

106TH CONGRESS  
1ST SESSION

# S. 446

To provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1999

Mrs. BOXER (for herself, Mr. KERRY, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Resources 2000 Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings and purpose.

Sec. 4. Definitions.

Sec. 5. Reduction in deposits of qualified OCS revenues for any fiscal year for which those revenues are reduced.

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- Sec. 101. Amendment of Land and Water Conservation Fund Act of 1965.
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TITLE III—HISTORIC PRESERVATION FUND

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TITLE IV—FARMLAND, RANCHLAND, OPEN SPACE, AND  
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- Sec. 401. Purpose.
- Sec. 402. Farmland, Ranchland, Open Space, and Forestland Protection Fund;  
availability of amounts.
- Sec. 403. Authorized uses of Farmland, Ranchland, Open Space, and  
Forestland Protection Fund.
- Sec. 404. Farmland Protection Program.
- Sec. 405. Ranchland Protection Program.

TITLE V—FEDERAL AND INDIAN LANDS RESTORATION FUND

- Sec. 501. Purpose.
- Sec. 502. Federal and Indian Lands Restoration Fund; availability of amounts;  
allocation.
- Sec. 503. Authorized uses of fund.
- Sec. 504. Indian tribe defined.

TITLE VI—LIVING MARINE RESOURCES CONSERVATION,  
RESTORATION, AND MANAGEMENT ASSISTANCE

- Sec. 601. Purpose.
- Sec. 602. Financial assistance to coastal States.
- Sec. 603. Ocean conservation partnerships.
- Sec. 604. Living Marine Resources Conservation Fund; availability of amounts.

Sec. 605. Definitions.

TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE  
CONSERVATION AND RESTORATION

Sec. 701. Amendments to findings and purposes.

Sec. 702. Definitions.

Sec. 703. Conservation plans.

Sec. 704. Conservation actions in absence of conservation plan.

Sec. 705. Amendments relating to reimbursement process.

Sec. 706. Establishment of Native Fish and Wildlife Conservation and Restoration Trust Fund; availability of amounts.

TITLE VIII—ENDANGERED AND THREATENED SPECIES  
RECOVERY

Sec. 801. Purposes.

Sec. 802. Endangered and threatened species recovery assistance.

Sec. 803. Endangered and threatened species recovery agreements.

Sec. 804. Endangered and Threatened Species Recovery Fund; availability of amounts.

Sec. 805. Definitions.

**1 SEC. 3. FINDINGS AND PURPOSE.**

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

3 (1) By establishing the Land and Water Con-  
4 servation Fund in 1965, Congress determined that  
5 revenues generated by extraction of nonrenewable oil  
6 and gas resources on the Outer Continental Shelf  
7 should be dedicated to conservation and preservation  
8 purposes.

9 (2) The Land and Water Conservation Fund  
10 has been used for over three decades to protect and  
11 enhance national parks, national forests, national  
12 wildlife refuges, and other public lands throughout  
13 the Nation. In past years, the Land and Water Con-  
14 servation Fund has also provided States with vital

1 resources to assist with acquisition and development  
2 of local park and outdoor recreation projects.

3 (3) In 1978, the Congress amended the Land  
4 and Water Conservation Fund to authorize  
5 \$900,000,000 of annual oil and gas receipts to be  
6 used for Federal land acquisition and State recre-  
7 ation projects. In recent years, however, the Con-  
8 gress has failed to appropriate funds at the author-  
9 ized levels to meet Federal land acquisition needs,  
10 and has entirely eliminated State recreation funding,  
11 leaving an unallocated surplus of over  
12 \$12,000,000,000 for fiscal year 1999.

13 (4) To better meet land acquisition needs and  
14 address growing public demands for outdoor recre-  
15 ation, the Congress should assure that the Land and  
16 Water Conservation Fund is used as it was intended  
17 to acquire conservation lands and, in partnership  
18 with State and local governments, to provide for im-  
19 proved parks and outdoor recreational opportunities.

20 (5) The premise of using oil and gas receipts to  
21 meet conservation and preservation objectives also  
22 underlies the National Historic Preservation Act (16  
23 U.S.C. 470 et seq.). Revenues to the Historic Pres-  
24 ervation Fund accumulate at a rate of \$150,000,000  
25 annually, but because the Congress has failed in re-

1 cent years to appropriate the authorized amounts,  
2 the fund has an unallocated surplus of over  
3 \$2,000,000,000 for fiscal year 1999. To reduce the  
4 growing backlog of preservation needs, the Congress  
5 should assure that the Historic Preservation Fund is  
6 used as was intended.

7 (6) Building upon the commitment to devote  
8 revenues from existing offshore leases to resource  
9 protection through the Land and Water Conserva-  
10 tion Fund Act of 1965 (16 U.S.C. 460l-4) and the  
11 National Historic Preservation Act (16 U.S.C. 470  
12 et seq.), the Congress should also dedicate revenues  
13 from existing oil and gas leases to meet critical na-  
14 tional, State, and local preservation and conservation  
15 needs.

16 (7) Suburban sprawl presents a growing threat  
17 to open space and farmland in many areas of the  
18 Nation, with an estimated loss of 7,000 acres of  
19 farmland and open space every day. Financial re-  
20 sources and incentives are needed to promote the  
21 protection of open space, farmland, ranchland, and  
22 forests.

23 (8) National parks, national forests, national  
24 wildlife refuges, and other public lands have signifi-  
25 cant unmet repair and maintenance needs for trails,

1       campgrounds, and other existing recreational infra-  
2       structure, even as outdoor recreation and user de-  
3       mands on these resources are increasing.

4           (9) Urban park and recreation needs have been  
5       neglected, with resulting increases in crime and  
6       other inappropriate activity, in part because the  
7       Congress has failed in recent years to provide appro-  
8       priations as authorized by the Urban Park and  
9       Recreation Recovery Act of 1978 (16 U.S.C. 2501  
10      et seq.).

11          (10) Although the Endangered Species Act of  
12       1973 (16 U.S.C. 1531 et seq.) has prevented the ex-  
13       tinction of many plants and animals, the recovery of  
14       most species listed under that Act has been ham-  
15       pered by a lack of financial resources and incentives  
16       to encourage States and private landowners to con-  
17       tribute to the recovery of protected species.

18          (11) Native fish and wildlife populations have  
19       declined in many parts of the Nation, and face grow-  
20       ing threats from habitat loss and invasive species.  
21       Financial resources and incentives are needed for  
22       States to improve conservation and management of  
23       native species.

24          (12) Ocean and coastal ecosystems are increas-  
25       ingly degraded by loss of habitat, pollution, over-

1 fishing, and other threats to the health and produc-  
 2 tivity of the marine environment. Coastal States  
 3 should be provided with financial resources and in-  
 4 centives to better conserve, restore, and manage liv-  
 5 ing marine resources.

6 (13) The findings of the 1995 National Biologi-  
 7 cal Survey study entitled “Endangered Ecosystems  
 8 of the United States: A Preliminary Assessment of  
 9 Loss and Degradation”, demonstrate the need to es-  
 10 calate conservation measures that protect our Na-  
 11 tion’s wildlands and habitats.

12 (b) PURPOSE.—The purpose of this Act is to expand  
 13 upon the promises of the Land and Water Conservation  
 14 Act of 1965 (16 U.S.C. 460l–4 et seq.) and the National  
 15 Historic Preservation Act (16 U.S.C. 470 et seq.) by pro-  
 16 viding permanent funding for the protection and enhance-  
 17 ment of the Nations natural, historic, and cultural re-  
 18 sources by a variety of means, including—

- 19 (1) the acquisition of conservation lands;
- 20 (2) improvement of State and urban parks;
- 21 (3) preservation of open space, farmland,
- 22 ranchland, and forests;
- 23 (4) conservation of native fish and wildlife;
- 24 (5) recovery of endangered species; and
- 25 (6) restoration of coastal and marine resources.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) **COASTLINE.**—The term “coastline” has the  
4 same meaning that term has in the Submerged  
5 Lands Act (43 U.S.C. 1301 et seq.).

6 (2) **COASTAL STATE.**—The term “coastal  
7 State” has the meaning given the term “coastal  
8 state” in the Coastal Zone Management Act of 1972  
9 (16 U.S.C. 1451 et seq.).

10 (3) **LEASED TRACT.**—The term “leased tract”  
11 means a tract, leased under section 8 of the Outer  
12 Continental Shelf Lands Act (43 U.S.C. 1337) for  
13 the purpose of drilling for, developing and producing  
14 oil and natural gas resources, which is a unit con-  
15 sisting of either a block, a portion of a block, a com-  
16 bination of blocks or portions of blocks (or both), as  
17 specified in the lease, and as depicted on an Outer  
18 Continental Shelf Official Protraction Diagram.

19 (4) **QUALIFIED OUTER CONTINENTAL SHELF**  
20 **REVENUES.**—The term “qualified Outer Continental  
21 Shelf revenues”—

22 (A) except as provided in subparagraph

23 (B)—

24 (i) means all moneys received by the  
25 United States from each leased tract or  
26 portion of a leased tract located in the



1 Western or Central Gulf of Mexico, less  
2 such sums as may be credited to States  
3 under section 8(g) of the Outer Continen-  
4 tal Shelf Lands Act (43 U.S.C. 1337(g))  
5 and amounts needed for adjustments and  
6 refunds as overpayments for rents, royal-  
7 ties, or other purposes; and

8 (ii) includes royalties (including pay-  
9 ments for royalty taken in-kind and sold),  
10 net profit share payments, and related  
11 late-payment interest from natural gas and  
12 oil leases issued pursuant to the Outer  
13 Continental Shelf Lands Act (43 U.S.C.  
14 1331) for such a lease tract or portion;  
15 and

16 (B) does not include any moneys received  
17 by the United States under—

18 (i) any lease issued on or after the  
19 date of the enactment of this Act; or

20 (ii) any lease under which no oil or  
21 gas production has occurred before Janu-  
22 ary 1, 1999.

