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SENATE

{ REPORT  
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### CONSERVATION AND REINVESTMENT ACT OF 2000

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SEPTEMBER 14, 2000.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

#### REPORT

together with

#### MINORITY VIEWS

[To accompany H.R. 701]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Conservation and Reinvestment Act”.

**SEC. 2. CONSERVATION AND REINVESTMENT ACT FUND.**

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a fund which shall be known as the “Conservation and Reinvestment Act Fund”. In each fiscal year beginning in fiscal year 2001 and through fiscal year 2015, the Secretary of the Treasury shall deposit in the Conservation and Reinvestment Act Fund amounts sufficient to fund the programs identified in subsection (b) from qualified Outer Continental Shelf revenues, as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331), notwithstanding section 9 of such Act (43 U.S.C. 1338).

(b) **PROGRAM ALLOCATION.**—In each fiscal year beginning in fiscal year 2002 and through fiscal year 2016, the Secretary of the Treasury shall transfer amounts de-

posited in the previous year into the Conservation and Reinvestment Act Fund as follows:

(1) \$430,000,000 to the Secretary of the Interior for purposes of making payments to Producing Coastal States under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1330 et seq.).

(2) \$350,000,000 to the Secretary of Commerce for purposes of making payments to Coastal States under section 32 of the Outer Continental Shelf Lands Act (43 U.S.C. 1330 et seq.).

(3) \$25,000,000 to the Secretary of the Interior and Secretary of Commerce for coral reef protection efforts as provided in section 104 of this Act.

(4) Such amounts as are necessary to make the income of the Land and Water Conservation Fund \$900,000,000 to the Land and Water Conservation Fund for expenditure as provided in section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460/–6).

(5) \$350,000,000 to the Wildlife Conservation and Restoration Account within the Federal Aid to Wildlife Restoration Fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(6) \$75,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

(7) \$50,000,000 to the Secretary of Agriculture to carry out the Urban and Community Forestry Act established by section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

(8) \$150,000,000 to the Secretary of the Interior for expenditure as provided in section 8(d) of the National Historic Preservation Act (16 U.S.C. 470h(d)).

(9) \$125,000,000 to the Secretary of the Interior to carry out National Park Service and Indian lands restoration programs as provided in title VI of this Act.

(10) \$50,000,000 to the Secretary of Agriculture to carry out the Forest Legacy program established by section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(11) \$50,000,000 to the Secretary of Agriculture to carry out the Farm and Ranch Land Protection Program established by section 701 of this Act.

(12) \$25,000,000 to the Secretary of Agriculture to carry out the Rural Development program under section 21 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101).

(13) \$25,000,000 to the Secretary of Agriculture to carry out the Rural Community Assistance program established by section 2379 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611–6617).

(14) \$60,000,000 to be equally divided between the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior to carry out titles I and II of the Youth Conservation Corps Act of 1970 (16 U.S.C. 1701 et seq.).

(15) Such sums as are necessary to the Secretary of the Interior to fund the payment in lieu of taxes program at its fully authorized level (31 U.S.C. 6901 et seq.).

(c) AVAILABILITY OF FUNDS.—Amounts transferred under subsection (b) are hereby appropriated, subject to subsection (f), and shall be available for obligation and expenditure without further appropriation and without fiscal year limitation.

(d) CONFORMING AMENDMENT.—Section 6906 of title 31, United States Code, is amended to read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this chapter.”

(e) SHORTFALL.—If amounts deposited in the Conservation and Reinvestment Act Fund in fiscal year 2001 or in any fiscal year thereafter are insufficient to fund each program identified in subsection (b) in the amount specified in such subsection, the amount transferred to each program under subsection (b) for that fiscal year shall each be reduced proportionately in such fiscal year.

(f) LIMITATION ON AVAILABILITY OF FUNDS.—Notwithstanding any provision of this Act making funds available without further appropriation, no amounts from the Conservation and Reinvestment Act Fund shall be transferred under this section during any fiscal year until the Congress has made available \$450,000,000 (or such lesser amount as may be required by subsection (e)) for Federal land acquisition under section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460/–7) during such fiscal year in an Act making appropriations.

(g) STATE AND LOCAL ACQUISITION RESTRICTION.—Funds made available to States and local governments should be, to the extent practicable, for the acquisition of land or interests in land on a willing seller basis.

(h) SAVINGS CLAUSE.—Nothing in this Act expands, diminishes, or affects any water right.

**SEC. 3. RECORDKEEPING REQUIREMENTS.**

The Secretary of the Interior, Secretary of Agriculture, and Secretary of Commerce in administering a program funded under this Act shall establish such rules as may be necessary regarding recordkeeping and auditing of amounts made available to States and political subdivisions under this Act.

**SEC. 4. ANNUAL REPORTS.**

(a) **STATE REPORTS.**—As a condition for receiving amounts from the Conservation and Reinvestment Act Fund, each Governor receiving such amounts shall account for all amounts so received during the previous fiscal year in a written report to the Secretary of the Interior, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretary, a description of all projects and activities funded under this Act, including a listing of all lands or interests in lands acquired and the circumstances surrounding each acquisition. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted by the Governor, under other provisions of law, to the Secretary regarding any portion of such amounts.

(b) **REPORT TO CONGRESS.**—On January 1 of each year, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, shall jointly submit an annual report to the Congress documenting all amounts expended by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce from the Conservation and Reinvestment Act Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

**SEC. 5. MAINTENANCE OF EFFORT AND MATCHING FUNDING.**

(a) **IN GENERAL.**—Amounts made available to States and political subdivisions from the Conservation and Reinvestment Act Fund are intended to supplement rather than replace expenditures by such State and subdivisions. The Secretaries of the Interior, Commerce and Agriculture shall monitor the use of grant funds to ensure compliance with this intent and shall identify in the annual report required under section 4 any State or subdivision that, in the judgment of the Secretary, is not maintaining a sufficient local commitment or uses funds received under this Act to reduce its expenditure of non-Federal funds.

(b) **USE OF AMOUNTS FROM THE CONSERVATION AND REINVESTMENT ACT FUND TO MEET MATCHING REQUIREMENTS.**—All amounts received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with the requirement under any other law that non-Federal funds be used to provide a portion of the funding for any program or project.

**SEC. 6. PROTECTION OF PRIVATE PROPERTY RIGHTS.**

(a) **SAVINGS CLAUSE.**—Nothing in this Act shall authorize the taking of private property for public use without just compensation.

(b) **FEDERAL REGULATION.**—Nothing in this Act creates any new authority for Federal agencies to apply regulations on privately owned land.

**SEC. 7. SIGNS.**

The Secretary of the Interior shall require, as a condition of providing any amounts from the Conservation and Reinvestment Act Fund, that the person that owns or administers any site that benefits from such amounts shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such amounts.

**SEC. 8. ENSURING THE SOLVENCY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUNDS.**

(a) **DEBT REDUCTION.**—The Director of the Congressional Budget Office shall report to Congress by February 1 of each year whether—

(1) a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current economic and technical projections; and

(2) there is an on-budget surplus for that fiscal year.

(b) **SOCIAL SECURITY SOLVENCY.**—The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall report to Congress by February 1 of each year whether outlays from such trust funds are anticipated to exceed the revenues to such trust funds during any of the next 5 years.

(c) **MEDICARE SOLVENCY.**—The Board of Trustees of the Federal Hospital Insurance Trust Fund shall report to Congress by February 1 of each year whether outlays from such trust fund are anticipated to exceed the revenues to such trust fund during any of the next 5 fiscal years.

**SEC. 9. PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS.**

No funds shall be transferred under this Act if such expenditure diminishes benefit obligations of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund or if there is not an on-budget surplus.

**TITLE I—COASTAL IMPACT ASSISTANCE AND STEWARDSHIP****SEC. 101. DEFINITIONS**

Section 2 of the Outer Commercial Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

“(r) The term ‘coastal population’ means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State’s coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

“(s) The term ‘Coastal State’ has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

“(t) The term ‘coastline’ has the same meaning as the term ‘coast line’ as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

“(u) The term ‘lease tract’ means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

“(v) The term ‘qualified Outer Continental Shelf revenues’ means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.”

**SEC. 102. COASTAL IMPACT ASSISTANCE.**

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

**“SEC. 31. COASTAL IMPACT ASSISTANCE.**

“(a) DEFINITIONS.—When used in this section—

“(1) The term ‘coastal political subdivision’ means a county, parish, or any equivalent subdivision of a Producing Coastal State which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1)) and within a distance of 200 miles from the geographic center of any leased tract.

“(2) The term ‘distance’ means minimum great circle distance, measured in statute miles.

“(3) The term ‘Producing Coastal State’ means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(b) FUNDING.—Amounts transferred to the Secretary under section 2(b)(1) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purposes of this section, without further appropriations and without fiscal year limitation.

“(c) IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS.—Notwithstanding section 9, the Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

“(1) ALLOCATIONS TO PRODUCING COASTAL STATES.—In each fiscal year, each Producing Coastal State’s allocable share shall be equal to the sum of the following:

“(A) \$245,000,000 equally divided among all Producing Coastal States;

“(B) \$185,000,000 divided among Producing Coastal States based on Outer Continental Shelf production.

“(2) CALCULATION.—The amount for each Producing Coastal State under paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the coastlines of the Producing Coastal States, for the preceding five-year period and recalculated each fifth year thereafter. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State’s payment under paragraph (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—Twenty percent of each Producing Coastal State’s allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula:

“(A) 25 percent shall be allocated based on the ratio of such coastal political subdivision’s coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State; except that for those coastal political subdivisions in the State of Louisiana without a coastline, the coastline for purposes of this element of the formula shall be the average length of the coastline of the remaining coastal subdivisions in the state.

“(B) 25 percent shall be allocated based on the ratio of such coastal political subdivision’s coastline miles to the coastline miles of a coastal political subdivision in the Producing Coastal State.

“(C) 50 percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate the Producing Coastal State’s allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary; except that in the State of Louisiana the funds for this element of the formula shall be divided equally among all coastal political subdivisions. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(4) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State’s allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

“(d) COASTAL IMPACT ASSISTANCE PLAN.—

“(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan which shall incorporate the plans of coastal political subdivisions, and may also incorporate the Statewide Coastal Conservation Plan required under section 32 of this Act. The Governor shall solicit local input and shall provide for public participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2001 and updated at least once every 5 years thereafter. Amounts received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State’s Coastal Impact Assistance Plan.

“(2) APPROVAL.—The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (e) and if the plan contains each of the following:

“(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

“(B) A program for the implementation of the plan which describes how the amounts provided under this section will be used.

“(C) A description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section.

“(D) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

“(E) Measures for taking into account other relevant Federal resources and programs.

“(3) PROCEDURE.—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

“(4) AMENDMENT.—Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

“(e) AUTHORIZED USES.—Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes:

“(1) uses authorized under subsection 32(c) of this Act relating to coastal stewardship;

“(2) projects and activities for the conservation, protection or restoration of wetlands;

“(3) mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c), (d));

“(4) planning assistance and administrative costs of complying with the provisions of this section;

“(5) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

“(6) mitigating impacts of Outer Continental Shelf activities through funding of onshore infrastructure and public service needs; Provided, That funds made available under this paragraph shall not exceed 23 percent of the funds provided under this section.

“(f) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (e), the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

#### SEC. 103. OCEAN AND COASTAL CONSERVATION.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is further amended by adding at the end the following:

##### “SEC. 32. OCEAN AND COASTAL CONSERVATION.

“(a) FUNDING.—Amounts transferred to the Secretary of Commerce under section 2(b)(2) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation.

“(b) ALLOCATION OF FUNDS.—Notwithstanding section 9, the Secretary of Commerce shall allocate amounts available under this section as follows:

“(1) for uses identified in subsection (c), \$250,000,000; and

“(2) for uses identified in subsection (d), \$100,000,000.

“(c) COASTAL STEWARDSHIP.—

“(1) ALLOCATION TO COASTAL STATES.—The Secretary of Commerce shall allocate among all Coastal States with an approved Statewide Coastal Conservation Plan, the amounts available under subsection (b)(1) as follows:

“(A) 25 percent shall be allocated based on the ratio of the Coastal State’s coastal population to the coastal population of all Coastal States;

“(B) 25 percent shall be allocated based on the ratio of the Coastal State’s coastline miles to the coastline miles of all Coastal States; and

“(C) 50 percent shall be equally divided among all Coastal States.

“(2) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to a Coastal State but not disbursed because of a failure to have an approved Statewide Coastal Conservation Plan under this subsection shall be allocated among all other Coastal States in a manner consistent with paragraph (1), except that the

Secretary of Commerce shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this subsection. The Secretary of Commerce may waive the provisions of this paragraph and hold a Coastal State's allocable share in escrow if the Secretary of Commerce determines that such State is making a good faith effort to develop and submit, or update, a Statewide Coastal Conservation Plan.

“(3) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—(A) The Governor of each Coastal State shall prepare, and submit to the Secretary of Commerce, a Statewide Coastal Conservation Plan. The Governor shall solicit local input and shall provide for public participation in the development of the Plan. The Plan shall be submitted to the Secretary of Commerce by July 1, 2001, and updated at least once every 5 years thereafter. Each Plan shall consider ways to use amounts received under this subsection to assist local governments, non-profit organizations, or public institutions with activities or programs consistent with this subsection. Amounts received by Coastal States may be used only for the purposes specified in the Statewide Coastal Conservation Plan.

