

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2123

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 SENATE OF THE UNITED STATES

FEBRUARY 29, 2000

Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, Mrs. FEINSTEIN, Mr. BAYH, and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural 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 1999”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Annual reports.
- Sec. 5. Conservation and Reinvestment Act Fund.
- Sec. 6. Limitation on use of available amounts for administration.
- Sec. 7. Budgetary treatment of receipts and disbursements.
- Sec. 8. Recordkeeping requirements.
- Sec. 9. Maintenance of effort and matching funding.
- Sec. 10. Sunset.
- Sec. 11. Protection of private property rights.
- Sec. 12. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

- Sec. 101. Impact assistance formula and payments.
- Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND  
REVITALIZATION

- Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
- Sec. 202. Extension of fund; treatment of amounts transferred from Conserva-  
tion and Reinvestment Act Fund.
- Sec. 203. Availability of amounts.
- Sec. 204. Allocation of Fund.
- Sec. 205. Use of Federal portion.
- Sec. 206. Allocation of amounts available for State purposes.
- Sec. 207. State planning.
- Sec. 208. Assistance to States for other projects.
- Sec. 209. Conversion of property to other use.
- Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

- Sec. 301. Purposes.
- Sec. 302. Definitions.
- Sec. 303. Treatment of amounts transferred from Conservation and Reinvest-  
ment Act Fund.
- Sec. 304. Apportionment of amounts transferred from Conservation and Rein-  
vestment Act Fund.
- Sec. 305. Education.
- Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM  
AMENDMENTS

- Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
- Sec. 402. Purpose.
- Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 404. Authority to develop new areas and facilities.
- Sec. 405. Definitions.
- Sec. 406. Eligibility.
- Sec. 407. Grants.
- Sec. 408. Recovery action programs.
- Sec. 409. State action incentives.
- Sec. 410. Conversion of recreation property.
- Sec. 411. Repeal.

#### TITLE V—HISTORIC PRESERVATION FUND

- Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

#### TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

- Sec. 601. Purpose.
- Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
- Sec. 603. Authorized uses of transferred amounts.
- Sec. 604. Indian tribe defined.

#### TITLE VII—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY

##### Subtitle A—Conservation Easements

- Sec. 701. Purpose.
- Sec. 702. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 703. Authorized uses of transferred amounts.
- Sec. 704. Conservation Easement Program.

##### Subtitle B—Endangered and Threatened Species Recovery

- Sec. 711. Purposes.
- Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 713. Endangered and threatened species recovery assistance.
- Sec. 714. Endangered and Threatened Species Recovery Agreements.
- Sec. 715. Definitions.

### 1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

- 3 (1) The term “coastal population” means the
- 4 population of all political subdivisions, as determined

1 by the most recent official data of the Census Bu-  
2 reau, contained in whole or in part within the des-  
3 ignated coastal boundary of a State as defined in a  
4 State’s coastal zone management program under the  
5 Coastal Zone Management Act (16 U.S.C. 1451 and  
6 following).

7 (2) The term “coastal political subdivision”  
8 means a political subdivision of a coastal State all or  
9 part of which political subdivision is within the  
10 coastal zone (as defined in section 304 of the Coast-  
11 al Zone Management Act (16 U.S.C. 1453)).

12 (3) The term “coastal State” has the same  
13 meaning as provided by section 304 of the Coastal  
14 Zone Management Act (16 U.S.C. 1453)).

15 (4) The term “coastline” has the same meaning  
16 that it has in the Submerged Lands Act (43 U.S.C.  
17 1301 and following).

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

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

24 (7) The term “Governor” means the highest  
25 elected official of a State or of any other political en-

1       tity that is defined as, or treated as, a State under  
2       the Land and Water Conservation Fund Act of 1965  
3       (16 U.S.C. 460l-4 and following), the Act of Sep-  
4       tember 2, 1937 (16 U.S.C. 669 and following), com-  
5       monly referred to as the Federal Aid in Wildlife Res-  
6       toration Act or the Pittman-Robertson Act, the  
7       Urban Park and Recreation Recovery Act of 1978  
8       (16 U.S.C. 2501 and following), the National His-  
9       toric Preservation Act (16 U.S.C. 470h and fol-  
10      lowing), or the Federal Agriculture Improvement  
11      and Reform Act of 1996 (Public Law 104-127; 16  
12      U.S.C. 3830 note).

13           (8) 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  
17      natural gas resources, which is a unit consisting of  
18      either a block, a portion of a block, a combination  
19      of blocks or portions of blocks, or a combination of  
20      portions of blocks, as specified in the lease, and as  
21      depicted on an Outer Continental Shelf Official Pro-  
22      traction Diagram.

23           (9) The term “Outer Continental Shelf” means  
24      all submerged lands lying seaward and outside of the  
25      area of “lands beneath navigable waters” as defined

1 in section 2(a) of the Submerged Lands Act (43  
2 U.S.C. 1301(a)), and of which the subsoil and sea-  
3 bed appertain to the United States and are subject  
4 to its jurisdiction and control.

5 (10) The term “political subdivision” means the  
6 local political jurisdiction immediately below the level  
7 of State government, including counties, parishes,  
8 and boroughs. If State law recognizes an entity of  
9 general government that functions in lieu of, and is  
10 not within, a county, parish, or borough, the Sec-  
11 retary may recognize an area under the jurisdiction  
12 of such other entities of general government as a po-  
13 litical subdivision for purposes of this title.

14 (11) The term “producing State” means a  
15 State with a coastal seaward boundary within 200  
16 miles from the geographic center of a leased tract  
17 other than a leased tract or portion of a leased tract  
18 that is located in a geographic area subject to a leas-  
19 ing moratorium on January 1, 1999 (unless the  
20 lease was issued prior to the establishment of the  
21 moratorium and was in production on January 1,  
22 1999).

23 (12) The term “qualified Outer Continental  
24 Shelf revenues” means (except as otherwise provided  
25 in this paragraph) all moneys received by the United

1 States from each leased tract or portion of a leased  
2 tract lying seaward of the zone defined and governed  
3 by section 8(g) of the Outer Continental Shelf Lands  
4 Act (43 U.S.C. 1337(g)), or lying within such zone  
5 but to which section 8(g) does not apply, the geo-  
6 graphic center of which lies within a distance of 200  
7 miles from any part of the coastline of any coastal  
8 State, including bonus bids, rents, royalties (includ-  
9 ing payments for royalty taken in kind and sold),  
10 net profit share payments, and related late-payment  
11 interest from natural gas and oil leases issued pur-  
12 suant to the Outer Continental Shelf Lands Act.  
13 Such term does not include any revenues from a  
14 leased tract or portion of a leased tract that is lo-  
15 cated in a geographic area subject to a leasing mora-  
16 torium on January 1, 1999, unless the lease was  
17 issued prior to the establishment of the moratorium  
18 and was in production on January 1, 1999.

19 (13) The term “Secretary” means the Secretary  
20 of the Interior or the Secretary’s designee, except as  
21 otherwise specifically provided.

22 (14) The term “Fund” means the Conservation  
23 and Reinvestment Act Fund established under sec-  
24 tion 5.

1 **SEC. 4. ANNUAL REPORTS.**

2 (a) STATE REPORTS.—On June 15 of each year, each  
3 Governor receiving moneys from the Fund shall account  
4 for all moneys so received for the previous fiscal year in  
5 a written report to the Secretary of the Interior or the  
6 Secretary of Agriculture, as appropriate. The report shall  
7 include, in accordance with regulations prescribed by the  
8 Secretaries, a description of all projects and activities re-  
9 ceiving funds under this Act. In order to avoid duplication,  
10 such report may incorporate by reference any other re-  
11 ports required to be submitted under other provisions of  
12 law to the Secretary concerned by the Governor regarding  
13 any portion of such moneys.

14 (b) REPORT TO CONGRESS.—On January 1 of each  
15 year the Secretary of the Interior, in consultation with the  
16 Secretary of Agriculture, shall submit an annual report  
17 to the Congress documenting all moneys expended by the  
18 Secretary of the Interior and the Secretary of Agriculture  
19 from the Fund during the previous fiscal year and summa-  
20 rizing the contents of the Governors' reports submitted to  
21 the Secretaries under subsection (a).

22 **SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.**

23 (a) ESTABLISHMENT OF FUND.—There is estab-  
24 lished in the Treasury of the United States a fund which  
25 shall be known as the “Conservation and Reinvestment  
26 Act Fund”. In each fiscal year after the fiscal year 2000,



1 the Secretary of the Treasury shall deposit into the Fund  
2 the following amounts:

3 (1) OCS REVENUES.—An amount in each such  
4 fiscal year from qualified Outer Continental Shelf  
5 revenues equal to the difference between  
6 \$2,825,000,000 and the amounts deposited in the  
7 Fund under paragraph (2), notwithstanding section  
8 9 of the Outer Continental Shelf Lands Act (43  
9 U.S.C. 1338).

10 (2) AMOUNTS NOT DISBURSED.—All allocated  
11 but undisbursed amounts returned to the Fund  
12 under section 101(a)(2).

13 (3) INTEREST.—All interest earned under sub-  
14 section (d) that is not made available under para-  
15 graph (2) or (4) of that subsection.

16 (b) TRANSFER FOR EXPENDITURE.—In each fiscal  
17 year after the fiscal year 2001, the Secretary of the Treas-  
18 ury shall transfer amounts deposited into the Fund as fol-  
19 lows:

20 (1) \$1,000,000,000 to the Secretary of the In-  
21 terior for purposes of making payments to coastal  
22 States under title I of this Act.

23 (2) To the Land and Water Conservation Fund  
24 for expenditure as provided in section 3(a) of the  
25 Land and Water Conservation Fund Act of 1965

1 (16 U.S.C. 4601–6(a)) such amounts as are nec-  
2 essary to make the income of the fund \$900,000,000  
3 in each such fiscal year.

4 (3) \$350,000,000 to the Federal aid to wildlife  
5 restoration fund established under section 3 of the  
6 Federal Aid in Wildlife Restoration Act (16 U.S.C.  
7 669b).

8 (4) \$125,000,000 to the Secretary of the Inte-  
9 rior to carry out the Urban Park and Recreation Re-  
10 covery Act of 1978 (16 U.S.C. 2501 and following).

11 (5) \$100,000,000 to the Secretary of the Inte-  
12 rior to carry out the National Historic Preservation  
13 Act (16 U.S.C. 470 and following).

14 (6) \$200,000,000 to the Secretary of the Inte-  
15 rior and the Secretary of Agriculture to carry out  
16 title VI of this Act.

