

105TH CONGRESS
2D SESSION

H. R. 4717

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1998

Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. BAKER, Mr. JOHN, Mr. CHAMBLISS, Mr. BOB SCHAFFER of Colorado, Mr. LAMPSON, Mr. BARCIA, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, 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 “Conservation and Rein-
3 vestment Act of 1998”.

4 **TITLE I—OUTER CONTINENTAL**
5 **SHELF IMPACT ASSISTANCE**

6 **SEC. 101. FINDINGS.**

7 The Congress finds and declares that—

8 (1) the Nation owns valuable mineral assets
9 that are located both onshore and on the Federal
10 Outer Continental Shelf and the policy of the Fed-
11 eral Government is to develop those resources for
12 the benefit of the Nation, under certain restrictions
13 that are designed to prevent environmental damage
14 and other adverse impacts;

15 (2) development of these resources of the Na-
16 tion is accompanied by unavoidable environmental
17 impacts and public service impacts in the States that
18 host this development whether the development oc-
19 curs onshore or on the Federal Outer Continental
20 Shelf;

21 (3) the Federal Government has a responsibility
22 to assist States that host the development of Federal
23 mineral assets to mitigate adverse environmental
24 and public service impacts incurred due to that de-
25 velopment;

1 (4) the Federal Government discharges its re-
2 sponsibility to States that host onshore Federal min-
3 eral development by sharing 50 percent of the reve-
4 nue derived from the mineral development with the
5 host State pursuant to section 35 of the Mineral
6 Leasing Act;

7 (5) today Federal mineral development is occur-
8 ring as far as 200 miles offshore and occurs off the
9 coasts of only 6 States and section 8(g) of the Outer
10 Continental Shelf Lands Act does not adequately
11 compensate these States for the onshore impacts of
12 the offshore Federal mineral development;

13 (6) Federal Outer Continental Shelf mineral de-
14 velopment is an important and secure source of our
15 Nation's supply of oil and natural gas;

16 (7) the Outer Continental Shelf Advisory Com-
17 mittee of the Department of the Interior, consisting
18 of representatives of coastal States, recommended in
19 October 1997, that Federal mineral revenue derived
20 from the entire Outer Continental Shelf be shared
21 with all coastal States and territories to mitigate on-
22 shore impacts from Federal offshore mineral devel-
23 opment and for other environmental mitigation;

24 (8) Federal mineral assets are a nonrenewable,
25 capital asset of the Nation; the production and sale

1 of this asset produces revenue to the Nation that is
2 also a capital asset of the Nation; thus, a portion of
3 the revenue derived from the production and sale of
4 Federal mineral should be reinvested in the Nation
5 through environmental mitigation and public service
6 improvements; and

7 (9) it is fair to share a portion of the revenue
8 derived from Federal Outer Continental Shelf pro-
9 duction with the impacted States; an emphasis on
10 where this production takes place should not be con-
11 strued as incentive for development.

12 **SEC. 102. DEFINITIONS.**

13 For purposes of this title:

14 (1) The term “allocable share” means, for a
15 coastal State, that portion of revenue that is avail-
16 able to be distributed to that coastal State under
17 this title. For an eligible political subdivision of a
18 coastal State, such term means that portion of reve-
19 nue that is available to be distributed to that politi-
20 cal subdivision under this title.

21 (2) The term “coastal population” means the
22 population of all political subdivisions, as determined
23 by the most recent official data of the Census Bu-
24 reau, contained in whole or in part within the des-
25 ignated coastal boundary of a State as defined in a

1 State's coastal zone management program under the
2 Coastal Zone Management Act (16 U.S.C. 1455).

3 (3) The term "coastline" has the same meaning
4 that it has in the Submerged Lands Act (43 U.S.C.
5 1301 et seq.).

6 (4) The term "eligible political subdivision"
7 means a political subdivision of a coastal State
8 which political subdivision has a seaward boundary
9 that lies within a distance of 200 miles from the ge-
10 ographic center of any leased tract. The Secretary
11 shall annually provide a list of all eligible political
12 subdivisions of each coastal State to the Governor of
13 such State.

14 (5) The term "political subdivision" means the
15 local political jurisdiction immediately below the level
16 of State government, including counties, parishes,
17 and boroughs. If State law recognizes an entity of
18 general government that functions in lieu of, and is
19 not within, a county, parish, or borough, the Sec-
20 retary may recognize an area under the jurisdiction
21 of such other entities of general government as a po-
22 litical subdivision for purposes of this title.

23 (6) The term "coastal State" means any State
24 of the United States bordering on the Atlantic
25 Ocean, the Pacific Ocean, the Arctic Ocean, the Ber-

1 ing Sea, the Gulf of Mexico, or any of the Great
2 Lakes, Puerto Rico, Guam, American Samoa, the
3 Virgin Islands, and the Commonwealth of the North-
4 ern Mariana Islands.

5 (7) The term “distance” means minimum great
6 circle distance, measured in statute miles.

7 (8) The term “fiscal year” means the Federal
8 Government’s accounting period which begins on Oc-
9 tober 1st and ends on September 30th, and is des-
10 ignated by the calendar year in which it ends.

11 (9) The term “Governor” means the highest
12 elected official of a coastal State.

13 (10) The term “leased tract” means a tract,
14 leased under section 8 of the Outer Continental
15 Shelf Lands Act (43 U.S.C. 1337) for the purpose
16 of drilling for, developing and producing oil and nat-
17 ural gas resources, which is a unit consisting of ei-
18 ther a block, a portion of a block, a combination of
19 blocks and/or portions of blocks, as specified in the
20 lease, and as depicted on an Outer Continental Shelf
21 Official Protraction Diagram.

22 (11) The term “qualified Outer Continental
23 Shelf revenues” means all moneys received by the
24 United States from each leased tract or portion of
25 a leased tract lying seaward of the zone defined and

1 governed by section 8(g) of the Outer Continental
2 Shelf Lands Act (43 U.S.C. 1337(g)), or lying with-
3 in such zone but to which section 8(g) does not
4 apply, the geographic center of which lies within a
5 distance of 200 miles from any part of the coastline
6 of any coastal State, including bonus bids, rents,
7 royalties (including payments for royalty taken in
8 kind and sold), net profit share payments, and relat-
9 ed late-payment interest from natural gas and oil
10 leases issued pursuant to the Outer Continental
11 Shelf Lands Act.