“(B) APPROVAL.—The Secretary of Commerce shall approve a Statewide Coastal Conservation Plan under subparagraph (A) prior to disbursement of amounts under this section. The Secretary of Commerce shall approve the Plan if the Secretary of Commerce determines that the Plan is consistent with the uses set forth in paragraph (4) and if the Plan contains each of the following:

“(i) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary of Commerce for purposes of this subsection;

“(ii) A program for the implementation of the Plan which describes how amounts will be used to protect and manage the State's coastal, estuarine, and marine resources in accordance with the requirements of this subsection;

“(iii) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the Plan; and

“(iv) Measures for taking into account other relevant Federal resources and programs.

“(C) PROCEDURE.—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

“(D) AMENDMENT.—Any amendment to the plan shall be prepared in accordance with the requirements of this paragraph and shall be submitted to the Secretary of Commerce for approval or disapproval.

“(4) AUTHORIZED USES.—Coastal States shall use amounts provided under this subsection in compliance with Federal and State law and only for one or more of the following purposes—

“(A) activities which support and are consistent with the Coastal Zone Management Act, including National Estuarine Research Reserve programs, the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, or the National Estuaries program;

“(B) conservation, restoration, enhancement or protection of coastal or marine habitats including wetlands, estuaries, coastal barrier islands, coastal fishery resources and coral reefs, including projects to remove abandoned vessels or marine debris that may adversely affect coastal habitats;

“(C) protection, restoration and enhancement of coastal water quality consistent with the provisions of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.), including the reduction or monitoring of coastal polluted runoff or other coastal contaminants;

“(D) addressing watershed protection or other coastal or marine conservation needs which cross jurisdictional boundaries;

“(E) assessment, research, mapping and monitoring of coastal or marine resources and habitats, including, where appropriate, the establishment and monitoring of marine protected areas;

“(F) addressing coastal conservation needs associated with seasonal or otherwise transient fluctuations in coastal populations;

“(G) protection and restoration of natural coastline protective features, including control of coastline erosion;

“(H) identification, prevention and control of invasive exotic and harmful non-indigenous species;

“(I) assistance a local communities to assess, plan for and manage the impacts of growth and development on coastal or marine habitats and natural resources, including coastal community fishery assistance programs that encourage participation in sustainable fisheries; and

“(J) projects that promote research, education, training and advisory services in fields related to coastal and Great Lakes living marine resource use and management.

“(5) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a Coastal State is not consistent with the uses authorized in paragraph (4), the Secretary shall not disburse any further amounts under this subsection to that Coastal State until the amounts used for such expenditure have been repaid or obligated for authorized uses.

“(d) COOPERATIVE FISHERIES ENFORCEMENT AND RESEARCH AND MANAGEMENT.—The amounts made available under subsection (b)(2) shall be allocated by the Secretary of Commerce for the following purposes, with not less than 25 percent used for Cooperative Enforcement Agreements under paragraphs (2):

“(1) TECHNICAL AND ADMINISTRATIVE EXPENSES.—Up to five percent of such amounts may be used by the Secretary of Commerce to provide technical assistance to a State and cover administrative costs associated with this subsection.

“(2) COOPERATIVE ENFORCEMENT USES.—(A) The Governor of Hawaii, a territory, or a State represented on an Interstate Marine Fisheries Commission may apply to the Secretary of Commerce for execution of a cooperative enforcement agreement with the Secretary of Commerce. Cooperative agreements between the Secretary of Commerce and such States shall authorize the deputization of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary of Commerce relating to any law enforcement provision of any marine resources laws enforced by the Secretary of Commerce. Such cooperative enforcement agreements shall be consistent with the purposes and intent of section 311(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(a)), to the extent applicable to the regulated activities.

“(B) Upon receiving an application meeting the requirements of this subsection, the Secretary of Commerce shall enter into the cooperative enforcement agreement with the requesting State. The Secretary of Commerce shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be distributed among all States participating in cooperative enforcement agreements under this paragraph based upon consideration of the specific marine conservation enforcement needs of each participating State.

“(3) COOPERATIVE RESEARCH AND MANAGEMENT USES.—(A) The Governor of Hawaii, a territory, or any State represented on an Interstate Marine Fisheries Commission may apply to the Secretary of Commerce for the execution of a research and management agreement, on a sole source basis for the purpose of undertaking eligible projects required for the effective management of living marine resources of the United States. Upon determining that the application meets the requirements of this subsection, the Secretary of Commerce shall enter into such agreement.

“(B) The Secretary of Commerce shall allocate to States participating in a research and management agreement under this subsection funds to assist in implementing the agreement.

“(C) For purposes of this subsection, eligible projects are those which address critical needs identified in fishery management reports or plans developed and approved by a State, Marine Fisheries Commission, Regional, Fishery Management Council, or other regional or tribal entity, charged with management and conservation of living marine resources, and that pertain to—

“(i) the collection and analysis of fishery data and information, including data on landings, fishing effort, biology, habitat, economics and social changes, including those information needs identified pursuant to section 401 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881); or

“(ii) the development of measures to promote innovative or cooperative management of fisheries.

“(D) In making funds available under this paragraph, the Secretary of Commerce shall give priority to eligible projects that meet the following criteria:

“(i) establishment of observer programs;

“(ii) cooperative research projects developed among States, academic institutions, and the fishing industry, to obtain data or other information necessary to meet national or regional management priorities;

“(iii) projects to reduce harvesting capacity performed in a manner consistent with section 312(b) of the Magnuson-Stevens Fishery and Conservation Act (16 U.S.C. 1862(b));



“(iv) projects designed to identify ecosystem impacts of fishing, including the relationship between fishing harvest and marine mammal population abundance;

“(v) projects to develop sustainable experimental fisheries and fishery harvest techniques and fishing gear that provide conservation benefits, including reduction of fishing bycatch;

“(vi) projects to develop sustainable aquaculture; or

“(vii) projects for the identification, conservation, restoration or enhancement of coastal fishery resources and habitats.

“(4) COMMERCE PROCEDURES.—Within 90 days after the enactment of the Conservation and Reinvestment Act, the Secretary of Commerce shall adopt procedures necessary to implement this subsection.

“(5) CONGRESSIONAL APPROVAL.—The President shall include in, as part of the annual budget proposal, a priority list of allocations to Coastal States under this subsection. Amounts shall be made available under section 2(b)(2) of the Conservation and Reinvestment Act 15 days after the sine die adjournment of the Congress each year, without further appropriation, for the projects identified on the priority list, unless prior to such date, legislation is enacted establishing a different priority list. If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in this subsection, the difference between the authorized funding amount and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.”.

#### SEC. 104. CORAL REEF PROTECTION.

(a) FUNDING.—Amounts transferred to the Secretaries of Interior and Commerce under section 2(b)(3) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purposes of this section, without further appropriation and without fiscal year limitation.

(b) CORAL REEF.—As used in this section, the term “coral reef” means species (including reef plants and coralline algae), habitats, and other natural resources associated with any reefs or shoals composed primarily of corals within all maritime areas and zones subject to the jurisdiction of the United States, including in the Atlantic Ocean, Caribbean Sea, Gulf of Mexico, and Pacific Ocean or subject to the jurisdiction of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau as long as such entity is in free association with the United States.

(c) ALLOCATION OF FUNDS.—Amounts under this section shall be allocated as follows:

- (1) \$12,500,000 shall be made available to the Secretary of Commerce; and
- (2) \$12,500,000 shall be made available to the Secretary of the Interior; to be administered in accordance with this section.

(d) USES.—The Secretary of Commerce and the Secretary of the Interior shall use amounts provided under this section for activities that contribute to or result in preserving, sustaining or enhancing the health, diversity or viability of coral reef ecosystems. No amounts provided under this section shall be used for the acquisition of lands or interests in lands. In determining how to allocate amounts under this section, the Secretaries shall give priority to those areas of most critical environmental need. Uses may include:

- (1) actions to enhance or improve resource management of coral reefs, such as assessment, scientific research, protection, restoration and mapping;
- (2) habitat monitoring and species surveys and monitoring;
- (3) activities necessary for planning and development of strategies for coral reef management;
- (4) community outreach and education on coral reef importance and conservation;
- (5) activities in support of the enforcement of laws relating to coral reefs; and
- (6) grants of financial assistance for the uses authorized in this subsection to natural resource management authorities of States or territories of the United States, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, or other government authorities with jurisdiction over coral reefs or whose activities affect coral reefs, or educational or non-governmental organizations with demonstrated expertise in marine science or the conservation of coral reefs.

(e) CONSULTATION.—In developing guidelines and requirements to implement this section, the Secretary of Commerce and the Secretary of the Interior shall consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998), States and territories, the Republic of the Marshall Islands, the Federated

States of Micronesia, the Republic of Palau, regional and local entities, and non-governmental organizations involved in coral and marine conservation.

(f) CONGRESSIONAL APPROVAL.—The President shall transmit, as part of the annual budget proposal, a priority list for all allocations under this section. Amounts shall be made available under section 2(b)(3) of the Conservation and Reinvestment Act 15 days after the sine die adjournment of the Congress each year, without further appropriation, for the projects identified on the priority list, unless, prior to such date, legislation is enacted establishing a different priority list. If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in this section, the difference between the authorized funding and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the Secretary of the Interior and Secretary of Commerce.

## TITLE II—LAND AND WATER CONSERVATION FUND

### SEC. 201. SHORT TITLE.

This title may be cited as the “Land and Water Conservation Fund Act Amendments of 2000”.

### SEC. 202. LAND AND WATER CONSERVATION FUND AMENDMENTS.

(a) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—Section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c)) is amended to read as follows:

“(c) In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be deposited into the fund all amounts transferred to the fund under section 2(b)(4) of the Conservation and Reinvestment Act. Such amounts shall only be used to carry out the purposes of this Act.”

(b) ANNUAL FUNDING AUTHORITY.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6) is amended to read as follows:

“Of amounts in the fund, \$900,000,000 shall be available each fiscal year for obligation and expenditure in accordance with section 5 of this Act, without further appropriation and without fiscal year limitation. Other moneys in the fund shall be available for expenditure only when appropriated therefor. Such appropriations may be made without fiscal year limitation.”

(c) ALLOCATION OF FUNDS.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–7) is amended to read as follows:

“Of the amounts made available each fiscal year, fifty percent of the funds shall be used for Federal land acquisition purposes as provided in section 7 of this Act and fifty percent shall be used for financial assistance to States as provided in section 6 of this Act.”

### SEC. 203. ALLOCATION OF AMOUNTS FOR STATE PURPOSES.

(a) FACILITY REHABILITATION.—Section 6(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(b)) is amended by deleting “(3) development.” and inserting “(3) development, including facility rehabilitation.”

(b) STATE FUNDING ALLOCATIONS.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(b)) is amended to read as follows:

“(b) APPORTIONMENT AMONG STATES.—(1) Not more than 4 percent of the amounts made available for financial assistance to States each fiscal year may be deducted by the Secretary for expenses in the administration of this section. Such amount is authorized to be made available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year, the Secretary shall apportion any unexpended amounts, in a manner consistent with this subsection.

“(2) The Secretary, after making the deduction under paragraph (1), shall apportion the remaining amounts as follows:

“(A) Sixty percent shall be apportioned equally among the several States; and

“(B) Forty percent shall be apportioned on the basis of the ratio which the population of each State bears to the total population of the United States.

“(3) The total apportionment to an individual State under paragraph (2) shall not exceed 10 percent of the total amount made available for financial assistance to the States in any one year.

“(4) The Secretary shall notify each State of its apportionment, and the amount thereof shall be available thereafter to such State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2).

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

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

“(ii) Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands shall be treated collectively as one State and shall receive shares of such apportionment in proportion to their populations.

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

“(6)(A) For the purposes of paragraph (2) of this subsection, all Federally recognized Indian tribes or, in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) shall be treated collectively as one State and be eligible to receive shares of apportionment in accordance with a competitive grant program established by the Secretary.

“(B) No single tribe or Alaska Native Corporation shall receive more than 10 percent of the total amount made available under this paragraph.

“(C) Funds received by a tribe or Alaska Native Corporation under this paragraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).

“(7) Absent a compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraphs (5) and (6) of this subsection) shall make at least 25 percent of its annual apportionment available as grants to local governments within such State.”.

**SEC. 204. STATE PLANNING.**

(a) STATE ACTION AGENDA.—

(1) IN GENERAL.—Section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(d)) is amended to read as follows:

“(d) STATE ACTION AGENDA.—

“(1) A state Action Agenda for Community Recreation and Conservation (in this Act referred to as the “State Action Agenda”) shall be required prior to the consideration by the Secretary of financial assistance under this section. The State Action Agenda shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act.

“(2) Each State, in partnership with its local governments and Federal agencies, shall develop a State Action Agenda within 5 years after the date of enactment of the Conservation and Reinvestment Act. Each State may define its own priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process. The State Action Agenda shall be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years. A State Action Agenda must be updated at least once every 5 years.