17 (7) \$150,000,000 to the Secretary of the Inte-  
18 rior to carry out title VII of this Act with (A)  
19 \$100,000,000 of such amount transferred to the  
20 Secretary of the Interior for purposes of subtitle A  
21 of title VII and (B) \$50,000,000 of such amount  
22 transferred to the Secretary of the Interior for pur-  
23 poses of subtitle B of title VII.

24 (c) SHORTFALL.—If amounts deposited into the  
25 Fund in any fiscal year after the fiscal year 2000 are less

1 than \$2,825,000,000, the amounts transferred under  
2 paragraphs (1) through (7) of subsection (b) for that fis-  
3 cal year shall each be reduced proportionately.

4 (d) INTEREST.—

5 (1) IN GENERAL.—The Secretary of the Treas-  
6 ury shall invest moneys in the Fund in public debt  
7 securities with maturities suitable to the needs of  
8 the Fund, as determined by the Secretary of the  
9 Treasury, and bearing interest at rates determined  
10 by the Secretary of the Treasury, taking into consid-  
11 eration current market yields on outstanding mar-  
12 ketable obligations of the United States of com-  
13 parable maturity.

14 (2) USE OF INTEREST.—Except as provided in  
15 paragraphs (3) and (4), interest earned on such  
16 moneys shall be available, without further appropria-  
17 tion, for obligation or expenditure under—

18 (A) chapter 69 of title 31 of the United  
19 States Code (relating to PILT), and

20 (B) section 401 of the Act of June 15,  
21 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating  
22 to refuge revenue sharing).

23 In each fiscal year such interest shall be allocated  
24 between the programs referred to in subparagraph  
25 (A) and (B) in proportion to the amounts authorized

1 and appropriated for that fiscal year under other  
2 provisions of law for purposes of such programs.

3 (3) CEILING ON EXPENDITURES OF INTER-  
4 EST.—Amounts made available under paragraph (2)  
5 in each fiscal year shall not exceed the lesser of the  
6 following:

7 (A) \$200,000,000.

8 (B) The total amount authorized and ap-  
9 propriated for that fiscal year under other pro-  
10 visions of law for purposes of the programs re-  
11 ferred to in subparagraphs (A) and (B) of para-  
12 graph (2).

13 (4) TITLE III INTEREST.—All interest attrib-  
14 utable to amounts transferred by the Secretary of  
15 the Treasury to the Secretary of the Interior for  
16 purposes of title III of this Act (and the amend-  
17 ments made by such title III) shall be available,  
18 without further appropriation, for obligation or ex-  
19 penditure for purposes of the North American Wet-  
20 lands Conservation Act of 1989 (16 U.S.C. 4401  
21 and following)

22 (e) REFUNDS.—In those instances where through ju-  
23 dicial decision, administrative review, arbitration, or other  
24 means there are royalty refunds owed to entities gener-  
25 ating revenues under this title, such refunds shall be paid

1 by the Secretary of the Treasury from amounts available  
2 in the Fund.

3 **SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR**  
4 **ADMINISTRATION.**

5 Notwithstanding any other provision of law, of  
6 amounts made available by this Act (including the amend-  
7 ments made by this Act) for a particular activity, not more  
8 than 2 percent may be used for administrative expenses  
9 of that activity. Nothing in this section shall affect the  
10 prohibition contained in section 4(c)(3) of the Federal Aid  
11 in Wildlife Restoration Act (as amended by this Act).

12 **SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DIS-**  
13 **BURSEMENTS.**

14 Notwithstanding any other provision of law, the re-  
15 ceipts and disbursements of funds under this Act and the  
16 amendments made by this Act—

17 (1) shall not be counted as new budget author-  
18 ity, outlays, receipts, or deficit or surplus for pur-  
19 poses of—

20 (A) the budget of the United States Gov-  
21 ernment as submitted by the President;

22 (B) the congressional budget (including al-  
23 locations of budget authority and outlays pro-  
24 vided therein); or

1 (C) the Balanced Budget and Emergency  
2 Deficit Control Act of 1985; and  
3 (2) shall be exempt from any general budget  
4 limitation imposed by statute on expenditures and  
5 net lending (budget outlays) of the United States  
6 Government.

7 **SEC. 8. RECORDKEEPING REQUIREMENTS.**

8 The Secretary of the Interior in consultation with the  
9 Secretary of Agriculture shall establish such rules regard-  
10 ing recordkeeping by State and local governments and the  
11 auditing of expenditures made by State and local govern-  
12 ments from funds made available under this Act as may  
13 be necessary. Such rules shall be in addition to other re-  
14 quirements established regarding recordkeeping and the  
15 auditing of such expenditures under other authority of  
16 law.

17 **SEC. 9. MAINTENANCE OF EFFORT AND MATCHING FUND-**  
18 **ING.**

19 (a) IN GENERAL.—Except as provided in subsection  
20 (b), no State or local government shall receive any funds  
21 under this Act during any fiscal year when its expendi-  
22 tures of non-Federal funds for recurrent expenditures for  
23 programs for which funding is provided under this Act will  
24 be less than its expenditures were for such programs dur-  
25 ing the preceding fiscal year. No State or local government

1 shall receive any funding under this Act with respect to  
2 a program unless the Secretary is satisfied that such a  
3 grant will be so used to supplement and, to the extent  
4 practicable, increase the level of State, local, or other non-  
5 Federal funds available for such program. In order for the  
6 Secretary to provide funding under this Act in a timely  
7 manner each fiscal year, the Secretary shall compare a  
8 State or local government's prospective expenditure level  
9 to that of its second preceding fiscal year.

10 (b) EXCEPTION.—The Secretary may provide fund-  
11 ing under this Act to a State or local government not  
12 meeting the requirements of subsection (a) if the Sec-  
13 retary determines that a reduction in expenditures is at-  
14 tributable to a non-selective reduction in the expenditures  
15 in the programs of all Executive branch agencies of the  
16 State or local government.

17 (c) USE OF FUND TO MEET MATCHING REQUIRE-  
18 MENTS.—All funds received by a State or local govern-  
19 ment under this Act shall be treated as Federal funds for  
20 purposes of compliance with any provision in effect under  
21 any other law requiring that non-Federal funds be used  
22 to provide a portion of the funding for any program or  
23 project.

1 **SEC. 10. SUNSET.**

2 This Act, including the amendments made by this  
3 Act, shall have no force or effect after September 30,  
4 2015.

5 **SEC. 11. PROTECTION OF PRIVATE PROPERTY RIGHTS.**

6 (a) SAVINGS CLAUSE.—Nothing in the Act shall au-  
7 thorize that private property be taken for public use, with-  
8 out just compensation as provided by the Fifth and Four-  
9 teenth amendments to the United States Constitution.

10 (b) REGULATION.—Federal agencies, using funds ap-  
11 propriated by this Act, may not apply any regulation on  
12 any lands until the lands or water, or an interest therein,  
13 is acquired, unless authorized to do so by another Act of  
14 Congress.

15 **SEC. 12. SIGNS.**

16 (a) IN GENERAL.—The Secretary shall require, as a  
17 condition of any financial assistance provided with  
18 amounts made available by this Act, that the person that  
19 owns or administers any site that benefits from such as-  
20 sistance shall include on any sign otherwise installed at  
21 that site at or near an entrance or public use focal point,  
22 a statement that the existence or development of the site  
23 (or both), as appropriate, is a product of such assistance.

24 (b) STANDARDS.—The Secretary shall provide for the  
25 design of standardized signs for purposes of subsection



1 (a), and shall prescribe standards and guidelines for such  
2 signs.

3 **TITLE I—IMPACT ASSISTANCE**  
4 **AND COASTAL CONSERVATION**

5 **SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.**

6 (a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

7 (1) GRANT PROGRAM.—Amounts transferred to  
8 the Secretary of the Interior from the Conservation  
9 and Reinvestment Act Fund under section 5(b)(1) of  
10 this Act for purposes of making payments to coastal  
11 States under this title in any fiscal year shall be al-  
12 located by the Secretary of the Interior among coast-  
13 al States as provided in this section in each such fis-  
14 cal year. In each such fiscal year, the Secretary of  
15 the Interior shall, without further appropriation, dis-  
16 burse such allocated funds to those coastal States  
17 for which the Secretary has approved a Coastal  
18 State Conservation and Impact Assistance Plan as  
19 required by this title. Payments for all projects shall  
20 be made by the Secretary to the Governor of the  
21 State or to the State official or agency designated by  
22 the Governor or by State law as having authority  
23 and responsibility to accept and to administer funds  
24 paid hereunder. No payment shall be made to any  
25 State until the State has agreed to provide such re-

1 ports to the Secretary, in such form and containing  
2 such information, as may be reasonably necessary to  
3 enable the Secretary to perform his duties under this  
4 title, and provide such fiscal control and fund ac-  
5 counting procedures as may be necessary to assure  
6 proper disbursement and accounting for Federal rev-  
7 enues paid to the State under this title.

8 (2) FAILURE TO HAVE PLAN APPROVED.—At  
9 the end of each fiscal year, the Secretary shall re-  
10 turn to the Conservation and Reinvestment Act  
11 Fund any amount that the Secretary allocated, but  
12 did not disburse, in that fiscal year to a coastal  
13 State that does not have an approved plan under  
14 this title before the end of the fiscal year in which  
15 such grant is allocated, except that the Secretary  
16 shall hold in escrow until the final resolution of the  
17 appeal any amount allocated, but not disbursed, to  
18 a coastal State that has appealed the disapproval of  
19 a plan submitted under this title.

20 (b) ALLOCATION AMONG COASTAL STATES.—

21 (1) ALLOCABLE SHARE FOR EACH STATE.—For  
22 each coastal State, the Secretary shall determine the  
23 State's allocable share of the total amount of the  
24 revenues transferred from the Fund under section

1 5(b)(1) for each fiscal year using the following  
2 weighted formula:

3 (A) 50 percent of such revenues shall be  
4 allocated among the coastal States as provided  
5 in paragraph (2).

6 (B) 25 percent of such revenues shall be  
7 allocated to each coastal State based on the  
8 ratio of each State's shoreline miles to the  
9 shoreline miles of all coastal States.

10 (C) 25 percent of such revenues shall be  
11 allocated to each coastal State based on the  
12 ratio of each State's coastal population to the  
13 coastal population of all coastal States.

14 (2) OFFSHORE OUTER CONTINENTAL SHELF  
15 SHARE.—If any portion of a producing State lies  
16 within a distance of 200 miles from the geographic  
17 center of any leased tract, the Secretary of the Inte-  
18 rior shall determine such State's allocable share  
19 under paragraph (1)(A) based on the formula set  
20 forth in this paragraph. Such State share shall be  
21 calculated as of the date of the enactment of this  
22 Act for the first 5-fiscal year period during which  
23 funds are disbursed under this title and recalculated  
24 on the anniversary of such date each fifth year  
25 thereafter for each succeeding 5-fiscal year period.