12 (12) The term “Outer Continental Shelf”
13 means all submerged lands lying seaward and out-
14 side of the area of “lands beneath navigable waters”
15 as defined in section 2(a) of the Submerged lands
16 Act (43 U.S.C. 1301(a)), and of which the subsoil
17 and seabed appertain to the United States and are
18 subject to its jurisdiction and control.

19 (13) The term “Secretary” means the Secretary
20 of the Interior or the Secretary’s designee.

21 **SEC. 103. IMPACT ASSISTANCE FORMULA AND PAYMENTS.**

22 (a) ESTABLISHMENT OF FUND.—(1) There is estab-
23 lished in the Treasury of the United States a fund which
24 shall be known as the “Outer Continental Shelf Impact
25 Assistance Fund” (referred to in this Act as “the Fund”).

1 The Secretary shall deposit in the Fund in this section
2 27 percent of the qualified Outer Continental Shelf reve-
3 nues.

4 (2) The Secretary of the Treasury shall invest mon-
5 eys in the Fund that are excess to expenditures at the
6 written request of the Secretary, in public debt securities
7 with maturities suitable to the needs of the Fund, as de-
8 termined by the Secretary, and bearing interest at rates
9 determined by the Secretary of the Treasury, taking into
10 consideration current market yields on outstanding mar-
11 ketable obligations of the United States of comparable ma-
12 turity.

13 (b) PAYMENT TO STATES.—Notwithstanding section
14 9 of the Outer Continental Shelf Lands Act (43 U.S.C.
15 1338), the Secretary shall, without further appropriation,
16 make payments in each fiscal year to coastal States and
17 to eligible political subdivisions equal to the amount depos-
18 ited in the Fund for the prior fiscal year, together with
19 the portion of interest earned from investment of the
20 funds which corresponds to that amount (reduced by any
21 refunds paid under section 107(b)). Such payments shall
22 be allocated among the coastal States and eligible political
23 subdivisions as provided in this section.

24 (c) DETERMINATION OF STATES' ALLOCABLE
25 SHARES.—

1 (1) ALLOCABLE SHARE FOR EACH STATE.—For
2 each coastal State, the Secretary shall determine the
3 State’s allocable share of the total amount of the
4 revenues deposited in the Fund for each fiscal year
5 using the following weighted formula:

6 (A) 50 percent of each State’s allocable
7 share shall be computed as provided in para-
8 graph (2).

9 (B) 25 percent of each State’s allocable
10 share shall be based on the ratio of each State’s
11 shoreline miles to the shoreline miles of all
12 coastal States.

13 (C) 25 percent of the States allocable
14 share shall be based on the ratio of each State’s
15 coastal population to the coastal population of
16 all coastal States.

17 (2) OFFSHORE OUTER CONTINENTAL SHELF
18 PRODUCTION SHARE.—If any portion of a coastal
19 State lies within a distance of 200 miles from the
20 geographic center of any leased tract, such State
21 shall receive part of its allocable share under para-
22 graph (1)(A) based on the Outer Continental Shelf
23 oil and gas production offshore of such State. Such
24 part of its allocable share shall be inversely propor-
25 tional to the distance between the nearest point on

1 the coastline of such State and the geographic center
2 of each leased tract or portion of the leased tract (to
3 the nearest whole mile), as determined by the Sec-
4 retary.

5 (3) MINIMUM STATE SHARE.—

6 (A) IN GENERAL.—The allocable share of
7 revenues determined by the Secretary under
8 this subsection for each coastal State with an
9 approved coastal management program (as de-
10 fined by the Coastal Zone Management Act (16
11 U.S.C. 1451)) or which is making satisfactory
12 progress toward one shall not be less than 0.50
13 percent of the total amount of the revenues de-
14 posited in the Fund for each fiscal year. For
15 any other coastal State the allocable share of
16 such revenues shall not be less than 0.25 per-
17 cent of such revenues.

18 (B) RECOMPUTATION.—Where one or
19 more coastal States' allocable shares, as com-
20 puted under paragraph (1) and (2), are in-
21 creased by any amount under this paragraph,
22 the allocable share for all other coastal States
23 shall be recomputed and reduced by the same
24 amount so that not more than 100 percent of
25 the amount deposited in the fund is allocated to

1 all coastal States. The reduction shall be di-
2 vided pro rata among such other coastal States.

3 (d) PAYMENTS TO STATE.—50 percent of each
4 State’s allocable share, as determined under subsection
5 (c), shall be paid to the State, except that in the case of
6 a coastal State in which there is no eligible political sub-
7 division, 100 percent of the State’s allocable share, as de-
8 termined under subsection (c), shall be paid to the State.

9 (e) PAYMENTS TO POLITICAL SUBDIVISIONS.—50
10 percent of each State’s allocable share, as determined
11 under subsection (c), shall be paid to the eligible political
12 subdivisions in such State. Such payments shall be allo-
13 cated among the eligible political subdivisions of the State
14 according to ratios that are inversely proportional to the
15 distance between the nearest point on the seaward bound-
16 ary of each such eligible political subdivision and the geo-
17 graphic center of each leased tract or portion of the leased
18 tract (to the nearest whole mile), as determined by the
19 Secretary.

20 (f) TIME OF PAYMENT.—(1) Payments to coastal
21 States and eligible political subdivisions under this section
22 shall be made not later than December 31 of each year
23 from revenues received and interest earned thereon during
24 the immediately preceding fiscal year. Payment shall not

1 commence before the date 12 months following the date
2 of enactment of this Act.

3 (2) Any amount in the Fund not paid to coastal
4 States and eligible political subdivisions under this section
5 in any fiscal year shall be disposed of according to the
6 law otherwise applicable to receipts from leases on the
7 Outer Continental Shelf.