“(3) The State Action Agenda shall contain:

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

“(B) the priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects; and

“(C) certification by the Governor that the agenda’s conclusions and proposed actions reflect an ample opportunity for public participation.

“(4) State Action Agendas shall take into account all providers of recreation and conservation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor recreation and conservation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.”.

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

(b) CONFORMING AMENDMENTS.—(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(e)) is amended—

(A) in the first sentence by striking “State comprehensive plan” and inserting “State Action Agenda”; and

(B) in paragraph (1) by striking “comprehensive plan” and inserting “State Action Agenda.”

(2) Reference to a “State comprehensive plan” (within the meaning of the Land and Water Conservation Act of 1965) in any law shall be deemed to be to the State Action Agenda established by this section.

**SEC. 205. ASSISTANTCE TO STATES FOR OTHER PROJECTS.**

Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(e)) is further amended—

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

(2) in subsection (e)(2) by striking “facilities” the first place it appears and inserting “facilities, or to enhance public safety within a designated park or recreation area”.

**SEC. 206. CONVERSION OF PROPERTY TO OTHER USE.**

Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)) is amended—

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

(2) by striking the second sentence (including the proviso) and inserting the following:

“(B) With the exception of those properties that are no longer viable as an outdoor recreation and conservation facility due to changes in demographics or which must be abandoned because of environmental contamination or other condition that endangers public health and safety, the Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other recreation and conservation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Action Agenda.”.

**SEC. 207. FEDERAL LAND ACQUISITION.**

(a) FEDERAL LAND ACQUISITION PROJECTS.—Section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(a)) is amended—

(1) by striking “Moneys appropriated” and all that follows through “subpurposes:” and inserting the following:

“(1)(A) The President shall transmit, as part of the annual budget proposal, a priority list for Federal land acquisition projects that fully allocates the amount made available for Federal land acquisition projects for that fiscal year. The President shall require the Secretary of the Interior and the Secretary of Agriculture to develop priority lists for projects under each Secretary’s jurisdiction. The Secretaries shall prepare the lists in consultation with the head of each affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency. In preparing the lists, the Secretaries shall consider whether land exchanges, consolidation of Federal land ownership within a State, or the acquisition of conservation easements can be used with respect to proposed acquisitions. The Secretaries also shall consult with the Governors of the States and shall carefully consider any recommendations made by the Governor for any land acquisition within the State and any concerns on the acquisition of individual parcels.

“(B) The President shall also transmit the priority list to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate together with a list of all expenditures made during the prior fiscal year and the specific statutory authorization for each proposed land acquisition on the priority list and not later than May 1 of each year shall transmit to the Committee on Appropriations of the Senate a priority list for land acquisitions for the next fiscal year for lands that have been specifically authorized for acquisition by statute.

“(2) Amounts made available from the fund for Federal land acquisition projects shall be used for the following purposes and subpurposes:” and

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C) respectively.

(b) Section 7(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(b)) is amended to read as follows:

“(b) ACQUISITION RESTRICTIONS.—(1) LIMITATION ON EXPENDITURE.—No money shall be obligated or expended for Federal land acquisition purposes under this section unless approved in an Act making appropriations.

“(2) AUTHORIZATION REQUIREMENT.—Appropriations from the funds pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law: *Provided, however,* That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

“(3) WILLING SELLER.—Amounts made available for Federal land acquisition purposes under this section shall not be used to acquire property unless—

“(A) the owner of the property is willing to sell; or

“(B) the acquisition is authorized by law and is conducted in accordance therewith.”.

### TITLE III—WILDLIFE CONSERVATION AND RESTORATION

#### SEC. 301. DEFINITIONS.

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

(b) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

#### “SEC. 2. DEFINITIONS.

“As used in this Act—

“(1) the term ‘conservation’ means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

“(2) the term ‘Secretary’ means the Secretary of the Interior,

“(3) the term ‘State fish and game department’ or ‘State fish and wildlife department’ means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

“(4) the term ‘wildlife’ means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

“(5) the term ‘wildlife-associated recreation’ means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects;

“(6) the term ‘wildlife conservation and restoration program’ means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

“(7) the term ‘wildlife conservation education’ means projects, including public outreach, intended to foster responsible natural resource stewardship; and

“(8) the term ‘wildlife-restoration project’ includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.”

**SEC. 302. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.**

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

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

“(2) There is established in the fund a subaccount to be known as the “Wildlife Conservation and Restoration Account”. Amounts transferred to the Secretary under section 2(b)(5) of the Conservation and Reinvestment Act shall be deposited in the subaccount and shall be available without further appropriation for obligation and expenditure, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.”; and

(2) by adding at the end the following—

“(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species not hunted or fished.

“(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in section 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

“(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need.

“(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account from the Conservation and Reinvestment Act Fund, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.”.

**SEC. 303. STATE APPORTIONMENTS.**

Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding the following—

“(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

(1) Notwithstanding subsection (a), the Secretary may use not more than 2 percent of the revenues deposited into the Wildlife Conservation and Restoration Account in each fiscal year as necessary for expenses in the administration and execution of programs carried out under the Wildlife Conservation and Restoration Account and such amount shall be available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year, the Secretary shall apportion any portion thereof as remains unexpended, if any, on the same basis and in the same manner as is provided under paragraphs (2) and (3).

“(2) The Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account:

“(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 21 percent thereof;

“(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof; and

“(C) to Federally recognized Indian tribes, a sum equal to not more than 2 and  $\frac{1}{4}$  percent, one-third of which shall be allocated among the various tribes based on the ratio to which the trust land area of such tribe bears to the total trust land area of all such tribes and two-thirds of which shall be allocated based on the ratio to which the population of such tribe bears to the total population of all such tribes; except that no Indian tribe shall receive more than 5 percent per annum of the total annual amount made available to Indian tribes under this subsection.

“(3) The Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner:

“(A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

“(B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

“(4) The amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the

amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

“(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—(1) Any State, may apply to the Secretary for approval of a wildlife conservation and restoration program or for funds from the Wildlife Conservation and Restoration Account to develop a program which shall—

“(A) contain provision for vesting in the State fish and wildlife department overall responsibility and accountability for development and implementation of the program; and

“(B) contain provision for development and implementation of—

“(i) wildlife conservation projects that expand and support existing wildlife programs to meet the needs of a diverse array of wildlife species, including a wildlife strategy as set forth in subsection (e),

“(ii) wildlife associated recreation programs,

“(iii) wildlife conservation education projects; and

“(C) contain provisions for public participation in the development, revision, and implementation of projects and programs identified in subparagraph (B) of this subsection.

“(2) If the Secretary finds that the wildlife conservation and restoration program submitted by a State complies with paragraph (1), the Secretary shall approve the program and shall set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

“(3)(A) Except as provided in subparagraphs (B) and (C), after the Secretary approves a State’s wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State’s wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the pro rata share of the United States for such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

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

“(C) Not more than 10 percent of the amounts apportioned to each State under this section for a State’s wildlife conservation and restoration program may be used for law enforcement.

“(4) For purposes of this subsection, the term “State” shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and any of the Federally recognized Indian tribes with a wildlife conservation and restoration program.

“(e) WILDLIFE CONSERVATION STRATEGY.—Any State that receives an apportionment pursuant to subsection (c) shall, within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best scientific information and data available that—

“(1) integrates available information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that exemplify and are indicative of the diversity and health of a wildlife of the State;

“(2) identifies the extent and condition of habitats and community types essential to conservation of species identified under paragraph (1);

“(3) identifies the problems which may adversely affect the species identified under paragraph (1) and their habitats, and provides for research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

“(4) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

“(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

“(6) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

“(7) provides for coordination by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes

that manage significant areas of land or water within the States, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.”

#### TITLE IV—URBAN PARK PROGRAM

##### SEC. 401. TREATMENT OF AMOUNTS TRANSFERRED FROM THE CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2512) is amended to read as follows:

###### “TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

“SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 2(B)(6) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation. Any amounts that have not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reappropriated by the Secretary among grantees under this title.

“(b) ADMINISTRATIVE EXPENSES.—Not more than four percent of the amounts made available under this section in each fiscal year, may be deducted by the Secretary for expenses in the administration and execution of this Act.

“(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under subsection (b), of the amounts available in a fiscal year under subsection (a)—

“(1) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

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

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

“(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title, not to exceed 25 percent that may be used for grant and program administration.”.

##### SEC. 402. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2502) is amended by inserting “development of new recreation areas and facilities, including the acquisition of lands for such development,” after “rehabilitation of critically needed recreation areas, facilities.”.

##### SEC. 403. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2503) is amended to read as follows:

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

(2) In paragraph (k), by adding “Commonwealth of” after “and” and before “the” and by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

“(1) ‘development grants’ means matching capital grants to units of local government to cover costs of development and construction on existing or new neighborhood recreation site, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping but excluding routine maintenance and upkeep activities; and

“(m) ‘Secretary’ means the Secretary of the Interior.”.

##### SEC. 404. ELIGIBILITY.

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

“(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary and shall include, but not be limited to, the following:

“(1) All political subdivisions included in Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

“(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

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



**SEC. 405. GRANTS.**

Section 1006(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2505(a)) is amended as follows:

- (1) by striking in the first sentence “rehabilitation and innovation”,
- (2) by striking in paragraph (1) “rehabilitation and innovation”, and
- (3) by striking in paragraph (2) “rehabilitation and innovative”.

**SEC. 406. RECOVERY ACTION PROGRAMS.**

Section 1007(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2506(a)) is amended—

- (1) in the first sentence, by inserting “development,” after “commitments to ongoing planning,”; and
- (2) in paragraph (2), by inserting “development and” after “adequate planning for”.

**SEC. 407. STATE ACTION INCENTIVES.**

Section 1008 of the Urban park and Recreation Recovery Act (16 U.S.C. 2507) is amended—

- (1) by inserting “(a) IN GENERAL.—” before the first sentence; and
- (2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

“(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or State Action Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), including the allowance or flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other recreation or conservation purposes.

“(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(d)).”.

**SEC. 408. CONVERSION OF RECREATION PROPERTY.**

Section 1010 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2509) is amended to read as follows:

“CONVERSION OF RECREATION PROPERTY

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

“(b) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists with the exception of those properties that are no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination or other condition that endangers public health or safety.

“(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is of at least equal fair market value and reasonably equivalent usefulness and location; and is in accord with the current recreation recovery action plan of the grantee.”.

**SEC. 409. REPEAL.**

Sections 1014 and 1015 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2513, 2514) are repealed.

## TITLE V—HISTORIC PRESERVATION

**SEC. 501. HISTORIC PRESERVATION FUND AMENDMENTS.**

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

- (1) by inserting “(a)” before the first sentence of the first paragraph;
- (2) by inserting “(b)” before the first sentence of the second paragraph;
- (3) by adding at the end the following:

“(c) Amounts transferred to the Secretary under section 5(b)(8) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purposes of this Act, without further appropriation and without fiscal year limitation.

“(d)(1) Of the amounts in the fund, \$150,000,000 shall be available each fiscal year for obligation or expenditure in accordance with paragraph (2) of this section. Such amounts shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.

“(2) Of the amounts made available each fiscal year—

“(A) \$75,000,000 shall be available for State, local governmental, and tribal historic preservation programs as provided in section 101(b), (c), and (d) of this Act (16 U.S.C. 470a(b), (c), and (d));

“(B) \$15,000,000 shall be available for the American Battlefield Protection Program (16 U.S.C. 469k) for the protection of threatened battlefields; and

“(C) the remainder shall be available to carry out this Act, except that not less than 50 percent of the amounts made available shall be used for preservation projects on historic properties or archaeological sites in accordance with this Act, with priority given to the preservation of endangered Federal historic properties or archaeological sites.

“(e)(1) The President shall include in the annual budget proposal a list of programs to be funded under subsection (d)(2)(C) and additional funding amounts, if any, for State, local governmental, and tribal historic programs in accordance with section 101(b), (c), and (d) of this Act.

“(2) Except as provided in paragraph (3), during any fiscal year no money shall be obligated or expended for the programs identified in paragraph (d)(2)(C) unless approved in an Act making appropriations.

“(3) If the Congress adjourns sine die without appropriating the full amount made available under subsection (d)(2)(C), 15 days after the date of such adjournment, the Secretary shall, without further appropriation, obligate and expend the difference between the full amount made available under subsection (d)(2)(C) and the amount appropriated, only as follows:

“(A) to provide additional funding for State, local governmental, and tribal historic preservation programs as provided in section 101(b), (c), and (d) of this Act; or

“(B) to fund preservation projects on endangered Federal historic properties or archaeological sites.”.

#### **SEC. 502. AMERICAN BATTLEFIELD PROTECTION PROGRAM AMENDMENTS.**

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended:

(1) In subsection (c)(2), by adding at the end the following: “Priority for financial assistance for the preservation of Civil War Battlefields shall be given to sites identified as Priority 1 battlefields in the ‘Civil War Sites Advisory Commission report on the Nation’s Civil War Battlefields’ issued in 1993”;

(2) In subsection (d), by striking “\$3,000,000” and inserting “such sums as may be necessary”.

(3) By repealing subsection (e) in its entirety.