1 **SEC. 5. REDUCTION IN DEPOSITS OF QUALIFIED OCS REVE-**  
2 **NUES FOR ANY FISCAL YEAR FOR WHICH**  
3 **THOSE REVENUES ARE REDUCED.**

4 (a) REDUCTION IN DEPOSITS.—The amount of quali-  
5 fied Outer Continental Shelf revenues that is otherwise re-  
6 quired to be deposited for a limited fiscal year into the  
7 Land and Water Conservation Fund, the Historic Preser-  
8 vation Fund, or any other fund or account established by  
9 this Act (including the amendments made by this Act) is  
10 hereby reduced, so that—

11 (1) the ratio that the amount deposited (after  
12 the reduction) bears to the amount that would other-  
13 wise be deposited, is equal to

14 (2) the ratio that the amount of qualified Outer  
15 Continental Shelf Revenues for the fiscal year bears  
16 to—

17 (A) \$2,050,000 for fiscal years 2000 and  
18 2001;

19 (B) \$2,150,000 for fiscal years 2002,  
20 2003, and 2004; and

21 (C) \$2,300,000 for fiscal year 2005 and  
22 each fiscal year thereafter.

23 (b) NO REDUCTION IN DEPOSITS OF INTEREST.—  
24 Subsection (a) shall not apply to deposits of interest  
25 earned from investment of amounts in a fund or other ac-  
26 count.

1 (c) LIMITED FISCAL YEAR DEFINED.—In this sec-  
2 tion, the term “limited fiscal year” means a fiscal year  
3 in which the total amount received by the United States  
4 as qualified Outer Continental Shelf revenues is less  
5 than—

6 (1) \$2,050,000, for fiscal years 2000 and 2001;

7 (2) \$2,150,000, for fiscal years 2002, 2003,  
8 and 2004; and

9 (3) \$2,300,000, for fiscal year 2005 and each  
10 fiscal year thereafter.

11 **SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR**  
12 **ADMINISTRATION.**

13 Notwithstanding any other provision of law, of  
14 amounts made available by this Act (including the amend-  
15 ments made by this Act) for a particular activity, not more  
16 than 2 percent may be used for administrative expenses  
17 of that activity.

18 **SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DIS-**  
19 **BURSEMENTS.**

20 Notwithstanding any other provision of law, the re-  
21 ceipts and disbursements of funds under this Act and the  
22 amendments made by this Act—

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

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

3 (B) the congressional budget (including al-  
 4 locations of budget authority and outlays pro-  
 5 vided therein); or

6 (C) the Balanced Budget and Emergency  
 7 Deficit Control Act of 1985; and

8 (2) shall be exempt from any general budget  
 9 limitation imposed by statute on expenditures and  
 10 net lending (budget outlays) of the United States  
 11 Government.

12 **TITLE I—LAND AND WATER CON-**  
 13 **SERVATION FUND REVITAL-**  
 14 **IZATION**

15 **SEC. 101. AMENDMENT OF LAND AND WATER CONSERVA-**  
 16 **TION FUND ACT OF 1965.**

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 Land and Water Con-  
 22 servation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)

23 **SEC. 102. EXTENSION OF PERIOD FOR DEPOSITING**  
 24 **AMOUNTS INTO FUND.**

25 Section 2 (16 U.S.C. 460l–5) is amended—

1 (1) in the matter preceding subsection (a) by  
 2 striking “During the period ending September 30,  
 3 2015, there shall be covered into” and inserting  
 4 “There shall be deposited into”;

5 (2) in paragraph (c)(1) by striking “through  
 6 September 30, 2015”; and

7 (3) in paragraph (c)(2)—

8 (A) by striking “shall be credited to the  
 9 fund” and all that follows through “as amended  
 10 (43 U.S.C. 1331 et seq.)” and inserting “shall  
 11 be deposited into the fund, subject to section 5  
 12 of the Resources 2000 Act, from amounts due  
 13 and payable to the United States as qualified  
 14 Outer Continental Shelf revenues (as that term  
 15 is defined in section 4 of that Act)”; and

16 (B) in the proviso by striking “covered”  
 17 and inserting “deposited”.

18 **SEC. 103. AVAILABILITY OF AMOUNTS.**

19 Section 3 (16 U.S.C. 460l–6) is amended by striking  
 20 so much as precedes the third sentence and inserting the  
 21 following:

22 “APPROPRIATIONS

23 “SEC. 3. (a) Of amounts in the fund, up to  
 24 \$900,000,000 shall be available each fiscal year for obliga-  
 25 tion or expenditure without further appropriation, and  
 26 shall remain available until expended.

1       “(b) Moneys made available for obligation or expendi-  
 2       ture from the fund or from the special account established  
 3       under section 4(i)(1) may be obligated or expended only  
 4       as provided in this Act.

5       “(c) The Secretary of the Treasury shall invest mon-  
 6       eys in the fund that are excess to expenditures in public  
 7       debt securities with maturities suitable to the needs of the  
 8       fund, as determined by the Secretary of the Treasury, and  
 9       bearing interest at rates determined by the Secretary of  
 10      the Treasury, taking into consideration current market  
 11      yields on outstanding marketable obligations of the United  
 12      States of comparable maturity. Interest earned on such  
 13      investments shall be deposited into the fund.”.

14      **SEC. 104. ALLOCATION AND USE OF FUND.**

15      Section 5 (16 U.S.C. 460l–7) is amended to read as  
 16      follows:

17      **“SEC. 5. ALLOCATION AND USE OF FUNDS.**

18      “(a) IN GENERAL.—Of the amounts made available  
 19      for each fiscal year by this Act—

20               “(1) 50 percent shall be available for Federal  
 21      purposes (in this section referred to as the ‘Federal  
 22      portion’); and

23               “(2) 50 percent shall be available for grants to  
 24      States.

1       “(b) USE OF FEDERAL PORTION.—The President  
2 shall, in the annual budget submitted by the President for  
3 each fiscal year, specify the purposes for which the Fed-  
4 eral portion of the fund is to be used by the Secretary  
5 of the Interior and the Secretary of Agriculture. Such  
6 funds shall be used by the Secretary concerned for the  
7 purposes specified by the President in such budget sub-  
8 mission unless the Congress, in an Act making appropria-  
9 tions for the Department of the Interior and related agen-  
10 cies for such fiscal year, specifies that any part of such  
11 Federal portion shall be used by the Secretary concerned  
12 for other Federal purposes as authorized by this Act.

13       “(c) FEDERAL PRIORITY LIST.—(1) For purposes of  
14 the budget submission of the President for each fiscal  
15 year, the President shall require the Secretary of the Inte-  
16 rior and the Secretary of Agriculture to prepare Federal  
17 priority lists for expenditure of the Federal portion.

18       “(2) The Secretaries shall prepare the lists in con-  
19 sultation with the head of each affected bureau or agency,  
20 taking into account the best professional judgment regard-  
21 ing the land acquisition priorities and policies of each bu-  
22 reau or agency.

23       “(3) In preparing the priority lists, the Secretaries  
24 shall consider—

1           “(A) the potential adverse impacts which might  
2           result if a particular acquisition is not undertaken;

3           “(B) the availability of land appraisal and other  
4           information necessary to complete an acquisition in  
5           a timely manner; and

6           “(C) such other factors as the Secretaries con-  
7           sider appropriate.”.

8   **SEC. 105. EXPANSION OF STATE ASSISTANCE PURPOSES.**

9           Section 6(a) (16 U.S.C. 4601–8) is amended by strik-  
10   ing “outdoor recreation:”.

11   **SEC. 106. ALLOCATION OF AMOUNTS AVAILABLE FOR**  
12                           **STATE PURPOSES.**

13           Section 6(b) (16 U.S.C. 4601–8) is amended to read  
14   as follows:

15           “(b) DISTRIBUTION AMONG THE STATES.—(1) Sums  
16   made available from the fund each fiscal year for State  
17   purposes shall be apportioned among the several States  
18   by the Secretary, in accordance with this subsection. The  
19   determination of the apportionment by the Secretary shall  
20   be final.

21           “(2) Two-thirds of the sums made available from the  
22   fund each fiscal year for State purposes shall be distrib-  
23   uted by the Secretary using criteria developed by the Sec-  
24   retary under the following formula:



1           “(A) 30 percent shall be distributed equally  
2           among the several States.

3           “(B) 70 percent shall be distributed on the  
4           basis of the ratio which the population of each State  
5           bears to the total population of all States.

6           “(3) One-third of the sums made available from the  
7           fund each fiscal year for State purposes shall be distrib-  
8           uted among the several States by the Secretary under a  
9           competitive grant program, subject to such criteria as the  
10          Secretary determines necessary to further the purposes of  
11          the Act.

12          “(4) The total allocation to an individual State under  
13          paragraphs (2) and (3) for a fiscal year shall not exceed  
14          10 percent of the total amount allocated to the several  
15          States under this subsection for that fiscal year.

16          “(5) The Secretary shall notify each State of its ap-  
17          portionment, and the amounts thereof shall be available  
18          thereafter to the State for planning, acquisition, or devel-  
19          opment projects as hereafter described. Any amount of  
20          any apportionment that has not been paid or obligated by  
21          the Secretary during the fiscal year in which such notifica-  
22          tion is given and the two fiscal years thereafter shall be  
23          reapportioned by the Secretary in accordance with para-  
24          graph (3), without regard to the 10 percent limitation to  
25          an individual State specified in paragraph (4).

1 “(6)(A) For the purposes of paragraph (2)(A)—

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

4 “(ii) Puerto Rico, the United States Virgin Is-  
5 lands, Guam, and American Samoa—

6 “(I) shall be treated collectively as one  
7 State; and

8 “(II) shall each be allocated an equal share  
9 of any amount distributed to them pursuant to  
10 clause (i).

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

14 **SEC. 107. STATE PLANNING.**

15 Section 6(d) (16 U.S.C. 460l–8(d)) is amended to  
16 read as follows:

17 “(d) STATE PLAN.—(1)(A) A State plan shall be re-  
18 quired prior to the consideration by the Secretary of finan-  
19 cial assistance for acquisition or development projects. In  
20 order to reduce costly repetitive planning efforts, a State  
21 may use for such plan a current State comprehensive out-  
22 door recreation plan, a State recreation plan, or a State  
23 action agenda under criteria developed by the Secretary  
24 if, in the judgment of the Secretary, the plan used encom-  
25 passes and promotes the purposes of this Act. No plan

1 shall be approved for a State unless the Governor of the  
2 State certifies that ample opportunity for public participa-  
3 tion in development and revision of the plan has been ac-  
4 corded. The Secretary shall develop, in consultation with  
5 others, criteria for public participation, and such criteria  
6 shall constitute the basis for certification by the Governor.