8 **SEC. 104. USES OF FUNDS.**

9 Funds received pursuant to this title shall be used
10 by the coastal States and eligible political subdivisions for
11 projects and activities, including but not limited to the fol-
12 lowing:

13 (1) Air quality, water quality, fish and wildlife,
14 wetlands, or other coastal resources.

15 (2) Other activities of such State or political
16 subdivision, authorized by the Coastal Zone Manage-
17 ment Act of 1972 (16 U.S.C. 1451 et seq.), the pro-
18 visions of subtitle B of title IV of the Oil Pollution
19 Act of 1990 (104 Stat. 523), or the Federal Water
20 Pollution Control Act (33 U.S.C. 1251 et seq.).

21 (3) Administrative costs of complying with the
22 provisions of this subtitle.

23 (4) Uses related to the Outer Continental Shelf
24 Lands Act.

1 (5) Mitigating impacts of Outer Continental
2 Shelf activities including onshore infrastructure and
3 public service needs.

4 **SEC. 105. OBLIGATIONS OF ELIGIBLE POLITICAL SUBDIVI-**
5 **SIONS AND STATES.**

6 (a) PROJECT SUBMISSION.—Prior to the receipt of
7 funds pursuant to this title for any fiscal year, an eligible
8 political subdivision must submit to the Governor of the
9 State in which it is located a plan setting forth the
10 projects and activities for which the eligible political sub-
11 division proposes to expend such funds. Such plan shall
12 state the amounts proposed to be expended for each
13 project or activity during the upcoming fiscal year.

14 (b) PROJECT APPROVAL.—Prior to the payment of
15 funds pursuant to this title to any eligible political subdivi-
16 sion for any fiscal year, the Governor must approve the
17 plan submitted by the eligible political subdivision pursu-
18 ant to subsection (a) and notify the Secretary of such ap-
19 proval. State approval of any such plan shall be consistent
20 with all applicable State and Federal law. In the event
21 the Governor disapproves any such plan, the funds that
22 would otherwise be paid to the eligible political subdivision
23 shall be placed in escrow by the Secretary pending modi-
24 fication and approval of such plan, at which time such
25 funds together with interest thereon shall be paid to the

1 eligible political subdivision. Any eligible political subdivi-
2 sion that fails to receive approval from the Governor of
3 such plan may appeal to the Secretary and the Secretary
4 may approve or disapprove such plan based on the criteria
5 set for in section 105.

6 (c) CERTIFICATION.—Not later than 60 days after
7 the end of the fiscal year, any eligible political subdivision
8 receiving funds under this title shall certify to the Gov-
9 ernor—

10 (1) the amount of such funds expended by the
11 political subdivision during the previous fiscal year;

12 (2) the amounts expended on each project or
13 activity;

14 (3) a general description of how the funds were
15 expended; and

16 (4) the status of each project or activity.

17 **SEC. 106. ANNUAL REPORT; REFUNDS.**

18 (a) REPORT.—On June 15 of each year, the Governor
19 of each State receiving moneys from the Fund under this
20 title shall account for all moneys so received for the pre-
21 vious fiscal year in a written report to the Secretary and
22 the Congress. The report shall include a description of all
23 projects and activities receiving funds under this title, in-
24 cluding all information required under section 105(c).

1 (b) REFUNDS.—In those instances where through ju-
2 dicial decision, administrative review, arbitration, or other
3 means there are royalty refunds owed to entities generat-
4 ing revenues under this title, 27 percent of such refunds
5 shall be paid from amounts available in the Fund.

6 **TITLE II—STATE, LOCAL, AND**
7 **URBAN CONSERVATION AND**
8 **RECREATION**

9 **SEC. 201. FINDINGS AND PURPOSE.**

10 (a) FINDINGS.—The Congress finds the following:

11 (1) The Land and Water Conservation Fund
12 Act of 1965 embodied a visionary concept—that a
13 portion of the proceeds from Outer Continental
14 Shelf mineral leasing revenues and the depletion of
15 a nonrenewable natural resource should result in a
16 legacy of public places accessible for conservation
17 and public recreation and benefit from resources be-
18 longing to all people, of all generations, and the en-
19 hancement of the most precious and most renewable
20 natural resource of any nation, healthy and active
21 citizens.

22 (2) The States and local governments were to
23 occupy a pivotal role in accomplishing the purposes
24 of the Land and Water Conservation Act of 1965
25 and the Act originally provided an equitable portion

1 of funds to the States, and through them, to local
2 governments.

3 (3) However, because of competition for limited
4 Federal moneys and the need for an annual appro-
5 priation, this original intention has been abandoned
6 and, in recent years, the States have not received an
7 equitable proportion of funds.

8 (4) Nonetheless, with population growth and
9 urban sprawl, the demand for conservation and
10 recreation areas at the State and local level, includ-
11 ing urban localities, remains a high priority for our
12 citizens.

13 (5) A new vision is called for—a vision that en-
14 compasses a multilevel national network of parks,
15 conservation and recreation areas, that reaches
16 across the country to touch all communities. Na-
17 tional parks are not enough; the Federal government
18 alone cannot accomplish this. A national vision,
19 backed by realistic national funding support, to
20 stimulate State, local, and private sector, as well as
21 Federal efforts, is the only way to effectively address
22 our ongoing outdoor conservation and recreation
23 needs.

24 (6) In addition to the demand at the State and
25 local level, there has been an increasing unmet need

1 for Federal moneys to be made available for Federal
2 purposes under the Land and Water Conservation
3 Fund Act of 1965, with lands identified as impor-
4 tant for Federal acquisition not being acquired for
5 several years due to insufficient funds.

6 (b) PURPOSE.—The purpose of this title is to revital-
7 ize and complement State, local, and private commitments
8 envisioned in the Land and Water Conservation Fund Act
9 of 1965 and the Urban Park and Recreation Recovery Act
10 of 1978 by providing grants for State, local, and urban
11 conservation and recreation needs, and to provide a secure
12 source of Federal purposes under the Land and Water
13 Conservation Fund Act of 1965.