### **TITLE VI—NATIONAL PARK AND INDIAN LAND RESTORATION PROGRAMS**

#### **SEC. 601. NATIONAL PARK SYSTEM RESOURCE PROTECTION.**

(a) AMOUNTS TRANSFERRED FROM THE CONSERVATION AND REINVESTMENT ACT FUND.—Of the amounts transferred to the Secretary of the Interior under section 2(b)(9) of this Act, \$100,000,000 shall be available for obligation and expenditure in accordance with this section without further appropriation and without fiscal year limitation.

(b) USES.—(1) Amounts made available under this section shall only be used to protect significant natural, cultural or historical resources at units of the National Park System that are threatened or in need of stabilization or restoration.

(2) The Secretary is authorized to enter into cooperative agreements with State and local governments and other public and private organizations to carry out the purposes of this section.

(3) No funds made available by this section shall be used for—

(A) acquisition of lands or interests therein;

(B) salaries of National Park Service permanent employees;

(C) construction of roads;

(D) construction of new visitor centers;

(E) routine maintenance activities; or

(F) specific projects which are funded by the Recreational Fee Demonstration Program (16 U.S.C. 460l–6a(note)).

(c) PRIORITY LIST.—(1) The President shall include in the annual budget proposal a priority list for projects to be funded under this section. The President shall also submit the priority list to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

(2) In preparing the list of projects to be funded under this section, the Secretary shall vie priority to projects that—

(A) are identified in the park unit's general management plan;

(B) are included in authorized environmental restoration projects; or

(C) are identified by the Secretary of the Interior as necessary to prevent immediate damage to a park unit's natural, cultural, or historical resources or to protect the public health and safety.

(d) FUNDING.—(1) Except as provided in paragraph (2), during any fiscal year no money shall be obligated or expended for the purposes of this section unless approved in an Act making appropriations.

(2) If the Congress adjourns sine die without appropriating the full amount transferred for this section, 15 days after the date of such adjournment, the Secretary shall, without further appropriation, obligate and expended the difference between the full amount transferred and the amount appropriated in accordance with the priority list submitted pursuant to subsection (c).

#### SEC. 602. INDIAN LANDS RESTORATION.

(a) AMOUNTS TRANSFERRED FROM THE CONSERVATION AND REINVESTMENT ACT.—Of the amounts transferred to the Secretary of the Interior under section 2(b)(9) of this Act, \$25,000,000 shall be available for obligation and expenditure in accordance with this section without further appropriation and without fiscal year limitation.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—(1) The Secretary shall administer a competitive grant program for Indian tribes to assist in the restoration of degraded lands, resource protection, or the protection of public health and safety. Priority shall be given to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety. The Secretary shall develop the competitive grant program in consultation with Indian tribes.

(2) The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this section.

(3) As used in this section, the term “Indian tribe”, means—

(A) an Indian tribe, band, nation, pueblo, village, or community that Secretary recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1); or

(B) in the case of Alaska, an Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

### TITLE VII—CONSERVATION EASEMENTS AND RURAL DEVELOPMENT

#### SEC. 701. FARM AND RANCH LAND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall carry out a farm and ranch land protection program for the purpose of protecting farm and ranch lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible described in subsection (d) to facilitate their purchase of—

(1) permanent conservation easements in such lands; or

(2) conservation easements or other interests in such lands are subject to a pending offer from a State or local government.

(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that require, at the option of Secretary of Agriculture, the conversion of the cropland to less intensive uses.

(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

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

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

(2) A Federal recognized Indian tribe.

(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

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

(B) is exempt from taxation under section 501(a) of such Code; or

(C) is described in paragraph (2) of section 509(a) of such Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(e) **TITLE; ENFORCEMENT.**—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

(f) **STATE CERTIFICATION.**—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

(g) **WILLING SELLER.**—A conservation easement purchased with funds provided under this section shall be required only with the consent of the owner.

(h) **TECHNICAL ASSISTANT.**—To provide technical assistance to carry out this section, the Secretary of Agriculture may use not more than 10 percent of the amount made available for any fiscal year under section 2(b)(10) of the Conservation and Reinvestment Act.

(i) **FUNDING.**—Amounts transferred to the Secretary of Agriculture under section 2(b)(10) of the Conservation and Reinvestment Act shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation.

**SEC. 702. FOREST SERVICE RURAL DEVELOPMENT.**

The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

**“SEC. 21. RURAL DEVELOPMENT.**

“(a) **USES.**—The Secretary shall conduct a Rural Development program provide technical assistance to rural communities for sustainable rural development purposes.

“(b) **FUNDING.**—Amounts transferred to the Secretary of Agriculture under section 2(b)(11) of the Conservation and Reinvestment Act shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitations.”.

**SEC. 703. NON-FEDERAL LANDS OF REGIONAL OR NATIONAL INTEREST.**

(a) **COMPETITIVE GRANT PROGRAM.**—(1) The Secretary of the Interior may make grants to States for the conservation of non-Federal lands of clear regional or national interest.

(2) In making a grant under this section, the Secretary shall consider the extent to which a proposed project described in the grant application will conserve the natural, historic, cultural, or recreational values of the non-Federal lands.

(3) The Secretary shall give preference to proposed conservation projects—

(A) that seek to protect ecosystems;

(B) that are developed in collaboration with other States;

(C) that are complementary to conservation or restoration programs undertaken on Federal lands;

(D) that demonstrate public participation in the development of the project proposal; or

(E) that are supported by communities and individuals in the immediate vicinity of the proposed project or who would be directly affected by the proposed project.

(4) A grant awarded to a State under this subsection shall cover not more than 50 percent of the total cost of the conservation projects.

(b) **AUTHORIZED PROJECTS.**—The Secretary may not award a grant for any project under this section where the Federal contribution for such project exceeds \$1 million, unless the project is authorized by an Act of Congress.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 704. MAPPING EXISTING CONSERVATION EASEMENTS.**

(a) **DEADLINE FOR COMPLETION.**—The Secretary of the Interior shall, not later than 48 months after the date of enactment of this Act, complete the mapping of all existing conservation easements acquired by the United States Fish and Wildlife Service before 1977 to project wetlands.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—These are authorized to be appropriated such sums as may be necessary to carry out this section.

## PURPOSE OF THE MEASURE

The purpose of H.R. 701, as ordered reported, is to dedicate a portion of the Federal revenues earned from oil and gas production on the Outer Continental Shelf (OCS) for the following: coastal impact assistance to the States and communities with offshore OCS production; coastal stewardship activities in all coastal States; coral reef protection; cooperative interstate marine fisheries commissions; the Federal and State portions of the Land and Water Conservation Fund; State wildlife conservation and restoration; urban parks; urban and community forestry; Federal, State and tribal historic preservation; National Park Service and Indian lands restoration; farm and ranch land protection; the Forest Legacy program; Rural Community and Economic Action programs administered by the Forest Service; Youth Conservation Corps; and Payment in Lieu of Taxes.

## SUMMARY OF MAJOR PROVISIONS

H.R. 701, as amended, authorizes the establishment, for a 15 year period, of a Conservation and Reinvestment Act Fund. Beginning in fiscal year 2001, the Secretary of the Treasury shall deposit in the Conservation and Reinvestment Fund qualified Outer Continental Shelf (OCS) revenues sufficient to fund the following programs:

\$430 million for coastal impact assistance to the 7 coastal States within 200 miles of a lease issued under the Outer Continental Shelf Lands Act;

\$250 million for coastal States to be used for coastal and marine conservation, protection and restoration;

\$100 million for cooperative enforcement of marine protection laws and for fisheries research and management;

\$25 million for coral reef protection;

\$900 million for the Land and Water Conservation Fund to be equally divided between Federal land acquisition and State and local park and recreation programs;

\$350 million through the Pittman-Robertson program for State wildlife conservation and restoration;

\$75 million to rehabilitate and improve recreation areas and facilities under the Urban Park and Recreation Recovery Act program;

\$50 million to plant, restore and maintain trees and forests under the Urban and Community Forestry Act;

\$150 million for the Historic Preservation Fund, including \$75 million for grants to States, tribes and local governments, \$60 million for Federal historic preservation efforts, and \$15 million for the American Battlefield Protection Program;

\$100 million to protect significant natural, cultural, or historical resources of the National Park System and \$25 million to restore Indian lands;

\$50 million for the acquisition of conservation easements by States and local governments under the Forest Legacy program to keep forest lands in production;

\$50 million under an expanded Farm and Ranch Land Protection Program for the acquisition of easements to protect farm and ranch land threatened with developments;

\$60 million for the Youth Conservation Corps program to employ young adults during the summer for projects on public lands;

\$50 million equally divided between Forest Service rural development and economic recovery programs to assist rural communities in diversifying their economies; and

full funding for the Payment In Lieu of Taxes (PILT) program (\$325 million in fiscal year 2002) which compensates local governments for Federal land within their jurisdiction.

These amounts are available for obligation and expenditure, beginning in fiscal year 2002 and in each fiscal year thereafter, without further appropriation, if Congress provides \$450 million for Federal land acquisition under the Land and Water Conservation Fund in that fiscal year.

## BACKGROUND AND NEED

### THE OUTER CONTINENTAL SHELF

The Outer Continental Shelf (OCS) consists of all the submerged lands lying seaward of seaward boundaries of the States that are subject to the jurisdiction and control of the United States. Since 1983, the United States has claimed the sovereign right to control the OCS 200 nautical miles seaward of its coastline.

The OCS is rich in natural resources. The OCS accounts for 20 percent of the oil and 27 percent of the natural gas produced in the United States. Since 1953, oil and gas leases on the OCS have provided over \$127 billion to the Federal Treasury.

Early in our history, the Coastal States claimed title to the submerged lands off their shores. The first offshore oil and gas leases were granted by the States in shallow water off their coasts. In 1947, however, President Truman asserted federal jurisdiction over our offshore resources, both within and beyond the areas claimed by the States. Beginning in 1947, the Supreme Court held in a series of cases that the Federal Government, with certain exceptions, possessed paramount rights over the submerged lands claimed by the States.

In 1953, Congress relinquished Federal claims to the submerged lands within the historic boundaries of the Coastal States with the enactment of the Submerged Lands Act. As a result of the Submerged Lands Act, most Coastal States have title to all submerged lands lying three geographical miles (which are slightly longer than statute miles) seaward of the State's coast line. Texas and Florida have title to all submerged lands lying three marine leagues (which equal nine geographical miles or about ten and a half statute miles) from their coast lines in the Gulf of Mexico.

Less than three months after the enactment of the Submerged Lands Act, Congress enacted the Outer Continental Shelf Lands Act. The OCS Lands Act declared that the submerged lands beyond the States' seaward boundaries belong to the Federal Government and gave the Secretary of the Interior broad authority to lease the OCS beyond the States' seaward boundaries for oil, gas, and mineral development. Revenues from these leases were deposited in the Federal Treasury.

Federal leasing activities soon gave rise to the concern that oil and gas development on federal leases could drain fields underlying

adjacent State submerged lands. To deal with this problem, Congress added section 8(g) to the OCS Lands Act in 1978. Section 8(g) required the Secretary of the Interior to deposit revenues from leases within three miles of the seaward boundary of a Coastal State (i.e., between three and six miles seaward of a State's coast line) into a separate account in the Treasury until such time as the Secretary and the Governor of the affected Coastal State could agree on a "fair and equitable disposition" of the revenues between the Federal Government and the State. In 1986, Congress amended section 8(g) to give the Coastal States 27 percent of the revenues from leases in the so-called "8(g)" area.

#### THE LAND AND WATER CONSERVATION FUND

In 1965, Congress created the Land and Water Conservation Fund (LWCF) to provide a source of funding to—

assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations \* \* \* [to] outdoor recreation resources \* \* \* and to strengthen the health and vitality of the citizens of the United States.

16 U.S.C. 460l-4.

The LWCF grew out of legislation proposed by President Kennedy based on the studies and recommendations of the Outer Recreation Resources Review Commission. It reflected the growing disparity between the amount of public land needed for outdoor recreation, caused by the country's expanding population, increased leisure time, and improved transportation, and the amount available for such purposes. The main purpose of the LWCF Act was to provide "a base for the improvement and extension of outdoor recreation opportunities for a healthy America."

Initially, the LWCF consisted of fees collected from those who used outdoor recreation facilities and the proceeds from the sale of surplus federal land. These sources soon proved inadequate to the task. Accordingly, in 1968, Congress amended the LWCF Act to dedicate a portion of the receipts from OCS leases to the LWCF. The Senate Committee on Interior and Insular Affairs, the predecessor of this Committee, recommended this course based on—

the fully tenable proposition that the revenues from one natural resource which belongs to all the people of the United States—in this instance a depleting resource—should be reinvested in outdoor recreation areas and developments which become a part of the permanent estate of the Nation for the use, benefit, and enjoyment of all its citizens of this and future generations.

S. Rep. No. 1071, 90th Cong. 2d Sess. 2 (1968).

Under current law, Congress may appropriate up to \$900 million from the LWCF each year through fiscal year 2015. Not less than 40 percent of the amount appropriated in any year must be used for land acquisition by the four federal land management agencies—the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Forest Service for otherwise authorized land acquisitions. Not more than 60 percent of the amount may be provided to state and local governments for the

planning, acquisition, and development of state and local parks and recreation facilities.