7 “(B) The plan or agenda shall contain—

8 “(i) the name of the State agency that will have  
9 the authority to represent and act for the State in  
10 dealing with the Secretary for purposes of this Act;

11 “(ii) an evaluation of the demand for and sup-  
12 ply of outdoor conservation and recreation resources  
13 and facilities in the State;

14 “(iii) a program for the implementation of the  
15 plan or agenda; and

16 “(iv) such other necessary information as may  
17 be determined by the Secretary.

18 “(C) The plan or agenda shall take into account rel-  
19 evant Federal resources and programs and be correlated  
20 so far as practicable with other State, regional, and local  
21 plans.

22 “(2) The Secretary may provide financial assistance  
23 to any State for the preparation of a State plan under  
24 subsection (d)(1) when such plan is not otherwise available  
25 or for the maintenance of such a plan.”.

1 **SEC. 108. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

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

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

6 (2) in subsection (e)(2) by inserting before the  
7 period at the end the following: “or to enhance pub-  
8 lic safety.”.

9 **SEC. 109. CONVERSION OF PROPERTY TO OTHER USE.**

10 Section 6(f)(3) (16 U.S.C. 460l–8(f)) is 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)(i) The Secretary shall approve such conversion  
16 only if the State demonstrates that no prudent or feasible  
17 alternative exists.

18 “(ii) Clause (i) shall not apply to property that is no  
19 longer viable as an outdoor conservation or recreation fa-  
20 cility due to changes in demographics, or that must be  
21 abandoned because of environmental contamination which  
22 endangers public health and safety.

23 “(C)(i) The Secretary may not approve such conver-  
24 sion unless the conversion satisfies any conditions the Sec-  
25 retary considers necessary to assure the substitution of  
26 other conservation and recreation properties of at least

1 equal market value and reasonable equivalent usefulness  
 2 and location and which are in accord with the existing  
 3 State Plan for conservation and recreation.

4 “(ii) For purposes of clause (i), wetland areas and  
 5 interests therein, as identified in a plan referred to in that  
 6 clause and proposed to be acquired as suitable replace-  
 7 ment property within the same State, that is otherwise  
 8 acceptable to the Secretary shall be considered to be of  
 9 reasonably equivalent usefulness with the property pro-  
 10 posed for conversion.”.

## 11 **TITLE II—URBAN PARK AND** 12 **RECREATION RECOVERY** 13 **PROGRAM AMENDMENTS**

### 14 **SEC. 201. AMENDMENT OF URBAN PARK AND RECREATION** 15 **RECOVERY ACT OF 1978.**

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

### 22 **SEC. 202. PURPOSES.**

23 The purpose of this title is to provide a dedicated  
 24 source of funding to assist local governments in improving  
 25 their park and recreation systems.

1 **SEC. 203. AUTHORITY TO DEVELOP NEW AREAS AND FA-**  
2 **CILITIES.**

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

8 **SEC. 204. DEFINITIONS.**

9 Section 1004 (16 U.S.C. 2503) is amended—

10 (1) in paragraph (j) by striking “and” after the  
11 semicolon;

12 (2) in paragraph (k) by striking the period at  
13 the end and inserting a semicolon; and

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

15 “(l) ‘development grants’—

16 “(1) means matching capital grants to  
17 units of local government to cover costs of de-  
18 velopment, land acquisition, and construction  
19 on existing or new neighborhood recreation  
20 sites, including indoor and outdoor recreational  
21 areas and facilities, and support facilities; and

22 “(2) does not include landscaping, routine  
23 maintenance, and upkeep activities;

24 “(m) ‘qualified Outer Continental Shelf reve-  
25 nues’ has the meaning given that term in section 4  
26 of the Resources 2000 Act; and

1           “(n) ‘Secretary’ means the Secretary of the In-  
2           terior.”.

3   **SEC. 205. ELIGIBILITY.**

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

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

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

14           “(2) Any other city or town within such a Met-  
15          ropolitan Statistical Area, that has a total popu-  
16          lation of 50,000 or more as determined by the most  
17          recent Census.

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

21   **SEC. 206. GRANTS.**

22           Section 1006 (16 U.S.C. 2505) is amended by strik-  
23           ing so much as precedes subsection (a)(3) and inserting  
24           the following:

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

7       “(2) At the discretion of such an applicant, a grant  
 8 under this section may be transferred in whole or part to  
 9 independent special purpose local governments, private  
 10 nonprofit agencies, or county or regional park authorities,  
 11 if—

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

14               “(B) the applicant provides assurance to the  
 15 Secretary that the applicant will maintain public  
 16 recreation opportunities at assisted areas and facili-  
 17 ties owned or managed by the applicant in accord-  
 18 ance with section 1010.

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

24 **SEC. 207. RECOVERY ACTION PROGRAMS.**

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



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

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

6 **SEC. 208. STATE ACTION INCENTIVES.**

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

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

10 (2) by striking the last sentence of subsection  
 11 (a) (as designated by paragraph (1) of this section)  
 12 and inserting the following:

13 “(b) COORDINATION WITH LAND AND WATER CON-  
 14 SERVATION FUND ACTIVITIES.—(1) The Secretary and  
 15 general purpose local governments are encouraged to co-  
 16 ordinate preparation of recovery action programs required  
 17 by this title with State plans required under section 6 of  
 18 the Land and Water Conservation Fund Act of 1965, in-  
 19 cluding by allowing flexibility in preparation of recovery  
 20 action programs so they may be used to meet State and  
 21 local qualifications for local receipt of Land and Water  
 22 Conservation Fund grants or State grants for similar pur-  
 23 poses or for other conservation or recreation purposes.

24 (2) The Secretary shall encourage States to consider  
 25 the findings, priorities, strategies, and schedules included

1 in the recovery action programs of their urban localities  
 2 in preparation and updating of State plans in accordance  
 3 with the public coordination and citizen consultation re-  
 4 quirements of subsection 6(d) of the Land and Water Con-  
 5 servation Fund Act of 1965.”.

6 **SEC. 209. CONVERSION OF RECREATION PROPERTY.**

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

9 “CONVERSION OF RECREATION PROPERTY

10 “SEC. 1010. (a)(1) No property developed, acquired,  
 11 or rehabilitated under this title shall, without the approval  
 12 of the Secretary, be converted to any purpose other than  
 13 public recreation purposes.

14 “(2) Paragraph (1) shall apply to—

15 “(A) property developed with amounts provided  
 16 under this title; and

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

19 “(b)(1) The Secretary shall approve such conversion  
 20 only if the grantee demonstrates no prudent or feasible  
 21 alternative exists.

22 “(2) Paragraph (1) shall apply to property that is  
 23 no longer a viable recreation facility due to changes in de-  
 24 mographics or that must be abandoned because of environ-  
 25 mental contamination which endangers public health or  
 26 safety.

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

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

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

8 **SEC. 210. AVAILABILITY OF AMOUNTS.**

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

11 “APPROPRIATIONS

12 “SEC. 1013. (a) IN GENERAL.—

13 “(1) ESTABLISHMENT OF FUND.—There is es-  
 14 tablished in the Treasury of the United States a  
 15 fund that shall be known as the ‘Urban Park and  
 16 Recreation Recovery Fund’ (in this section referred  
 17 to as the ‘Fund’). The Fund shall consist of such  
 18 amounts as are deposited into the Fund under this  
 19 subsection. Amounts in the fund shall only be used  
 20 to carry out this title.

21 “(2) DEPOSITS.—Subject to section 5 of the  
 22 Resources 2000 Act, from amounts received by the  
 23 United States as qualified Outer Continental Shelf  
 24 revenues there shall be deposited into the fund  
 25 \$100,000,000 each fiscal year.

1           “(3) AVAILABILITY.—Of amounts in the fund,  
 2           up to \$100,000,000 shall be available each fiscal  
 3           year without further appropriation, and shall remain  
 4           available until expended.

5           “(4) INVESTMENT OF EXCESS AMOUNTS.—The  
 6           Secretary of the Treasury shall invest moneys in the  
 7           Fund that are excess to expenditures in public debt  
 8           securities with maturities suitable to the needs of  
 9           the Fund, as determined by the Secretary of the  
 10          Treasury, and bearing interest at rates determined  
 11          by the Secretary of the Treasury, taking into consid-  
 12          eration current market yields on outstanding mar-  
 13          ketable obligations of the United States of com-  
 14          parable maturity. Interest earned on such invest-  
 15          ments shall be deposited into the Fund.

16          “(b) LIMITATIONS ON ANNUAL GRANTS.—Of  
 17          amounts available to the Secretary each fiscal year under  
 18          this section—

19               “(1) not more than 3 percent may be used for  
 20               grants for the development of local park and recre-  
 21               ation recovery action programs pursuant to sections  
 22               1007(a) and 1007(c);

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

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

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

8 **SEC. 211. REPEAL.**

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

10 **TITLE III—HISTORIC**  
 11 **PRESERVATION FUND**

12 **SEC. 301. AVAILABILITY OF AMOUNTS.**

13 Section 108 of the National Historic Preservation Act  
 14 (16 U.S.C. 470h) is amended—

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

16 (2) in subsection (a) (as designated by para-  
 17 graph (1) of this section) by striking “There shall be  
 18 covered into such fund” and all that follows through  
 19 “(43 U.S.C. 338),” and inserting “Subject to section  
 20 5 of the Resources 2000 Act, there shall be depos-  
 21 ited into such fund \$150,000,000 for each fiscal  
 22 year after fiscal year 1998 from revenues due and  
 23 payable to the United States as qualified Outer Con-  
 24 tinental Shelf revenues (as that term is defined in  
 25 section 4 of that Act),”.

1           (3) by striking the third sentence of subsection  
2           (a) (as so designated) and all that follows through  
3           the end of the subsection and inserting “Such mon-  
4           eys shall be used only to carry out the purposes of  
5           this Act.”; and

6           (4) by adding at the end the following:

7           “(b)(1) Of amounts in the fund, up to \$150,000,000  
8           shall be available each fiscal year after September 30,  
9           1999, for obligation or expenditure without further appro-  
10          priation to carry out the purposes of this Act, and shall  
11          remain available until expended.