14 **SEC. 202. FUNDING FOR STATE, LOCAL, AND URBAN CON-**
15 **SERVATION AND RECREATION.**

16 (a) REVENUES.—Section 2 of the Land and Water
17 Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)(1))
18 is amended by redesignating paragraph (1) of subsection
19 (c) as subsection (d) and by amending subsection (c) to
20 read as follows:

21 “(c) OUTER CONTINENTAL SHELF REVENUES.—23
22 percent of the qualified Outer Continental Shelf revenues
23 (as defined in section 102 of the Conservation and Rein-
24 vestment Act of 1998) shall also be covered into the Land
25 and Water Conservation Fund in the Treasury in each fis-

1 cal year through September 30, 2015, but only to the ex-
2 tent that such revenues in such fiscal year do not exceed
3 \$900,000,000. Revenues covered into the fund under this
4 subsection shall be available, without further appropria-
5 tion, to carry out this Act.”.

6 (c) CONFORMING AMENDMENT.—Section 3 of the
7 Land and Water Conservation Fund Act of 1965 (16
8 U.S.C. 4601–6) is amended by striking “Moneys” and in-
9 serting “Except as provided under section 2(c), moneys”.

10 (d) ALLOCATION OF FUNDS.—Section 5 of the Land
11 and Water Conservation Fund Act of 1965 (16 U.S.C.
12 4601–7) is amended as follows:

13 (1) By striking “ALLOCATION” and inserting
14 “(a) IN GENERAL” after “SEC 5.”.

15 (2) By striking the second sentence and all that
16 follows down through the period at the end thereof.

17 (3) By adding at the end the following new sub-
18 section at the end:

19 “(b) ALLOCATION.—Amounts available in the fund
20 under section 2(c)(1) of this Act (16 U.S.C. 4601–5(c)(1))
21 for obligation or expenditure may be obligated or expended
22 only as follows—

23 “(1) 42 percent shall be available for Federal
24 purposes. 25 percent of such moneys shall be made
25 available to the Secretary of Agriculture for the ac-

1 quisition of lands, waters, or interests in land or
2 water within the exterior boundaries of areas of the
3 National Forest System or any other land manage-
4 ment unit established by Act of Congress and man-
5 aged by the Secretary of Agriculture, and 75 percent
6 of such moneys shall be available to the Secretary of
7 the Interior for the acquisition of lands, waters, or
8 interests in land or water within the exterior bound-
9 aries of areas of the National Park System, National
10 Wildlife Refuge System, or any other land manage-
11 ment unit established by Act of Congress and man-
12 aged by the Secretary of the Interior. At least $\frac{2}{3}$ of
13 the moneys available under this subparagraph for
14 Federal purposes shall be spent east of the 100th
15 meridian.

16 “(2) 42 percent shall be available for financial
17 assistance to the States under section 6 of this Act
18 (16 U.S.C. 4601–8) distributed according to the fol-
19 lowing allocation formula:

20 “(A) 60 percent shall be apportioned
21 equally among the States.

22 “(B) 20 percent shall be appointed on the
23 basis of the ratio which the population of each
24 State bears to the total population of all States.

1 “(C) 20 percent shall be apportioned on
2 the basis of the ratio which the acreage of each
3 State bears to the total acreage of all States.

4 “(3) 16 percent shall be available to local gov-
5 ernments through the Urban Parks and Recreation
6 Recovery Program (16 U.S.C. 2501–2514) of the
7 Department of the Interior.”.

8 (e) TRIBES AND ALASKA NATIVE VILLAGE CORPORA-
9 TIONS.—Section 6(b)(5) of the Land and Water Conserva-
10 tion Fund Act of 1965 (16 U.S.C. 4601–8(b)(5)) is amend-
11 ed as follows:

12 (1) By inserting “(A)” after “(5)”.

13 (2) By adding at the end the following new sub-
14 paragraph:

15 “(B) For the purposes of paragraph (1),
16 all federally recognized Indian tribes and Alas-
17 ka Native Village Corporations (as defined in
18 section 3(j) of the Alaska Native Claims Settle-
19 ment Act (43 U.S.C. 1602(j)) shall be treated
20 collectively as 1 State, and shall receive shares
21 of the apportionment under paragraph (1) in
22 accordance with a competitive grant program
23 established by the Secretary by rule. Such rule
24 shall ensure that in each fiscal year no single
25 tribe or Village Corporation receives more than

1 10 percent of the total amount made available
2 to all tribes and Village Corporations pursuant
3 to the apportionment under paragraph (1).
4 Funds received by an Indian tribe or Village
5 Corporation under this subparagraph may be
6 expended only for the purposes specified in
7 paragraphs (1) and (3) of subsection (b).”.

8 (f) LOCAL ALLOCATION.—Section 6(b) of the Land
9 and Water Conservation Fund Act of 1965 (16 U.S.C.
10 4601-8(b)) is amended by adding the following new para-
11 graph at the end:

12 “(6) Absent some compelling and annually doc-
13 umented reason to the contrary acceptable to the
14 Secretary of the Interior, each State (other than an
15 area treated as a State under paragraph (5)) shall
16 make available as grants to local governments, at
17 least 50 percent of the annual State apportionment,
18 or an equivalent amount made available from other
19 sources.”.

20 (g) MATCH.—Subsection 6(c) of the Land and Water
21 Conservation Fund Act of 1965 (16 U.S.C. 4601-8(c)) is
22 amended to read as follows:

23 “(c) MATCHING REQUIREMENTS.—Payments to any
24 State shall cover not more than 50 percent of the cost
25 of outdoor conservation and recreation planning, acquisi-

1 tion, or development projects that are undertaken by the
2 State.”.

