

105TH CONGRESS
2D SESSION

H. R. 4467

To amend the Land and Water Conservation Fund Act to provide a secure source of funds for Federal land acquisition and to revitalize the State, local and urban needs outlined in the Land and Water Conservation Fund Act of 1965 and the Urban Park and Recreation Recovery Act of 1978 by providing matching grants for State, local, and urban conservation and recreation needs.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. GEPHARDT (for himself, Mr. MILLER of California, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. MALONEY of Connecticut) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Land and Water Conservation Fund Act to provide a secure source of funds for Federal land acquisition and to revitalize the State, local and urban needs outlined in the Land and Water Conservation Fund Act of 1965 and the Urban Park and Recreation Recovery Act of 1978 by providing matching grants for State, local, and urban conservation and recreation needs.

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 “Open Space Protection
3 Act of 1998”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Congress has established a policy of dedicat-
7 ing revenue from the production and use of non-
8 renewable resources to reinvest in public land re-
9 sources for American families and their children
10 through programs such as the Land and Water Con-
11 servation Fund.

12 (2) Since its creation by Congress in 1965, the
13 Land and Water Conservation Fund has been re-
14 sponsible for nearly 7,000,000 acres of parkland,
15 refuges and open spaces, and the development of
16 more than 37,000 State and local parks and recre-
17 ation projects. From parks to playgrounds, wilder-
18 ness to wetlands, open trails to open spaces, the
19 Land and Water Conservation Fund has been an
20 American success story.

21 (3) The need for open spaces and recreation
22 has soared. Combined estimates from the United
23 States Fish and Wildlife Service, National Park
24 Service, United States Forest Service, and Bureau
25 of Land Management total a \$7,000,000,000 back-
26 log to meet current land acquisition needs. This

1 backlog includes lands critical to conserving wet-
2 lands, watersheds and wilderness, protecting wildlife
3 refuges and habitat, preserving important historic
4 and cultural sites and providing trails and open
5 spaces for outdoor recreation.

6 (4) Conserving our Nation's most valuable nat-
7 ural and cultural treasures is critical to conserving
8 America's heritage of open space and the great out-
9 doors.

10 (5) Suburban and urban sprawl and the loss of
11 open space have become a primary concern for local
12 communities with State and local revenues inad-
13 equate to address these critical needs.

14 (6) The demand for outdoor recreation, and the
15 corresponding need for more parks, open space and
16 recreation infrastructure, has skyrocketed. The Na-
17 tional Survey on Recreation and the Environment
18 (NSRE), conducted by the United States Forest
19 Service, shows explosive growth in most outdoor pur-
20 suits, including mountain biking, backpacking,
21 kayaking, and birdwatching.

22 (7) The enormous popularity of youth soccer
23 over the past decade has created an unprecedented
24 demand for new playing fields which to date has
25 been unmet.

1 (8) The welcome increase in athletic participa-
2 tion among women and girls is continuing to in-
3 crease demand for access to local parks and recre-
4 ation facilities throughout America.

5 (9) Conserving natural resources, protecting
6 open space, and enhancing recreation opportunity
7 will be effective only if undertaken through Federal,
8 State, and local partnership.

9 (10) The American legacy of conservation and
10 open space is key to ensuring that our Nation's com-
11 munities are healthy, safe, and secure, and that they
12 are places where American families and their chil-
13 dren can enjoy the quality of life that they deserve.

14 (11) The findings of the 1995 National Biologi-
15 cal Service study "Endangered Ecosystems of the
16 United States: A Preliminary Assessment of Loss
17 and Degradation" demonstrate the need to escalate
18 conservation measures that protect our Nation's
19 wildlands and habitats.

20 (b) PURPOSE.—The purpose of this Act is to provide
21 a secure source of funds available for Federal land acquisi-
22 tion and to revitalize the State, local, and urban needs
23 outlined in the Land and Water Conservation Fund Act
24 of 1965 and the Urban Park and Recreation Recovery Act

1 of 1978 by providing matching grants for State, local, and
2 urban conservation and recreation needs.

3 **SEC. 3. SECURE FUNDING.**

4 Section 3 of the Land and Water Conservation Act
5 of 1965 (16 U.S.C. 4601–5(c)(1)) is amended as follows:

6 (1) By striking “Moneys” the first place it ap-
7 pears and inserting “Except as provided by sub-
8 section (b), moneys”.