12          “(2) At least  $\frac{1}{2}$  of the funds obligated or expended  
13          each fiscal year under this section shall be used in accord-  
14          ance with this Act for preservation projects on historic  
15          properties. In making such funds available, the Secretary  
16          shall give priority to the preservation of endangered his-  
17          toric properties.

18          “(c) The Secretary of the Treasury shall invest mon-  
19          eys in the fund that are excess to expenditures in public  
20          debt securities with maturities suitable to the needs of the  
21          fund, as determined by the Secretary of the Treasury, and  
22          bearing interest at rates determined by the Secretary of  
23          the Treasury, taking into consideration current market  
24          yields on outstanding marketable obligations of the United

1 States of comparable maturity. Interest earned on such  
 2 investments shall be deposited into the fund.”.

3 **TITLE IV—FARMLAND, RANCH-**  
 4 **LAND, OPEN SPACE, AND**  
 5 **FORESTLAND PROTECTION**

6 **SEC. 401. PURPOSE.**

7 The purpose of this title is to provide a dedicated  
 8 source of funding to the Secretary of Agriculture and the  
 9 Secretary of the Interior for programs to provide matching  
 10 grants to certain eligible entities to facilitate the purchase  
 11 of conservation easements on farmland, ranchland, open  
 12 space, and forestland in order to—

13 (1) protect the ability of these lands to continue  
 14 in productive sustainable agricultural use; and

15 (2) prevent the loss of their value to the public  
 16 as open space because of nonagricultural develop-  
 17 ment.

18 **SEC. 402. FARMLAND, RANCHLAND, OPEN SPACE, AND**  
 19 **FORESTLAND PROTECTION FUND; AVAIL-**  
 20 **ABILITY OF AMOUNTS.**

21 (a) ESTABLISHMENT OF FUND.—There is estab-  
 22 lished in the Treasury of the United States a fund that  
 23 shall be known as the “Farmland, Ranchland, Open  
 24 Space, and Forestland Protection Fund” (in this title re-  
 25 ferred to as the “Fund”). Subject to section 5 of this Act,

1 there shall be deposited into the Fund \$150,000,000 of  
 2 qualified Outer Continental Shelf revenues received by the  
 3 United States each fiscal year.

4 (b) AVAILABILITY.—Amounts in the Fund shall be  
 5 available as provided in section 403, without further ap-  
 6 propriation, and shall remain available until expended.

7 (c) INVESTMENT OF EXCESS AMOUNTS.—The Sec-  
 8 retary of the Treasury shall invest moneys in the Fund  
 9 that are excess to expenditures in public debt securities  
 10 with maturities suitable to the needs of the Fund, as de-  
 11 termined by the Secretary of the Treasury, and bearing  
 12 interest at rates determined by the Secretary of the Treas-  
 13 ury, taking into consideration current market yields on  
 14 outstanding marketable obligations of the United States  
 15 of comparable maturity. Interest earned on such invest-  
 16 ments shall be deposited into the Fund.

17 **SEC. 403. AUTHORIZED USES OF FARMLAND, RANGLAND,**  
 18 **OPEN SPACE, AND FORESTLAND PROTEC-**  
 19 **TION FUND.**

20 (a) FARMLAND PROTECTION PROGRAM.—The Sec-  
 21 retary of Agriculture may use up to \$50,000,000 annually  
 22 from the Farmland, Ranchland, Open Space, and  
 23 Forestland Protection Fund for the Farmland Protection  
 24 Program established under section 388 of the Federal Ag-  
 25 riculture Improvement and Reform Act of 1996 (Public



1 Law 104–127; 16 U.S.C. 3830 note), as amended by sec-  
 2 tion 404.

3 (b) RANGLAND PROTECTION PROGRAM.—The Sec-  
 4 retary of the Interior may use up to \$50,000,000 annually  
 5 from the Fund for the Ranchland Protection Program es-  
 6 tablished by section 405.

7 (c) FOREST LEGACY PROGRAM.—The Secretary of  
 8 Agriculture may use up to \$50,000,000 annually from the  
 9 Fund for the Forest Legacy Program established by sec-  
 10 tion 7 of the Cooperative Forestry Assistance Act of 1978  
 11 (16 U.S.C. 2103c).

12 **SEC. 404. FARMLAND PROTECTION PROGRAM.**

13 (a) EXPANSION OF EXISTING PROGRAM.—Section  
 14 388 of the Federal Agriculture Improvement and Reform  
 15 Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note)  
 16 is amended to read as follows:

17 **“SEC. 388. FARMLAND PROTECTION PROGRAM.**

18 “(a) GRANTS AUTHORIZED; PURPOSE.—The Sec-  
 19 retary of Agriculture shall establish and carry out a pro-  
 20 gram, to be known as the ‘Farmland Protection Program’,  
 21 under which the Secretary shall provide grants to eligible  
 22 entities described in subsection (c) to provide the Federal  
 23 share of the cost of purchasing permanent conservation  
 24 easements in land with prime, unique, or other productive  
 25 soil for the purpose of protecting the continued use of the

1 land as farmland or open space by limiting nonagricultural  
 2 uses of the land.

3 “(b) FEDERAL SHARE.—The Federal share of the  
 4 cost of purchasing a conservation easement described in  
 5 subsection (a) may not exceed 50 percent of the total cost  
 6 of purchasing the easement.

7 “(c) ELIGIBLE ENTITY DEFINED.—In this section,  
 8 the term ‘eligible entity’ means—

- 9 (1) an agency of a State or local government;
- 10 (2) a federally recognized Indian tribe; or
- 11 (3) any organization that is organized for, and  
 12 at all times since its formation has been operated  
 13 principally for, one or more of the conservation pur-  
 14 poses specified in clause (i), (ii), or (iii) of section  
 15 170(h)(4)(A) of the Internal Revenue Code of 1986  
 16 and—

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

19 (B) is exempt from taxation under section  
 20 501(a) of the Code; and

21 (C) is described in paragraph (2) of section  
 22 509(a) of the Code, or paragraph (3) of such  
 23 section, but is controlled by an organization de-  
 24 scribed in paragraph (2) of such section.

1       “(d) TITLE; ENFORCEMENT.—Any eligible entity  
2 may hold title to a conservation easement described in  
3 subsection (a) and enforce the conservation requirements  
4 of the easement.

5       “(e) STATE CERTIFICATION.—As a condition of the  
6 receipt by an eligible entity of a grant under subsection  
7 (a), the attorney general of the State in which the con-  
8 servation easement is to be purchased using the grant  
9 funds shall certify that the conservation easement to be  
10 purchased is in a form that is sufficient, under the laws  
11 of the State, to achieve the conservation purpose of the  
12 Farmland Protection Program and the terms and condi-  
13 tions of the grant.

14       “(f) CONSERVATION PLAN.—Any land for which a  
15 conservation easement is purchased under this section  
16 shall be subject to the requirements of a conservation plan  
17 to the extent that the plan does not negate or adversely  
18 affect the restrictions contained in the easement.

19       “(g) TECHNICAL ASSISTANCE.—The Secretary of Ag-  
20 riculture may not use more than 10 percent of the amount  
21 that is made available for any fiscal year under this pro-  
22 gram to provide technical assistance to carry out this sec-  
23 tion.”.

24       (b) EFFECT ON EXISTING EASEMENTS.—The  
25 amendment made by subsection (a) shall not affect the

1 validity or terms of conservation easements and other in-  
 2 terests in lands purchased under section 388 of the Fed-  
 3 eral Agriculture Improvement and Reform Act of 1996  
 4 (Public Law 104–127; 16 U.S.C. 3830 note) before the  
 5 date of the enactment of this Act.

6 **SEC. 405. RANCHLAND PROTECTION PROGRAM.**

7 (a) GRANTS AUTHORIZED; PURPOSE.—The Sec-  
 8 retary of Interior shall establish and carry out a program,  
 9 to be known as the “Ranchland Protection Program”,  
 10 under which the Secretary shall provide grants to eligible  
 11 entities described in subsection (c) to provide the Federal  
 12 share of the cost of purchasing permanent conservation  
 13 easements on ranchland, which is in danger of conversion  
 14 to nonagricultural uses, for the purpose of protecting the  
 15 continued use of the land as ranchland or open space.

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

20 (c) ELIGIBLE ENTITY DEFINED.—In this section, the  
 21 term “eligible entity” means—

- 22 (1) an agency of a State or local government;
- 23 (2) a federally recognized Indian tribe; or
- 24 (3) any organization that is organized for, and
- 25 at all times since its formation has been operated

1       principally for, one or more of the conservation pur-  
 2       poses specified in clause (i), (ii), or (iii) of section  
 3       170(h)(4)(A) of the Internal Revenue Code of 1986  
 4       and—

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

7               (B) is exempt from taxation under section  
 8       501(a) of the Code; and

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

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

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

1 (f) CONSERVATION PLAN.—Any land for which a  
 2 conservation easement is purchased under this section  
 3 shall be subject to the requirements of a conservation plan  
 4 to the extent that the plan does not negate or adversely  
 5 affect the restrictions contained in the easement.

6 (g) RANGLAND DEFINED.—In this section, the term  
 7 “ranchland” means private or tribally owned rangeland,  
 8 pastureland, grazed forest land, and hay land.

9 (h) TECHNICAL ASSISTANCE.—The Secretary of the  
 10 Interior may not use more than 10 percent of the amount  
 11 that is made available for any fiscal year under this pro-  
 12 gram to provide technical assistance to carry out this sec-  
 13 tion.

## 14 **TITLE V—FEDERAL AND INDIAN** 15 **LANDS RESTORATION FUND**

### 16 **SEC. 501. PURPOSE.**

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

1 **SEC. 502. FEDERAL AND INDIAN LANDS RESTORATION**  
2 **FUND; AVAILABILITY OF AMOUNTS; ALLOCA-**  
3 **TION.**

4 (a) ESTABLISHMENT OF FUND.—There is estab-  
5 lished in the Treasury of the United States a fund that  
6 shall be known as the “Federal and Indian Lands Restora-  
7 tion Fund”. Subject to section 5 of this Act, there shall  
8 be deposited into the fund \$250,000,000 of qualified  
9 Outer Continental Shelf revenues received by the United  
10 States each fiscal year. Amounts in the fund shall only  
11 be used to carry out the purpose of this title.