3 (h) STATE ACTION AGENDA.—(1) Section 6(d) of the
4 Land and Water Conservation Fund Act of 1965 (16
5 U.S.C. 4601–8(d)) is amended to read as follows:

6 “(d) STATE ACTION AGENDA REQUIRED.—Each
7 State may define its own priorities and criteria for selec-
8 tion of outdoor conservation and recreation acquisition
9 and development projects eligible for grants under this Act
10 so long as it provides for public involvement in this process
11 and publishes an accurate and current State Action Agen-
12 da for Community Conservation and Recreation indicating
13 the needs it has identified and the priorities and criteria
14 it has established. In order to assess its needs and estab-
15 lish its overall priorities, each State, in partnership with
16 its local governments and Federal agencies, and in con-
17 sultation with its citizens, shall develop, within 5 years
18 after the enactment of the Conservation and Reinvestment
19 Act of 1998, a State Action Agenda for Community Con-
20 servation and Recreation that meets the following require-
21 ments:

22 “(1) The agenda must be strategic, originating
23 in broad-based and long-term needs, but focused on
24 actions that can be funded over the next 4 years.

1 “(2) The agenda must be updated at least once
2 every 4 years and certified by the Governor that the
3 State Action Agenda for Community Conservation
4 and Recreation conclusions and proposed actions
5 have been considered in an active public involvement
6 process.

7 State Action Agendas for Community Conservation and
8 Recreation shall take into account all providers of con-
9 servation and recreation lands within each State, including
10 Federal, regional, and local government resources and
11 shall be correlated whenever possible with other State, re-
12 gional, and local plans for parks, recreation, open space,
13 and wetlands conservation. Recovery action programs de-
14 veloped by urban localities under section 1007 of the
15 Urban Park and Recreation Recovery Act of 1978 shall
16 be used by a State as a guide to the conclusions, priorities,
17 and action schedules contained in State Action Agenda for
18 Community Conservation and recreation. Each State shall
19 assure that any requirements for local outdoor conserva-
20 tion and recreation planning that promulgated as condi-
21 tions for grants minimize redundancy of local efforts by
22 allowing, wherever possible, use of the findings, priorities,
23 and implementation schedules of recovery action programs
24 to meet such requirements.”.

1 (2) Comprehensive State Plans developed by any
2 State under section 6(d) of the Land and Water Conserva-
3 tion Fund Act of 1965 before the date 5 years after the
4 enactment of this Act shall remain in effect in that State
5 until a State Action Agenda for Community Conservation
6 and Recreation has been adopted pursuant to the amend-
7 ment made by this subsection, but no later than 5 years
8 after the enactment of this Act.

9 (i) STATE PLANS.—Subsection 6(e) of Land and
10 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-
11 8(e)) is amended as follows:

12 (1) By striking “State comprehensive plan” at
13 the end of the first paragraph and inserting “State
14 Action Agenda for Community Conservation and
15 Recreation”.

16 (2) By striking “State comprehensive plan” in
17 paragraph (1) and inserting “State Action Agenda
18 for Community Conservation and Recreation”.

19 (3) By striking “but not including incidental
20 costs related to acquisition” at the end of paragraph
21 (1).

22 (j) CONVERSION.—Paragraph (3) of section 6(f) of
23 the Land and Water Conservation Fund Act of 1965 (16
24 U.S.C. 460l-8(f)(3)) is amended by striking the second
25 sentence and inserting: “The Secretary shall approve such

1 conversion only if the State demonstrates no prudent or
2 feasible alternative exists with the exception of those prop-
3 erties that are no longer viable as an outdoor conservation
4 and recreation facility due to changes in demographics or
5 that must be abandoned because of environmental con-
6 tamination which endanger public health and safety. Any
7 conversion must satisfy any conditions the Secretary
8 deems necessary to assure the substitution of other con-
9 servation and recreation properties of at least equal fair
10 market value and reasonably equivalent usefulness and lo-
11 cation and which are in accord with the existing State Ac-
12 tion Agenda for Community Conservation and Recreation;
13 except that wetland areas and interests therein as identi-
14 fied in the wetlands provisions of the action agenda and
15 proposed to be acquired as suitable replacement property
16 within that same State that is otherwise acceptable to the
17 Secretary shall be considered to be of reasonably equiva-
18 lent usefulness with the property proposed for conver-
19 sion.”.

20 (k) COST LIMITATIONS.—Section 7 of the Land and
21 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
22 9) is amended by adding the following at the end thereof:

23 “(d) MAXIMUM FEDERAL COST PER PROJECT.—No
24 expenditure shall be made to acquire, construct, operate,
25 or maintain any project under this section the total Fed-

1 eral cost of construction of which exceeds \$1,000,000 un-
2 less the funds for such project have not been specifically
3 allocated to the project in the legislation appropriating
4 funds for the Federal agency concerned and such alloca-
5 tion has been approved by resolutions adopted by the
6 Committee on Resources of the United States House of
7 Representatives and the Committee on Energy and Natu-
8 ral Resources of the United States Senate.”.

9 **SEC. 203. URBAN PARK AND RECREATION RECOVERY ACT**
10 **OF 1978 AMENDMENTS.**

11 (a) GRANTS.—Section 1004 of the Urban Park and
12 Recreation Recovery Act (16 U.S.C. 2503) is amended by
13 redesignating subsections (d), (e), and (f) as subsections
14 (f), (g), and (h) respectively, and by inserting the following
15 after subsection (c):

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

22 “(e) ‘acquisition grants’ means matching capital
23 grants to local units of government to cover the direct and
24 incidental costs of purchasing new park land to be perma-

1 nently dedicated and made accessible for public recreation
2 use;”.

3 (b) ELIGIBILITY.—Section 1005(a) of the Urban
4 Park and Recreation Recovery Act (16 U.S.C. 2504) is
5 amended to read as follows:

6 “(a) Eligibility of general purpose local governments
7 to compete for assistance under this title shall be based
8 upon need as determined by the Secretary. Generally, the
9 list of eligible governments shall include the following:

10 “(1) All central cities of Metropolitan, Primary
11 or Consolidated Statistical Areas as currently de-
12 fined by the census.

13 “(2) All political subdivisions included in Metro-
14 politan, Primary or Consolidated Statistical Areas as
15 currently defined by the census.

16 “(3) Any other city or town within a Metropoli-
17 tan Area with a total population of 50,000 or more
18 in the census of 1970, 1980, or subsequent updates.

19 “(4) Any other political subdivision, parish or
20 township with a total population of 250,000 or more
21 in the census of 1970, 1980, or subsequent up-
22 dates.”.

