under sections 4 through 7, and provide to*
5 *States, units of local government, and Indian Tribes*
6 *best practices that the States, units of local govern-*
7 *ment, and Indian Tribes may use to enhance recy-*
8 *cling and composting, including—*

9 *(A) labeling techniques for containers of*
10 *waste, compostable materials, and recycling,*
11 *with the goal of creating consistent, readily*
12 *available, and understandable labeling across ju-*
13 *risdictions;*

14 *(B) pamphlets or other literature readily*
15 *available to constituents;*

16 *(C) primary and secondary school edu-*
17 *cational resources on recycling;*

18 *(D) web and media-based campaigns; and*

19 *(E) guidance for the labeling of recyclable*
20 *materials and compostable materials that mini-*
21 *mizes contamination and diversion of those ma-*
22 *terials from waste streams toward recycling and*
23 *composting systems; and*

1 (2) not later than 2 years after the date of enact-
2 ment of this Act, submit to Congress a report describ-
3 ing the best practices developed under paragraph (1).

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Admin-
6 istrator such sums as are necessary to carry out this Act
7 for each fiscal year.

Calendar No. _____

117TH CONGRESS
2D SESSION**S. 2372**

[Report No. 117-_____]]

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 SENATE OF THE UNITED STATES

JULY 15, 2021

Mr. HEINRICH (for himself, Mr. BLUNT, Mr. TELLS, Mr. BOOZMAN, Mr. KING, Mr. GRAHAM, Mr. BURR, Mr. MORAN, Mr. PORTMAN, Ms. DUCKWORTH, Mr. RUBIO, Mr. CASEY, Mr. WHITEHOUSE, Mr. LULÁN, Ms. ROSEN, Mr. PADILLA, Mr. MARSHALL, Ms. STABENOW, Ms. SINEMA, Mr. WICKER, Mr. CRAMER, Mr. SCHLITZ, Mr. KELLY, Mr. TUBERVILLE, Mr. COONS, Ms. COLLINS, Ms. KLOBUCHAR, Mr. TESTER, Mrs. FISCHER, Mrs. HYDE-SMITH, Mr. HICKENLOOPER, Mr. HAGERTY, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

(legislative day, _____), _____

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italics*.]

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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 (9) and (10); 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 ap-

1 ~~appropriation~~, for each fiscal year, for apportion-
2 ment in accordance with this Act.

3 ~~“(C) DEPOSITS INTO SUBACCOUNT.—~~

4 ~~“(i) IN GENERAL.—Beginning in fis-~~
5 ~~cal year 2022, and for each fiscal year~~
6 ~~thereafter, the Secretary of the Treasury~~
7 ~~shall transfer \$1,300,000,000 from the~~
8 ~~general fund of the Treasury to the Sub-~~
9 ~~account.~~

10 ~~“(ii) FUNDING SOURCE.—~~

11 ~~“(I) DEFINITION.—In this~~
12 ~~clause, the term ‘remaining natural~~
13 ~~resource or environmental-related vio-~~
14 ~~lation revenue’ means the amount of~~
15 ~~all civil or criminal penalties, fines,~~
16 ~~sanctions, forfeitures, or other reve-~~
17 ~~nuces resulting from natural resource~~
18 ~~or environmental-related violations or~~
19 ~~enforcement actions by any Federal~~
20 ~~agency that are not directed to be de-~~
21 ~~posited in a fund other than the gen-~~
22 ~~eral fund of the Treasury or have oth-~~
23 ~~erwise been appropriated.~~

24 ~~“(II) USE OF REVENUE.—Begin-~~
25 ~~ning in fiscal year 2022, and for each~~

4

1 fiscal year thereafter, the total
2 amount of the remaining natural re-
3 source or environmental-related viola-
4 tion revenue with respect to the pre-
5 vious fiscal year—

6 “(aa) shall be deposited in
7 the general fund of the Treasury;
8 and

9 “(bb) shall be available for
10 the purposes of the transfer
11 under clause (i).

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

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

19 “(B) the fund.

20 “(3) INNOVATION GRANTS.—

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

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

5 “(B) PURPOSE.—Such grants shall be pro-
6 vided for the purpose of catalyzing innovation
7 of techniques, tools, strategies, or collaborative
8 partnerships that accelerate, expand, or rep-
9 licate effective and measurable recovery efforts
10 for species of greatest conservation need and
11 species listed under the Endangered Species Act
12 of 1973 (16 U.S.C. 1531 et seq.) and the habi-
13 tats of such species.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(6) PUBLIC ACCESS TO PRIVATE LANDS NOT
25 REQUIRED.—Funds apportioned from the Sub-

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

3 ~~“(7) REQUIREMENTS FOR MATCHING FUNDS.—~~

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

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

13 ~~“(ii) donated private lands and~~
14 ~~waters, including privately owned ease-~~
15 ~~ments;~~

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

20 ~~“(iv) other sources consistent with~~
21 ~~part 80 of title 50, Code of Federal Regu-~~
22 ~~lations, in effect on the date of enactment~~
23 ~~of the Recovering America's Wildlife Act of~~
24 ~~2021.~~

1 “(B) Revenue described in subparagraph
2 (A)(iii) may only be used to fulfill the require-
3 ments of such non-Federal fund matching re-
4 quirement if—

5 “(i) no Federal funds apportioned to
6 the State fish and wildlife department of
7 such State from the Wildlife Restoration
8 Program or the Sport Fish Restoration
9 Program have been reverted because of a
10 failure to fulfill such non-Federal fund
11 matching requirement by such State dur-
12 ing the previous 2 years; and

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

17 “(S) DEFINITIONS.—In this subsection, the fol-
18 lowing definitions apply:

19 “(A) PARTNERSHIPS.—The term ‘partner-
20 ships’ may include collaborative efforts with
21 Federal agencies, State agencies, local agencies,
22 Indian Tribes, nonprofit organizations, aca-
23 demic institutions, industry groups, and private
24 individuals to implement a State’s Wildlife Con-
25 servation Strategy.