1 Each such State's allocable share of the revenues  
2 disbursed under paragraph (1)(A) shall be inversely  
3 proportional to the distance between the nearest  
4 point on the coastline of such State and the geo-  
5 graphic center of each leased tract or portion of the  
6 leased tract (to the nearest whole mile) that is with-  
7 in 200 miles of that coastline, as determined by the  
8 Secretary for the 5-year period concerned. In apply-  
9 ing this paragraph a leased tract or portion of a  
10 leased tract shall be excluded if the tract or portion  
11 is located in a geographic area subject to a leasing  
12 moratorium on January 1, 1999, unless the lease  
13 was issued prior to the establishment of the morato-  
14 rium and was in production on January 1, 1999.

15 (3) MINIMUM STATE SHARE.—

16 (A) IN GENERAL.—The allocable share of  
17 revenues determined by the Secretary under  
18 this subsection for each coastal State with an  
19 approved coastal management program (as de-  
20 fined by the Coastal Zone Management Act (16  
21 U.S.C. 1451)), or which is making satisfactory  
22 progress toward one, shall not be less in any  
23 fiscal year than 0.50 percent of the total  
24 amount of the revenues transferred by the Sec-  
25 retary of the Treasury to the Secretary of the

1 Interior for purposes of this title for that fiscal  
2 year under subsection (a). For any other coast-  
3 al State the allocable share of such revenues  
4 shall not be less than 0.25 percent of such reve-  
5 nues.

6 (B) RECOMPUTATION.—Where one or  
7 more coastal States' allocable shares, as com-  
8 puted under paragraphs (1) and (2), are in-  
9 creased by any amount under this paragraph,  
10 the allocable share for all other coastal States  
11 shall be recomputed and reduced by the same  
12 amount so that not more than 100 percent of  
13 the amount transferred by the Secretary of the  
14 Treasury to the Secretary of the Interior for  
15 purposes of this title for that fiscal year under  
16 section 5(b)(1) is allocated to all coastal States.  
17 The reduction shall be divided pro rata among  
18 such other coastal States.

19 (c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the  
20 case of a producing State, the Governor of the State shall  
21 pay 50 percent of the State's allocable share, as deter-  
22 mined under subsection (b), to the coastal political sub-  
23 divisions in such State. Such payments shall be allocated  
24 among such coastal political subdivisions of the State ac-  
25 cording to an allocation formula analogous to the alloca-

1 tion formula used in subsection (b) to allocate revenues  
2 among the coastal States, except that a coastal political  
3 subdivision in the State of California that has a coastal  
4 shoreline, that is not within 200 miles of the geographic  
5 center of a leased tract or portion of a leased tract, and  
6 in which there is located one or more oil refineries shall  
7 be eligible for that portion of the allocation described in  
8 subsection (b)(1)(A) and (b)(2) in the same manner as  
9 if that political subdivision were located within a distance  
10 of 50 miles from the geographic center of any leased tract.

11 (d) TIME OF PAYMENT.—Payments to coastal States  
12 and coastal political subdivisions under this section shall  
13 be made not later than December 31 of each year from  
14 revenues received during the immediately preceding fiscal  
15 year.

16 **SEC. 102. COASTAL STATE CONSERVATION AND IMPACT AS-**  
17 **SISTANCE PLANS.**

18 (a) DEVELOPMENT AND SUBMISSION OF STATE  
19 PLANS.—Each coastal State seeking to receive grants  
20 under this title shall prepare, and submit to the Secretary,  
21 a Statewide Coastal State Conservation and Impact As-  
22 sistance Plan. In the case of a producing State, the Gov-  
23 ernor shall incorporate the plans of the coastal political  
24 subdivisions into the Statewide plan for transmittal to the  
25 Secretary. The Governor shall solicit local input and shall

1 provide for public participation in the development of the  
2 Statewide plan. The plan shall be submitted to the Sec-  
3 retary by April 1 of the calendar year after the calendar  
4 year in which this Act is enacted.

5 (b) APPROVAL OR DISAPPROVAL.—

6 (1) IN GENERAL.—Approval of a Statewide  
7 plan under subsection (a) is required prior to dis-  
8 bursement of funds under this title by the Secretary.  
9 The Secretary shall approve the Statewide plan if  
10 the Secretary determines, in consultation with the  
11 Secretary of Commerce, that the plan is consistent  
12 with the uses set forth in subsection (c) and if the  
13 plan contains each of the following:

14 (A) The name of the State agency that will  
15 have the authority to represent and act for the  
16 State in dealing with the Secretary for purposes  
17 of this title.

18 (B) A program for the implementation of  
19 the plan which, for producing States, includes a  
20 description of how funds will be used to address  
21 the impacts of oil and gas production from the  
22 Outer Continental Shelf.

23 (C) Certification by the Governor that  
24 ample opportunity has been accorded for public

1 participation in the development and revision of  
2 the plan.

3 (D) Measures for taking into account other  
4 relevant Federal resources and programs. The  
5 plan shall be correlated so far as practicable  
6 with other State, regional, and local plans.

7 (2) PROCEDURE AND TIMING; REVISIONS.—The  
8 Secretary shall approve or disapprove each plan sub-  
9 mitted in accordance with this section. If a State  
10 first submits a plan by not later than 90 days before  
11 the beginning of the first fiscal year to which the  
12 plan applies, the Secretary shall approve or dis-  
13 approve the plan by not later than 30 days before  
14 the beginning of that fiscal year.

15 (3) AMENDMENT OR REVISION.—Any amend-  
16 ment to or revision of the plan shall be prepared in  
17 accordance with the requirements of this subsection  
18 and shall be submitted to the Secretary for approval  
19 or disapproval. Any such amendment or revision  
20 shall take effect only for fiscal years after the fiscal  
21 year in which the amendment or revision is approved  
22 by the Secretary.

23 (e) AUTHORIZED USES OF STATE GRANT FUND-  
24 ING.—The funds provided under this title to a coastal



1 State and for coastal political subdivisions are authorized  
2 to be used only for one or more of the following purposes:

3           (1) Data collection, including but not limited to  
4 fishery or marine mammal stock surveys in State  
5 waters or both, cooperative State, interstate, and  
6 Federal fishery or marine mammal stock surveys or  
7 both, cooperative initiatives with university and pri-  
8 vate entities for fishery and marine mammal sur-  
9 veys, activities related to marine mammal and fish-  
10 ery interactions, and other coastal living marine re-  
11 sources surveys.

12           (2) The conservation, restoration, enhancement,  
13 or creation of coastal habitats.

14           (3) Cooperative Federal or State enforcement of  
15 marine resources management statutes.

16           (4) Fishery observer coverage programs in  
17 State or Federal waters.

18           (5) Invasive, exotic, and nonindigenous species  
19 identification and control.

20           (6) Coordination and preparation of cooperative  
21 fishery conservation and management plans between  
22 States including the development and implementa-  
23 tion of population surveys, assessments and moni-  
24 toring plans, and the preparation and implementa-

1       tion of State fishery management plans developed by  
2       interstate marine fishery commissions.

3           (7) Preparation and implementation of State  
4       fishery or marine mammal management plans that  
5       comply with bilateral or multilateral international  
6       fishery or marine mammal conservation and man-  
7       agement agreements or both.

8           (8) Coastal and ocean observations necessary to  
9       develop and implement real time tide and current  
10      measurement systems.

11          (9) Implementation of federally approved ma-  
12      rine, coastal, or comprehensive conservation and  
13      management plans.

14          (10) Mitigating marine and coastal impacts of  
15      Outer Continental Shelf activities including impacts  
16      on onshore infrastructure.

17          (11) Projects that promote research, education,  
18      training, and advisory services in fields related to  
19      ocean, coastal, and Great Lakes resources.

20      (d) COMPLIANCE WITH AUTHORIZED USES.—Based  
21      on the annual reports submitted under section 4 of this  
22      Act and on audits conducted by the Secretary under sec-  
23      tion 8, the Secretary shall review the expenditures made  
24      by each State and coastal political subdivision from funds  
25      made available under this title. If the Secretary deter-

1 mines that any expenditure made by a State or coastal  
 2 political subdivision of a State from such funds is not con-  
 3 sistent with the authorized uses set forth in subsection (c),  
 4 the Secretary shall not make any further grants under this  
 5 title to that State until the funds used for such expendi-  
 6 ture have been repaid to the Conservation and Reinvest-  
 7 ment Act Fund.

8 **TITLE II—LAND AND WATER**  
 9 **CONSERVATION FUND REVI-**  
 10 **TALIZATION**

11 **SEC. 201. AMENDMENT OF LAND AND WATER CONSERVA-**  
 12 **TION FUND ACT OF 1965.**

13 Except as otherwise expressly provided, whenever in  
 14 this title an amendment or repeal is expressed in terms  
 15 of an amendment to, or repeal of, a section or other provi-  
 16 sion, the reference shall be considered to be made to a  
 17 section or other provision of the Land and Water Con-  
 18 servation Fund Act of 1965 (16 U.S.C. 460l–4 and fol-  
 19 lowing).

20 **SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS**  
 21 **TRANSFERRED FROM CONSERVATION AND**  
 22 **REINVESTMENT ACT FUND.**

23 Section 2(c) is amended to read as follows:

24 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
 25 AND REINVESTMENT ACT FUND.—In addition to the sum

1 of the revenues and collections estimated by the Secretary  
2 of the Interior to be covered into the fund pursuant to  
3 subsections (a) and (b) of this section, there shall be cov-  
4 ered into the fund all amounts transferred to the fund  
5 under section 5(b)(2) of the Conservation and Reinvest-  
6 ment Act of 1999.”.

7 **SEC. 203. AVAILABILITY OF AMOUNTS.**

8 Section 3 (16 U.S.C. 4601–6) is amended to read as  
9 follows:

10 “APPROPRIATIONS

11 “SEC. 3. (a) IN GENERAL.—There are authorized to  
12 be appropriated to the Secretary from the fund to carry  
13 out this Act not more than \$900,000,000 in any fiscal  
14 year after the fiscal year 2001. Amounts transferred to  
15 the fund from the Conservation and Reinvestment Act  
16 Fund and amounts covered into the fund under sub-  
17 sections (a) and (b) of section 2 shall be available to the  
18 Secretary in fiscal years after the fiscal year 2001 without  
19 further appropriation to carry out this Act.

20 “(b) OBLIGATION AND EXPENDITURE OF AVAILABLE  
21 AMOUNTS.—Amounts available for obligation or expendi-  
22 ture from the fund or from the special account established  
23 under section 4(i)(1) may be obligated or expended only  
24 as provided in this Act.”.