23 (c) MATCHING GRANTS.—Subsection 1006(a) of the
24 Urban Park and Recreation Recovery Act (16 U.S.C.

1 2505(a)) is amended by striking all through paragraph (3)
2 and inserting the following:

3 “SEC. 1006. (a) The Secretary is authorized to pro-
4 vide 70 percent matching grants for rehabilitation, innova-
5 tion, development, or acquisition purposes to eligible gen-
6 eral purpose units of local government upon his approval
7 of applications therefore by the chief executives of such
8 governments.

9 “(1) At the discretion of such applicants, and
10 if consistent with an approved application, rehabili-
11 tation, innovation, development, or acquisition
12 grants may be transferred in whole or in part to
13 independent special purpose local governments, pri-
14 vate nonprofit agencies or political subdivision or re-
15 gional park authorities; except that such general
16 purpose units of local government shall provide as-
17 surance to the Secretary that they will maintain
18 public recreation opportunities at assisted areas and
19 facilities owned or managed by them in accordance
20 with section 1010 of this Act.

21 “(2) Payments may be made only for those re-
22 habilitation, innovation, development, or acquisition
23 projects which have been approved by the Secretary.
24 Such payments may be made from time-to-time in

1 keeping with the rate of progress toward completion
2 of a project, on a reimbursable basis.”.

3 (d) COORDINATION.—Section 1008 of the Urban
4 Park and Recreation Recovery Act (16 U.S.C. 2507) is
5 amended by striking the last sentence and inserting the
6 following: “The Secretary and general purpose local gov-
7 ernments are encouraged to coordinate preparation of re-
8 covery action programs required by this title with State
9 Action Agendas for Conservation and Recreation required
10 by section 6 of the Land and Water Conservation Fund
11 Act of 1965, including the allowance of flexibility in local
12 preparation of recovery action programs so that they may
13 be used to meet State or local qualifications for local re-
14 ceipt of Land and Water Conservation Fund grants or
15 State grants for similar purposes or for other conservation
16 or recreation purposes. The Secretary shall also encourage
17 States to consider the findings, priorities, strategies, and
18 schedules included in the recovery action programs of their
19 urban localities in preparation and updating of the State
20 Action Agendas for Conservation and Recreation, in ac-
21 cordance with the public coordination and citizen consulta-
22 tion requirements of subsection 6(d) of the Land and
23 Water Conservation Fund Act of 1965.”

24 (e) CONVERSION.—Section 1010 of the Urban Park
25 and Recreation Recovery Act (16 U.S.C. 2509) is amend-

1 ed by striking the first sentence and inserting the follow-
2 ing: “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 must be abandoned because of environmental
10 contamination which endanger public health and safety).
11 Any conversion must satisfy any conditions the Secretary
12 deems necessary to assure the substitution of other con-
13 servation and recreation properties of at least equal mar-
14 ket value and reasonably equivalent usefulness and loca-
15 tion and which are in accord with the current conservation
16 and recreation recovery action program.”.

17 (f) REPEAL.—Section 1014 of the Urban Park and
18 Recreation Recovery Act (16 U.S.C. 2513) is repealed.

19 **TITLE III—WILDLIFE CONSERVA-** 20 **TION AND RESTORATION**

21 **SEC. 301. FINDINGS.**

22 The Congress finds and declares that—

23 (1) a diverse array of species of fish and wild-
24 life is of significant value to the Nation for many

1 reasons: aesthetic, ecological, educational, cultural,
2 recreational, economic, and scientific;

3 (2) it should be the objective of the United
4 States to retain for present and future generations
5 the opportunity to observe, understand, and appre-
6 ciate a wide variety of wildlife;

7 (3) millions of citizens participate in outdoor
8 recreation through hunting, fishing, and wildlife ob-
9 servation, all of which have significant value to the
10 citizens who engage in these activities;

11 (4) providing sufficient and properly maintained
12 wildlife-associated recreational opportunities is im-
13 portant to enhancing public appreciation of a diver-
14 sity of wildlife and the habitats upon which they de-
15 pend;

16 (5) lands and waters which contain species clas-
17 sified neither as game nor identified as endangered
18 or threatened also can provide opportunities for
19 wildlife-associated recreation and education such as
20 hunting and fishing permitted by applicable State or
21 Federal law;

22 (6) hunters and anglers have for more than 60
23 years willingly paid user fees in the form of Federal
24 excise taxes on hunting and fishing equipment to
25 support wildlife diversity and abundance, through

1 enactment of the Federal Aid in Wildlife Restoration
2 Act (commonly referred to as the Pittman-Robertson
3 Act) and the Federal Aid in Sport Fish Restoration
4 Act (commonly referred to as the Dingell-Johnson/
5 Wallop-Breaux Act);

6 (7) State programs, adequately funded to con-
7 serve a broader array of wildlife in an individual
8 State and conducted in coordination with Federal,
9 State, tribal, and private landowners and interested
10 organizations, would continue to serve as a vital link
11 in a nationwide effort to restore game and nongame
12 wildlife, and the essential elements of such programs
13 should include conservation measures which manage
14 for a diverse variety of populations of wildlife; and

15 (8) it is proper for Congress to bolster and ex-
16 tend this highly successful program to aid game and
17 nongame wildlife in supporting the health and diver-
18 sity of habitat, as well as providing funds for con-
19 servation education.

20 **SEC. 302. PURPOSES.**

21 The purposes of this title are—

22 (1) to extend financial and technical assistance
23 to the States under the Federal Aid to Wildlife Res-
24 toration Act for the benefit of a diverse array of
25 wildlife and associated habitats, including species

1 that are not hunted or fished, to fulfill unmet needs
2 of wildlife within the States in recognition of the
3 mandate of the States to conserve all wildlife;

4 (2) to assure sound conservation policies
5 through the development, revision and implementa-
6 tion of wildlife-associated recreation and wildlife-as-
7 sociated education and wildlife conservation law en-
8 forcement;

9 (3) to encourage State fish and wildlife agencies
10 to create partnerships between the Federal Govern-
11 ment, other State agencies, wildlife conservation or-
12 ganizations, and outdoor recreation and conservation
13 interests through cooperative planning and imple-
14 mentation of this title; and

15 (4) to encourage State fish and wildlife agencies
16 to provide for public involvement in the process of
17 development and implementation of a wildlife con-
18 servation and restoration program.