NEED FOR H.R. 701

*Coastal Impact Assistance.*—OCS development could not proceed without the cooperation of adjacent Coastal States, which facilitate the transportation, processing, refining, and distribution of oil and gas from the OCS. Coastal States adjacent to OCS production, particularly those in the Gulf of Mexico where the bulk of OCS production occurs, often suffer environmental impacts from offshore oil and gas production, including oil leaks, impacts from pipeline infrastructure, and impacts from road construction and use. In addition, these States experience increased social costs, such as the need for additional schools and public services.

Neither the need for these services nor the cost of providing them has diminished as production has moved further offshore from the State's territorial waters and the 8(g) area to deeper waters further offshore. Yet the ability of Coastal States to pay these costs from offshore revenues has declined as oil and gas production within the States' territorial waters and the 8(g) area has diminished. In 1999, OCS activities generated \$3.188 billion in revenues. Of this total, \$94 million—or approximately 3 percent—were paid to Coastal States pursuant to section 8(g) of the OCS Lands Act. While the entire nation benefits from oil and gas development on the federal OCS, the handful of Coastal States with production off their shores have had to bear the full environmental and social costs of this production. Legislation is needed to share part of the proceeds of Federal OCS production with those Coastal States.

In addition, coastal areas suffer significant environmental stresses from a variety of other causes, resulting in depleted fisheries, wetland loss, destruction of coral reefs, and loss of coastal habitat and living marine resources. Legislation is needed to provide additional funds to the States and coastal communities to preserve these priceless coastal resources for present and future generations.

*LWCF.*—When Congress first channeled OCS revenues into the LWCF, it was anticipated that a substantial percentage of the revenues from the OCS, a non-renewable national asset, would be reinvested in permanent, public recreational resources by Federal, State and local governments. That expectation has not been fulfilled. Originally capped at \$100 million, the LWCF authorization level has been raised several times to its present \$900 million per year level. Although the full authorized amount has continued to be credited to the LWCF each year, none of the funds can be spent without further appropriation, and Congress has rarely appropriated the full amount authorized. As a result, spending for the acquisition and development of new recreational resources has not kept pace with the growing demand for them and the backlog of authorized but unacquired lands continues to grow. Legislation is needed now to ensure that adequate funds are made available to meet the recreational needs of the ever increasing population of the United States in recognition that “space for outdoor recreation which may once, correctly or mistakenly, have been thought abundant, is becoming scarce.” S. Rep. No. 1364, 88th Congress Cong., 2d Sess. 5 (1964).



*Historic Preservation.*—The National Historic Preservation Act provides that \$150 million of OCS revenues be deposited each year in the Historic Preservation Fund. The Act authorizes the appropriation of monies from the Historic Preservation Fund to the Secretary of the Interior to preserve properties listed on the National Register of Historic Places and to make grants to the States for state historic preservation projects. Like the LWCF, appropriations to the Historic Preservation Fund have been lower than the authorized level. From fiscal year 1991 through fiscal year 1998, appropriations from the Historic Preservation Fund averaged \$35 million. In fiscal year 1999 and fiscal year 2000, \$35 million was appropriated for State programs and \$40 million was appropriated for federal programs. Given the resulting backlog of needs, legislation is needed to ensure full funding for these programs.

*PILT.*—The Payment In Lieu of Taxes (PILT) program authorizes the Secretary of the Interior to make payments to counties in which the Federal Government owns a large portion of the land. These payments provide a critical source of revenue for the 2,000 local governments in 49 states that have relatively small amounts of taxable private land because most of their land is owned by the Federal Government and is exempt from State and local taxation. They also help offset the costs incurred by the counties for services provided to users of the federal lands. Over the past six years, PILT appropriations have averaged less than half of the authorized amount. In fiscal year 2000, Congress appropriated an average of 17 cents per acre for PILT payments, compared to the \$1.48 per acre the counties would have received if the lands were taxed at the same rate as private land. Legislation is needed to ensure full funding for this program.

*Other programs.*—There are a number of other conservation programs that have never been funded or that have been funded at less than their authorized level. These programs include: coastal and fisheries restoration programs administered by the Department of Commerce; the Urban Park and Recreation Recovery program administered by the Department of the Interior; the Urban and Community Forestry, Forest Legacy, Farmland Protection, and rural economic programs administered by the Department of Agriculture; and the Youth Conservation Corps program administered by the Department of the Interior and the Department of Agriculture. Many of these programs can be used to improve forest health through tree thinning and removal of hazardous underbrush. Legislation also is needed to ensure greater funding for these programs; to provide secure funding for State activities benefiting wildlife species; to protect threatened National Park resources; and to restore degraded Indian lands.

#### LEGISLATIVE HISTORY

H.R. 701 was introduced on February 10, 1999. The House Resources Committee reported H.R. 701 on November 10, 1999 by a vote of 37–12. On May 11, 2000, H.R. 701, as amended, was passed by the House of Representatives by a vote of 315–102, received in the Senate, and referred to the Committee on Energy and Natural Resources.

In the Senate, a number of bills similar to H.R. 701 were introduced during the 106th Congress and referred to the Committee on

Energy and Natural Resources including S. 25, S. 446, S. 532, S. 819, S. 2123 and S. 2181. Hearings were held on several of these bills on January 27, April 20 and 27, and May 4 and 11, 1999. The Committee on Energy and Natural Resources considered H.R. 701 in business meetings on July 19, 20, 21, 24 and 25, 2000. At its business meeting on July 25, 2000, the Committee ordered H.R. 701, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 25, 2000, by a majority vote of a quorum present, recommends that the Senate pass H.R. 701 if amended as described herein.

The rollcall vote on adopting an amendment in the nature of a substitute was 13 yeas, 7 nays, as follows:

YEAS	NAYS
Mr. Murkowski	Mr. Domenici
Mr. Smith	Mr. Nickles *
Mr. Bunning	Mr. Craig
Mr. Fitzgerald *	Mr. Campbell *
Mr. Bingaman	Mr. Thomas *
Mr. Akaka	Mr. Gorton
Mr. Dorgan	Mr. Burns
Mr. Graham	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu	
Mr. Bayh	
Mrs. Lincoln	

\* Indicates voted by proxy.

The Committee ordered H.R. 701, as amended, favorably reported by voice vote.

#### COMMITTEE AMENDMENT

During the consideration of H.R. 701, the Committee adopted an amendment in the nature of a substitute. In addition to making several technical, clarifying and conforming changes, the amendment made the following substantive changes to H.R. 701 as passed by the House of Representatives:

*Direct Spending Trigger Mechanism.*—As passed by the House of Representatives, H.R. 701 provides that moneys in the Conservation and Reinvestment Act Fund—\$2.825 billion— are available each fiscal year without further appropriation as mandatory spending. However, \$450 million in Federal land acquisition moneys may not be obligated and expended until Congress specifically approves a list of acquisitions in an Act making appropriations for the Department of the Interior. The House-passed bill does not address what happens to the \$450 million if Congress fails to approve a Federal land acquisition list in a fiscal year.

H.R. 701, as ordered reported, prohibits any moneys in the Conservation and Reinvestment Act Fund from being obligated or expended until Congress has made available \$450 million in Federal land acquisition under the Land and Water Conservation Fund.

Unless Congress provides \$450 million in Federal land acquisitions in an Appropriations Act, no funds in the Conservation and Reinvestment Act may be transferred to other programs. The Committee included this requirement to ensure that all programs funded by the Conservation and Reinvestment Act Fund will be similarly treated. Under H.R. 701, as reported by the Committee, Congress, through the appropriations process, may elect, on an annual bases, to fully fund the programs under H.R. 701 by appropriating \$450 million for Federal land acquisition. However, Under the Committee-reported bill, all programs will receive full funding or no program will receive automatic funding, but all programs will be treated equally.

*Interest.*—H.R. 701, as passed by the House of Representatives, provides that up to \$200 million of the interest earned on the Conservation and Reinvestment Act Fund is available to be used to match annual appropriations for the Payment In Lieu of Taxes and Refuge Revenue Sharing programs, up to their authorized levels, except for the interest attributed to title III that will be directed to North American Wetlands Conservation Act of 1989, as currently provided by the Pittman-Robertson Act.

H.R. 701, as ordered reported by the Committee, does not make any provisions for the expenditure of interest. Instead, the Committee chose to fully fund the Payment In Lieu of Taxes program at its existing authorized level from the Conservation and Reinvestment Act Fund. For purposes of the North American Wetlands Conservation Act of 1989 interest will be earned on the funds transferred to the Wildlife Conservation and Reservation Account within Pittman-Robertson Fund under Title III of the legislation consistent with current law.

*State and Local and Land Acquisition.*—The Committee adopted an amendment to clarify that moneys from the Conservation and Reinvestment Act Fund made available to State and local governments should be used, to the extent practicable, to acquire lands from willing sellers.

*Water Rights.*—As passed by the House of Representatives, H.R. 701 contained an amendment to the Land and Water Conservation Fund Act relating to water rights. Since nothing in this measure, including amendments to other legislation, affects water rights, the Committee did not include that amendment. The Committee recognizes the sensitivity of this issue, however, and therefore has included a general savings clause to allay any possible concerns over the legislation. The legislation does not provide any new authority for Federal Government to acquire either lands or water rights nor to reserve unappropriated waters from the public domain. The legislation only provides a source of funding for otherwise authorized acquisition of lands by the Federal Government, and then only to the extent provided in the Acts making appropriations and subject to the provisions of the other legislation authorizing such acquisition. As a general matter, the acquisition of land by the federal government, as opposed to the withdrawal and reservation of land from the public domain, does not give rise to an implication of an intent to reserve appurtenant waters.

The acquisition of land, however, may occur as part or in furtherance of some other statute that does reserve quantities of water. For example, title II of the Arizona Desert Wilderness Act of 1990

(P.L. 101-628; 104 Stat. 4469, 4475; 16 U.S.C. 460ddd) establishes the Gila Box Riparian National Conservation Area. Section 201(f) of the Arizona Desert Wilderness Act expressly “reserves a quantity of water sufficient to fulfill the purposes \* \* \* for which the conservation area is established.” Section 201(h) authorizes the acquisition of non-Federal lands, subject to certain limitations. Funds transferred to the Land and Water Conservation Fund under section 2(b) of this Act will be available, if so provided in Acts making appropriations, for the acquisition of lands pursuant to the authorization in section 201(h) of the Arizona Desert Wilderness Act. Neither the provision of such funds under this legislation, nor the acquisition of lands with such funds creates an express or implied reservation of water for any purpose. Similarly, nothing in this legislation expands, diminishes, or otherwise affects the express reservation contained in section 201(f) of the Arizona Desert Wilderness Act.

H.R. 701 does not expand, diminish, or otherwise affect any implied or express reservation of water established under any other law, and does not provide any new authority for any such reservation. Similarly, the various other programs contained in and funded by the legislation providing grants to the States do not in any manner affect water rights or the various laws, compacts, decrees, and treaties governing the acquisition of, jurisdiction over, or management of such rights. The general savings clause adopted by the Committee makes this clear.

*Social Security and Medicare Solvency.*—The House-passed version of H.R. 701 prohibits and transfer of moneys to the Conservation and Reinvestment Act Fund unless certain certifications are made about debt retirement, the solvency of Social Security and the solvency of Medicare. While the Committee supports the intention of these provisions, the Committee is concerned that it will be impossible to actually “certify” conclusions given the nature of budgetary projections each year. This would have the unintended effect of nullifying the purpose of the legislation. As reported by the Committee, however, H.R. 701 contains a provision requiring annual reports to Congress on elimination of publicly held debt, solvency of the Social Security program, and solvency of the Medicare program. The information within these reports will help Congress as they make the annual decision to approve \$450 million in Federal land acquisition and thereby release the moneys in the Conservation and Reinvestment Act Fund.

The Committee did retain a prohibition on any Conservation and Reinvestment Act Fund expenditures if such expenditure would diminish benefit obligations under the Social Security and Medicare systems. The Committee substitute also prohibits any such expenditure if there is not an on-budget surplus.

*Congressional Override.*—Most of the funds provided in H.R. 701, as reported by the Committee, are allocated to the States pursuant to statutory formulas. In some cases, however, the bill gives the Executive Branch discretion to allocate funds. To ensure Congressional oversight and preserve the Constitutional role of the Congress over expenditures, in such cases the bill provides an opportunity for Congressional override of the Executive Branch priorities. For such programs, the Executive Branch, in conjunction with the submission of the Federal budget, will inform Congress how it

proposes to spend the funds made available from the Conservation and Reinvestment Act Fund in the next fiscal year. Congress, if it disagrees with these priorities, can enact its own priority list as part of an appropriations bill. If Congress does not enact a different priority list, such funds become available 15 day after sine die adjournment. If Congress enacts a different priority that funds less than the annual authorized funding established by the bill, the difference will be available for expenditure in accordance with the priority list submitted by the Executive Branch.

*Coastal Funding.*—As passed by the House of Representatives, H.R. 701 provides \$1 billion in coastal impact assistance, to be administered by the Secretary of the Interior. The funds are allocated among 30 coastal States and 5 territories based 50% on proximity to oil and gas production from the OCS and 25% each based on relative miles of coastline and coastal population.