12 (b) AVAILABILITY.—Of amounts in the fund, up to  
13 \$250,000,000 shall be available each fiscal year without  
14 further appropriation, and shall remain available until ex-  
15 pended.

16 (c) ALLOCATION.—Amounts made available under  
17 this section shall be allocated as follows:

18 (1) DEPARTMENT OF THE INTERIOR.—60 per-  
19 cent shall be available to the Secretary of the Inte-  
20 rior to carry out the purpose of this title on lands  
21 within the National Park System, National Wildlife  
22 Refuge System, and public lands administered by  
23 the Bureau of Land Management.

24 (2) DEPARTMENT OF AGRICULTURE.—30 per-  
25 cent shall be available to the Secretary of Agri-

1 culture to carry out the purpose of this title on lands  
 2 within the National Forest System.

3 (3) INDIAN TRIBES.—10 percent shall be avail-  
 4 able to the Secretary of the Interior for competitive  
 5 grants to qualified Indian tribes under section  
 6 503(b).

7 (d) INVESTMENT OF EXCESS AMOUNTS.—The Sec-  
 8 retary of the Treasury shall invest moneys in the fund that  
 9 are excess to expenditures in public debt securities with  
 10 maturities suitable to the needs of the fund, as determined  
 11 by the Secretary of the Treasury, and bearing interest at  
 12 rates determined by the Secretary of the Treasury, taking  
 13 into consideration current market yields on outstanding  
 14 marketable obligations of the United States of comparable  
 15 maturity. Interest earned on such investments shall be de-  
 16 posited into the fund.

17 **SEC. 503. AUTHORIZED USES OF FUND.**

18 (a) IN GENERAL.—Funds made available pursuant to  
 19 this title shall be used solely for restoration of degraded  
 20 lands, resource protection, maintenance activities related  
 21 to resource protection, or protection of public health or  
 22 safety.

23 (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

24 (1) GRANT AUTHORITY.—The Secretary of the  
 25 Interior shall administer a competitive grant pro-



1        gram for Indian tribes, using such criteria as may  
2        be developed by the Secretary to achieve the purpose  
3        of this title.

4            (2) LIMITATION.—The amount received for a  
5        fiscal year by a single Indian tribe in the form of  
6        grants under this subsection may not exceed 10 per-  
7        cent of the total amount provided to all Indian tribes  
8        for that fiscal year in the form of such grants.

9        (c) PRIORITY LIST.—The Secretary of the Interior  
10      and the Secretary of Agriculture shall each establish prior-  
11      ity lists for the use of funds available under this title.  
12      Each list shall give priority to projects based upon the pro-  
13      tection of significant resources, the severity of damages  
14      or threats to resources, and the protection of public health  
15      or safety.

16        (d) COMPLIANCE WITH APPLICABLE PLANS.—Any  
17      project carried out on Federal lands with amounts pro-  
18      vided under this title shall be carried out in accordance  
19      with all management plans that apply under Federal law  
20      to the lands.

21        (e) TRACKING RESULTS.—Not later than the end of  
22      the first full fiscal year for which funds are available under  
23      this title, the Secretary of the Interior and the Secretary  
24      of Agriculture shall jointly establish a coordinated pro-  
25      gram for—

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

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

5 **SEC. 504. INDIAN TRIBE DEFINED.**

6 In this title, the term “Indian tribe” means an Indian  
 7 or Alaska Native tribe, band, nation, pueblo, village, or  
 8 community that the Secretary of the Interior recognizes  
 9 as an Indian tribe under section 104 of the Federally Rec-  
 10 ognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–  
 11 1).

12 **TITLE VI—LIVING MARINE RE-**  
 13 **SOURCES CONSERVATION,**  
 14 **RESTORATION, AND MANAGE-**  
 15 **MENT ASSISTANCE**

16 **SEC. 601. PURPOSE.**

17 The purpose of this title is to provide a dedicated  
 18 source of funding for a coordinated program to—

19 (1) preserve biological diversity and natural as-  
 20 semblages of living marine resources, and their habi-  
 21 tat; and

22 (2) provide financial assistance to the coastal  
 23 States, private citizens, and nongovernmental enti-  
 24 ties for the conservation, restoration, and manage-  
 25 ment of living marine resources and their habitat.

1 **SEC. 602. FINANCIAL ASSISTANCE TO COASTAL STATES.**

2 (a) AUTHORIZATION OF ASSISTANCE.—

3 (1) IN GENERAL.—The Secretary may use  
4 amounts allocated to an eligible coastal State under  
5 subsection (b) to reimburse the State for costs de-  
6 scribed in paragraph (3) that are incurred by the  
7 State.

8 (2) ELIGIBLE COASTAL STATES.—A coastal  
9 State shall be an eligible coastal State under para-  
10 graph (1) if—

11 (A) the State has a Living Marine Re-  
12 sources Conservation Plan that is approved  
13 under subsection (d); or

14 (B) the Secretary determines that the  
15 State is making sufficient progress toward com-  
16 pletion of such a plan.

17 (3) COSTS ELIGIBLE FOR REIMBURSEMENT.—  
18 The costs referred to in paragraph (1) are the fol-  
19 lowing:

20 (A) The costs of developing a Living Ma-  
21 rine Resources Conservation Plan pursuant to  
22 subsection (d), as follows:

23 (i) Not to exceed 90 percent of such  
24 costs incurred in each of the first three fis-  
25 cal years that begin after the date of the  
26 enactment of this Act.

1                   (ii) Not to exceed 75 percent of such  
2                   costs incurred in each of the fourth and  
3                   fifth fiscal years that begin after the date  
4                   of the enactment of this Act.

5                   (iii) Not to exceed 75 percent of such  
6                   costs incurred in the sixth or seventh year  
7                   that begins after the date of the enactment  
8                   of this Act (or both), upon a showing by  
9                   the State of a need for that assistance for  
10                  that year and a finding by the Secretary  
11                  that the plan is likely to be completed  
12                  within that 2-fiscal-year period.

13                  (B) Not to exceed 75 percent of the costs  
14                  of implementing and revising an approved con-  
15                  servation plan.

16                  (C) Not to exceed 90 percent of imple-  
17                  menting conservation actions under an ap-  
18                  proved conservation plan that are undertaken—

19                         (i) in cooperation with one or more  
20                         other coastal States; or

21                         (ii) in coordination with Federal ac-  
22                         tions for the conservation, restoration, or  
23                         management of living marine resources.

24                  (4) EMERGENCY FUNDING.—Notwithstanding  
25                  paragraph (1), the Secretary may reimburse a coast-

1 al State for 100 percent of the cost of conservation  
 2 actions on a showing of need by the State and if  
 3 those actions—

4 (A) are substantial in character and de-  
 5 sign;

6 (B) meet such of the requirements of sub-  
 7 section (d) as may be appropriate; and

8 (C) are considered by the Secretary to be  
 9 necessary to fulfill the purpose of this title.

10 (5) IN-KIND CONTRIBUTIONS; LIMITATION ON  
 11 INCLUDED COSTS.—(A) In computing the costs in-  
 12 curred by any State during any fiscal year for pur-  
 13 poses of paragraphs (1) and (4), the Secretary, sub-  
 14 ject to subparagraph (B), shall take into account, in  
 15 addition to each outlay by the State, the value of in-  
 16 kind contributions (including real and personal prop-  
 17 erty and services) received and applied by the State  
 18 during the year for activities for which the costs are  
 19 computed.

20 (B) In computing the costs incurred by any  
 21 State during any fiscal year for purposes of para-  
 22 graphs (1) and (4)—

23 (i) the Secretary shall not include costs  
 24 paid by the State using Federal moneys re-  
 25 ceived and applied by the State, directly or indi-

1 rectly, for the activities for which the costs are  
 2 computed; and

3 (ii) the Secretary shall not include in-kind  
 4 contributions in excess of 50 percent of the  
 5 amount of reimbursement paid to the State  
 6 under this subsection for the fiscal year.

7 (C) For purposes of subparagraph (A), in-kind  
 8 contributions may be in the form of, but are not re-  
 9 quired to be limited to, personal services rendered by  
 10 volunteers in carrying out surveys, censuses, and  
 11 other scientific studies regarding living marine re-  
 12 sources. The Secretary shall by regulation  
 13 establish—

14 (i) the training, experience, and other  
 15 qualifications which such volunteers must have  
 16 in order for their services to be considered as  
 17 in-kind contributions; and

18 (ii) the standards under which the Sec-  
 19 retary will determine the value of in-kind con-  
 20 tributions and real and personal property for  
 21 purposes of subparagraph (A).

22 (D) Any valuation determination made by the  
 23 Secretary for purposes of this paragraph shall be  
 24 final and conclusive.

25 (b) ALLOCATION OF FUNDS.—

1           (1) IN GENERAL.—The Secretary shall allocate  
 2           among all coastal States the funds available each fis-  
 3           cal year under section 604(b), as follows:

4                   (A) A portion equal to  $\frac{2}{3}$  of the funds  
 5                   shall be allocated by allocating to each coastal  
 6                   State an amount that bears the same ratio to  
 7                   that portion as the coastal population of the  
 8                   State bears to the total coastal population of all  
 9                   coastal States.

10                   (B) A portion equal to  $\frac{1}{3}$  of the funds  
 11                   shall be allocated by allocating to each coastal  
 12                   State an amount that bears the same ratio to  
 13                   that portion as the shoreline miles of the State  
 14                   bears to the shoreline miles of all coastal  
 15                   States.

16           (2) MINIMUM AND MAXIMUM ALLOCATIONS.—  
 17           Notwithstanding paragraph (1), the total amount al-  
 18           located to a coastal State under subparagraphs (A)  
 19           and (B) of paragraph (1) for a fiscal year shall be  
 20           not less than  $\frac{1}{2}$  of one percent, and not more than  
 21           10 percent, of the total amount of funds available  
 22           under section 604(b) for the fiscal year.

23           (c) AVAILABILITY OF FUNDS TO STATES.—

24                   (1) IN GENERAL.—Amounts allocated to a  
 25                   coastal State under this section for a fiscal year

1 shall be available for expenditure by the State in ac-  
 2 cordance with this section without further appropria-  
 3 tion, and shall remain available for expenditure for  
 4 the subsequent fiscal year.