1 **SEC. 204. ALLOCATION OF FUND.**

2 Section 5 (16 U.S.C. 4601–7) is amended to read as  
3 follows:

4 “ALLOCATION OF FUNDS

5 “SEC. 5. Of the amounts made available for each fis-  
6 cal year to carry out this Act—

7 “(1) 50 percent shall be available for Federal  
8 purposes (in this Act referred to as the ‘Federal por-  
9 tion’); and

10 “(2) 50 percent shall be available for grants to  
11 States.”.

12 **SEC. 205. USE OF FEDERAL PORTION.**

13 Section 7 (16 U.S.C. 4601–9) is amended by adding  
14 at the end the following:

15 “(d) USE OF FEDERAL PORTION.—

16 “(1) APPROVAL BY CONGRESS REQUIRED.—The  
17 Federal portion (as that term is defined in section  
18 5(1)) may not be obligated or expended by the Sec-  
19 retary of the Interior or the Secretary of Agriculture  
20 for any acquisition except those specifically referred  
21 to, and approved by the Congress, in an Act making  
22 appropriations for the Department of the Interior or  
23 the Department of Agriculture, respectively.

24 “(2) WILLING SELLER REQUIREMENT.—The  
25 Federal portion may not be used to acquire any  
26 property unless—

1           “(A) the owner of the property concurs in  
2           the acquisition; or

3           “(B) acquisition of that property is specifi-  
4           cally approved by an Act of Congress.

5           “(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

6           “(1) RESTRICTION ON USE.—The Federal por-  
7           tion for a fiscal year may not be obligated or ex-  
8           pended to acquire any interest in lands or water un-  
9           less the lands or water were included in a list of ac-  
10          quisitions that is approved by the Congress. This list  
11          shall include an inventory of surplus lands under the  
12          administrative jurisdiction of the Secretary of the  
13          Interior and the Secretary of Agriculture for which  
14          there is no demonstrated compelling program need.

15          “(2) TRANSMISSION OF LIST.—(A) The Sec-  
16          retary of the Interior and the Secretary of Agri-  
17          culture shall jointly transmit to the appropriate au-  
18          thorizing and appropriations committees of the  
19          House of Representatives and the Senate for each  
20          fiscal year, by no later than the submission of the  
21          budget for the fiscal year under section 1105 of title  
22          31, United States Code, a list of the acquisitions of  
23          interests in lands and water proposed to be made  
24          with the Federal portion for the fiscal year.

1           “(B) In preparing each list, the Secretary  
2 shall—

3           “(i) seek to consolidate Federal land-  
4 holdings in States with checkerboard Federal  
5 land ownership patterns;

6           “(ii) consider the use of equal value land  
7 exchanges, where feasible and suitable, as an al-  
8 ternative means of land acquisition;

9           “(iii) consider the use of permanent con-  
10 servation easements, where feasible and suit-  
11 able, as an alternative means of acquisition;

12           “(iv) identify those properties that are pro-  
13 posed to be acquired from willing sellers and  
14 specify any for which adverse condemnation is  
15 requested; and

16           “(v) establish priorities based on such fac-  
17 tors as important or special resource attributes,  
18 threats to resource integrity, timely availability,  
19 owner hardship, cost escalation, public recre-  
20 ation use values, and similar considerations.

21           “(3) INFORMATION REGARDING PROPOSED AC-  
22 QUISSIONS.—Each list shall include, for each pro-  
23 posed acquisition included in the list—

24           “(A) citation of the statutory authority for  
25 the acquisition, if such authority exists; and

1                   “(B) an explanation of why the particular  
2                   interest proposed to be acquired was selected.

3                   “(f) NOTIFICATION TO AFFECTED AREAS RE-  
4                   QUIRED.—The Federal portion for a fiscal year may not  
5                   be used to acquire any interest in land unless the Sec-  
6                   retary administering the acquisition, by not later than 30  
7                   days after the date the Secretaries submit the list under  
8                   subsection (e) for the fiscal year, provides notice of the  
9                   proposed acquisition—

10                   “(1) in writing to each Member of and each  
11                   Delegate and Resident Commissioner to the Con-  
12                   gress elected to represent any area in which is  
13                   located—

14                   “(A) the land; or

15                   “(B) any part of any federally designated  
16                   unit that includes the land;

17                   “(2) in writing to the Governor of the State in  
18                   which the land is located;

19                   “(3) in writing to each State political subdivi-  
20                   sion having jurisdiction over the land; and

21                   “(4) by publication of a notice in a newspaper  
22                   that is widely distributed in the area under the juris-  
23                   diction of each such State political subdivision, that  
24                   includes a clear statement that the Federal Govern-  
25                   ment intends to acquire an interest in land.



1       “(g) COMPLIANCE WITH REQUIREMENTS UNDER  
2 FEDERAL LAWS.—

3               “(1) IN GENERAL.—The Federal portion for a  
4 fiscal year may not be used to acquire any interest  
5 in land or water unless the following have occurred:

6                       “(A) All actions required under Federal  
7 law with respect to the acquisition have been  
8 complied with.

9                       “(B) A copy of each final environmental  
10 impact statement or environmental assessment  
11 required by law, and a summary of all public  
12 comments regarding the acquisition that have  
13 been received by the agency making the acquisi-  
14 tion, are submitted to the Committee on Re-  
15 sources of the House of Representatives, the  
16 Committee on Energy and Natural Resources of  
17 the Senate, and the Committees on Appropria-  
18 tions of the House of Representatives and of  
19 the Senate.

20                       “(C) A notice of the availability of such  
21 statement or assessment and of such summary  
22 is provided to—

23                               “(i) each Member of and each Dele-  
24 gate and Resident Commissioner to the

1 Congress elected to represent the area in  
2 which the land is located;

3 “(ii) the Governor of the State in  
4 which the land is located; and

5 “(iii) each State political subdivision  
6 having jurisdiction over the land.

7 “(2) LIMITATION ON APPLICATION.—Paragraph  
8 (1) shall not apply to any acquisition that is specifi-  
9 cally authorized by a Federal law.”.

10 **SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR**  
11 **STATE PURPOSES.**

12 (a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l-  
13 8(b)) is amended to read as follows:

14 “(b) DISTRIBUTION AMONG THE STATES.—(1) Sums  
15 in the fund available each fiscal year for State purposes  
16 shall be apportioned among the several States by the Sec-  
17 retary, in accordance with this subsection. The determina-  
18 tion of the apportionment by the Secretary shall be final.

19 “(2) Subject to paragraph (3), of sums in the fund  
20 available each fiscal year for State purposes—

21 “(A) 30 percent shall be apportioned  
22 equally among the several States; and

23 “(B) 70 percent shall be apportioned so  
24 that the ratio that the amount apportioned to  
25 each State under this subparagraph bears to

1           the total amount apportioned under this sub-  
2           paragraph for the fiscal year is equal to the  
3           ratio that the population of the State bears to  
4           the total population of all States.

5           “(3) The total allocation to an individual State for  
6 a fiscal year under paragraph (2) shall not exceed 10 per-  
7 cent of the total amount allocated to the several States  
8 under paragraph (2) for that fiscal year.

9           “(4) The Secretary shall notify each State of its ap-  
10 portionment, and the amounts thereof shall be available  
11 thereafter to the State for planning, acquisition, or devel-  
12 opment projects as hereafter described. Any amount of  
13 any apportionment under this subsection that has not  
14 been paid or obligated by the Secretary during the fiscal  
15 year in which such notification is given and the two fiscal  
16 years thereafter shall be reapportioned by the Secretary  
17 in accordance with paragraph (2), but without regard to  
18 the 10 percent limitation to an individual State specified  
19 in paragraph (3).

20           “(5)(A) For the purposes of paragraph (2)(A)—

21                 “(i) the District of Columbia shall be treated as  
22 a State; and

23                 “(ii) Puerto Rico, the Virgin Islands, Guam,  
24 and American Samoa—

1                   “(I) shall be treated collectively as one  
2                   State; and

3                   “(II) shall each be allocated an equal share  
4                   of any amount distributed to them pursuant to  
5                   clause (i).

6                   “(B) Each of the areas referred to in subparagraph  
7 (A) shall be treated as a State for all other purposes of  
8 this Act.”.

9                   (b) TRIBES AND ALASKA NATIVE CORPORATIONS.—  
10 Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further  
11 amended by adding at the end the following new subpara-  
12 graph:

13                   “(C) For the purposes of paragraph (1), all federally  
14 recognized Indian tribes and Native Corporations (as de-  
15 fined in section 3 of the Alaska Native Claims Settlement  
16 Act (43 U.S.C. 1602)), shall be eligible to receive shares  
17 of the apportionment under paragraph (1) in accordance  
18 with a competitive grant program established by the Sec-  
19 retary by rule. The total apportionment available to such  
20 tribes and Native Corporations shall be equivalent to the  
21 amount available to a single State. No single tribe or Na-  
22 tive Corporation shall receive a grant that constitutes  
23 more than 10 percent of the total amount made available  
24 to all tribes and Native Corporations pursuant to the ap-  
25 portionment under paragraph (1). Funds received by a

1 tribe or Native Corporation under this subparagraph may  
 2 be expended only for the purposes specified in paragraphs  
 3 (1) and (3) of subsection (a).”.

4 (c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C.  
 5 4601–8(b)) is amended by adding at the end the following:

6 “(6) Absent some compelling and annually docu-  
 7 mented reason to the contrary acceptable to the Secretary  
 8 of the Interior, each State (other than an area treated as  
 9 a State under paragraph (5)) shall make available as  
 10 grants to local governments, at least 50 percent of the an-  
 11 nual State apportionment, or an equivalent amount made  
 12 available from other sources.”.

13 **SEC. 207. STATE PLANNING.**

14 (a) STATE ACTION AGENDA REQUIRED.—

15 (1) IN GENERAL.—Section 6(d) (16 U.S.C.  
 16 4601–8(d)) is amended to read as follows:

17 “(d) STATE ACTION AGENDA REQUIRED.—(1) Each  
 18 State may define its own priorities and criteria for selec-  
 19 tion of outdoor conservation and recreation acquisition  
 20 and development projects eligible for grants under this Act  
 21 so long as it provides for public involvement in this process  
 22 and publishes an accurate and current State Action Agen-  
 23 da for Community Conservation and Recreation (in this  
 24 Act referred to as the ‘State Action Agenda’) indicating  
 25 the needs it has identified and the priorities and criteria

1 it has established. In order to assess its needs and estab-  
2 lish its overall priorities, each State, in partnership with  
3 its local governments and Federal agencies, and in con-  
4 sultation with its citizens, shall develop, within 5 years  
5 after the enactment of the Conservation and Reinvestment  
6 Act of 1999, a State Action Agenda that meets the fol-  
7 lowing requirements:

8           “(A) The agenda must be strategic, originating  
9           in broad-based and long-term needs, but focused on  
10          actions that can be funded over the next 4 years.