1 “(B) SPECIES OF GREATEST CONSERVA-
2 TION NEED.—The term ‘species of greatest con-
3 servation need’ may be fauna or flora, and may
4 include terrestrial, aquatic, marine, and inverte-
5 brate species that are of low population, declin-
6 ing, rare, or facing threats and in need of con-
7 servation attention, as determined by each
8 State fish and wildlife department, with respect
9 to funds apportioned to such State.

10 “(C) TERRITORY AND TERRITORIES.—The
11 terms ‘territory’ and ‘territories’ mean the
12 Commonwealth of Puerto Rico, Guam, Amer-
13 ican Samoa, the Commonwealth of the North-
14 ern Mariana Islands, and the United States
15 Virgin Islands.

16 “(D) WILDLIFE.—The term ‘wildlife’
17 means any species of wild, freeranging fauna,
18 including fish, and also fauna in captive breed-
19 ing programs the object of which is to reintro-
20 duce individuals of a depleted indigenous spe-
21 cies into previously occupied range.”

22 (b) ALLOCATION AND APPORTIONMENT OF AVAIL-
23 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
24 Wildlife Restoration Act (16 U.S.C. 669c) is amended—
25 (1) in subsection (d)—

12

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “to the District of Columbia and to the
4 Commonwealth of Puerto Rico, each” and
5 inserting “To the District of Columbia”;

6 (ii) in subparagraph (B)—

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

9 (II) by striking “not more than
10 one-fourth of one percent” and insert-
11 ing “not less than one-third of one
12 percent”; and

13 (iii) by adding at the end the fol-
14 lowing:

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

18 (B) in paragraph (2)(A)—

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

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

25 (ii) in clause (ii)—

13

1 (I) by striking "two-thirds" and
2 inserting "one-quarter"; and
3 (II) by striking the period and
4 inserting "; and"; and
5 (iii) by adding at the end the fol-
6 lowing:

7 "~~(iii)~~ one-quarter of which is based upon
8 the ratio to which the number of species listed
9 as endangered or threatened under the Endan-
10 gered Species Act of 1973 (16 U.S.C. 1531 et
11 seq.) in such State bears to the total number of
12 such species listed in all such States.";

13 (C) by amending paragraph (2)(B) to read
14 as follows:

15 "(B) The amounts apportioned under this
16 paragraph shall be adjusted equitably so that
17 no such State, unless otherwise designated,
18 shall be apportioned a sum which is less than
19 1 percent or more than 5 percent of the amount
20 available for apportionment under—

21 "(i) subparagraph (A)(i);
22 "(ii) subparagraph (A)(ii); and
23 "(iii) the overall amount available for
24 subparagraph (A)."; and

1 ~~(D)~~ in paragraph (3), by striking “3 per-

2 cent” and inserting “1.85 percent”;

3 ~~(2)~~ in subsection (c)(1), as redesignated—

4 ~~(A)~~ by amending subparagraph (B) to read

5 as follows:

6 ~~“(B) Not more than an average of 15 percent~~

7 over a 5-year period of amounts apportioned to each

8 State, territory, or the District of Columbia under

9 this section for a wildlife conservation and restora-

10 tion program may be used for wildlife conservation

11 education and wildlife-associated recreation.”; and

12 ~~(B)~~ by inserting after subparagraph (B),

13 as so amended, the following:

14 ~~“(C) \$55 million shall be reserved for~~

15 States and territories that include plants among

16 their species of greatest conservation need and

17 in the conservation planning and habitat

18 prioritization efforts of their Wildlife Conserva-

19 tion Strategy. Each eligible State, territory, or

20 the District of Columbia shall receive an addi-

21 tional 5 percent of their apportioned amount.

22 Any unallocated resources shall be allocated

23 proportionally among all States and territories

24 under the formulas of this section.”; and

25 ~~(3)~~ by adding at the end following:

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

5 “(g) ACCOUNTABILITY.—Not more than one year
 6 after the date of enactment of the Recovering America’s
 7 Wildlife Act of 2021 and every 3 years thereafter, each
 8 State fish and wildlife department shall submit a 3-year
 9 work plan and budget for implementing its Wildlife Con-
 10 servation Strategy and a report describing the results de-
 11 rived from activities accomplished under subsection (c)(4)
 12 during the previous 3 years to—

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

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

17 “(3) the United States Fish and Wildlife Serv-
 18 ice.”

19 **SEC. 102. TECHNICAL AMENDMENTS.**

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

23 (1) in paragraph (7), by striking “including
 24 fish,”

16

1 (2) by redesignating paragraphs (6) through
 2 (9) as paragraphs (5) through (8), respectively; and
 3 (3) in paragraph (6); as redesignated by para-
 4 graph (2); by inserting "Indian Tribes, academic in-
 5 stitutions," before "wildlife conservation organiza-
 6 tions";

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

10 (1) in section 3—

11 (A) in subsection (a)—

12 (i) by striking "(1) An amount equal
 13 to" and inserting "An amount equal to";
 14 and

15 (ii) by striking paragraph (2);

16 (B) in subsection (c)—

17 (i) in paragraph (9), as redesignated
 18 by section 101(a)(1), by striking "or an
 19 Indian tribe"; and

20 (ii) in paragraph (10), as redesignated
 21 by section 101(a)(1), by striking "Wildlife
 22 Conservation and Restoration Account"
 23 and inserting "Subaccount"; and

17

1 (C) in subsection (d), by striking “Wildlife
2 Conservation and Restoration Account” and in-
3 serting “Subaccount”;

4 (2) in section 4 (16 U.S.C. 669e)—

5 (A) in subsection (d), as redesignated—

6 (i) in the heading, by striking “AC-
7 COUNT” and inserting “SUBACCOUNT”;
8 and

9 (ii) by striking “Account” each place
10 it appears and inserting “Subaccount”;
11 and

12 (B) in subsection (e)(1), as redesignated,
13 by striking “Account” and inserting “Sub-
14 account”; and

15 (3) in section 8 (16 U.S.C. 669g), in subsection
16 (a), by striking “Account” and inserting “Sub-
17 account”.