5 (2) REVERSION.—(A) Except as provided in  
 6 subparagraph (B), amounts allocated under sub-  
 7 section (b)(1) to a coastal State for a fiscal year  
 8 that are not expended before the end of the subse-  
 9 quent fiscal year shall, upon the expiration of the  
 10 subsequent fiscal year, revert to the Fund and re-  
 11 main available for reallocation under subsection (b).

12 (B) Subparagraph (A) shall not apply to  
 13 amounts that are otherwise subject to reallocation  
 14 under this paragraph if the Secretary certifies in  
 15 writing that the purposes of this title would be bet-  
 16 ter served if the amounts remained available for use  
 17 by the coastal State.

18 (C) Amounts that remain available to a coastal  
 19 State pursuant to a certification under subpara-  
 20 graph (B) may remain available for a period speci-  
 21 fied by the Secretary in the certification, which shall  
 22 not exceed 2 fiscal years.

23 (d) APPROVAL OF COASTAL STATE LIVING MARINE  
 24 RESOURCES CONSERVATION PLANS.—



1           (1) SUBMISSION.—A coastal State that seeks fi-  
 2           nancial assistance under this section shall submit to  
 3           the Secretary, in such manner as the Secretary shall  
 4           by regulation prescribe, an application that contains  
 5           a proposed Living Marine Resources Conservation  
 6           Plan.

7           (2) REVIEW AND APPROVAL.—As soon as is  
 8           practicable, but no later than 180 days, after the  
 9           date on which a coastal State submits (or resubmits  
 10          in the case of a prior disapproval) an application for  
 11          the approval of a proposed Living Marine Resources  
 12          Conservation Plan, the Secretary shall—

13                 (A) approve the plan, if the Secretary de-  
 14                 termines that the plan—

- 15                         (i) fulfills the purpose of this title;
- 16                         (ii) is substantial in character and de-  
 17                         sign; and
- 18                         (iii) meets the requirements set forth  
 19                         in subsection (e); or

20                 (B) if the proposed plan does not meet the  
 21                 criteria set forth in subparagraph (A), dis-  
 22                 approve the conservation plan and provide the  
 23                 coastal State—

- 24                         (i) a written statement of the reasons  
 25                         for disapproval;

- 1 (ii) an opportunity to consult with the  
 2 Secretary regarding deficiencies in the plan  
 3 and the modifications required for ap-  
 4 proval; and
- 5 (iii) an opportunity to revise and re-  
 6 submit the plan.

7 (e) LIVING MARINE RESOURCES CONSERVATION  
 8 PLANS.—The Secretary may not approve a Living Marine  
 9 Resources Conservation Plan proposed by a coastal State  
 10 unless the Secretary determines that the plan—

11 (1) promotes balanced and diverse assemblages  
 12 of living marine resources;

13 (2) provides for the vesting in a designated  
 14 State agency the overall responsibility for the devel-  
 15 opment and revision of the plan;

16 (3) provides for an inventory of the living ma-  
 17 rine resources that are within the waters of the  
 18 State and are of value to the public for ecological,  
 19 economic, cultural, recreational, scientific, edu-  
 20 cational, and esthetic benefits;

21 (4) with respect to species inventoried under  
 22 paragraph (3) (in this subsection referred to as  
 23 “plan species”), provides for—

24 (A) determination of the size, range, and  
 25 distribution of their populations; and

1 (B) identification of the extent, condition,  
2 and location of their habitats;

3 (5) provides for identification of any significant  
4 factors which may adversely affect the plan species  
5 and their habitats;

6 (6) provides for determination and implementa-  
7 tion of the actions that should be taken to conserve,  
8 restore, and manage the plan species and their habi-  
9 tats;

10 (7) provides for establishment of priorities for  
11 implementing conservation actions determined under  
12 paragraph (6);

13 (8) provides for the monitoring, on a regular  
14 basis, of the plan species and the effectiveness of the  
15 conservation actions determined under paragraph  
16 (6);

17 (9) provides for review and, if appropriate, revi-  
18 sion of the plan, at intervals of not more than 3  
19 years;

20 (10) ensures that the public is given oppor-  
21 tunity to make its views known and considered dur-  
22 ing the development, revision, and implementation of  
23 the plan;

24 (11) identifies and establishes mechanisms for  
25 coordinating conservation, restoration, and manage-

1       ment actions under the plan with appropriate Fed-  
2       eral and interstate bodies with responsibility for liv-  
3       ing marine resources management and conservation;  
4       and

5           (12) provides for consultation by the State  
6       agency designated under paragraph (2), as appro-  
7       priate, with Federal and State agencies, interstate  
8       bodies, nongovernmental entities, and the private  
9       sector during the development, revision, and imple-  
10      mentation of the plan, in order to minimize duplica-  
11      tion of effort and to ensure that the best informa-  
12      tion is available to all parties.

13   **SEC. 603. OCEAN CONSERVATION PARTNERSHIPS.**

14       (a) IN GENERAL.—The Secretary may use amounts  
15      available under section 604(b) to make grants for the con-  
16      servation, restoration, or management of living marine re-  
17      sources.

18       (b) ELIGIBILITY AND APPLICATION.—Any person  
19      may apply to the Secretary for a grant under this section,  
20      in such manner as the Secretary shall by regulation pre-  
21      scribe.

22       (c) REVIEW PROCESS.—Not later than 6 months  
23      after receiving an application for a grant under this sec-  
24      tion, the Secretary shall—

1           (1) request written comments on the project  
2       proposal contained in the application from each  
3       State or territory of the United States, and from  
4       each Regional Fishery Management Council estab-  
5       lished under the Magnuson-Stevens Fishery Con-  
6       servation and Management Act (16 U.S.C. 1801 et  
7       seq.), having jurisdiction over any area in which the  
8       project is proposed to be carried out;

9           (2) provide for the merit-based peer review of  
10      the project proposal and require standardized docu-  
11      mentation of that peer review;

12          (3) after reviewing any written comments and  
13      recommendations received under subsection (c)(1),  
14      and based on such comments and recommendations  
15      and peer review, approve or disapprove the proposal;  
16      and

17          (4) provide written notification of that approval  
18      or disapproval to the applicant.

19      (d) CRITERIA FOR APPROVAL.—The Secretary may  
20      approve a proposal for a grant under this section only if  
21      the Secretary determines that the proposed project—

22          (1) fulfills the purposes of this title;

23          (2) is substantial in character and design; and

24          (3) provide for the long-term conservation, res-  
25      toration, or management of living marine resources.

1       (e) PRIORITY CONSIDERATION.—In approving and  
2       disapproving proposals under this section, the Secretary  
3       shall give priority to funding proposed projects that, in  
4       addition to satisfying the criteria of subsection (d), will—

5               (1) establish or enhance existing cooperation  
6               and coordination between the public and private sec-  
7               tors;

8               (2) assist in achieving the objectives of a Na-  
9               tional Estuary, National Marine Sanctuary, National  
10              Estuarine Research, Reserve, or other marine pro-  
11              tected area established under Federal or State law;  
12              or

13              (3) assist in the conservation and enhancement  
14              of essential fish habitat pursuant to the Magnuson  
15              Fishery Conservation and Management Act (16  
16              U.S.C. 1801 et seq.).

17       (f) LIMITATION ON AMOUNT OF GRANTS.—The  
18       amount provided to a private person in a fiscal year in  
19       the form of a grant under this section may not exceed  
20       2 percent of the total amount available for the fiscal year  
21       for such grants.

22       (g) TERMS AND CONDITIONS OF GRANTS.—The Sec-  
23       retary shall require that each grantee under this section  
24       shall conform with such record-keeping requirements, re-

1 porting requirements, and other terms and conditions as  
 2 the Secretary shall by regulation prescribe.

3 **SEC. 604. LIVING MARINE RESOURCES CONSERVATION**  
 4 **FUND; AVAILABILITY OF AMOUNTS.**

5 (a) ESTABLISHMENT OF FUND.—

6 (1) IN GENERAL.—There is established in the  
 7 Treasury of the United States a fund which shall be  
 8 known as the “Living Marine Resources Conserva-  
 9 tion Fund”.

10 (2) CONTENTS.—The Fund shall consist of—

11 (A) amounts deposited into the Fund  
 12 under this section; and

13 (B) amounts that revert to the Fund under  
 14 section 602(c)(2).

15 (3) DEPOSIT OF OCS REVENUES.—Subject to  
 16 section 5 of this Act, from amounts received by the  
 17 United States as qualified Outer Continental Shelf  
 18 revenues each fiscal year, there shall be deposited  
 19 into the Fund the following:

20 (A) For each of fiscal years 2000 and  
 21 2001, \$100,000,000.

22 (B) For each of fiscal years 2002, 2003,  
 23 and 2004, \$200,000,000.

24 (C) For each of fiscal year 2005 and each  
 25 fiscal year thereafter, \$300,000,000.

1 (b) AVAILABILITY OF AMOUNTS.—

2 (1) IN GENERAL.—Of amounts in the Fund, up  
 3 to the amount stated for a fiscal year in paragraph  
 4 (3) shall be available to the Secretary for that fiscal  
 5 year without further appropriation to carry out this  
 6 title, and shall remain available until expended.

7 (2) USE.—Of the amounts expended under this  
 8 subsection for a fiscal year—

9 (A)  $\frac{2}{3}$  shall be used by the Secretary for  
 10 providing financial assistance to coastal States  
 11 under section 602; and

12 (B)  $\frac{1}{3}$  shall be used by the Secretary for  
 13 grants under section 603.

14 (c) INVESTMENT OF EXCESS AMOUNTS.—The Sec-  
 15 retary of the Treasury shall invest moneys in the Fund  
 16 that are excess to expenditures in public debt securities  
 17 with maturities suitable to the needs of the Fund, as de-  
 18 termined by the Secretary of the Treasury, and bearing  
 19 interest at rates determined by the Secretary of the Treas-  
 20 ury, taking into consideration current market yields on  
 21 outstanding marketable obligations of the United States  
 22 of comparable maturity. Interest earned on such invest-  
 23 ments shall be deposited into the Fund.