11          “(B) The agenda must be updated at least once  
12          every 4 years and certified by the Governor that the  
13          State Action Agenda conclusions and proposed ac-  
14          tions have been considered in an active public in-  
15          volvement process.

16          “(2) State Action Agendas shall take into account all  
17          providers of conservation and recreation lands within each  
18          State, including Federal, regional, and local government  
19          resources, and shall be correlated whenever possible with  
20          other State, regional, and local plans for parks, recreation,  
21          open space, and wetlands conservation. Recovery action  
22          programs developed by urban localities under section 1007  
23          of the Urban Park and Recreation Recovery Act of 1978  
24          shall be used by a State as a guide to the conclusions,  
25          priorities, and action schedules contained in State Action

1 Agenda. Each State shall assure that any requirements  
 2 for local outdoor conservation and recreation planning,  
 3 promulgated as conditions for grants, minimize redun-  
 4 dancy of local efforts by allowing, wherever possible, use  
 5 of the findings, priorities, and implementation schedules  
 6 of recovery action programs to meet such requirements.”.

7           (2) EXISTING STATE PLANS.—Comprehensive  
 8 State Plans developed by any State under section  
 9 6(d) of the Land and Water Conservation Fund Act  
 10 of 1965 before the date that is 5 years after the en-  
 11 actment of this Act shall remain in effect in that  
 12 State until a State Action Agenda has been adopted  
 13 pursuant to the amendment made by this subsection,  
 14 but no later than 5 years after the enactment of this  
 15 Act.

16           (b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l-  
 17 8(e)) is amended as follows:

18           (1) In the matter preceding paragraph (1) by  
 19 striking “State comprehensive plan” and inserting  
 20 “State Action Agenda”.

21           (2) In paragraph (1) by striking “comprehen-  
 22 sive plan” and inserting “State Action Agenda”.

23 **SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

24 Section 6(e) (16 U.S.C. 460l-8(e)) is amended—

1 (1) in subsection (e)(1) by striking “, but not  
2 including incidental costs relating to acquisition”;  
3 and

4 (2) in subsection (e)(2) by inserting before the  
5 period at the end the following: “or to enhance pub-  
6 lic safety within a designated park or recreation  
7 area”.

8 **SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.**

9 Section 6(f)(3) (16 U.S.C. 460l-8(f)(3)) is  
10 amended—

11 (1) by inserting “(A)” before “No property”;  
12 and

13 (2) by striking the second sentence and insert-  
14 ing the following:

15 “(B) The Secretary shall approve such conversion  
16 only if the State demonstrates no prudent or feasible alter-  
17 native exists with the exception of those properties that  
18 no longer meet the criteria within the State Plan or Agen-  
19 da as an outdoor conservation and recreation facility due  
20 to changes in demographics or that must be abandoned  
21 because of environmental contamination which endangers  
22 public health and safety. Any conversion must satisfy such  
23 conditions as the Secretary deems necessary to assure the  
24 substitution of other conservation and recreation prop-  
25 erties of at least equal fair market value and reasonably



1 equivalent usefulness and location and which are con-  
 2 sistent with the existing State Plan or Agenda; except that  
 3 wetland areas and interests therein as identified in the  
 4 wetlands provisions of the action agenda and proposed to  
 5 be acquired as suitable replacement property within that  
 6 same State that is otherwise acceptable to the Secretary  
 7 shall be considered to be of reasonably equivalent useful-  
 8 ness with the property proposed for conversion.”.

9 **SEC. 210. WATER RIGHTS.**

10 Title I is amended by adding at the end the following:

11 “WATER RIGHTS

12 “SEC. 14. Nothing in this title—

13 “(1) invalidates or preempts State or Federal  
 14 water law or an interstate compact governing water;

15 “(2) alters the rights of any State to any ap-  
 16 propriated share of the waters of any body of sur-  
 17 face or ground water, whether determined by past or  
 18 future interstate compacts or by past or future legis-  
 19 lative or final judicial allocations;

20 “(3) preempts or modifies any Federal or State  
 21 law, or interstate compact, dealing with water qual-  
 22 ity or disposal; or

23 “(4) confers on any non-Federal entity the abil-  
 24 ity to exercise any Federal right to the waters of any  
 25 stream or to any ground water resource.”.

1 **TITLE III—WILDLIFE CONSERVA-**  
2 **TION AND RESTORATION**

3 **SEC. 301. PURPOSES.**

4 The purposes of this title are—

5 (1) to extend financial and technical assistance  
6 to the States under the Federal Aid to Wildlife Res-  
7 toration Act for the benefit of a diverse array of  
8 wildlife and associated habitats, including species  
9 that are not hunted or fished, to fulfill unmet needs  
10 of wildlife within the States in recognition of the pri-  
11 mary role of the States to conserve all wildlife;

12 (2) to assure sound conservation policies  
13 through the development, revision, and implementa-  
14 tion of a comprehensive wildlife conservation and  
15 restoration plan;

16 (3) to encourage State fish and wildlife agencies  
17 to participate with the Federal Government, other  
18 State agencies, wildlife conservation organizations,  
19 and outdoor recreation and conservation interests  
20 through cooperative planning and implementation of  
21 this title; and

22 (4) to encourage State fish and wildlife agencies  
23 to provide for public involvement in the process of  
24 development and implementation of a wildlife con-  
25 servation and restoration program.

1 **SEC. 302. DEFINITIONS.**

2 (a) REFERENCE TO LAW.—In this title, the term  
3 “Federal Aid in Wildlife Restoration Act” means the Act  
4 of September 2, 1937 (16 U.S.C. 669 and following), com-  
5 monly referred to as the Federal Aid in Wildlife Restora-  
6 tion Act or the Pittman-Robertson Act.

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

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

17 (d) DEFINITIONS.—Section 2 of the Federal Aid in  
18 Wildlife Restoration Act (16 U.S.C. 669a) is amended by  
19 striking the period at the end thereof, substituting a semi-  
20 colon, and adding the following: “the term ‘conservation’  
21 shall be construed to mean the use of methods and proce-  
22 dures necessary or desirable to sustain healthy populations  
23 of wildlife including all activities associated with scientific  
24 resources management such as research, census, moni-  
25 toring of populations, acquisition, improvement and man-  
26 agement of habitat, live trapping and transplantation,

1 wildlife damage management, and periodic or total protec-  
2 tion of a species or population as well as the taking of  
3 individuals within wildlife stock or population if permitted  
4 by applicable State and Federal law; the term ‘wildlife  
5 conservation and restoration program’ means a program  
6 developed by a State fish and wildlife department and ap-  
7 proved by the Secretary under section 4(d), the projects  
8 that constitute such a program, which may be imple-  
9 mented in whole or part through grants and contracts by  
10 a State to other State, Federal, or local agencies (includ-  
11 ing those that gather, evaluate, and disseminate informa-  
12 tion on wildlife and their habitats), wildlife conservation  
13 organizations, and outdoor recreation and conservation  
14 education entities from funds apportioned under this title,  
15 and maintenance of such projects; the term ‘wildlife’ shall  
16 be construed to mean any species of wild, free-ranging  
17 fauna including fish, and also fauna in captive breeding  
18 programs the object of which is to reintroduce individuals  
19 of a depleted indigenous species into previously occupied  
20 range; the term ‘wildlife-associated recreation’ shall be  
21 construed to mean projects intended to meet the demand  
22 for outdoor activities associated with wildlife including,  
23 but not limited to, hunting and fishing, wildlife observa-  
24 tion and photography, such projects as construction or  
25 restoration of wildlife viewing areas, observation towers,

1 blinds, platforms, land and water trails, water access, trail  
 2 heads, and access for such projects; and the term ‘wildlife  
 3 conservation education’ shall be construed to mean  
 4 projects, including public outreach, intended to foster re-  
 5 sponsible natural resource stewardship.”.

6 **SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
 7 **CONSERVATION AND REINVESTMENT ACT**  
 8 **FUND.**

9 Section 3 of the Federal Aid in Wildlife Restoration  
 10 Act (16 U.S.C. 669b) is amended—

11 (1) in subsection (a) by inserting “(1)” after  
 12 “(a)”, and by adding at the end the following:

13 “(2) There is established in the Federal aid to wildlife  
 14 restoration fund a subaccount to be known as the ‘wildlife  
 15 conservation and restoration account’. Amounts trans-  
 16 ferred to the fund for a fiscal year under section 5(b)(3)  
 17 of the Conservation and Reinvestment Act of 1999 shall  
 18 be deposited in the subaccount and shall be available with-  
 19 out further appropriation, in each fiscal year, for appor-  
 20 tionment in accordance with this Act to carry out State  
 21 wildlife conservation and restoration programs.”; and

22 (2) by adding at the end the following:

23 “(c) Amounts transferred to the fund from the Con-  
 24 servation and Reinvestment Act Fund and apportioned  
 25 under subsection (a)(2) shall supplement, but not replace,

1 existing funds available to the States from the sport fish  
2 restoration account and wildlife restoration account and  
3 shall be used for the development, revision, and implemen-  
4 tation of wildlife conservation and restoration programs  
5 and should be used to address the unmet needs for a di-  
6 verse array of wildlife and associated habitats, including  
7 species that are not hunted or fished, for wildlife conserva-  
8 tion, wildlife conservation education, and wildlife-associ-  
9 ated recreation projects. Such funds may be used for new  
10 programs and projects as well as to enhance existing pro-  
11 grams and projects.

12       “(d)(1) Notwithstanding subsections (a) and (b) of  
13 this section, with respect to amounts transferred to the  
14 fund from the Conservation and Reinvestment Act Fund  
15 so much of such amounts as is apportioned to any State  
16 for any fiscal year and as remains unexpended at the close  
17 thereof shall remain available for expenditure in that State  
18 until the close of—

19               “(A) the fourth succeeding fiscal year, in the  
20 case of amounts transferred in any of the first 10  
21 fiscal years beginning after the date of enactment of  
22 the Conservation and Reinvestment Act of 1999; or

23               “(B) the second succeeding fiscal year, in the  
24 case of amounts transferred in a fiscal year begin-

1       ning after the 10-fiscal-year period referred to in  
2       subparagraph (A).

3       “(2) Any amount apportioned to a State under this  
4       subsection that is unexpended or unobligated at the end  
5       of the period during which it is available under paragraph  
6       (1) shall be reapportioned to all States during the suc-  
7       ceeding fiscal year.”.