18 **SEC. 103. SAVINGS CLAUSE.**

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

21 (1) by redesignating section 13 as section 15;
22 and

23 (2) by inserting after section 12 the following:

1 ~~"SEC. 13. SAVINGS CLAUSE.~~

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

8 ~~"SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO~~
 9 ~~ALASKA.~~

10 ~~"If any conflict arises between any provision of this~~
 11 ~~Act and any provision of the Alaska National Interest~~
 12 ~~Lands Conservation Act (Public Law 46-487, 16 U.S.C.~~
 13 ~~3101 et seq.), then the provision in the Alaska National~~
 14 ~~Interest Lands Conservation Act shall prevail."~~

15 **TITLE II—TRIBAL WILDLIFE**
 16 **CONSERVATION AND RES-**
 17 **TORATION**

18 ~~SEC. 201. INDIAN TRIBES.~~

19 ~~(a) DEFINITIONS.—In this section:~~

20 ~~(1) ACCOUNT.—The term "Account" means the~~
 21 ~~Tribal Wildlife Conservation and Restoration Ac-~~
 22 ~~count established by subsection (b)(1).~~

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

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

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

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

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

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

19 (C) does not include game farm animals.

20 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
21 Toration Account.—

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

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

5 ~~(3) DEPOSITS INTO ACCOUNT.—~~

6 ~~(A) IN GENERAL.—~~Beginning in fiscal year
7 2022, and for each fiscal year thereafter, the
8 Secretary of the Treasury shall transfer
9 \$97,500,000 from the general fund of the
10 Treasury to the Account.

11 ~~(B) FUNDING SOURCE.—~~

12 ~~(i) DEFINITION.—~~In this subpara-
13 graph, the term “remaining natural re-
14 source or environmental-related violation
15 revenue” means the amount of all civil or
16 criminal penalties, fines, sanctions, forfeit-
17 ures, or other revenues resulting from nat-
18 ural resource or environmental-related vio-
19 lations or enforcement actions by any Fed-
20 eral agency that are not directed to be de-
21 posited in a fund other than the general
22 fund of the Treasury or have otherwise
23 been appropriated.

24 ~~(ii) USE OF REVENUE.—~~Beginning in
25 fiscal year 2022, and for each fiscal year

21

1 thereafter, the total amount of the remain-
2 ing natural resource or environmental-re-
3 lated violation revenue with respect to the
4 previous fiscal year—

5 (I) shall be deposited in the gen-
6 eral fund of the Treasury; and

7 (II) shall be available for the
8 purposes of the transfer under sub-
9 paragraph (A).

10 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—

11 Each fiscal year, the Secretary of the Treasury shall de-
12 posit funds into the Account and distribute such funds
13 through a noncompetitive application process according to
14 guidelines and criteria; and reporting requirements deter-
15 mined by the Secretary of the Interior, acting through the
16 Director of the Bureau of Indian Affairs, in consultation
17 with Indian Tribes. Such funds shall remain available
18 until expended.

19 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

20 The distribution guidelines and criteria described in sub-
21 section (c) shall be based, in part, upon Indian Tribes'
22 wildlife management responsibilities.

23 (e) USE OF FUNDS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the Secretary may distribute funds from

1 the Account to an Indian Tribe for any of the fol-
2 lowing purposes:

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

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

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

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

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

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

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

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

6 ~~(2) CONDITIONS ON THE USE OF FUNDS.—~~

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

13 ~~(B) IMPERILED SPECIES RECOVERY.—~~In
14 distributing funds under this section, the Sec-
15 retary shall distribute not less than 15 percent
16 of the total funds distributed to proposals to
17 fund the recovery of a species, subspecies, or
18 distinct population segment listed as a threat-
19 ened species, endangered species, or candidate
20 species under the Endangered Species Act of
21 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

22 ~~(C) LIMITATION.—~~In distributing funds
23 under this section, the Secretary shall distribute
24 not more than 15 percent of all funds distrib-

1 uted under this section for the purpose de-
2 scribed in paragraph (1)(C).

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

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

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

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

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Recovering America’s*
22 *Wildlife Act of 2022”.*

23 **SEC. 2. STATEMENT OF PURPOSE.**

24 *The purpose of this Act is to extend financial and tech-*
25 *nical assistance to States, territories, the District of Colum-*

1 *bia, and Indian Tribes, including under the Pittman-Rob-*
 2 *ertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), for*
 3 *the purpose of avoiding the need to list species, or recovering*
 4 *species currently listed as a threatened species or an endan-*
 5 *gered species, under the Endangered Species Act of 1973*
 6 *(16 U.S.C. 1531 et seq.) or under State law.*

7 **TITLE I—WILDLIFE CONSERVA-**
 8 **TION AND RESTORATION**

9 **SEC. 101. WILDLIFE CONSERVATION AND RESTORATION**
 10 **SUBACCOUNT.**

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

14 (1) *by redesignating paragraphs (2) and (3) as*
 15 *paragraphs (10) and (11); and*

16 (2) *by striking paragraph (1) and inserting the*
 17 *following:*

18 “(1) *ESTABLISHMENT OF SUBACCOUNT.*—

19 “(A) *IN GENERAL.*—There is established in
 20 the fund a subaccount to be known as the ‘Wild-
 21 life Conservation and Restoration Subaccount’
 22 (referred to in this section as the ‘Subaccount’).

23 “(B) *AVAILABILITY.*—Amounts in the Sub-
 24 account shall be available without further appro-

1 *priation, for each fiscal year, for apportionment*
2 *in accordance with this Act.*

3 *“(C) DEPOSITS INTO SUBACCOUNT.—*

4 *“(i) IN GENERAL.—The Secretary of*
5 *the Treasury shall transfer from the general*
6 *fund of the Treasury to the Subaccount—*

7 *“(I) for fiscal year 2022,*
8 *\$850,000,000;*

9 *“(II) for fiscal year 2023,*
10 *\$1,100,000,000;*

11 *“(III) for fiscal year 2024,*
12 *\$1,200,000,000; and*

13 *“(IV) for fiscal year 2025, and for*
14 *each fiscal year thereafter,*
15 *\$1,300,000,000.*

16 *“(ii) FUNDING SOURCE.—*

17 *“(I) DEFINITION.—In this clause,*
18 *the term ‘remaining natural resource*
19 *or environmental-related violation rev-*
20 *enue’ means the amount of all civil or*
21 *criminal penalties, fines, sanctions,*
22 *forfeitures, or other revenues resulting*
23 *from natural resource or environ-*
24 *mental-related violations or enforce-*
25 *ment actions by any Federal agency*

27

1 that are not directed to be deposited in
2 a fund other than the general fund of
3 the Treasury or have otherwise been
4 appropriated.