19 **SEC. 303. DEFINITIONS.**

20 (a) REFERENCE TO LAW.—In this title, the term
21 “Federal Aid in Wildlife Restoration Act” means the Act
22 of September 2, 1937 (16 U.S.C. 669 et seq), commonly
23 referred to as the Federal Aid in Wildlife Restoration Act
24 or the Pittman-Robertson Act.

1 (b) WILDLIFE CONSERVATION AND RESTORATION
2 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-
3 toration Act (16 U.S.C. 669a) is amended by inserting
4 after “shall be construed” in the first place it appears the
5 following: “to include the wildlife conservation and res-
6 toration program and”.

7 (c) STATE AGENCIES.—Section 2 of the Federal Aid
8 in Wildlife Restoration Act (16 U.S.C. 669a) is amended
9 by inserting “or State fish and wildlife department” after
10 “State fish and game department”.

11 (d) CONSERVATION.—Section 2 of the Federal Aid in
12 Wildlife Restoration Act (16 U.S.C. 669a) is amended by
13 striking the period at the end thereof, substituting a semi-
14 colon, and adding the following: “the term ‘conservation’
15 shall be construed to mean the use of methods and proce-
16 dures necessary or desirable to sustain healthy populations
17 of wildlife including all activities associated with scientific
18 resources management such as research, census, monitor-
19 ing of populations, acquisition, improvement and manage-
20 ment of habitat, live trapping and transplantation, wildlife
21 damage management, and periodic or total protection of
22 a species or population as well as the taking of individuals
23 within wildlife stock or population if permitted by applica-
24 ble State and Federal law; the term ‘wildlife conservation
25 and restoration program’ shall be construed to mean a

1 program developed by a State fish and wildlife department
2 that the Secretary determines meets the criteria in section
3 6(d), the projects that constitute such a program, which
4 may be implemented in whole or part through grants and
5 contracts by a State to other State, Federal, or local agen-
6 cies wildlife conservation organizations and outdoor recre-
7 ation and conservation education entities from funds ap-
8 portioned under this title, and maintenance of such
9 projects; the term ‘wildlife’ shall be construed to mean any
10 species of wild, free-ranging fauna including fish, and also
11 fauna in captive breeding programs the object of which
12 is to reintroduce individuals of a depleted indigenous spe-
13 cies into previously occupied range; the term ‘wildlife-asso-
14 ciated recreation’ shall be construed to mean projects in-
15 tended to meet the demand for outdoor activities associ-
16 ated with wildlife including, but not limited to, hunting
17 and fishing, such projects as construction or restoration
18 of wildlife viewing areas, observation towers, blinds, plat-
19 forms, land and water trails, water access, trail heads, and
20 access for such projects; and the term ‘wildlife conserva-
21 tion education’ shall be construed to mean projects, in-
22 cluding public outreach, intended to foster responsible nat-
23 ural resource stewardship.”.

1 (e) 10 PERCENT.—Subsection 3(a) of the Federal
2 Aid in Wildlife Restoration Act (16 U.S.C. 669b(a)) is
3 amended in the first sentence by—

4 (1) inserting “(1)” after “(beginning with the
5 fiscal year 1975)”; and

6 (2) inserting after “Internal Revenue Code of
7 1954” the following: “, and (2) from 10 percent of
8 the qualified Outer Continental Shelf revenues, as
9 defined in section 102 of the Conservation and Rein-
10 vestment Act of 1998,”.

11 **SEC. 304. SUBACCOUNT AND REFUNDS.**

12 Section 3 of the Federal Aid in Wildlife Restoration
13 Act (16 U.S.C. 669b) is amended by adding at the end
14 the following new subsections:

15 “(c) A subaccount shall be established in the Federal
16 aid to wildlife restoration fund in the Treasury to be
17 known as the ‘wildlife conservation and restoration ac-
18 count’ and the credits to such account shall be equal to
19 the 10 percent of Outer Continental Shelf revenues re-
20 ferred to in subsection (a)(2). Amounts in such account
21 shall be invested by the Secretary of the Treasury as set
22 forth in subsection (b) and shall be made available without
23 further appropriation, together with interest, for appor-
24 tionment at the beginning of fiscal year 1999 and each

1 fiscal year thereafter to carry out State wildlife conserva-
2 tion and restoration programs.

3 “(d) Funds covered into the wildlife conservation and
4 restoration account shall supplement, but not replace, ex-
5 isting funds available to the States from the sport fish
6 restoration and wildlife restoration accounts and shall be
7 used for the development, revision, and implementation of
8 wildlife conservation and restoration programs and should
9 be used to address the unmet needs for a diverse array
10 of wildlife and associated habitats, including species that
11 are not hunted or fished, for wildlife conservation, wildlife
12 conservation education, and wildlife-associated recreation
13 projects; provided such funds may be used for new pro-
14 grams and projects as well as to enhance existing pro-
15 grams and projects.

16 “(e) Notwithstanding subsections (a) and (b) of this
17 section, with respect to the wildlife conservation and res-
18 toration account so much of the appropriation apportioned
19 to any State for any fiscal year as remains unexpended
20 at the close thereof is authorized to be made available for
21 expenditure in that State until the close of the fourth suc-
22 ceeding fiscal year. Any amount apportioned to any State
23 under this subsection that is unexpended or unobligated
24 at the end of the period during which it is available for

1 expenditure on any project is authorized to be reappor-
2 tioned to all States during the succeeding fiscal year.

3 “(f) In those instances where through judicial deci-
4 sion, administrative review, arbitration, or other means
5 there are royalty refunds owed to entities generating reve-
6 nues available for purposes of this Act, 10 percent of such
7 refunds shall be paid from amounts available under sub-
8 section (a)(2).”.