H.R. 701, as reported by the Committee, provides \$805 million for a broad range of coastal programs. It provides \$430 million for coastal impact assistance to coastal states with OCS production within 200 miles of their coastline. It also provides \$350 million, to be administered by the Secretary of Commerce, to 30 coastal states and 5 territories for programs to protect and restore the coastal and marine environment. Additionally, it allocates \$25 million for coral reef protection efforts to be administered by the Secretaries of the Interior and Commerce.

*Coastal Impact Assistance Formula.*—As reported by Committee, H.R. 701 provides \$430 million for coastal impact assistance payments to the 7 Producing Coastal States that have Federal leases within 200 miles of their coastline for the development of oil and gas reserves on the OSC—Alaska, California, Texas, Louisiana, Mississippi, Alabama and Florida. Unlike H.R. 701 as passed by the House, coastline miles and population are not factors in the allocation of the coastal impact assistance funds. Rather, \$245 million is divided equally among the 7 Producing Coastal States with the remaining \$185 million allocated based on OCS production in recognition that States with greater production off their coasts will have greater impacts. The Committee believes that the Federal Government should share some of the financial benefits of Federal OSC production with the Coastal States that bear the impacts of this production.

*Coastal Impact Assistance Pass-Through.*—H.R. 701, as passed by the House of Representatives, mandates that a Governor of a Producing Coastal State make 50% of the allocation available to all political subdivisions within the State's coastal zone based on the political subdivision's coastlined miles, coastal population, and proximity to production.

The Committee recognizes the importance of sharing coastal impact assistance funds with local governments and wants to ensure the certainty of such funds. As reported by the Committee, H.R. 701 requires the Secretary of the Interior to annually distribute 20% of a Producing Coastal State's allocation to those coastal subdivisions within 200 miles of an Outer Continental Shelf lease. This funding would be allocated among coastal subdivisions based on a formula of 25% relative miles of coastline, 25% relative population, and 50% proximity to OCS production. This is the same formula contained in the House passed version of H.R. 701 except for

the Committee's treatment of the State of Louisiana. In Louisiana, the 25% of the formula based on coastline miles takes into account political subdivisions which are within 200 miles of an OCS lease but which do not have a coastline. These political subdivisions are credited with the average coastline of the political subdivisions with a coastline. Further, in the State of Louisiana, that portion of the political subdivision allocation based on production is equally divided among all coastal political subdivisions.

*Coastal Uses.*—The House-passed version of H.R. 701 authorizes States receiving coastal impact assistance funds to use them for a variety of activities for protecting the marine and coastal environment, and for mitigating impacts of Outer Continental Shelf production. The Committee recognizes the many pressing environmental needs facing coastal areas, such as persistent wetlands degradation, damage to marine and coastal habitats, fisheries losses, and destruction of coral reefs. The Committee intends that Title I funds for coastal impact assistance, coastal stewardship, and coral reef protection, be available for the protection, restoration, and improvement of environmental resources. The Committee also recognizes that States with OCS production off their shores often experience other significant impacts from oil and gas development activities, and the Committee therefore provides that a Producing Coastal State may use up to 23% of its impact assistance allocation for mitigating these broader impacts, through funding of onshore infrastructure and public service needs.

*Planning.*—Like the House passed version of H.R. 701 the Committee requires that those Producing Coastal States seeking to receive coastal impact assistance prepare a Coastal Impact Assistance Plan which must be approved by the Secretary of the Interior. The Committee intends that Producing Coastal States have an option of receiving coastal impact assistance. No Coastal Impact Assistance Plan is required for those Producing Coastal States which choose not to receive coastal impact assistance.

H.R. 701, as reported by Committee, provides funds for ocean and coastal conservation efforts by coastal States to be administered by the Secretary of Commerce. Producing Coastal States also are eligible to receive funds under this program which has its own requirement for a Statewide Coastal Conservation Plan. The Committee does not intend to impose double planning requirements on Producing Coastal States. Rather, the Committee intends for the Secretaries of the Interior and Commerce to coordinate their various requirements to provide for joint plan submission and avoid imposing duplicative and redundant requirements on Producing Coastal States.

*Federal Land Acquisition.*—Like H.R. 701 as passed by the House, the Committee requires the submission of Federal land acquisition priority lists each year in conjunction with the Federal budget submission. The Committee also imposed an obligation on itself to review these lists and submit to the Appropriations Committee its own priority list for Federal land acquisitions that have been previously authorized. During consideration of the President's budget, the Appropriations Committees will have the benefit of a formal submission from the authorizing committee on what it believes the Federal land acquisition priorities should be.

The Committee adopted language to require the Secretaries of the Interior and Agriculture to consult with the Governors of the States in preparing the priority list for land acquisition. The Committee has not prescribed any particular method or process for such consultation and expects that such consultation will occur on an ongoing basis at the State as well as at the local level. State and local governments can assess the potential benefits and costs of Federal land acquisition and the Federal Government should carefully consider any recommendations and suggestions. The Committee intends to carefully review the list submitted by the President and obtain the views of affected States and their representatives on areas included as well as priority lands excluded from the list. The Committee will carefully consider local concerns, including any recommendations from Governors, through advisory boards or other entities, on the extent of public needs and requests, the availability of property, alternatives to fee acquisition, effect on local tax revenue and local business, habitat benefits or costs, and public access. The Committee expects that close consultation by the Congress and the administration with the States will make the process of establishing and funding a priority list as beneficial as possible for both the objectives for which Federal areas are established and for the States and local communities where such areas are located.

The Committee-reported bill eliminates several restrictions and limitations on Federal land acquisitions projects which were included in the House-passed bill. The objective of the legislation is to provide a guaranteed funding source for Federal land acquisition projects not to alter existing law for any project. The authorizing and appropriating committees remain free to develop specific provisions for individual projects as they do currently.

*LWCF State Grant Program.*—H.R. 701, as passed by the House of Representatives, provides \$450 million for the state-side LWCF matching grant program with 30% equally divided among all States and 70% allocated based on population. The Committee also provides \$450 million for the state-side LWCF matching grant program. However, the Committee does not believe that population provides the sole indicator of the demand for State and local park and recreation programs. For example, in many western States with relatively low year-round population but significant Federal land ownership, adjacent State and local parks often experience seasonal fluctuations in visitors. Accordingly, the Committee allocates state-side funding with 60% divided among all States and 40% allocated based on population. The Committee believes this is a more equitable distribution of state-side funds throughout the country.

*Wildlife Conservation and Restoration.*—As passed by the House, H.R. 701 does not provide any guidance on how States should prioritize their use of funds from the Wildlife Conservation and Restoration Account. As reported by the Committee, H.R. 701 directs States to give priority for funding from the Wildlife Conservation and Restoration Account for species with the greatest conservation need. The Committee included this requirement in recognition of the ongoing debate between the protection of game and nongame species. The Committee did not want to make an arbitrary judgment on the relative importance of a species in any individual States. Rather, the Committee believes that a State fish and

wildlife department is in the best position to determine what species within a State have the greatest conservation need. To facilitate this determination, the Committee requires that State fish and wildlife agencies prepare a wildlife conservation strategy that uses existing available data and to conduct periodic monitoring of wildlife species and their habitats.

H.R. 701, as ordered reported, also provides that 2¼ percent of the funds in the Wildlife Conservation and Restoration Account be made available to Federally recognized Indian tribes. This figure is equivalent to the percentage of tribal trust land to total acreage of the continental United States. Currently, tribes are not eligible to share in Federal Aid in Wildlife Restoration Account funds even though tribal members pay excise taxes on fishing and hunting equipment. H.R. 701 does not change this limitation in the underlying law. However, by allowing Indian tribes to share in this new funding source, the Committee reported legislation helps address the funding shortfalls that tribes experience in managing fish and wildlife populations on their lands. Indian tribes, just like the States, would have to submit, and have approved by the Secretary of the Interior, a wildlife conservation and restoration program.

With few exceptions, the provisions of the Title 3 relate solely to wildlife conservation and restoration programs funded by the Conservation and Reinvestment Act Fund and do not affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or provisions of the Federal Aid in Sportfish Restoration Act relating to fish restoration and management projects.

*Historic Preservation Funding.*—H.R. 701, as passed by the House, provides \$100 million for National Historic Preservation Act purposes with at least one-half to be spent on preservation projects on historic properties. Further, the bill expands the use of State historic preservation moneys to allow cooperative historic preservation planning and development at national heritage areas or national heritage corridors established by the Federal Government.

As reported by the Committee, H.R. 701 provides \$150 million, the full existing authorization, for the Historic Preservation Fund. Of this total, at least one-half, or \$75 million, must be provided to State, local and tribal historic preservation programs and \$15 million is to be made available for the American Battlefield Protection Program. The remainder is available for Federal historic preservation purposes with at least one-half to be spent on preservation projects on historic properties and archaeological sites.

The Committee believes that it is important that adequate financial resources be provided for non-Federal historic preservation efforts. By providing \$75 million each year for State, local and tribal historic preservation programs, the Committee is hopeful that this funding will decrease the pressure on the Federal Government to preserve these historic sites.

Similarly, the American Battlefield Protection Program provides funding for non-Federal entities to protect threatened battlefields. The Committee amendment directs the Secretary to give priority for financial assistance for the preservation of Civil War battlefields to sites identified as Priority 1 battlefields in the "Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields" issued in 1993.



The Civil War Sites Advisory Commission was a blue-ribbon panel of 14 members appointed by the Presidential and Congress in 1990 to identify historically significant Civil War sites, to determine their relative importance, and to recommend alternatives for preserving and interpreting the sites. In its 1993 report, the commission identified significant sites with a "critical need for coordinated nationwide action" as Priority 1 battlefields. Since the American Battlefield Protection Program is not limited to protecting Civil War battlefields, the Committee expects that the Secretary will establish appropriate criteria to prioritize funding for the protection of other threatened battlefields.

The Committee did not include language in this title restricting the percentage of funds which are available for administrative expenses under this title. However, the Committee expects that the Secretary will retain the minimum amount of funds necessary to appropriately administer the programs under this title.

*Federal and Indian Lands Restoration.*—H.R. 701, as passed by the House, provides \$200 million for Federal and Indian lands restoration. The bill authorizes \$120 million for projects on Department of the Interior lands, \$60 million for projects on Forest Service lands, and \$20 million for projects on Indian lands.

H.R. 701, as reported by Committee, provides \$25 million for projects on Indian lands and directs the Secretary of the Interior to develop a competitive grant program for the award of these restoration funds in consultation with Indian tribes. This program is to be developed with input from a diverse array of tribal representatives.

The Committee-reported measure also provides \$100 million for restoration projects at units of the National Park System. The Committee intends that normal funding for these functions and programs through the appropriations process not be offset by funding from the Conservation and Reinvestment Act. Funding under this Act should be focused on protecting threatened significant park resources, including necessary capital improvements. The Committee does not intend for these funds to be used for routine maintenance.

*Forest Service Rural Community Assistance.*—H.R. 701, as reported by the Committee, includes \$50 million to be equally split between 2 existing Forest Service programs: Rural Development and Rural Community Assistance. The Committee includes this funding to assist natural resource dependent communities in strengthening, diversifying, and expanding their economies.

*Youth Conservation Corps.*—The Committee reported measure fully funds the Youth Conservation Corps program at its authorized level, within the Department of the Interior and Forest Service. The Committee intends that these funds be used to hire young adults to work on the public lands and not to increase the Federal bureaucracy. At the same time, the Committee intends for these funds to be equitably allocated among the States with an emphasis on those States with significant public lands.

Further, the Committee expects that the Secretary of the Interior and the Secretary of Agriculture will maximize the use of partnerships with State, local, or other non-Federal youth conservation corps, or entities such as the Student Conservation Association. These types of partnership have proven to be cost-effective and effi-

cient. As a result, the Committee anticipates that there will be minimal need to expend these funds on hiring Federal personnel or increased Federal program costs. Because the Conservation and Reinvestment Act Fund will dramatically increase the funding for the Youth Conservation Corps program, the Committee plans on conducting aggressive oversight to ensure that the Departments are spending these funds as intended.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

The short title of H.R. 701 is the “Conservation and Reinvestment Act.”

##### *Section 2. Conservation and Reinvestment Act Fund*

###### *Subsection 2(a). Establishment of fund*

This subsection establishes a fund in the United States Treasury known as the “Conservation and Reinvestment Act Fund” and authorizes the Secretary of Treasury to deposit into the Fund, beginning in fiscal year 2001 and through fiscal year 2015, qualified Outer Continental Shelf revenues sufficient to fund the programs specified in subsection (b).

###### *Subsection 2(b). Program allocation*

Beginning in fiscal year 2002 and through fiscal year 2016, the Secretary of Treasury is authorized to transfer the following amounts from the Conservation and Reinvestment Act Fund:

\$430 million to the Secretary of the Interior for payments to producing coastal states;

\$350 million to the Secretary of Commerce for payments to coastal states for coastal conservation programs and cooperative enforcement and research and management by Interstate Marine Fisheries Commissions;

\$25 million to the Secretary of the Interior and the Secretary of Commerce for coral reef protection efforts;

\$900 million to the Land and Water Conservation Fund;

\$350 million to the Wildlife Conservation and Restoration Account;

\$75 million to the Secretary of the Interior for the Urban Park and Recreation Recovery Act of 1978;

\$50 million to the Secretary of Agriculture for the Urban Community Forestry Act;

\$150 million to the Secretary of the Interior for the National Historic Preservation Act;

\$125 million to the Secretary of the Interior for National Park Service and Indian lands restoration programs;

\$50 million to the Secretary of Agriculture for the Forest Legacy program;

\$50 million to the Secretary of Agriculture for the Farm and Ranch Land Protection Program;

\$25 million to the Secretary of Agriculture for the Rural Development program;

\$25 million to the Secretary of Agriculture for the Rural Community Assistance Program;

\$60 million to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the Youth Conservation Corps; and amounts to fund payment in-lieu-of taxes at its fully authorized level.