5 “(II) *USE OF REVENUE.*—Begin-
6 ning in fiscal year 2022, and for each
7 fiscal year thereafter, the total amount
8 of the remaining natural resource or
9 environmental-related violation rev-
10 enue with respect to the previous fiscal
11 year—

12 “(aa) shall be deposited in
13 the general fund of the Treasury;
14 and

15 “(bb) shall be available for
16 the purposes of the transfer under
17 clause (i).

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

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

25 “(B) the fund.

1 “(3) INNOVATION GRANTS.—

2 “(A) IN GENERAL.—The Secretary shall dis-
3 tribute 10 percent of funds apportioned from the
4 Subaccount through a competitive grant pro-
5 gram to State fish and wildlife departments, the
6 District of Columbia fish and wildlife depart-
7 ment, fish and wildlife departments of terri-
8 tories, or to regional associations of fish and
9 wildlife departments (or any group composed of
10 more than 1 such entity).

11 “(B) PURPOSE.—Such grants shall be pro-
12 vided for the purpose of catalyzing innovation of
13 techniques, tools, strategies, or collaborative part-
14 nerships that accelerate, expand, or replicate ef-
15 fective and measurable recovery efforts for species
16 of greatest conservation need and species listed
17 under the Endangered Species Act of 1973 (16
18 U.S.C. 1531 et seq.) and the habitats of such spe-
19 cies.

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

22 “(i) a State Director from each re-
23 gional association of State fish and wildlife
24 departments;

1 “(ii) the head of a department respon-
2 sible for fish and wildlife management in a
3 territory;

4 “(iii) one delegate from the United
5 States Fish and Wildlife Service, for the
6 purpose of providing technical assistance;
7 and

8 “(iv) beginning in fiscal year 2022,
9 four individuals representing four different
10 nonprofit organizations each of which is ac-
11 tively participating in carrying out wildlife
12 conservation restoration activities using
13 funds apportioned from the Subaccount.

14 “(D) SUPPORT FROM UNITED STATES FISH
15 AND WILDLIFE SERVICE.—Using not more than
16 3 percent of the amounts apportioned under sub-
17 paragraph (A) to carry out a competitive grant
18 program, the United States Fish and Wildlife
19 Service shall provide any personnel or adminis-
20 trative support services necessary for such Com-
21 mittee to carry out its responsibilities under this
22 Act.

23 “(E) EVALUATION.—Such committee shall
24 evaluate each proposal submitted under this
25 paragraph and recommend projects for funding,

1 *giving preference to solutions that accelerate the*
2 *recovery of species identified as priorities*
3 *through regional scientific assessments of species*
4 *of greatest conservation need.*

5 *“(4) USE OF FUNDS.—Funds apportioned from*
6 *the Subaccount shall be used for purposes consistent*
7 *with section 2 of the Recovering America’s Wildlife*
8 *Act of 2022 and—*

9 *“(A) shall be used to implement the Wildlife*
10 *Conservation Strategy of a State, territory, or*
11 *the District of Columbia, as required under sec-*
12 *tion 4(e), by carrying out, revising, or enhancing*
13 *existing wildlife and habitat conservation and*
14 *restoration programs and developing and imple-*
15 *menting new wildlife conservation and restora-*
16 *tion programs to recover and manage species of*
17 *greatest conservation need and the key habitats*
18 *and plant community types essential to the con-*
19 *servation of those species, as determined by the*
20 *appropriate State fish and wildlife department;*

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

1 “(C) shall be used to assist in the recovery
2 of species found in the State, territory, or the
3 District of Columbia that are listed as endan-
4 gered species, threatened species, candidate spe-
5 cies or species proposed for listing, or species pe-
6 titioned for listing under the Endangered Species
7 Act of 1973 (16 U.S.C. 1531 et seq.) or under
8 State law;

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

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

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

21 “(G) may be used for law enforcement ac-
22 tivities that are directly related to the protection
23 and conservation of a species of greatest con-
24 servation need and the habitat of such species.

1 “(5) *MINIMUM REQUIRED SPENDING FOR ENDAN-*
2 *GERED SPECIES RECOVERY.*—Not less than an aver-
3 *age of 15 percent over a 5-year period of amounts ap-*
4 *portioned to a State, territory, or the District of Co-*
5 *lumbia from the Subaccount shall be used for pur-*
6 *poses described in paragraph (4)(C). The Secretary*
7 *may reduce the minimum requirement of a State, ter-*
8 *ritory, or the District of Columbia on an annual*
9 *basis if the Secretary determines that the State, terri-*
10 *tory, or the District of Columbia is meeting the con-*
11 *servation and recovery needs of all species described*
12 *in paragraph (4)(C).*

13 “(6) *PUBLIC ACCESS TO PRIVATE LANDS NOT RE-*
14 *QUIRED.*—Funds apportioned from the Subaccount
15 shall not be conditioned upon the provision of public
16 access to private lands, waters, or holdings.

17 “(7) *REQUIREMENTS FOR MATCHING FUNDS.*—

18 “(A) *For the purposes of the non-Federal*
19 *fund matching requirement for a wildlife con-*
20 *servation or restoration program or project fund-*
21 *ed by the Subaccount, a State, territory, or the*
22 *District of Columbia may use as matching non-*
23 *Federal funds—*

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

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

6 “(iii) in circumstances described in
7 subparagraph (B), revenue generated
8 through the sale of State hunting and fish-
9 ing licenses; and

10 “(iv) other sources consistent with part
11 80 of title 50, Code of Federal Regulations,
12 in effect on the date of enactment of the Re-
13 covering America’s Wildlife Act of 2022.

14 “(B) Revenue described in subparagraph
15 (A)(iii) may only be used to fulfill the require-
16 ments of such non-Federal fund matching re-
17 quirement if—

18 “(i) no Federal funds apportioned to
19 the State fish and wildlife department of
20 such State from the Wildlife Restoration
21 Program or the Sport Fish Restoration Pro-
22 gram have been reverted because of a failure
23 to fulfill such non-Federal fund matching
24 requirement by such State during the pre-
25 vious 2 years; and

1 “(ii) the project or program being
2 funded benefits the habitat of a hunted or
3 fished species and a species of greatest con-
4 servation need.