9 (2) By inserting “(a)” after “3”.

10 (3) By adding at the end the following new sub-
11 section:

12 “(b)(1) SPECIAL RULE.—For any fiscal year begin-
13 ning after September 30, 1998, and ending before October
14 1, 2015, from amounts covered into the Fund in the pre-
15 ceding fiscal year, there is appropriated for purposes of
16 this Act \$900,000,000. Notwithstanding section 5, for
17 each such fiscal year, such funds shall be available for the
18 following purposes:

19 “(A) \$450,000,000 shall be available for Fed-
20 eral purposes (in this Act referred to as the ‘Federal
21 share’).

22 “(B) \$250,000,000 shall be available for finan-
23 cial assistance to the States under section 5 and for
24 any other State purposes authorized under this Act.

25 Such sum shall be apportioned among the States

1 pursuant to section 6 (in this Act referred to as the
2 ‘State share’). No less than 50 percent of the State
3 share for each State for each such fiscal year shall
4 be directed by the State to local governments to pro-
5 vide natural areas, open space, parklands, or rec-
6 reational areas.

7 “(C) \$150,000,000 shall be available to the
8 Secretary of the Interior for grants to local govern-
9 ments through the Urban Parks and Recreation Re-
10 covery Program (16 U.S.C. 2501–2514).

11 “(D) \$50,000,000 shall be available to the Sec-
12 retary of the Interior through and including fiscal
13 year 2004, for grants for land acquisition in connec-
14 tion with the American Battlefield Protection Pro-
15 gram. For fiscal years 2004 through and including
16 2014, \$50,000,000 shall be available to the Sec-
17 retary of the Interior for the restoration and acquisi-
18 tion of historical and cultural sites found within the
19 National Park Service, Fish and Wildlife Service,
20 Bureau of Land Management and the National For-
21 est Service.

22 “(2) The President shall, in his annual budget sub-
23 mission for the fiscal year concerned, specify the specific
24 purposes for which the funds referred to in subparagraphs
25 (A), (C), and (D) of paragraph (1) are to be used by the

1 Secretary of the Interior and the Secretary of Agriculture.
2 Such funds shall be used by the Secretary concerned for
3 the purposes specified by the President in such annual
4 budget submission unless the Congress, in the general ap-
5 propriation Acts for the Department of the Interior and
6 the Department of Agriculture for such fiscal year, speci-
7 fies that any part of such Federal share is to be used by
8 the Secretary concerned for other puposes.

9 “(3) For purposes of the budget submission, the
10 President shall require the Secretary of the Interior and
11 the Secretary of Agriculture to prepare Federal priority
12 lists for expenditure of the Federal share. Such lists shall
13 be prepared in consultation with the head of the affected
14 bureau or agency, taking into account the best profes-
15 sional judgment regarding the land acquisition priorities
16 and policies of each bureau or agency. In preparing such
17 priority lists, the Secretaries shall consider—

18 “(A) the potential adverse impacts which might
19 result if the acquisition is not undertaken;

20 “(B) the availability of land appraisal and other
21 information necessary to complete the acquisition in
22 a timely manner; and

23 “(C) such other factors as the Secretaries deem
24 appropriate.”.

1 **SEC. 4. FINANCIAL ASSISTANCE TO STATES.**

2 Section 6 of the Land and Water Conservation Act
3 of 1965 (16 U.S.C. 4601–5(c)(1)) is amended as follows:

4 (1) By amending subsection (b)(5) to strike the
5 comma after “the District of Columbia” and insert
6 “shall be treated as one State. Indian/Alaska Native
7 Village Corporations shall be treated as one State
8 and shall allocate their funds in a manner to be de-
9 termined by the Secretary of the Interior.”.

10 (2) By amending subsection (e)(1) by striking
11 “, but not including incidental costs relating to ac-
12 quisition”.

13 (3) By amending subsection (e)(2) by inserting
14 before the period at the end “or to enhance public
15 safety.”.