8       **SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED**  
9                               **FROM CONSERVATION AND REINVESTMENT**  
10                              **ACT FUND.**

11       (a) IN GENERAL.—Section 4 of the Federal Aid in  
12       Wildlife Restoration Act (16 U.S.C. 669e) is amended by  
13       adding at the end the following new subsection:

14       “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
15       AND REINVESTMENT ACT FUND.—(1) The Secretary of  
16       the Interior shall make the following apportionment from  
17       the amount transferred to the fund from the Conservation  
18       and Reinvestment Act Fund for each fiscal year:

19               “(A) To the District of Columbia and to the  
20       Commonwealth of Puerto Rico, each a sum equal to  
21       not more than  $\frac{1}{2}$  of 1 percent thereof.

22               “(B) To Guam, American Samoa, the Virgin Is-  
23       lands, and the Commonwealth of the Northern Mar-  
24       iana Islands, each a sum equal to not more than  $\frac{1}{6}$   
25       of 1 percent thereof.

1       “(2)(A) The Secretary of the Interior, after making  
2 the apportionment under paragraph (1), shall apportion  
3 the remainder of the amount transferred to the fund from  
4 the Conservation and Reinvestment Act Fund for each fis-  
5 cal year among the States in the following manner:

6           “(i)  $\frac{1}{3}$  of which is based on the ratio to which  
7 the land area of such State bears to the total land  
8 area of all such States.

9           “(ii)  $\frac{2}{3}$  of which is based on the ratio to which  
10 the population of such State bears to the total popu-  
11 lation of all such States.

12       “(B) The amounts apportioned under this paragraph  
13 shall be adjusted equitably so that no such State shall be  
14 apportioned a sum which is less than  $\frac{1}{2}$  of 1 percent of  
15 the amount available for apportionment under this para-  
16 graph for any fiscal year or more than 5 percent of such  
17 amount.

18       “(3) Amounts transferred to the fund from the Con-  
19 servation and Reinvestment Act Fund shall not be avail-  
20 able for any expenses incurred in the administration and  
21 execution of programs carried out with such amounts.

22       “(d) WILDLIFE CONSERVATION AND RESTORATION  
23 PROGRAMS.—(1) Any State, through its fish and wildlife  
24 department, may apply to the Secretary of the Interior  
25 for approval of a wildlife conservation and restoration pro-



1 gram, or for funds to develop a program. To apply, a State  
2 shall submit a comprehensive plan that includes—

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

6 “(B) provisions for the development and imple-  
7 mentation of—

8 “(i) wildlife conservation projects that ex-  
9 pand and support existing wildlife programs,  
10 giving appropriate consideration to all wildlife;

11 “(ii) wildlife-associated recreation projects;  
12 and

13 “(iii) wildlife conservation education  
14 projects pursuant to programs under section  
15 8(a); and

16 “(C) provisions to ensure public participation in  
17 the development, revision, and implementation of  
18 projects and programs required under this para-  
19 graph.

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

23 “(3) If the Secretary finds that the comprehensive  
24 plan submitted by a State complies with paragraph (1),  
25 the Secretary shall approve the wildlife conservation and

1 restoration program of the State and set aside from the  
2 apportionment to the State made pursuant to subsection  
3 (c) an amount that shall not exceed 75 percent of the esti-  
4 mated cost of developing and implementing the program.

5       “(4)(A) Except as provided in subparagraph (B),  
6 after the Secretary approves a State’s wildlife conservation  
7 and restoration program, the Secretary may make pay-  
8 ments on a project that is a segment of the State’s wildlife  
9 conservation and restoration program as the project pro-  
10 gresses. Such payments, including previous payments on  
11 the project, if any, shall not be more than the United  
12 States pro rata share of such project. The Secretary,  
13 under such regulations as he may prescribe, may advance  
14 funds representing the United States pro rata share of  
15 a project that is a segment of a wildlife conservation and  
16 restoration program, including funds to develop such pro-  
17 gram.

18       “(B) Not more than 10 percent of the amounts ap-  
19 portioned to each State under this section for a State’s  
20 wildlife conservation and restoration program may be used  
21 for wildlife-associated recreation.

22       “(5) For purposes of this subsection, the term ‘State’  
23 shall include the District of Columbia, the Commonwealth  
24 of Puerto Rico, the 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 pro-  
9 visions of this title relate solely to wildlife conservation and  
10 restoration programs and shall not be construed to affect  
11 the provisions of the Federal Aid in Wildlife Restoration  
12 Act relating to wildlife restoration projects or the provi-  
13 sions of the Federal Aid in Sport Fish Restoration Act  
14 relating to fish restoration and management projects.

15 **SEC. 305. EDUCATION.**

16 Section 8(a) of the Federal Aid in Wildlife Restora-  
17 tion Act (16 U.S.C. 669g(a)) is amended by adding the  
18 following at the end thereof: “Funds available from the  
19 amount transferred to the fund from the Conservation and  
20 Reinvestment Act Fund may be used for a wildlife con-  
21 servation education program, except that no such funds  
22 may be used for education efforts, projects, or programs  
23 that promote or encourage opposition to the regulated tak-  
24 ing of wildlife.”.

1 **SEC. 306. 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, 1999, 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 forgoing.

12 **TITLE IV—URBAN PARK AND**  
 13 **RECREATION RECOVERY**  
 14 **PROGRAM AMENDMENTS**

15 **SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION**  
 16 **RECOVERY ACT OF 1978.**

17 Except as otherwise expressly provided, whenever in  
 18 this title an amendment or repeal is expressed in terms  
 19 of an amendment to, or repeal of, a section or other provi-  
 20 sion, the reference shall be considered to be made to a  
 21 section or other provision of the Urban Park and Recre-  
 22 ation Recovery Act of 1978 (16 U.S.C. 2501 and fol-  
 23 lowing).

1 **SEC. 402. PURPOSE.**

2 The purpose of this title is to provide a dedicated  
3 source of funding to assist local governments in improving  
4 their park and recreation systems.

5 **SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
6 **CONSERVATION AND REINVESTMENT ACT**  
7 **FUND.**

8 Section 1013 (16 U.S.C. 2512) is amended to read  
9 as follows:

10 “TREATMENT OF AMOUNTS TRANSFERRED FROM  
11 CONSERVATION AND REINVESTMENT ACT FUND

12 “SEC. 1013. (a) IN GENERAL.—Amounts transferred  
13 to the Secretary of the Interior under section 5(b)(4) of  
14 the Conservation and Reinvestment Act of 1999 in a fiscal  
15 year shall be available to the Secretary without further  
16 appropriation to carry out this title. Any amount that has  
17 not been paid or obligated by the Secretary before the end  
18 of the second fiscal year beginning after the first fiscal  
19 year in which the amount is available shall be reappor-  
20 tioned by the Secretary among grantees under this title.

21 “(b) LIMITATIONS ON ANNUAL GRANTS.—Of the  
22 amounts available in a fiscal year under subsection (a)—

23 “(1) not more than 3 percent may be used for  
24 grants for the development of local park and recre-  
25 ation recovery action programs pursuant to sections  
26 1007(a) and 1007(c);

1           “(2) not more than 10 percent may be used for  
2 innovation grants pursuant to section 1006; and

3           “(3) not more than 15 percent may be provided  
4 as grants (in the aggregate) for projects in any one  
5 State.

6           “(c) LIMITATION ON USE FOR GRANT ADMINISTRA-  
7 TION.—The Secretary shall establish a limit on the portion  
8 of any grant under this title that may be used for grant  
9 and program administration.”.

10 **SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FA-  
11 CILITIES.**

12           Section 1003 (16 U.S.C. 2502) is amended by insert-  
13 ing “development of new recreation areas and facilities,  
14 including the acquisition of lands for such development,”  
15 after “rehabilitation of critically needed recreation areas,  
16 facilities,”.

17 **SEC. 405. DEFINITIONS.**

18           Section 1004 (16 U.S.C. 2503) is amended as fol-  
19 lows:

20           (1) In paragraph (j) by striking “and” after the  
21 semicolon.

22           (2) In paragraph (k) by striking the period at  
23 the end and inserting a semicolon.

24           (3) By adding at the end the following:

25           “(l) ‘development grants’—

1           “(1) subject to subparagraph (2) means  
2           matching capital grants to units of local govern-  
3           ment to cover costs of development, land acqui-  
4           sition, and construction on existing or new  
5           neighborhood recreation sites, including indoor  
6           and outdoor recreational areas and facilities,  
7           support facilities, and landscaping; and

8           “(2) does not include routine maintenance,  
9           and upkeep activities; and

10          “(m) ‘Secretary’ means the Secretary of the In-  
11          terior.”.

12 **SEC. 406. ELIGIBILITY.**

13          Section 1005(a) (16 U.S.C. 2504(a)) is amended to  
14          read as follows:

15          “(a) Eligibility of general purpose local governments  
16          to compete for assistance under this title shall be based  
17          upon need as determined by the Secretary. Generally, eli-  
18          gible general purpose local governments shall include the  
19          following:

20                 “(1) All political subdivisions of Metropolitan,  
21                 Primary, or Consolidated Statistical Areas, as deter-  
22                 mined by the most recent Census.

23                 “(2) Any other city, town, or group of cities or  
24                 towns (or both) within such a Metropolitan Statis-

1 tical Area, that has a total population of 50,000 or  
2 more as determined by the most recent Census.

3 “(3) Any other county, parish, or township with  
4 a total population of 250,000 or more as determined  
5 by the most recent Census.”.

6 **SEC. 407. GRANTS.**

7 Section 1006 (16 U.S.C. 2505) is amended—

8 (1) in subsection (a) by redesignating para-  
9 graph (3) as paragraph (4); and

10 (2) by striking so much as precedes subsection  
11 (a)(4) (as so redesignated) and inserting the fol-  
12 lowing:

13 “GRANTS

14 “SEC. 1006. (a)(1) The Secretary may provide 70  
15 percent matching grants for rehabilitation, development,  
16 and innovation purposes to any eligible general purpose  
17 local government upon approval by the Secretary of an ap-  
18 plication submitted by the chief executive of such govern-  
19 ment.

20 “(2) At the discretion of such an applicant, a grant  
21 under this section may be transferred in whole or part to  
22 independent special purpose local governments, private  
23 nonprofit agencies, or county or regional park authorities,  
24 if—

25 “(A) such transfer is consistent with the ap-  
26 proved application for the grant; and



1           “(B) the applicant provides assurance to the  
2           Secretary that the applicant will maintain public  
3           recreation opportunities at assisted areas and facili-  
4           ties owned or managed by the applicant in accord-  
5           ance with section 1010.