5 “(8) DEFINITIONS.—In this subsection, the fol-
6 lowing definitions apply:

7 “(A) PARTNERSHIPS.—The term ‘partner-
8 ships’ may include collaborative efforts with Fed-
9 eral agencies, State agencies, local agencies, In-
10 dian Tribes, nonprofit organizations, academic
11 institutions, industry groups, and private indi-
12 viduals to implement a State’s Wildlife Con-
13 servation Strategy.

14 “(B) SPECIES OF GREATEST CONSERVATION
15 NEED.—The term ‘species of greatest conserva-
16 tion need’ may be fauna or flora, and may in-
17 clude terrestrial, aquatic, marine, and inverte-
18 brate species that are of low population, declin-
19 ing, rare, or facing threats and in need of con-
20 servation attention, as determined by each State
21 fish and wildlife department, with respect to
22 funds apportioned to such State.

23 “(C) TERRITORY AND TERRITORIES.—The
24 terms ‘territory’ and ‘territories’ mean the Com-
25 monwealth of Puerto Rico, Guam, American

1 *Samoa, the Commonwealth of the Northern Mar-*
 2 *iana Islands, and the United States Virgin Is-*
 3 *lands.*

4 “(D) WILDLIFE.—The term ‘wildlife’ means
 5 any species of wild, freeranging fauna, including
 6 fish, and also fauna in captive breeding pro-
 7 grams the object of which is to reintroduce indi-
 8 viduals of a depleted indigenous species into pre-
 9 viously occupied range.”.

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

13 (1) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
 16 “to the District of Columbia and to the
 17 Commonwealth of Puerto Rico, each” and
 18 inserting “To the District of Columbia”;

19 (ii) in subparagraph (B)—

20 (I) by striking “to Guam” and
 21 inserting “To Guam”; and

22 (II) by striking “not more than
 23 one-fourth of one percent” and insert-
 24 ing “not less than one-third of one per-
 25 cent”; and

1 (iii) by adding at the end the fol-
2 lowing:

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

5 (B) in paragraph (2)(A)—

6 (i) by amending clause (i) to read as
7 follows:

8 “(i) one-half of which is based on the ratio
9 to which the land and water area of such State
10 bears to the total land and water area of all such
11 States.”;

12 (ii) in clause (ii)—

13 (I) by striking “two-thirds” and
14 inserting “one-quarter”; and

15 (II) by striking the period and in-
16 serting “; and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(iii) one-quarter of which is based upon
20 the ratio to which the number of species listed as
21 endangered or threatened under the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.) in
23 such State bears to the total number of such spe-
24 cies listed in all such States.”;

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

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

9 “(i) subparagraph (A)(i);

10 “(ii) subparagraph (A)(ii); and

11 “(iii) the overall amount available for
12 subparagraph (A).”; and

13 (D) in paragraph (3), by striking “3 per-
14 cent” and inserting “1.85 percent”;

15 (2) in subsection (c)(4)—

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

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

24 (B) by inserting after subparagraph (B), as
25 so amended, the following:

1 “(C) 5 percent of amounts apportioned to each
2 State, each territory, or the District of Columbia
3 under this section for a wildlife conservation and res-
4 toration program shall be reserved for States and ter-
5 ritories that include plants among their species of
6 greatest conservation need and in the conservation
7 planning and habitat prioritization efforts of their
8 Wildlife Conservation Strategy. Each eligible State,
9 territory, or the District of Columbia shall receive an
10 additional 5 percent of their apportioned amount.
11 Any unallocated resources shall be allocated propor-
12 tionally among all States and territories under the
13 formulas of this section.”; and

14 (3) by adding at the end following:

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

19 “(g) ACCOUNTABILITY.—

20 “(1) IN GENERAL.—Not more than one year after
21 the date of enactment of the Recovering America’s
22 Wildlife Act of 2022 and every 3 years thereafter,
23 each State fish and wildlife department shall submit
24 a 3-year work plan and budget for implementing its
25 Wildlife Conservation Strategy and a report describ-

1 *ing the results derived from activities accomplished*
2 *under subsection (e) during the previous 3 years to*
3 *the United States Fish and Wildlife Service for re-*
4 *view, which shall summarize such findings and sub-*
5 *mit a report to—*

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

8 *“(B) the Committee on Natural Resources of*
9 *the House of Representatives.*

10 *“(2) REQUIREMENTS.—The format of the 3-year*
11 *work plans, budgets, and reports required under*
12 *paragraph (1) shall be established by the United*
13 *States Fish and Wildlife Service, in consultation with*
14 *the Association of Fish and Wildlife Agencies.*

15 *“(3) GAO STUDY.—Not later than 7 years after*
16 *the date of enactment of the Recovering America’s*
17 *Wildlife Act of 2022, the Comptroller General of the*
18 *United States shall conduct a study to examine the*
19 *progress of States, territories, the District of Colum-*
20 *bia, and Indian Tribes towards achieving the purpose*
21 *described in section 2 of that Act.”.*

22 **SEC. 102. TECHNICAL AMENDMENTS.**

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

1 (1) in paragraph (7), by striking “including
2 *fish*,”; and

3 (2) in paragraph (9), by inserting “Indian
4 *Tribes, academic institutions*,” before “wildlife con-
5 *servation organizations*”.