24 **SEC. 605. DEFINITIONS.**

25 In this title:



1           (1) COASTAL POPULATION.—The term “coastal  
2           population” means the population of all political  
3           subdivisions, as determined by the most recent offi-  
4           cial data of the Census Bureau, contained in whole  
5           or in part within the designated coastal boundary of  
6           a State as defined in a State’s coastal zone manage-  
7           ment program under the Coastal Zone Management  
8           Act of 1972 (16 U.S.C. 1451 et seq.).

9           (2) FUND.—The term “Fund” means the Liv-  
10          ing Marine Resources Conservation Fund established  
11          by section 604.

12          (3) SECRETARY.—The term “Secretary” means  
13          the Secretary of Commerce.

14          (4) LIVING MARINE RESOURCES.—The term  
15          “living marine resources” means indigenous fin fish,  
16          anadromous fish, mollusks, crustaceans, and all  
17          other forms of marine animal and plant life, includ-  
18          ing marine mammals and birds, that inhabit marine  
19          or brackish waters of the United States during all  
20          or part of their life cycle.

1 **TITLE VII—FUNDING FOR STATE**  
 2 **NATIVE FISH AND WILDLIFE**  
 3 **CONSERVATION AND RES-**  
 4 **TORATION**

5 **SEC. 701. AMENDMENTS TO FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Section 2(a) of the Fish and Wildlife  
 7 Conservation Act of 1980 (16 U.S.C. 2901(a)) is  
 8 amended—

9 (1) in paragraph (1) by striking “Fish and  
 10 wildlife” and inserting “Native fish and wildlife”;

11 (2) in paragraph (2)—

12 (A) by striking “fish and wildlife, particu-  
 13 larly nongame fish and wildlife” and inserting  
 14 “native fish and wildlife, particularly nongame  
 15 species”; and

16 (B) by striking “maintaining fish and wild-  
 17 life” and inserting “maintaining biological di-  
 18 versity”;

19 (3) in paragraph (3) by striking “fish and wild-  
 20 life” and inserting “native fish and wildlife”;

21 (4) in paragraph (4) by striking “nongame fish  
 22 and wildlife” and inserting “native fish and wild-  
 23 life”; and

1           (5) in paragraph (5) by striking “fish and wild-  
 2           life” and all that follows through the end of the sen-  
 3           tence and inserting “native fish and wildlife.”.

4           (b) PURPOSES.—Section 2(b) of the Fish and Wild-  
 5           life Conservation Act of 1980 (16 U.S.C. 2901(b)) is  
 6           amended—

7           (1) by striking “nongame fish and wildlife”  
 8           each place it appears and inserting “native fish and  
 9           wildlife”;

10          (2) by redesignating paragraphs (1) and (2) as  
 11          paragraphs (2) and (3), respectively, and inserting  
 12          before paragraph (2) (as so redesignated) the follow-  
 13          ing:

14               “(1) to preserve biological diversity by main-  
 15               taining natural assemblages of native fish and wild-  
 16               life;” and

17          (3) in paragraph (2), as redesignated, by insert-  
 18          ing after “States” the following: “(and through the  
 19          States to local governments where appropriate)”.

20   **SEC. 702. DEFINITIONS.**

21          Section 3 of the Fish and Wildlife Conservation Act  
 22          of 1980 (16 U.S.C. 2902) is amended—

23               (1) in paragraph (2) by striking “fish and wild-  
 24               life” and inserting “native fish and wildlife”;

25               (2) in paragraph (3)—

1 (A) by striking “fish and wildlife” and in-  
 2 serting “native fish and wildlife”; and

3 (B) by striking “development” and insert-  
 4 ing “and restoration”;

5 (3) in paragraph (4) by striking “fish and wild-  
 6 life” and inserting “native fish and wildlife”;

7 (4) by amending paragraph (5) to read as fol-  
 8 lows:

9 “(5) The term ‘native fish and wildlife’—

10 “(A) subject to subparagraph (B), means a  
 11 fish, animal, or plant species that—

12 “(i) historically occurred or currently  
 13 occurs in an ecosystem, other than as a re-  
 14 sult of an introduction; and

15 “(ii) lives in an unconfined state; and

16 “(B) does not include any population of a  
 17 domesticated species that has reverted to a feral  
 18 existence.

19 Any determination by the Secretary that a species is  
 20 or is not a species of native fish and wildlife for pur-  
 21 poses of this Act shall be final.”;

22 (5) by striking paragraph (6) and redesignating  
 23 paragraphs (7) and (8) as paragraphs (6) and (7),  
 24 respectively; and

25 (6) by adding at the end the following:

1           “(8) The term ‘Native Wildlife Fund’ means  
2           the Native Fish and Wildlife Conservation and Res-  
3           toration Fund established by section 11.

4           “(9) The term ‘qualified Outer Continental  
5           Shelf revenues’ has the meaning given that term in  
6           section 4 of the Resources 2000 Act.”.

7   **SEC. 703. CONSERVATION PLANS.**

8           Section 4 of the Fish and Wildlife Conservation Act  
9   of 1980 (16 U.S.C. 2903) is amended—

10           (1) by redesignating paragraphs (1) through  
11           (10) in order as paragraphs (2) through (11);

12           (2) by inserting before paragraph (2) (as so re-  
13           designated) the following:

14           “(1) promote balanced and diverse assemblages  
15           of native fish and wildlife;”;

16           (3) in paragraph (3) (as so redesignated) by  
17           striking “nongame” and all that follows through  
18           “appropriate,” and inserting “native fish and wild-  
19           life”;

20           (4) in paragraph (4) (as so redesignated) by  
21           striking “(2)” and inserting “(3)”;

22           (5) in paragraph (5) (as so redesignated) by  
23           striking “problems” and inserting “factors”; and

24           (6) in paragraphs (7) and (8) (as so redesign-  
25           ated) by striking “(5)” and inserting “(6)”.

1 **SEC. 704. CONSERVATION ACTIONS IN ABSENCE OF CON-**  
 2 **SERVATION PLAN.**

3 (a) IN GENERAL.—Section 5 of the Fish and Wildlife  
 4 Conservation Act of 1980 (16 U.S.C. 2904) is amended—

5 (1) in the section heading by striking  
 6 “**NONGAME**”;

7 (2) by striking subsection (c), and redesignating  
 8 subsection (d) as subsection (c); and

9 (3) in subsection (c) (as so redesignated) by—

10 (A) in the subsection heading, by striking  
 11 “NONGAME”;

12 (B) striking “nongame fish and wildlife”  
 13 and inserting “native fish and wildlife”; and

14 (C) striking “and” after the semicolon at  
 15 the end of paragraph (1), striking the period at  
 16 the end of paragraph (2) and inserting “; and”,  
 17 and adding at the end the following:

18 “(3) are consistent with the purposes of this  
 19 Act.”.

20 (b) CONFORMING AMENDMENTS.—Section 6 of the  
 21 Fish and Wildlife Conservation Act of 1980 (16 U.S.C.  
 22 2905) is amended by striking “section 5(c) and (d)” each  
 23 place it appears and inserting “section 5(c)”.

1 **SEC. 705. AMENDMENTS RELATING TO REIMBURSEMENT**  
2 **PROCESS.**

3 Section 6 of the Fish and Wildlife Conservation Act  
4 of 1980 (16 U.S.C. 2905) is amended—

5 (1) in the section heading by striking  
6 “**NONGAME**”;

7 (2) in subsection (a)(3) by striking “nongame  
8 fish and wildlife”;

9 (3) in subsection (d) by striking “appropriated”  
10 and inserting “available”;

11 (4) in subsection (e)(2)—

12 (A) in subparagraph (A) by striking  
13 “1991” and inserting “2010”;

14 (B) in subparagraph (B)—

15 (i) by striking “1986” and inserting  
16 “2005”;

17 (ii) by striking “section 5(d)” and in-  
18 serting “section 5(c)”;

19 (iii) by striking “nongame fish and  
20 wildlife” and inserting “conservation”; and

21 (iv) by adding “or” after the semi-  
22 colon;

23 (C) by striking subparagraphs (C), (D),  
24 and (E);

25 (D) by redesignating subparagraph (F) as  
26 subparagraph (C);

1 (E) in subparagraph (C) (as so redesignated) by striking “nongame fish and wildlife”  
 2 and inserting “native fish and wildlife”; and  
 3

4 (F) in subparagraph (C)(ii) (as so redesignated) by striking “10 percent” and inserting  
 5 “50 percent”;  
 6

7 (5) in subsection (e)(3)—

8 (A) in subparagraph (A) by striking  
 9 “1982, 1983, and 1984” and inserting “2001,  
 10 2002, and 2003”;

11 (B) in subparagraph (B) by striking  
 12 “nongame fish and wildlife”; and

13 (C) by amending subparagraph (D) to read  
 14 as follows:

15 “(D) after September 30, 2010, may not  
 16 exceed 75 percent of the cost of implementing  
 17 and revising the plan during the fiscal year.”;  
 18 and

19 (6) in subsection (e)(4)—

20 (A) in subparagraph (A) by striking  
 21 “nongame fish and wildlife”; and

22 (B) in subparagraph (B) by striking “fish  
 23 and wildlife” and inserting “native fish and  
 24 wildlife”.



1 **SEC. 706. ESTABLISHMENT OF NATIVE FISH AND WILDLIFE**  
2 **CONSERVATION AND RESTORATION TRUST**  
3 **FUND; AVAILABILITY OF AMOUNTS.**

4 (a) ESTABLISHMENT OF FUND.—Section 11 of the  
5 Fish and Wildlife Conservation Act of 1980 (16 U.S.C.  
6 2910) is amended to read as follows:

7 **“SEC. 11. NATIVE FISH AND WILDLIFE CONSERVATION AND**  
8 **RESTORATION FUND.**

9 “(a) ESTABLISHMENT OF FUND.—(1) There is estab-  
10 lished in the Treasury of the United States a fund which  
11 shall be known as the ‘Native Fish and Wildlife Conserva-  
12 tion and Restoration Fund’. The Native Fish and Wildlife  
13 Conservation Fund shall consist of amounts deposited into  
14 the Fund under this subsection.

15 “(2) Subject to section 5 of the Resources 2000 Act,  
16 from amounts received by the United States as qualified  
17 Outer Continental Shelf revenues each fiscal year, there  
18 shall be deposited into the Fund the following amounts:

19 “(A) For each of fiscal years 2000 and 2001,  
20 \$100,000,000.