Amounts transferred under this subsection shall be available for obligation and expenditure without further appropriation or fiscal year limitation.

*Subsection 2(c). Availability of funds*

Moneys transferred under subsection 2(b) are available without further appropriation and without fiscal year limitation, if Congress makes available \$450 million in Federal land acquisition as provided in subsection 2(f).

*Subsection 2(d). Conforming amendment*

The Payment In Lieu of Taxes (PILT) program is amended to authorize appropriations.

*Subsection 2(e). Shortfall*

The amount transferred to each program identified in subsection 2(b) will be reduced proportionally if qualified OCS revenues are less than the total authorization.

*Subsection 2(f). Limitation of availability of funds*

No moneys can be transferred from the Conservation and Reinvestment Act Fund for the programs identified in subsection (b) unless Congress has made available \$450 million in Federal land acquisition.

*Subsection 2(g). State and local acquisition restriction*

Moneys made available to States and local governments for land purchases should be used, to the extent practicable, to buy land from willing sellers.

*Subsection 2(h). Savings clause*

Nothing in the Conservation and Reinvestment Act expands, diminishes, or affects any water right.

*Section 3. Recordkeeping requirements*

Section 3 authorizes the Secretaries of the Interior, Agriculture, and Commerce to establish rules on recordkeeping and auditing by State and political subdivisions receiving moneys from the Conservation and Reinvestment Act Fund.

*Section 4. Annual reports*

*Subsection 4(a). State reports*

Subsection (a) requires States receiving moneys from the Conservation and Reinvestment Act Fund to annually report to the Secretary of the Interior, Agriculture, or Commerce on how those moneys were spent, including a listing of any lands purchased and the circumstances surrounding each purchase.

*Subsection 4(b). Report to Congress*

Each year, the Secretaries of the Interior, Agriculture, and Commerce are to report to Congress on their expenditures from the Conservation and Reinvestment Act Fund and summarize the reports submitted by the States under subsection 4(a).

*Section 5. Maintenance of effort and matching funding*

*Subsection 5(a). In general*

Subsection (a) states congressional intent to maintain State and local government funding for programs which receive moneys from the Conservation and Reinvestment Act Fund. The purpose of H.R. 701 is to supplement and increase, not replace, State, local, and non-Federal funding for specified conservation programs. The Secretaries of the Interior, Agriculture Commerce are directed to monitor State and local government expenditures and inform Congress if any State or local government is not acting in a manner consistent with this intent.

*Subsection 5(b). Use of amounts from the Conservation and Reinvestment Act to meet matching requirements*

Subsection (b) clarifies that money received by States and local governments are to be treated as Federal funds for matching fund purposes under other Acts.

*Section 6. Protection of private property rights*

*Subsection 6(a). Savings clause*

Subsection (a) states that nothing in H.R. 701 authorizes the taking of private property for public use without just compensation.

*Subsection 6(b). Federal regulation*

Subsection (b) provides that H.R. 701 does not create any new authority for Federal agencies to apply regulations on private land.

*Section 7. Signs*

Section 7 authorizes the Secretary of the Interior to require any entity receiving moneys from the Conservation and Reinvestment Act Fund to install a sign stating that the existence or development of the site is a result of such moneys.

*Section 8. Ensuring the solvency of the Social Security and Medicare Trust Funds*

*Subsection 8(a). Debt reduction*

Subsection (a) requires the Director of the Congressional Budget Office to annually report to Congress on whether (1) a sufficient portion of the on-budget surplus is reserved for debt retirement so that public held debt will be eliminated by fiscal year 2013, and (2) there is an on-budget surplus.

*Subsection (b). Social Security solvency*

Subsection (b) requires the Social Security Trustees to annually report to Congress on whether outlays from the Social Security trust funds will exceed revenues to such trust funds during the next 5 years.

*Subsection (c). Medicare solvency*

Subsection (c) requires the Medicare Trustees to annually report to Congress on whether outlays from the Medicare trust fund will exceed revenues to such trust fund during the next 5 years.

*Section 9. Protection of Social Security and Medicare benefits*

Section 9 prohibits any transfers from the Conservation and Reinvestment Act Fund if such expenditure would impact the benefit obligations of the Social Security and Medicare Trust Funds or if there is not an on-budget surplus.

## TITLE I—COASTAL IMPACT ASSISTANCE AND STEWARDSHIP

*Section 101. Definitions*

Section 101 amends section 2 of the Outer Continental Shelf Lands Act (OCSLA) to add definitions for the following terms—coastal population, Coastal State, coastline, distance leased tract, and qualified Outer Continental Shelf revenues. Qualified Outer Continental Shelf revenues, which are to be deposited in the Conservation and Reinvestment Act Fund, are defined as moneys received by the United States from oil and gas leases in Federal waters on the Outer Continental Shelf (OCS) within 200 miles of the coastline. The term does not include revenues earned from production in the 8(g) area (the three nautical mile band immediately adjacent to State waters) unless section 8(g) does not apply. The term also does not include revenues from a leased tract in an area where a moratorium on new oil and gas leasing was in effect on January 1, 2000, unless the lease was issued before, and was in production on, that date.

*Section 102. Coastal impact assistance*

Section 102 amends the OCSLA to add a new section 31 establishing a coastal impact assistance program within the Department of the Interior.

*New subsection 31(a). Definitions*

New subsection (a) defines the following terms used in section 31—coastal political subdivision, distance, and Producing Coastal State. Coastal political subdivisions are the local political jurisdictions immediately below State government (such as counties, boroughs, and parishes) located within a State's coastal zone and within 200 miles of a Federal OCS lease. Producing Coastal States are the 7 Coastal States (Alaska, California, Texas, Mississippi, Louisiana, Alabama, and Florida) that have a coastal boundary within 200 miles of a leased tract excluding those tracts where a moratorium on new oil and gas leasing was in effect on January 1, 2000 unless the lease was issued before, and in production on, that date.

*New subsection 31(b). Funding*

New subsection (b) provides that the \$430 million transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund each year for use in accordance with this section are available without further appropriation and without fiscal year limitation.

*New subsection 31(c). Impact assistance payments to states and political subdivisions*

New subsection (c) authorizes the Secretary of the Interior to make coastal impact assistance payments to Producing Coastal States, with an approved Coastal Impact Assistance Plan, and coastal political subdivisions.

Paragraph (1) allocates the \$430 million in coastal impact assistance funds among the Producing Coastal States as follows: \$245 million is divided equally among all Producing Coastal States and the remaining \$185 million is divided based on proximity to OCS oil and gas production. As set forth in paragraph (2), the later factor is calculated based on the percentage of qualified OCS revenues generated off a Producing Coastal State's coastline during the preceding 5-year period, and recalculated every 5 years thereafter.

Paragraph (3) allocates 20% of a Producing Coastal State's coastal impact assistance to coastal political subdivisions within the States as follows: 25% is allocated based on coastal population; 25% is based on coastline miles; and 50% is allocated based on proximity to OCS oil and gas production.

Paragraph (4) authorizes the Secretary of the Interior to reallocate a Producing Coastal State or coastal political subdivision's coastal impact assistance allocation in the absence of an approved coastal impact assistance plan. The Secretary is authorized to hold an allocation in escrow (1) pending the resolution of an appeal regarding the disapproval of a plan or (2) if a Producing Coastal State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

*New subsection 31(d). Coastal impact assistance plans*

New subsection (d) imposes requirements on Producing Coastal States that seek to receive coastal impact assistance, to prepare a Coastal Impact Assistance Plan that must incorporate the plans of coastal political subdivisions and may incorporate the Statewide Coastal Conservation Plan required under the new OCSLA section 32. In preparing the Coastal Impact Assistance Plan, the Governor must provide for public participation. The Coastal Impact Assistance Plan, which must specify how coastal impact assistance funds will be used, is to be submitted by July 1, 2001, and updated every 5 years thereafter.

Paragraph (2) requires the Secretary of the Interior to approve a Coastal Impact Assistance Plan before disbursing a Producing Coastal State or coastal political subdivision's allocation of coastal impact assistance funds. To obtain approval, the Secretary must find that the Coastal Impact Assistance Plan sets forth uses consistent with new subsection (e), along with the following: the name of the State agency with the authority to deal with the Secretary on coastal impact assistance matters; a program for implementation of the plan, including a description of how coastal impact assistance funds will be used; a description of how coastal political subdivisions will use their funds; certification by the Governor of public participation; and criteria to account for other related Federal resources and programs.

Paragraph (3) gives the Secretary 90 days to approve or disapprove a Coastal Impact Assistance Plan. Paragraph (4) imposes

the requirements of the subsection on any amendment to a Coastal Impact Assistance Plan.

*New subsection 31(e). Authorized uses*

New subsection (e) authorizes Producing Coastal States and coastal political subdivisions to use coastal impact assistance funds for the following six purposes: coastal stewardship activities authorized under new OCSLA section 32; wetlands conservation, protection or restoration projects and activities; mitigating fish, wildlife or natural resources damage; planning and administrative costs incurred to comply with this section; implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and mitigating OCS impacts through funding onshore infrastructure and public service needs except that no more than 23% of an allocation may be spent for this purpose. In addition, Producing Coastal States and coastal political subdivisions can deposite coastal impact assistance funds in a trust fund dedicated to consistent uses. All uses must comply with Federal and State laws.

*New subsection 31(f). Compliance with authorized uses*

If the Secretary of the Interior determines that a Producing Coastal State or coastal political subdivision has used coastal impact assistance funds for an unauthorized purpose, such Producing Coastal State or coastal political subdivision will not receive additional coastal impact assistance funds until the amounts spent on the unauthorized purpose have either been repaid or obligated for an authorized use.

*Section 103. Ocean and coastal conservation*

Section 103 amends the OCSLA by adding a new section 32 which provides funding for the protection of coastal and marine resources. The programs under this section will be administered by the Secretary of Commerce.

*New subsection 32(a). Funding*

New subsection (a) provides that the \$350 million transferred to the Secretary of Commerce from the Conservation and Reinvestment Act Fund for use in accordance with this section is available to be spent without further appropriation.

*New subsection 32(b). Allocation of funds*

New subsection (b) directs the Secretary of Commerce to allocate \$250 million for coastal stewardship uses in accordance with new subsection 32(c), and \$100 million for cooperative fisheries enforcement, research and management uses in accordance with new subsection 32(d).

*New subsection 32(c). Coastal stewardship*

Paragraph (1) directs the Secretary of Commerce to divide the \$250 million allocated for coastal stewardship uses among all Coastal States with an approved Statewide Coastal Conservation Plan based 25% on coastal population, 25% on coastline miles, and 50% divided equally among all coastal States.

Paragraph (2) provides that if a Coastal State does not qualify for funds because of failure to submit a Statewide Coastal Conservation Plan, the Secretary of Commerce, following final resolution of any appeals regarding disapproval of the Plan, shall divide such State's share among the remaining Coastal States. The Secretary of Commerce retains discretion to hold the State's share in escrow so long as the State is making good faith efforts to develop or update its Plan.

Paragraph (3) requires the Governor of each Coastal State receiving coastal stewardship funds to submit a Statewide Coastal Conservation Plan, and to update it at least once every 5 years. The Plan must be developed with public participation, and shall consider ways to share the funds with local governments, and non-profit or public institutions, to assist with coastal stewardship needs. Funds can be used only in accordance with the Plan submitted by the Coastal State. The Secretary of Commerce shall approve the Plan if it is consistent with the authorized uses and contains the name of the responsible State agency, a description of how the funds will be used, certification by the Governor of ample opportunity for public participation, and measures for taking into account other Federal resources and programs.

Paragraph (4) lists the uses to which Coastal States can put the funds as those that are consistent with coastal and marine protection laws and other Federal and State law; that benefit coastal and marine habitats; that benefit water quality consistent with the Coastal Zone Management Act; that address watershed protection and other needs which cross jurisdictional boundaries; that address research and related needs of coastal and marine habitats; that address needs related to seasonal fluctuations in population; that protect and restore natural coastline features; that help control invasive species; that address needs created by urban growth; and that relate to coastal and Great Lakes living marine resource use and management.

Paragraph (5) prohibits a Coastal State from receiving additional funds if it has used any previous funds in an unauthorized manner, until such time as the Coastal State repays the misused funds or obligates them for authorized uses.

*New subsection 32(d). Cooperative fisheries enforcement, research and management*

New subsection (d) directs the Secretary of Commerce to provide not less than 25% of the funds under this subsection to eligible Coastal States to support cooperative enforcement agreements for the enforcement of marine laws, and the remainder for grants for fisheries and living marine resources research and management.