6 (b) CONFORMING AMENDMENTS.—*The Pittman-Rob-*
7 *ertson Wildlife Restoration Act (16 U.S.C. 669a et seq.) is*
8 *amended—*

9 (1) in section 3—

10 (A) in subsection (a)—

11 (i) by striking “(1) *An amount equal*
12 *to*” and inserting “*An amount equal to*”;
13 and

14 (ii) by striking paragraph (2);

15 (B) in subsection (c)—

16 (i) in paragraph (9), as redesignated
17 by section 101(a)(1), by striking “or an In-
18 dian tribe”; and

19 (ii) in paragraph (10), as redesignated
20 by section 101(a)(1), by striking “Wildlife
21 Conservation and Restoration Account” and
22 inserting “Subaccount”; and

23 (C) in subsection (d), by striking “Wildlife
24 *Conservation and Restoration Account*” and in-
25 *serting “Subaccount”*;

1 (2) in section 4 (16 U.S.C. 669c)—

2 (A) in subsection (d)—

3 (i) in the heading, by striking “AC-
4 COUNT” and inserting “SUBACCOUNT”; and

5 (ii) by striking “Account” each place it
6 appears and inserting “Subaccount”; and

7 (B) in subsection (e)(1), by striking “Ac-
8 count” and inserting “Subaccount”; and

9 (3) in section 8 (16 U.S.C. 669g), in subsection
10 (a), by striking “Account” and inserting “Sub-
11 account”.

12 **SEC. 103. SAVINGS CLAUSE.**

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

15 (1) by redesignating section 14 as section 16;
16 and

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

18 **“SEC. 14. SAVINGS CLAUSE.**

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

1 **"SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO**
 2 **ALASKA.**

3 *"If any conflict arises between any provision of this*
 4 *Act and any provision of the Alaska National Interest*
 5 *Lands Conservation Act (16 U.S.C. 3101 et seq.) or the*
 6 *Alaska Native Claims Settlement Act (43 U.S.C. 1601 et*
 7 *seq.), then the provision in the Alaska National Interest*
 8 *Lands Conservation Act or the Alaska Native Claims Settle-*
 9 *ment Act shall prevail."*

10 **TITLE II—TRIBAL WILDLIFE**
 11 **CONSERVATION AND RES-**
 12 **TORATION**

13 **SEC. 201. INDIAN TRIBES.**

14 (a) *DEFINITIONS.—In this section:*

15 (1) *ACCOUNT.—The term "Account" means the*
 16 *Tribal Wildlife Conservation and Restoration Account*
 17 *established by subsection (b)(1).*

18 (2) *INDIAN TRIBE.—The term "Indian Tribe"*
 19 *has the meaning given such term in section 4 of the*
 20 *Indian Self-Determination and Education Assistance*
 21 *Act (25 U.S.C. 5304).*

22 (3) *SECRETARY.—The term "Secretary" means*
 23 *the Secretary of the Interior.*

24 (4) *TRIBAL SPECIES OF GREATEST CONSERVA-*
 25 *TION NEED.—The term "Tribal species of greatest*
 26 *conservation need" means any species identified by*

1 *an Indian Tribe as requiring conservation manage-*
 2 *ment because of declining population, habitat loss, or*
 3 *other threats, or because of their biological or cultural*
 4 *importance to such Tribe.*

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

6 (A) *any species of wild flora or fauna in-*
 7 *cluding fish and marine mammals;*

8 (B) *flora or fauna in a captive breeding, re-*
 9 *habilitation, and holding or quarantine pro-*
 10 *gram, the object of which is to reintroduce indi-*
 11 *viduals of a depleted indigenous species into pre-*
 12 *viously occupied range or to maintain a species*
 13 *for conservation purposes; and*

14 (C) *does not include game farm animals.*

15 (b) *TRIBAL WILDLIFE CONSERVATION AND RESTORA-*
 16 *TION ACCOUNT.*—

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

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

24 (3) *DEPOSITS INTO ACCOUNT.*—

1 (A) *IN GENERAL.*—Beginning in fiscal year
2 2022, and for each fiscal year thereafter, the Sec-
3 retary of the Treasury shall transfer \$97,500,000
4 from the general fund of the Treasury to the Ac-
5 count.

6 (B) *FUNDING SOURCE.*—

7 (i) *DEFINITION.*—In this subpara-
8 graph, the term “remaining natural re-
9 source or environmental-related violation
10 revenue” means the amount of all civil or
11 criminal penalties, fines, sanctions, forfeit-
12 ures, or other revenues resulting from nat-
13 ural resource or environmental-related vio-
14 lations or enforcement actions by any Fed-
15 eral agency that are not directed to be de-
16 posited in a fund other than the general
17 fund of the Treasury or have otherwise been
18 appropriated.

19 (ii) *USE OF REVENUE.*—Beginning in
20 fiscal year 2022, and for each fiscal year
21 thereafter, the total amount of the remain-
22 ing natural resource or environmental-re-
23 lated violation revenue with respect to the
24 previous fiscal year—

45

1 (I) shall be deposited in the gen-
2 eral fund of the Treasury; and

3 (II) shall be available for the pur-
4 poses of the transfer under subpara-
5 graph (A).

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

15 (d) *WILDLIFE MANAGEMENT RESPONSIBILITIES.*—The
16 distribution guidelines and criteria described in subsection
17 (c) shall be based, in part, upon an Indian Tribe's wildlife
18 management responsibilities. Any funding allocated to an
19 Indian Tribe in Alaska may only be used in a manner con-
20 sistent with the Alaska Native Claims Settlement Act (43
21 U.S.C. 1601 et seq.), the Alaska National Interest Lands
22 Conservation Act (16 U.S.C. 3101 et seq.), and Public Law
23 85-508 (commonly known as the "Alaska Statehood Act")
24 (48 U.S.C. note prec. 21). Alaska Native Corporations or

1 Tribes may enter into cooperative agreements with the State
2 of Alaska on conservation projects of mutual concern.

3 (e) *USE OF FUNDS.*—

4 (1) *IN GENERAL.*—Except as provided in para-
5 graph (2), the Secretary may distribute funds from
6 the Account to an Indian Tribe for any of the fol-
7 lowing purposes:

8 (A) To develop, carry out, revise, or enhance
9 wildlife conservation and restoration programs
10 to manage Tribal species of greatest conservation
11 need and the habitats of such species, as deter-
12 mined by the Indian Tribe.

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

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

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

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

1 (F) For law enforcement activities that are
2 directly related to the protection and conserva-
3 tion of wildlife.

4 (G) To develop, revise, and implement com-
5 prehensive wildlife conservation strategies and
6 plans for such Tribe.

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

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

10 (A) REQUIRED USE OF FUNDS.—In order to
11 be eligible to receive funds under subsection (c),
12 a Tribe's application must include a proposal to
13 use funds for at least one of the purposes de-
14 scribed in subparagraphs (A) and (B) of para-
15 graph (1).