21 “(B) For each of fiscal years 2002, 2003, and  
22 2004, \$200,000,000.

23 “(C) For fiscal year 2005 and each fiscal year  
24 thereafter, \$350,000,000.

25 “(3) The Secretary of the Treasury shall invest mon-  
26 eys in the Fund that are excess to expenditures in public

1 debt securities with maturities suitable to the needs of the  
 2 Fund, as determined by the Secretary of the Treasury,  
 3 and bearing interest at rates determined by the Secretary  
 4 of the Treasury, taking into consideration current market  
 5 yields on outstanding marketable obligations of the United  
 6 States of comparable maturity. Interest earned on such  
 7 investments shall be deposited into the Fund.

8 “(b) AVAILABILITY FOR REIMBURSEMENT TO  
 9 STATES.—Of amounts in the Native Wildlife Fund—

10 “(1) up to the amount stated in subsection  
 11 (a)(2) for a fiscal year shall be available to the Sec-  
 12 retary of the Interior for that fiscal year, without  
 13 further appropriation, to reimburse States under  
 14 section 6 in accordance with the terms and condi-  
 15 tions that apply under sections 7 and 8; and

16 “(2) shall remain available until expended.”.

17 (b) CONFORMING AMENDMENTS.—Section 8 of the  
 18 Fish and Wildlife Conservation Act of 1980 (16 U.S.C.  
 19 2907) is amended—

20 (1) in subsection (a) by striking “appropriated”  
 21 and inserting “available”; and

22 (2) in subsection (b)—

23 (A) in the matter preceding paragraph (1)  
 24 by striking “appropriated” and inserting “avail-  
 25 able”; and

1 (B) in paragraph (1)—

2 (i) by striking “8 percent” and insert-  
3 ing “2 percent”; and

4 (ii) by striking “the purposes for  
5 which so appropriated” and inserting “the  
6 purposes for which the amount is avail-  
7 able”.

8 **TITLE VIII—ENDANGERED AND**  
9 **THREATENED SPECIES RE-**  
10 **COVERY**

11 **SEC. 801. PURPOSES.**

12 The purposes of this title are the following:

13 (1) To provide a dedicated source of funding to  
14 the Fish and Wildlife Service and the National Ma-  
15 rine Fisheries Service for the purpose of implement-  
16 ing an incentives program to promote the recovery  
17 of endangered species and threatened species and  
18 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. 802. ENDANGERED AND THREATENED SPECIES RE-**  
2 **COVERY ASSISTANCE.**

3 (a) FINANCIAL ASSISTANCE.—The Secretary may  
4 use amounts in the Endangered and Threatened Species  
5 Recovery Fund established by section 804 to provide fi-  
6 nancial assistance to any person for development and im-  
7 plementation of Endangered and Threatened Species Re-  
8 covery Agreements entered into by the Secretary under  
9 section 804.

10 (b) PRIORITY.—In providing assistance under this  
11 section, the Secretary shall give priority to the develop-  
12 ment and implementation of recovery agreements that—

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

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

20 (3) to the extent practicable, require use of the  
21 assistance—

22 (A) on land owned by a small landowner;  
23 or

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

1       (c) PROHIBITION ON ASSISTANCE FOR REQUIRED  
2 ACTIVITIES.—The Secretary may not provide financial as-  
3 sistance under this section for any action that is required  
4 by a permit issued under the Endangered Species Act of  
5 1973 (16 U.S.C. 1531 et seq.) or that is otherwise re-  
6 quired under that Act or any other Federal law.

7       (d) PAYMENTS UNDER OTHER PROGRAMS.—

8           (1) OTHER PAYMENTS NOT AFFECTED.—Finan-  
9 cial assistance provided to a person under this sec-  
10 tion shall be in addition to, and shall not affect, the  
11 total amount of payments that the person is other-  
12 wise eligible to receive under the conservation re-  
13 serve program established under subchapter B of  
14 chapter 1 of subtitle D of title XII of the Food Se-  
15 curity Act of 1985 (16 U.S.C. 3831 et seq.), the  
16 wetlands reserve program established under sub-  
17 chapter C of that chapter (16 U.S.C. 3837 et seq.),  
18 or the Wildlife Habitat Incentives Program estab-  
19 lished under section 387 of the Federal Agriculture  
20 Improvement and Reform Act of 1996 (16 U.S.C.  
21 3836a).

22           (2) LIMITATION.—A person may not receive fi-  
23 nancial assistance under this section to carry out ac-  
24 tivities under a species recovery agreement in addi-  
25 tion to payments under the programs referred to in

1 paragraph (1) made for the same activities if the  
2 terms of the species recovery agreement do not re-  
3 quire financial or management obligations by the  
4 person in addition to any such obligations of the  
5 person under such programs.

6 **SEC. 803. ENDANGERED AND THREATENED SPECIES RE-**  
7 **COVERY AGREEMENTS.**

8 (a) IN GENERAL.—The Secretary may enter into En-  
9 dangered and Threatened Species Recovery Agreements  
10 for purposes of this title in accordance with this section.

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

13 (1) require the person—

14 (A) to carry out on real property owned or  
15 leased by the person activities not otherwise re-  
16 quired by law that contribute to the recovery of  
17 an endangered or threatened species;

18 (B) to refrain from carrying out on real  
19 property owned or leased by the person other-  
20 wise lawful activities that would inhibit the re-  
21 covery of an endangered or threatened species;  
22 or

23 (C) to do any combination of subpara-  
24 graphs (A) and (B);

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

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

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

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

11          (6) require the person to notify the Secretary  
12 if—

13               (A) any right or obligation of the person  
14 under the agreement is assigned to any other  
15 person; or

16               (B) any term of the agreement is breached  
17 by the person or any other person to whom is  
18 assigned a right or obligation of the person  
19 under the agreement;

20          (7) specify the date on which the agreement  
21 takes effect and the period of time during which the  
22 agreement shall remain in effect;

23          (8) provide that the agreement shall not be in  
24 effect on and after any date on which the Secretary

1 publishes a certification by the Secretary that the  
 2 person has not complied the agreement; and

3 (9) allocate financial assistance provided under  
 4 this title for implementation of the agreement, on an  
 5 annual or other basis during the period the agree-  
 6 ment is in effect based on the schedule for imple-  
 7 mentation required under paragraph (4).

8 (c) REVIEW AND APPROVAL OF PROPOSED AGREE-  
 9 MENTS.—Upon submission by any person of a proposed  
 10 species recovery agreement under this section, the  
 11 Secretary—

12 (1) shall review the proposed agreement and de-  
 13 termine whether it complies with the requirements of  
 14 this section and will contribute to the recovery of en-  
 15 dangered or threatened species that are the subject  
 16 of the proposed agreement;

17 (2) propose to the person any additional provi-  
 18 sions necessary for the agreement to comply with  
 19 this section; and

20 (3) if the Secretary determines that the agree-  
 21 ment complies with the requirements of this section,  
 22 shall approve and enter with the person into the  
 23 agreement.

24 (d) MONITORING IMPLEMENTATION OF AGREE-  
 25 MENTS.—The Secretary shall—



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

4 (2) based on the information obtained from  
 5 that monitoring, annually or otherwise disburse fi-  
 6 nancial assistance under this title to implement the  
 7 agreement as the Secretary determines is appro-  
 8 priate under the terms of the agreement.

9 **SEC. 804. ENDANGERED AND THREATENED SPECIES RE-**  
 10 **COVERY FUND; AVAILABILITY OF AMOUNTS.**

11 (a) ESTABLISHMENT OF FUND.—

12 (1) ESTABLISHMENT.—There is established in  
 13 the Treasury of the United States a fund that shall  
 14 be known as the “Endangered and Threatened Spe-  
 15 cies Recovery Fund”. The Fund shall consist of such  
 16 amounts as are deposited into the Fund under this  
 17 section.

18 (2) DEPOSITS.—Subject to section 5 of this  
 19 Act, from amounts received by the United States as  
 20 qualified Outer Continental Shelf revenues there  
 21 shall be deposited into the Fund \$100,000,000 each  
 22 fiscal year.

23 (b) AVAILABILITY.—Of amounts in the Fund up to  
 24 \$100,000,000 shall be available to the Secretary each fis-  
 25 cal year, without further appropriation, for providing fi-

1 nancial assistance under section 802, and shall remain  
2 available until expended.

3 (c) INVESTMENT OF EXCESS AMOUNTS.—The Sec-  
4 retary of the Treasury shall invest moneys in the Fund  
5 that are excess to expenditures in public debt securities  
6 with maturities suitable to the needs of the Fund, as de-  
7 termined by the Secretary of the Treasury, and bearing  
8 interest at rates determined by the Secretary of the Treas-  
9 ury, taking into consideration current market yields on  
10 outstanding marketable obligations of the United States  
11 of comparable maturity. Interest earned on such invest-  
12 ments shall be deposited into the Fund.

13 **SEC. 805. DEFINITIONS.**

14 In this title:

15 (1) ENDANGERED OR THREATENED SPECIES.—

16 The term “endangered or threatened species” means  
17 any species that is listed as an endangered species  
18 or threatened species under section 4 of the Endan-  
19 gered Species Act of 1973 (16 U.S.C. 1533).

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

22 (A) produces agricultural commodities for  
23 sale in such quantities so as to be recognized in  
24 the community as a farm and not as a rural  
25 residence;

1 (B) produces enough income, including off-  
 2 farm employment, to pay family and farm oper-  
 3 ating expenses, pay debts, and maintain the  
 4 property;

5 (C) is managed by the operator;

6 (D) has a substantial amount of labor pro-  
 7 vided by the operator and the operator's family;  
 8 and

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

12 (3) FUND.—The term “Fund” means the En-  
 13 dangered and Threatened Species Recovery Fund es-  
 14 tablished by section 804.

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

19 (5) SMALL LANDOWNER.—The term “small  
 20 landowner” means an individual who owns 50 acres  
 21 or fewer of land.

22 (6) SPECIES RECOVERY AGREEMENT.—The  
 23 term “species recovery agreement” means an En-  
 24 dangered and Threatened Species Recovery Agree-

- 1        ment entered into by the Secretary under section
- 2        803.

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