6           “(3) Payments may be made only for those rehabilita-  
7           tion, development, or innovation projects that have been  
8           approved by the Secretary. Such payments may be made  
9           from time to time in keeping with the rate of progress  
10          toward completion of a project, on a reimbursable basis.”.

11 **SEC. 408. RECOVERY ACTION PROGRAMS.**

12          Section 1007(a) (16 U.S.C. 2506(a)) is amended—

13           (1) in subsection (a) in the first sentence by in-  
14           serting “development,” after “commitments to ongo-  
15           ing planning,”; and

16           (2) in subsection (a)(2) by inserting “develop-  
17           ment and” after “adequate planning for”.

18 **SEC. 409. STATE ACTION INCENTIVES.**

19          Section 1008 (16 U.S.C. 2507) is amended—

20           (1) by inserting “(a) IN GENERAL.—” before  
21           the first sentence; and

22           (2) by striking the last sentence of subsection  
23           (a) (as designated by paragraph (1) of this section)  
24           and inserting the following:

1       “(b) COORDINATION WITH LAND AND WATER CON-  
 2       SERVATION FUND ACTIVITIES.—(1) The Secretary and  
 3       general purpose local governments are encouraged to co-  
 4       ordinate preparation of recovery action programs required  
 5       by this title with State Plans or Agendas required under  
 6       section 6 of the Land and Water Conservation Fund Act  
 7       of 1965, including by allowing flexibility in preparation of  
 8       recovery action programs so they may be used to meet  
 9       State and local qualifications for local receipt of Land and  
 10      Water Conservation Fund grants or State grants for simi-  
 11      lar purposes or for other conservation or recreation pur-  
 12      poses.

13       “(2) The Secretary shall encourage States to consider  
 14      the findings, priorities, strategies, and schedules included  
 15      in the recovery action programs of their urban localities  
 16      in preparation and updating of State plans in accordance  
 17      with the public coordination and citizen consultation re-  
 18      quirements of subsection 6(d) of the Land and Water Con-  
 19      servation Fund Act of 1965.”.

20      **SEC. 410. CONVERSION OF RECREATION PROPERTY.**

21       Section 1010 (16 U.S.C. 2509) is amended to read  
 22      as follows:

23               “CONVERSION OF RECREATION PROPERTY

24               “SEC. 1010. (a)(1) No property developed, acquired,  
 25      or rehabilitated under this title shall, without the approval

1 of the Secretary, be converted to any purpose other than  
2 public recreation purposes.

3 “(2) Paragraph (1) shall apply to—

4 “(A) property developed with amounts provided  
5 under this title; and

6 “(B) the park, recreation, or conservation area  
7 of which the property is a part.

8 “(b)(1) The Secretary shall approve such conversion  
9 only if the grantee demonstrates no prudent or feasible  
10 alternative exists.

11 “(2) Paragraph (1) shall apply to property that is  
12 no longer a viable recreation facility due to changes in de-  
13 mographics or that must be abandoned because of environ-  
14 mental contamination which endangers public health or  
15 safety.

16 “(c) Any conversion must satisfy any conditions the  
17 Secretary considers necessary to assure substitution of  
18 other recreation property that is—

19 “(1) of at least equal fair market value, or rea-  
20 sonably equivalent usefulness and location; and

21 “(2) in accord with the current recreation re-  
22 covery action plan of the grantee.”.

23 **SEC. 411. REPEAL.**

24 Section 1015 (16 U.S.C. 2514) is repealed.

1                   **TITLE V—HISTORIC**  
2                   **PRESERVATION FUND**

3 **SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
4                   **CONSERVATION AND REINVESTMENT ACT**  
5                   **FUND.**

6           Section 108 of the National Historic Preservation Act  
7 (16 U.S.C. 470h) is amended—

8                   (1) by inserting “(a)” before the first sentence;

9                   (2) in subsection (a) (as designated by para-  
10 graph (1) of this section) by striking all after the  
11 first sentence; and

12                   (3) by adding at the end the following:

13           “(b) Amounts transferred to the Secretary under sec-  
14 tion 5(b)(5) of the Conservation and Reinvestment Act of  
15 1999 in a fiscal year shall be deposited into the Fund and  
16 shall be available without further appropriation, in that  
17 fiscal year, to carry out this Act.

18           “(c) At least ½ of the funds obligated or expended  
19 each fiscal year under this Act shall be used in accordance  
20 with this Act for preservation projects on historic prop-  
21 erties. In making such funds available, the Secretary shall  
22 give priority to the preservation of endangered historic  
23 properties.”.

1 **SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSIST-**  
2 **ANCE FOR NATIONAL HERITAGE AREAS AND**  
3 **CORRIDORS.**

4 Title I of the National Historic Preservation Act (16  
5 U.S.C. 470a and following) is amended by adding at the  
6 end the following:

7 **“SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HER-**  
8 **ITAGE AREAS AND CORRIDORS.**

9 “In addition to other uses authorized by this Act,  
10 amounts provided to a State under this title may be used  
11 by the State to provide financial assistance to the manage-  
12 ment entity for any national heritage area or national her-  
13 itage corridor established under the laws of the United  
14 States, to support cooperative historic preservation plan-  
15 ning and development.”.

16 **TITLE VI—FEDERAL AND INDIAN**  
17 **LANDS RESTORATION**

18 **SEC. 601. PURPOSE.**

19 The purpose of this title is to provide a dedicated  
20 source of funding for a coordinated program on Federal  
21 and Indian lands to restore degraded lands, protect re-  
22 sources that are threatened with degradation, and protect  
23 public health and safety.

1 **SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
2 **CONSERVATION AND REINVESTMENT ACT**  
3 **FUND; ALLOCATION.**

4 (a) IN GENERAL.—Amounts transferred to the Sec-  
5 retary of the Interior and the Secretary of Agriculture  
6 under section 5(b)(6) of this Act in a fiscal year shall be  
7 available without further appropriation, in that fiscal year,  
8 to carry out this title.

9 (b) ALLOCATION.—Amounts referred to in subsection  
10 (a) year shall be allocated and available as follows:

11 (1) DEPARTMENT OF THE INTERIOR.—60 per-  
12 cent shall be allocated and available to the Secretary  
13 of the Interior to carry out the purpose of this title  
14 on lands within the National Park System, lands  
15 within the National Wildlife Refuge System, and  
16 public lands administered by the Bureau of Land  
17 Management.

18 (2) DEPARTMENT OF AGRICULTURE.—30 per-  
19 cent shall be allocated and available to the Secretary  
20 of Agriculture to carry out the purpose of this title  
21 on lands within the National Forest System.

22 (3) INDIAN TRIBES.—10 percent shall be allo-  
23 cated and available to the Secretary of the Interior  
24 for competitive grants to qualified Indian tribes  
25 under section 603(b).

1 **SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.**

2 (a) IN GENERAL.—Funds made available to carry out  
3 this title shall be used solely for restoration of degraded  
4 lands, resource protection, maintenance activities related  
5 to resource protection, or protection of public health or  
6 safety.

7 (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

8 (1) GRANT AUTHORITY.—The Secretary of the  
9 Interior shall administer a competitive grant pro-  
10 gram for Indian tribes, giving priority to projects  
11 based upon the protection of significant resources,  
12 the severity of damages or threats to resources, and  
13 the protection of public health or safety.

14 (2) LIMITATION.—The amount received for a  
15 fiscal year by a single Indian tribe in the form of  
16 grants under this subsection may not exceed 10 per-  
17 cent of the total amount available for that fiscal year  
18 for grants under this subsection.

19 (c) PRIORITY LIST.—The Secretary of the Interior  
20 and the Secretary of Agriculture shall each establish pri-  
21 ority lists for the use of funds available under this title.  
22 Each list shall give priority to projects based upon the pro-  
23 tection of significant resources, the severity of damages  
24 or threats to resources, and the protection of public health  
25 or safety.

1 (d) COMPLIANCE WITH APPLICABLE PLANS.—Any  
2 project carried out on Federal lands with amounts pro-  
3 vided under this title shall be carried out in accordance  
4 with all management plans that apply under Federal law  
5 to the lands.

6 (e) TRACKING RESULTS.—Not later than the end of  
7 the first full fiscal year for which funds are available under  
8 this title, the Secretary of the Interior and the Secretary  
9 of Agriculture shall jointly establish a coordinated pro-  
10 gram for—

11 (1) tracking the progress of activities carried  
12 out with amounts made available by this title; and

13 (2) determining the extent to which demon-  
14 strable results are being achieved by those activities.

15 **SEC. 604. INDIAN TRIBE DEFINED.**

16 In this title, the term “Indian tribe” means an Indian  
17 or Alaska Native tribe, band, nation, pueblo, village, or  
18 community that the Secretary of the Interior recognizes  
19 as an Indian tribe under section 104 of the Federally Rec-  
20 ognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-  
21 1).



1 **TITLE VII—CONSERVATION**  
 2 **EASEMENTS AND ENDAN-**  
 3 **GERED AND THREATENED**  
 4 **SPECIES RECOVERY**

5 **Subtitle A—Conservation**  
 6 **Easements**

7 **SEC. 701. PURPOSE.**

8 The purpose of this subtitle is to provide a dedicated  
 9 source of funding to the Secretary of the Interior for pro-  
 10 grams to provide matching grants to certain eligible enti-  
 11 ties to facilitate the purchase of permanent conservation  
 12 easements in order to—

13 (1) protect the ability of these lands to main-  
 14 tain their traditional uses; and

15 (2) prevent the loss of their value to the public  
 16 because of development that is inconsistent with  
 17 their traditional uses.

18 **SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
 19 **CONSERVATION AND REINVESTMENT ACT**  
 20 **FUND.**

21 Amounts transferred to the Secretary of the Interior  
 22 under section 5(b)(7)(A) in a fiscal year shall be available  
 23 to the Secretary of the Interior without further appropria-  
 24 tion, in that fiscal year, to carry out this subtitle.

1 **SEC. 703. AUTHORIZED USES OF TRANSFERRED AMOUNTS.**

2 The Secretary of the Interior may use the amounts  
3 available under section 702 for the Conservation Ease-  
4 ment Program established by section 704.

5 **SEC. 704. CONSERVATION EASEMENT PROGRAM.**

6 (a) GRANTS AUTHORIZED; PURPOSE.—The Sec-  
7 retary of the Interior shall establish and carry out a pro-  
8 gram, to be known as the “Conservation Easement Pro-  
9 gram”, under which the Secretary shall provide grants to  
10 eligible entities described in subsection (c) to provide the  
11 Federal share of the cost of purchasing permanent con-  
12 servation easements in land with prime, unique, or other  
13 productive uses.