16 (B) IMPERILED SPECIES RECOVERY.—In
17 distributing funds under this section, the Sec-
18 retary shall distribute not less than 15 percent of
19 the total funds distributed to proposals to fund
20 the recovery of a species, subspecies, or distinct
21 population segment listed as a threatened spe-
22 cies, endangered species, or candidate species
23 under the Endangered Species Act of 1973 (16
24 U.S.C. 1531 et seq.) or Tribal law.

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

6 (f) *NO MATCHING FUNDS REQUIRED.*—No Indian
7 Tribe shall be required to provide matching funds to be eli-
8 gible to receive funds under this Act.

9 (g) *PUBLIC ACCESS NOT REQUIRED.*—Funds appor-
10 tioned from the Tribal Wildlife Conservation and Restora-
11 tion Account shall not be conditioned upon the provision
12 of public or non-Tribal access to Tribal or private lands,
13 waters, or holdings.

14 (h) *ADMINISTRATIVE COSTS.*—Of the funds deposited
15 under subsection (b)(3) for each fiscal year, not more than
16 3 percent shall be used by the Secretary for administrative
17 costs.

18 (i) *SAVINGS CLAUSE.*—Nothing in this Act shall be
19 construed as modifying or abrogating a treaty with any
20 Indian Tribe, or as enlarging or diminishing the authority,
21 jurisdiction, or responsibility of an Indian Tribe to man-
22 age, control, or regulate wildlife.

23 (j) *STATUTORY CONSTRUCTION WITH RESPECT TO*
24 *ALASKA.*—If any conflict arises between any provision of
25 this Act and any provision of the Alaska National Interest

1 *Lands Conservation Act (16 U.S.C. 3101 et seq.) or the*
2 *Alaska Native Claims Settlement Act (43 U.S.C. 1601 et*
3 *seq.), then the provision in the Alaska National Interest*
4 *Lands Conservation Act or the Alaska Native Claims Settle-*
5 *ment Act shall prevail.*

6 **TITLE III—ENDANGERED SPE-**
7 **CIES RECOVERY AND HABI-**
8 **TAT CONSERVATION LEGACY**
9 **FUND**

10 **SEC. 301. ENDANGERED SPECIES RECOVERY AND HABITAT**
11 **CONSERVATION LEGACY FUND.**

12 (a) *ESTABLISHMENT.*—*There is established in the*
13 *Treasury of the United States a fund, to be known as the*
14 *“Endangered Species Recovery and Habitat Conservation*
15 *Legacy Fund” (referred to in this section as the “Fund”).*

16 (b) *FUNDING.*—*For each of fiscal years 2022 through*
17 *2025, the Secretary of the Treasury shall transfer from the*
18 *general fund of the Treasury to the Fund \$187,500,000.*

19 (c) *AVAILABILITY OF FUNDS.*—*Amounts in the Fund*
20 *shall be available to the Secretary of the Interior, acting*
21 *through the Director of the United States Fish and Wildlife*
22 *Service (referred to in this section as the “Secretary”), as*
23 *provided in subsection (e), without further appropriation*
24 *or fiscal year limitation.*

25 (d) *INVESTMENT OF AMOUNTS.*—

1 (1) *IN GENERAL.*—The Secretary may request
2 the Secretary of the Treasury to invest any portion
3 of the Fund that is not, as determined by the Sec-
4 retary, required to meet the current needs of the
5 Fund.

6 (2) *REQUIREMENT.*—An investment requested
7 under paragraph (1) shall be made by the Secretary
8 of the Treasury in a public debt security—

9 (A) with a maturity suitable to the needs of
10 the Fund, as determined by the Secretary; and

11 (B) bearing interest at a rate determined by
12 the Secretary of the Treasury, taking into con-
13 sideration current market yields on outstanding
14 marketable obligations of the United States of
15 comparable maturity.

16 (3) *CREDITS TO FUND.*—The income on invest-
17 ments of the Fund under this subsection shall be cred-
18 ited to, and form a part of, the Fund.

19 (e) *USE OF FUNDS.*—Amounts in the Fund shall be
20 used for recovering the species managed under the Endan-
21 gered Species Act of 1973 (16 U.S.C. 1531 et seq.), in addi-
22 tion to amounts otherwise available for such purposes, as
23 follows:

24 (1) *ENDANGERED SPECIES RECOVERY GRANT*
25 PROGRAM.—\$75,000,000 for each of fiscal years 2022

1 *through 2025, to remain available until expended,*
2 *shall be used to establish and implement a grant and*
3 *technical assistance program, to be known as the*
4 *“Endangered Species Recovery Grant Program”, to*
5 *provide competitive matching grants for the purpose*
6 *of recovering species listed as a threatened species or*
7 *an endangered species under section 4 of the Endan-*
8 *gered Species Act of 1973 (16 U.S.C. 1533) by ad-*
9 *dresssing the backlog in the development of recovery*
10 *plans, and implementing the backlog of activities*
11 *identified in existing recovery plans, under subsection*
12 *(f) of that section (16 U.S.C. 1533(f)). The Secretary*
13 *shall enter into an agreement with the National Fish*
14 *and Wildlife Foundation to establish and coopera-*
15 *tively manage the Endangered Species Recovery*
16 *Grant Program in accordance with the Endangered*
17 *Species Act of 1973 (16 U.S.C. 1531 et seq.) and the*
18 *National Fish and Wildlife Foundation Establish-*
19 *ment Act (16 U.S.C. 3701 et seq.).*

20 ~~(2) INTERAGENCY CONSULTATION RESPONSIBIL-~~
21 ~~ITIES.—\$75,000,000 for each of fiscal years 2022~~
22 *through 2025, to remain available until expended,*
23 *shall be used for the United States Fish and Wildlife*
24 *Service to address interagency consultation respon-*

1 *sibilities under section 7 of the Endangered Species*
2 *Act of 1973 (16 U.S.C. 1536).*