16 (4) By striking the second sentence of sub-
17 section (f)(5) and inserting: “The Secretary shall ap-
18 prove such conversion only if the State demonstrates
19 no prudent or feasible alternative exists with the ex-
20 ception of those properties that are no longer viable
21 as an outdoor conservation and recreation facility
22 due to changes in demographics or that must be
23 abandoned because of environmental contamination
24 which endangers public health and safety. Any con-
25 version must satisfy any conditions the Secretary
26 deems necessary to assure the substitution of other

1 conservation and recreation properties of at least
2 equal market value and reasonably equivalent useful-
3 ness and location and which are in accord with the
4 existing State Plan for Conservation and Recreation;
5 except that wetland areas and interests therein as
6 identified in the wetlands provisions of the action
7 agenda and proposed to be acquired as suitable re-
8 placement property within that same State that is
9 otherwise acceptable to the Secretary shall be con-
10 sidered to be of reasonably equivalent usefulness
11 with the property proposed for conversion.”.

12 **SEC. 5. URBAN PARK AND RECREATION RECOVERY ACT OF**
13 **1978 AMENDMENTS.**

14 The Urban Park and Recreation Recovery Act (16
15 U.S.C. 2501 and following) is amended as follows:

16 (1) In section 1004 by striking “and” at the
17 end of subsection (j), by striking the period at the
18 end of subsection (k) and inserting “; and” and by
19 adding the following after subsection (k):

20 “(l) ‘development grants’ means matching capital
21 grants to local units of government to cover costs of devel-
22 opment and construction on existing or new neighborhood
23 recreation sites, including indoor and outdoor recreation
24 facilities, support facilities, and landscaping, but excluding
25 routine maintenance and upkeep activities; and

1 “(m) ‘acquisition grants’ means matching capital
2 grants to local units of government to cover the direct and
3 incidental costs of purchasing new parkland to be perma-
4 nently dedicated and made accessible for public conserva-
5 tion and recreation.”.

6 (2) Section 1004(j) (16 U.S.C. 2503(j)) is
7 amended by inserting “the District of Columbia,”
8 after “by the Governor,”.

9 (3) Section 1005(a) (16 U.S.C. 2504(a) is
10 amended to read as follows:

11 “(a) ELIGIBILITY.—Eligibility of general purpose
12 local governments to compete for assistance under this
13 title shall be based upon need as determined by the Sec-
14 retary. Generally, the list of eligible governments shall in-
15 clude the following:

16 “(1) All political subdivisions included in Metro-
17 politan, Primary, or Consolidated Statistical Areas
18 as currently defined by the census.

19 “(2) Any other city or town within a Metropoli-
20 tan Area with a total population of 50,000 or more
21 in the census of 1970, 1980, or 1990, or each cen-
22 sus thereafter.

23 “(3) Any other political subdivision, county,
24 parish, or township with a total of 250,000 or more

1 in the census of 1970, 1980, or 1990, or each cen-
2 sus thereafter.”.

3 (4) Section 1006(a) (16 U.S.C. 2505) is
4 amended as follows:

5 (A) In subsection (a) by striking “and in-
6 novative grants directly” and inserting “innova-
7 tion, development, or acquisition purposes”.

8 (B) In paragraph (1) of subsection (a) by
9 striking “and innovation” and inserting “inno-
10 vation, development, or acquisition” and by
11 striking all after “subdivisions or regional park
12 authorities” and inserting “except that such
13 grantees shall provide assurance to the Sec-
14 retary that they will maintain public conserva-
15 tion and recreation opportunities at assisted
16 areas and facilities owned or managed by them
17 in accordance with section 1010 of this Act.”

18 (C) In paragraph (2) of subsection (a) by
19 striking “or innovative projects” and inserting
20 “innovation, development, or acquisition
21 projects” and by striking “, except” and all
22 that follows and inserting “on a reimbursable
23 basis.”.

24 (5) Section 1010 (16 U.S.C. 2509) is amended
25 to read as follows:

1 **“SEC. 1010. CONVERSION.**

2 “No property acquired or improved or developed
3 under this title shall, without the approval of the Sec-
4 retary, be converted to other than public recreation uses.
5 The Secretary shall approve such conversion only if the
6 grantee demonstrates no prudent or feasible alternative
7 exists (with the exception of those properties that are no
8 longer a viable recreation facility due to changes in demo-
9 graphics or they must be abandoned because of environ-
10 mental contamination which endangers public health and
11 safety). Any conversion must satisfy any conditions the
12 Secretary deems necessary to assure the substitution of
13 other conservation and recreation properties of at least
14 equal market value and reasonably equivalent usefulness
15 and location and which are in accord with the current con-
16 servation and recreation recovery action program.”.

17 (6) Section 1014 (16 U.S.C. 2513) is repealed.

○