14 (b) FEDERAL SHARE.—The Federal share of the cost  
15 of purchasing a conservation easement described in sub-  
16 section (a) may not exceed 50 percent of the total cost  
17 of purchasing the easement.

18 (c) ELIGIBLE ENTITY DEFINED.—In this section, the  
19 term “eligible entity” means any of the following:

20 (1) An agency of a State or local government.

21 (2) A federally recognized Indian tribe.

22 (3) Any organization that is organized for, and  
23 at all times since its formation has been operated  
24 principally for, one or more of the conservation pur-  
25 poses specified in clause (i), (ii), or (iii) of section

1 170(h)(4)(A) of the Internal Revenue Code of 1986  
2 and—

3 (A) is described in section 501(c)(3) of the  
4 Code;

5 (B) is exempt from taxation under section  
6 501(a) of the Code; and

7 (C) is described in paragraph (2) of section  
8 509(a) of the Code, or paragraph (3) of such  
9 section, but is controlled by an organization de-  
10 scribed in paragraph (2) of such section.

11 (d) TITLE; ENFORCEMENT.—Any eligible entity may  
12 hold title to a conservation easement described in sub-  
13 section (a) and enforce the conservation requirements of  
14 the easement.

15 (e) STATE CERTIFICATION.—As a condition of the re-  
16 ceipt by an eligible entity of a grant under subsection (a),  
17 the attorney general of the State in which the conservation  
18 easement is to be purchased using the grant funds shall  
19 certify that the conservation easement to be purchased is  
20 in a form that is sufficient, under the laws of the State,  
21 to achieve the conservation purpose of the Conservation  
22 Easement Program and the terms and conditions of the  
23 grant.

24 (f) CONSERVATION PLAN.—Any land for which a  
25 conservation easement is purchased under this section

1 shall be subject to the requirements of a conservation plan  
2 to the extent that the plan does not negate or adversely  
3 affect the restrictions contained in the easement.

4 (g) TECHNICAL ASSISTANCE.—The Secretary of the  
5 Interior may not use more than 10 percent of the amount  
6 that is made available for any fiscal year under this pro-  
7 gram to provide technical assistance to carry out this sec-  
8 tion.

## 9 **Subtitle B—Endangered and** 10 **Threatened Species Recovery**

### 11 **SEC. 711. PURPOSES.**

12 The purposes of this subtitle are the following:

13 (1) To provide a dedicated source of funding to  
14 the United States Fish and Wildlife Service and the  
15 National Marine Fisheries Service for the purpose of  
16 implementing an incentives program to promote the  
17 recovery of endangered species and threatened spe-  
18 cies and the habitat upon which they depend.

19 (2) To promote greater involvement by non-  
20 Federal entities in the recovery of the Nation's en-  
21 dangered species and threatened species and the  
22 habitat upon which they depend.

1 **SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
2 **CONSERVATION AND REINVESTMENT ACT**  
3 **FUND.**

4 Amounts transferred to the Secretary of the Interior  
5 under section 5(b)(7)(B) of this Act in a fiscal year shall  
6 be available to the Secretary of the Interior without fur-  
7 ther appropriation, in that fiscal year, to carry out this  
8 subtitle.

9 **SEC. 713. ENDANGERED AND THREATENED SPECIES RE-**  
10 **COVERY ASSISTANCE.**

11 (a) **FINANCIAL ASSISTANCE.**—The Secretary may  
12 use amounts made available under section 712 to provide  
13 financial assistance to any person for development and im-  
14 plementation of Endangered and Threatened Species Re-  
15 covery Agreements entered into by the Secretary under  
16 section 714.

17 (b) **PRIORITY.**—In providing assistance under this  
18 section, the Secretary shall give priority to the develop-  
19 ment and implementation of species recovery agreements  
20 that—

21 (1) implement actions identified under recovery  
22 plans approved by the Secretary under section 4(f)  
23 of the Endangered Species Act of 1973 (16 U.S.C.  
24 1533(f));

1           (2) have the greatest potential for contributing  
2           to the recovery of an endangered or threatened spe-  
3           cies; and

4           (3) to the extent practicable, require use of the  
5           assistance—

6                   (A) on land owned by a small landowner;

7                   or

8                   (B) on a family farm by the owner or oper-  
9                   ator of the family farm.

10          (c) PROHIBITION ON ASSISTANCE FOR REQUIRED  
11          ACTIVITIES.—The Secretary may not provide financial as-  
12          sistance under this section for any action that is required  
13          by a permit issued under section 10(a)(1)(B) of the En-  
14          dangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B))  
15          or an incidental take statement issued under section 7 of  
16          that Act (16 U.S.C. 1536), or that is otherwise required  
17          under that Act or any other Federal law.

18          (d) PAYMENTS UNDER OTHER PROGRAMS.—

19                  (1) OTHER PAYMENTS NOT AFFECTED.—Finan-  
20          cial assistance provided to a person under this sec-  
21          tion shall be in addition to, and shall not affect, the  
22          total amount of payments that the person is other-  
23          wise eligible to receive under the conservation re-  
24          serve program established under subchapter B of  
25          chapter 1 of subtitle D of title XII of the Food Se-

1 security Act of 1985 (16 U.S.C. 3831 and following),  
2 the wetlands reserve program established under sub-  
3 chapter C of that chapter (16 U.S.C. 3837 and fol-  
4 lowing), or the Wildlife Habitat Incentives Program  
5 established under section 387 of the Federal Agri-  
6 culture Improvement and Reform Act of 1996 (16  
7 U.S.C. 3836a).

8 (2) LIMITATION.—A person may not receive fi-  
9 nancial assistance under this section to carry out ac-  
10 tivities under a species recovery agreement in addi-  
11 tion to payments under the programs referred to in  
12 paragraph (1) made for the same activities, if the  
13 terms of the species recovery agreement do not re-  
14 quire financial or management obligations by the  
15 person in addition to any such obligations of the  
16 person under such programs.

17 **SEC. 714. ENDANGERED AND THREATENED SPECIES RE-**  
18 **COVERY AGREEMENTS.**

19 (a) IN GENERAL.—The Secretary may enter into En-  
20 dangered and Threatened Species Recovery Agreements  
21 for purposes of this subtitle in accordance with this sec-  
22 tion.

23 (b) REQUIRED TERMS.—The Secretary shall include  
24 in each species recovery agreement provisions that—

25 (1) require the person—

1 (A) to carry out on real property owned or  
2 leased by the person activities not otherwise re-  
3 quired by law that contribute to the recovery of  
4 an endangered or threatened species;

5 (B) to refrain from carrying out on real  
6 property owned or leased by the person other-  
7 wise lawful activities that would inhibit the re-  
8 covery of an endangered or threatened species;  
9 or

10 (C) to do any combination of subpara-  
11 graphs (A) and (B);

12 (2) describe the real property referred to in  
13 paragraph (1)(A) and (B) (as applicable);

14 (3) specify species recovery goals for the agree-  
15 ment, and measures for attaining such goals;

16 (4) require the person to make measurable  
17 progress each year in achieving those goals, includ-  
18 ing a schedule for implementation of the agreement;

19 (5) specify actions to be taken by the Secretary  
20 or the person (or both) to monitor the effectiveness  
21 of the agreement in attaining those recovery goals;

22 (6) require the person to notify the Secretary  
23 if—



1 (A) any right or obligation of the person  
2 under the agreement is assigned to any other  
3 person; or

4 (B) any term of the agreement is breached  
5 by the person or any other person to whom is  
6 assigned a right or obligation of the person  
7 under the agreement;

8 (7) specify the date on which the agreement  
9 takes effect and the period of time during which the  
10 agreement shall remain in effect;

11 (8) provide that the agreement shall not be in  
12 effect on and after any date on which the Secretary  
13 publishes a certification by the Secretary that the  
14 person has not complied with the agreement; and

15 (9) allocate financial assistance provided under  
16 this subtitle for implementation of the agreement, on  
17 an annual or other basis during the period the  
18 agreement is in effect based on the schedule for im-  
19 plementation required under paragraph (4).

20 (c) REVIEW AND APPROVAL OF PROPOSED AGREE-  
21 MENTS.—Upon submission by any person of a proposed  
22 species recovery agreement under this section, the  
23 Secretary—

24 (1) shall review the proposed agreement and de-  
25 termine whether it complies with the requirements of

1 this section and will contribute to the recovery of en-  
2 dangered or threatened species that are the subject  
3 of the proposed agreement;

4 (2) propose to the person any additional provi-  
5 sions necessary for the agreement to comply with  
6 this section; and

7 (3) if the Secretary determines that the agree-  
8 ment complies with the requirements of this section,  
9 shall approve and enter with the person into the  
10 agreement.

11 (d) MONITORING IMPLEMENTATION OF AGREE-  
12 MENTS.—The Secretary shall—

13 (1) periodically monitor the implementation of  
14 each species recovery agreement entered into by the  
15 Secretary under this section; and

16 (2) based on the information obtained from  
17 that monitoring, annually or otherwise disburse fi-  
18 nancial assistance under this subtitle to implement  
19 the agreement as the Secretary determines is appro-  
20 priate under the terms of the agreement.

21 **SEC. 715. DEFINITIONS.**

22 In this subtitle:

23 (1) ENDANGERED OR THREATENED SPECIES.—

24 The term “endangered or threatened species” means  
25 any species that is listed as an endangered species

1 or threatened species under section 4 of the Endan-  
2 gered Species Act of 1973 (16 U.S.C. 1533).

3 (2) FAMILY FARM.—The term “family farm”  
4 means a farm that—

5 (A) produces agricultural commodities for  
6 sale in such quantities so as to be recognized in  
7 the community as a farm and not as a rural  
8 residence;

9 (B) produces enough income, including off-  
10 farm employment, to pay family and farm oper-  
11 ating expenses, pay debts, and maintain the  
12 property;

13 (C) is managed by the operator;

14 (D) has a substantial amount of labor pro-  
15 vided by the operator and the operator’s family;  
16 and

17 (E) uses seasonal labor only during peak  
18 periods, and uses no more than a reasonable  
19 amount of full-time hired labor.

20 (3) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior or the Secretary of  
22 Commerce, in accordance with section 3 of the En-  
23 dangered Species Act of 1973 (16 U.S.C. 1532).

1           (4) SMALL LANDOWNER.—The term “small  
2 landowner” means an individual who owns 50 acres  
3 or fewer of land.

4           (5) SPECIES RECOVERY AGREEMENT.—The  
5 term “species recovery agreement” means an En-  
6 dangered and Threatened Species Recovery Agree-  
7 ment entered into by the Secretary under section  
8 714.

○