3 (3) *CONSERVATION ACTIVITIES.*—\$28,125,000 for
4 *each of fiscal years 2022 through 2025, to remain*
5 *available until expended, shall be used for the United*
6 *States Fish and Wildlife Service to work with non-*
7 *Federal entities, including through, but not limited*
8 *to, the Partners for Fish and Wildlife Program, the*
9 *Coastal Program, and the North American Wetlands*
10 *Conservation Act (16 U.S.C. 4401 et seq.)—*

11 (A) *to conserve at risk species, species that*
12 *are candidates or proposed for listing, and spe-*
13 *cies that are listed as threatened or endangered*
14 *species under section 4 of the Endangered Spe-*
15 *cies Act of 1973 (16 U.S.C. 1533), including*
16 *through rescue and rehabilitation efforts; and*

17 (B) *to conserve wildlife habitat.*

18 (4) *VOLUNTARY CONSERVATION AGREEMENTS.*—
19 *\$9,375,000 for each of fiscal years 2022 through 2025,*
20 *to remain available until expended, shall be used for*
21 *the United States Fish and Wildlife Service to ad-*
22 *dress the development and permitting of voluntary*
23 *conservation agreements under section 10 of the En-*
24 *dangered Species Act of 1973 (16 U.S.C. 1539).*

1 (f) *SUPPLEMENT, NOT SUPPLANT.*—Amounts made
2 available under this section shall supplement and not sup-
3 plant any other Federal amounts made available to carry
4 out activities described in this section in an annual appro-
5 priations Act of Congress.

6 (g) *SUBMISSION OF SPECIES LISTS TO CONGRESS.*—

7 (1) *PRIORITY LIST OF SPECIES.*—Not later than
8 90 days after the date of enactment of this Act, the
9 Secretary, shall submit to the Committees on Envi-
10 ronment and Public Works and Appropriations of the
11 Senate and the Committees on Natural Resources and
12 Appropriations of the House of Representatives a list
13 of threatened species and endangered species for which
14 recovery plans described in subsection (e)(1) will be
15 developed or implemented for fiscal year 2023.

16 (2) *ANNUAL LIST OF SPECIES.*—Until the date
17 on which all of the amounts in the Fund are ex-
18 pended, the President shall annually submit to Con-
19 gress, together with the annual budget of the United
20 States, a list of threatened species and endangered
21 species for which recovery plans described in sub-
22 section (e)(1) will be developed or implemented with
23 amounts from the Fund.

24 (h) *PUBLIC DONATIONS.*—

1 (1) *IN GENERAL.*—*The Secretary may accept*
2 *public cash donations that advance efforts—*

3 *(A) to address the backlog in the develop-*
4 *ment and implementation of recovery plans; and*

5 *(B) to encourage relevant public-private*
6 *partnerships.*

7 (2) *CREDITS TO FUND.*—*Any cash donations ac-*
8 *cepted under paragraph (1) shall be credited to, and*
9 *form a part of, the Fund.*

10 (3) *REJECTION OF DONATIONS.*—*The Secretary*
11 *may reject a donation under this section when the re-*
12 *jection is in the interest of the Federal Government,*
13 *as determined by the Secretary.*

14 (i) *ALLOCATION AUTHORITY.*—

15 (1) *SUBMISSION OF COST ESTIMATES.*—*The*
16 *President shall submit to Congress detailed allocations*
17 *by program element of the amount recommended for*
18 *allocation in a fiscal year from amounts made avail-*
19 *able under subsection (c), consistent with the use of*
20 *funds under subsection (e), as follows:*

21 (A) *For fiscal year 2023, not later than 90*
22 *days after the date of enactment of this Act.*

23 (B) *For each fiscal year thereafter, until the*
24 *date on which all of the amounts in the Fund*
25 *are allocated, as part of the annual budget sub-*

1 mission of the President under section 1105(a) of
2 title 31, United States Code.

3 (2) *ALTERNATE ALLOCATION.*—

4 (A) *IN GENERAL.*—The Committees on Ap-
5 propriations of the Senate and House of Rep-
6 resentatives may provide for alternate allocation
7 of amounts recommended for allocation in a
8 given fiscal year from amounts made available
9 under subsection (c), consistent with the use of
10 funds under subsection (e), including allocations
11 by program element.

12 (B) *ALLOCATION BY PRESIDENT.*—

13 (i) *NO ALTERNATE ALLOCATIONS.*—If
14 Congress has not enacted legislation estab-
15 lishing alternate allocations, including by
16 program, by the date on which the Act mak-
17 ing full-year appropriations for the Depart-
18 ment of the Interior, Environment, and Re-
19 lated Agencies for the applicable fiscal year
20 is enacted into law, only then shall amounts
21 recommended for allocation for that fiscal
22 year from amounts made available under
23 subsection (c), consistent with the use of
24 funds under subsection (e), be allocated by
25 the President or apportioned or allotted by

1 *program pursuant to title 31, United States*
2 *Code.*

3 (ii) *INSUFFICIENT ALTERNATE ALLOCA-*
4 *TION.—If Congress enacts legislation estab-*
5 *lishing alternate allocations, including by*
6 *program, for amounts recommended for al-*
7 *location in a given fiscal year from*
8 *amounts made available under subsection*
9 *(c), consistent with the use of funds under*
10 *subsection (e), that are less than the full*
11 *amount recommended for allocation for that*
12 *fiscal year, the difference between the*
13 *amount recommended for allocation and the*
14 *alternate allocation shall be allocated by the*
15 *President and apportioned and allotted by*
16 *program pursuant to title 31, United States*
17 *Code.*

18 (j) *PROHIBITIONS.—No amounts from the Fund shall*
19 *be used—*

20 (1) *to make any listing determination relating to*
21 *the endangered or threatened status of any species*
22 *pursuant to section 4(a) of the Endangered Species*
23 *Act of 1973 (16 U.S.C. 1533(a));*

24 (2) *on any experimental population (as defined*
25 *in paragraph (1) of section 10(j) of the Endangered*

- 1 *Species Act of 1973 (16 U.S.C. 1539(j)) of a threat-*
2 *ened or endangered species that is determined to be*
3 *nonessential under that section;*
4 (3) *outside of the United States (as defined in*
5 *section 3 of the Endangered Species Act of 1973 (16*
6 *U.S.C. 1532)); and*
7 (4) *to acquire any Federal land.*