9 **SEC. 305. ALLOCATION OF SUBACCOUNT RECEIPTS.**

10 Section 4 of the Federal Aid in Wildlife Restoration
11 Act (16 U.S.C. 669c) is amended by adding the following
12 new subsection:

13 “(c)(1) Notwithstanding subsection (a), so much, not
14 to exceed 2 percent, of the revenues covered into the wild-
15 life conservation and restoration account in each fiscal
16 year as the Secretary of the Interior may estimate to be
17 necessary for expenses in the administration and execution
18 of programs carried out under the wildlife conservation
19 and restoration account shall be deducted for that pur-
20 pose, and such sum is authorized to be made available
21 therefor until the expiration of the next succeeding fiscal
22 year, and within 60 days after the close of such fiscal year
23 the Secretary of the Interior shall apportion such part
24 thereof as remains unexpended, if any, on the same basis

1 and in the same manner as is provided under paragraphs
2 (2) and (3).

3 “(2) The Secretary of the Interior, after making the
4 deduction under paragraph (1), shall make the following
5 apportionment from the amount remaining in the wildlife
6 conservation and restoration account:

7 “(A) to the District of Columbia and to the
8 Commonwealth of Puerto Rico, each a sum equal to
9 not more than $\frac{1}{2}$ of 1 percent thereof; and

10 “(B) to Guam, American Samoa, the Virgin Is-
11 lands, and the Commonwealth of the Northern Mari-
12 ana Islands, each a sum equal to not more than $\frac{1}{6}$
13 of 1 percent thereof.

14 “(3) The Secretary of the Interior, after making the
15 deduction under paragraph (1) and the apportionment
16 under paragraph (2), shall apportion the remaining
17 amount in the wildlife conservation and restoration ac-
18 count for each year among the States in the following
19 manner:

20 “(A) $\frac{1}{3}$ of which is based on the ratio to which
21 the land area of such State bears to the total land
22 area of all such States; and

23 “(B) $\frac{2}{3}$ of which is based on the ratio to which
24 the population of such State bears to the total popu-
25 lation of all such States;

1 The amounts apportioned under this paragraph shall be
2 adjusted equitably so that no such State shall be appor-
3 tioned a sum which is less than $\frac{1}{2}$ of 1 percent of the
4 amount available for apportionment under this paragraph
5 for any fiscal year or more than 5 percent of such
6 amount.”.

7 “(d) WILDLIFE CONSERVATION AND RESTORATION
8 PROGRAMS.—Any State, through its fish and wildlife de-
9 partment, may apply to the Secretary for approval of a
10 wildlife conservation and restoration program or for funds
11 to develop a program, which shall—

12 “(1) contain provision for vesting in the fish
13 and wildlife department of overall responsibility and
14 accountability for development and implementation
15 of the program; and

16 “(2) contain provision for development and im-
17 plementation of—

18 “(A) wildlife conservation projects which
19 expand and support existing wildlife programs
20 to meet the needs of a diverse array of wildlife
21 species,

22 “(B) wildlife-associated recreation projects,
23 and

24 “(C) wildlife conservation education
25 projects.

1 If the Secretary of the Interior finds that an application
2 for such program contains the elements specified in para-
3 graphs (1) and (2), the Secretary shall approve such appli-
4 cation and set aside from the apportionment to the State
5 made pursuant to section 4(c) an amount that shall not
6 exceed 90 percent of the estimated cost of developing and
7 implementing segments of the program for the first 5 fis-
8 cal years following enactment of this subsection and not
9 to exceed 75 percent thereafter. Not more than 10 percent
10 of the amounts apportioned to each State from this sub-
11 account for the State's wildlife conservation and restora-
12 tion program may be used for law enforcement. Following
13 approval, the Secretary may make payments on a project
14 that is a segment of the State's wildlife conservation and
15 restoration program as the project progresses but such
16 payments, including previous payments on the project, if
17 any, shall not be more than the United States pro rata
18 share of such project. The Secretary, under such regula-
19 tions as he may prescribe, may advance funds representing
20 the United States pro rata share of a project that is a
21 segment of a wildlife conservation and restoration pro-
22 gram, including funds to develop such program. For pur-
23 poses of this subsection, the term 'State' shall include the
24 District of Columbia, the Commonwealth of Puerto Rico,
25 the United States Virgin Islands, Guam, American

1 Samoa, and the Commonwealth of the Northern Mariana
2 Islands.”.

3 (b) FACA.—Coordination with State fish and wildlife
4 agency personnel or with personnel of other State agencies
5 pursuant to the Federal Aid in Wildlife Restoration Act
6 or the Federal Aid in Sport Fish Restoration Act shall
7 not be subject to the Federal Advisory Committee Act (5
8 U.S.C. App.) Except for the preceding sentence, the provi-
9 sions of this title relate solely to wildlife conservation and
10 restoration programs as defined in this title and shall not
11 be construed to affect the provisions of the Federal Aid
12 in Wildlife Restoration Act relating to wildlife restoration
13 projects or the provisions of the Federal Aid in Sport Fish
14 Restoration Act relating to fish restoration and manage-
15 ment projects.

16 **SEC. 306. LAW ENFORCEMENT AND PUBLIC RELATIONS.**

17 The third sentence of subsection (a) of section 8 of
18 the Federal Aid in Wildlife Restoration Act (16 U.S.C.
19 669g) is amended by inserting before the period at the
20 end thereof: “, except that funds available from this sub-
21 account for a State wildlife conservation and restoration
22 program may be used for law enforcement and public rela-
23 tions”.

1 **SEC. 307. PROHIBITION AGAINST DIVERSION.**

2 No designated State agency shall be eligible to receive
3 matching funds under this title if sources of revenue avail-
4 able to it after January 1, 1998, for conservation of wild-
5 life are diverted for any purpose other than the adminis-
6 tration of the designated State agency, it being the inten-
7 tion of Congress that funds available to States under this
8 title be added to revenues from existing State sources and
9 not serve as a substitute for revenues from such sources.
10 Such revenues shall include interest, dividends, or other
11 income earned on the foregoing.

○