Paragraph (1) allows the Secretary of Commerce to use up to 5% of amounts under this subsection for covering administrative and technical assistance costs.

Paragraph (2) provides that the Governor of Hawaii, a territory, or a State represented on an Interstate Marine Fisheries Commission may apply to the Secretary of Commerce to fund cooperative enforcement agreements which authorize State law enforcement officers to perform the duties of the Secretary of Commerce relating to enforcement of Federal marine laws. These agreements shall be consistent with section 311(a) of the Magnuson-Stevens Fishery



Conservation and Management Act. The Secretary of Commerce shall distribute the money under this paragraph based on consideration of each participating State's specific enforcement needs.

Paragraph (3) allows the Governor of Hawaii, a territory, or any State on an Interstate Marine Fisheries Commission to apply to the Secretary of Commerce for funding to support research and management agreements that benefit living marine resources. To be eligible for funding, projects covered by the agreements must address critical needs identified in a fishery management report or plan developed and approved by a State, a Marine Fisheries Commission, a Regional Fishery Management Council, or other regional or tribal entity charged with management and conservation of living marine resources. The projects must pertain to the collection and analysis of fisheries information, or to the development of innovative or cooperative management of fisheries. The Secretary of Commerce will give priority to projects that establish observer program; promote cooperative research projects for national or regional priorities, reduce harvesting capacity, identify ecosystem impacts of fishing, develop sustainable fisheries, develop sustainable aquaculture, or benefit coastal fishery resources and habitats.

Paragraph (4) provides for congressional approval of amounts to be spent under this subsection by requiring the President to submit, as part of the annual budget proposal, a priority list of allocations to Coastal States under this subsection. If Congress fails to enact legislation changing the allocations on the President's list prior to adjourning for the year, the amounts on the President's priority list shall be made available 15 days after sine die adjournment. If Congress does enact legislation establishing a different priority list, and it funds less than the annual amounts authorized under this section, the difference between the annual amounts authorized under this subsection, the difference between the annual authorized amount and the new congressional allocations shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

*Section 104. Coral reef protection*

*Subsection 104(a). Funding*

Subsection (a) provides that the \$25 million transferred from the Conservation and Reinvestment Act Fund to the Secretaries of Interior and Commerce for uses in accordance with this section is available to be spent without further appropriation.

*Subsection (b). Coral reef*

Subsection (b) defines the term "coral reef."

*Subsection (c). Allocation of funds*

Subsection (c) divides the funds under this section equally between the Secretaries of Commerce and Interior to be administered in accordance with this section.

*Subsection (d). Uses*

Subsection (d) establishes the uses for funds under this section. It specifies that no amounts provided under this section shall be used for the acquisition of lands or interests in lands. Funds shall

be used solely for activities that preserve, sustain or enhance coral reef ecosystems, with priority to be given to those areas of most critical environmental need. Uses may include actions to improve coral reef management; habitat and species monitoring; developing management strategies; community outreach and education; law enforcement; or grants for uses consistent with the section to natural resource management agencies, or appropriate educational or non-governmental organizations.

*Subsection (e). Consultation*

Subsection (e) requires the Secretary of the Interior and the Secretary of Commerce to consult with the Coral Reef Task Force and others when developing guidelines to implement this section.

*Subsection (f). Congressional approval*

Subsection (f) allows for congressional approval of the amounts to be spent under this section by requiring the President to submit, as part of the annual budget proposal, a priority list of allocations under this section. If Congress fails to enact legislation changing the allocations on the President's list prior to adjourning for the year, the amounts on the President's priority list shall be made available 15 days after sine die adjournment. If Congress enacts legislation establishing a different priority list and funds less than the annual amounts authorized under this section, the difference between the annual authorized amount and the new congressional allocations shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

TITLE II—LAND AND WATER CONSERVATION FUND

*Section 201. Short title*

Title 2 of H.R. 701 is entitled the "Land and Water Conservation Fund Act Amendments of 2000."

*Section 202. Land and water conservation fund amendments*

*Subsection 202(a). Amounts transferred from the Conservation and Reinvestment Act fund*

Subsection (a) amends subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (LWCF Act) to authorize the deposit into the LWCF of moneys from the Conservation and Reinvestment Act Fund.

*Subsection 202(b). Annual funding authority*

Subsection (b) amends section 3 of the LWCF Act to authorize the \$900 million transferred from the Conservation and Reinvestment Act Fund to be spent without further appropriation. Other amounts in the LWCF are only available when appropriated.

*Subsection 202(c). Allocation of funds*

Subsection (c) amends section 5 of the LWCF Act to require that each year moneys from the LWCF be equally divided between land acquisition by the Federal land management agencies and grants to the States.

*Section 203. Allocation of amounts for State purposes*

*Subsection 203(a). Facility rehabilitation*

Subsection (a) amends section 6(a) of the LWCF Act to authorize States and local governments to use LWCF State grants moneys not only for planning, acquisition, and development of recreation facilities but also the rehabilitation of recreation facilities.

*Subsection 203(b). State funding allocations*

Subsection (b) amends section 6(b) of the LWCF Act to authorize the Secretary of the Interior to deduct up to 4 percent of State grant moneys for administrative expenses. Of the remaining moneys, 60% is to be equally divided among all States and 40% is to be allocated to States based on population. No State may receive more than 10% of the moneys and each State must make 25% of its moneys available to local governments. State grant moneys are available for 3 fiscal years. For purposes of allocations, the following are treated as States: (1) the District of Columbia; (2) the five inhabited territories with the allocation divided based on population; and (3) Indian tribes and Alaska Native Corporations with the allocation awarded through a competitive grant program administered by the Secretary of the Interior.

*Section 204. State planning*

*Subsection 204(a). State and action agenda*

Subsection (a) amends section 6(d) of the LWCF Act to replace the existing requirement for a State Comprehensive Outdoor Recreation Plan with a State Action Agenda. Each State is to develop a State Action Agenda within 5 years after the enactment of H.R. 701. A State Action Agenda must: identify the responsible State agency; the priority and criteria for determining which outdoor recreation projects are to receive LWCF state-side grants; and provide for public participation. The State Action Agenda should focus on strategic, long-term goals, along with actions that can be funded in a 5 year period and be coordinated with other recreation providers.

*Subsection 204(b). Conforming amendments*

Subsection (b) makes conforming amendments to the LWCF Act to replace references to the "State comprehensive plan" to the "State Action Agenda".

*Section 205. Assistance to States for other projects*

Section 205 amends section 6(e) of the LWCF Act to eliminate a prohibition on using LWCF State grants to cover costs relating to land acquisition and authorize the use of LWCF state-side grant moneys to enhance public safety within a park or recreation area.

*Section 206. Conversion of property to other use*

Section 206 amends section 6(f)(3) of the LWCF Act to clarify the circumstances under which the Secretary of the Interior may approve the conversion of property acquired or developed with LWCF moneys to a purpose other than outdoor recreation.

*Section 207. Federal land acquisition*

*Subsection 207(a). Federal land acquisition projects*

Subsection (a) amends section 7(a) of the LWCF Act to establish a process for determination of the Federal lands to be acquired each year. The President is to submit a priority list, in conjunction with the Federal budget, identifying the lands proposed to be acquired in the coming fiscal year. This list is to reflect the land acquisition priorities of the Secretaries of the Interior and Agriculture. In turn, the Secretaries should consider, for lands they seek to acquire, the use of land exchanges and conservation easements. The Secretaries also should seek to consolidate Federal land ownership in a State. The Secretaries must consult with the Governors of the States in which they are considering acquiring land and take into account the Governors' recommendations and concerns.

The President's priority land acquisition list also must be submitted to the Senate Energy and Natural Resources Committee and the House Resources Committee. In addition, the President must provide the Committees the specific statutory authority for each proposed land acquisition, along with a list of all acquisitions during the prior fiscal year. The Energy and Natural Resources Committee has until May 1 to review the list and submit its Federal land acquisition recommendations to the Senate Appropriations Committee.

*Subsection 207(b). Acquisition restrictions*

The subsection amends section 7(b) of the LWCF Act to clarify the limitations on the expenditure of LWCF moneys for Federal land acquisitions. First, no Federal land acquisition can occur unless the acquisition is approved in an appropriations Act. Second, appropriations from the fund may not be used for land acquisition unless it is otherwise authorized by law, including site specific authorizations and general authorities such as the Wild and Scenic Rivers Act, National Trails System Act, Weeks Act, or National Wildlife Refuge System Act.

Third, no Federal land acquisition with LWCF moneys can occur unless there is a willing seller or it is conducted in a manner consistent with the acquisition's authorization.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

*Section 301. Definitions*

Section amends section 2 of the Federal Aid in Wildlife Restoration Act (also known as the Pittman-Robertson Act) so that the definitions are in alphabetical order. It also adds definitions for the following terms—conservation, wildlife, wildlife-associated recreation, wildlife conservation and restoration program, and wildlife conservation education.

*Section 302. Wildlife and conservation and reinvestment account*

This section amends section 3 of the Federal Aid in Wildlife Restoration Act to establish a subaccount known as the "Wildlife Conservation and Restoration Account" into which \$350 million in qualified OCS receipts are transferred annually from the Conserva-

tion and Reinvestment Act Fund. Amounts in the Wildlife Conservation and Restoration Account are to be in addition to existing State funds made available under the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sportfish Restoration Act. Such funds are to be used to develop and administer a State or Indian tribe's wildlife conservation and recreation program and wildlife conservation strategy with priority given to wildlife species with the greatest conservation need.

*Section 303. State apportionments*

Section 303 amends section 4 of the Federal Aid in Restoration Act to add three new subsections addressing: (1) allocation of Wildlife Conservation and Restoration Account funds; (2) elements of a wildlife conservation and restoration program; and (3) requirements for a wildlife conservation strategy.

*Apportionment of wildlife conservation and restoration account*

New subsection (c) establishes how moneys in the Wildlife Conservation and Restoration Account are to be allocated. First, not more than 2 percent of the moneys may be deducted for administrative expenses incurred by the Secretary of the Interior. Second, allocations are made to the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands and Federally recognized Indian tribes. Third, the remainder is to be allocated among the 50 States based one-third a State's land area and two-third's based on a State's population with each State receiving at least one percent of this amount. No State is to receive more than five percent of the total funding nor less than one percent.

*Wildlife conservation and restoration program*

New subsection (d) addresses the requisite elements of a wildlife conservation and restoration program. To receive funds from the Wildlife Conservation and Restoration Account, a State must prepare a wildlife conservation and restoration program that: (1) makes the fish and wildlife department of the State responsible for the program; (2) provides for the development and implementation of wildlife conservation projects, wildlife associated recreation programs and wildlife conservation education projects; and (3) ensures public participation in the development, revision, and implementation of this program. If a program contains these 3 elements, the Secretary of the Interior is to approve the program and set aside the State's allocation from the Wildlife Conservation and Restoration Account.

The Secretary is to make payments on projects contained in a State's wildlife conservation and restoration program of up to 75 percent of the estimated cost of the projects. Not more than ten percent of the amounts apportioned to each State may be used for wildlife-associated recreation or law enforcement. These requirements apply to all 50 States, the District of Columbia, the territories, and Federally recognized Indian tribes choosing to receive funds from the Wildlife Conservation and Restoration Account.

*Wildlife conservation strategy*

In addition to preparing and implementing a wildlife conservation and restoration program, within 5 years, a State receiving an allocation from the Wildlife Conservation and Restoration Account is to develop and implement a wildlife strategy as detailed in new subsection (e). The wildlife strategy is to be based on the best scientifically available information and data and include: the distribution and abundance of wildlife species in the State; the condition of species' habitats; adverse affects on species and their habitats; actions to conserve species and their habitats; monitoring of species and their habitats; provision for 10 year review of the strategy; and intergovernment coordination in the preparation of the strategy.

## TITLE IV—URBAN PARK PROGRAM

*Section 401. Treatment of amounts transferred from Conservation and Reinvestment Act fund*

This section amends section 1013 of the Urban Park and Recreation Recovery (UPARR) Act to specify that amounts transferred from the Conservation and Reinvestment Act Fund are available for obligation and expenditure without further appropriation and without fiscal year limitation. Up to 4% of the amount transferred, is available to cover the Secretary's administrative costs. The remainder is available for grants to eligible local governments with the following limitations: no more than 3% may be used for grants for the development of recovery action programs; no more than 10% may be used for innovation grants; and no more than 15% may be provided as grants in any one State. The Secretary of the Interior shall establish a limit on the portion of any grant, not to exceed 25 percent, which can be used for grant and program assistance.

*Section 402. Authority to develop new areas and facilities*

Section 402 amends section 1003 of the UPARR Act to specify that one of the purposes of the UPARR program is the development of new recreation areas and facilities, including the acquisition of land.

*Section 403. Definitions*

This section amends section 1004 of the UPARR Act to add definitions of the terms "development grants" and "Secretary".

*Section 404. Eligibility*

This section amends section 1005(a) of the UPARR Act to expand the definition of local governments eligible to receive UPARR grants to include any city or town with a minimum population of 50,000 and any county, parish or township with a minimum population of 250,000.

*Section 405. Grants*

Subsection 1006(a) of the UPARR Act is amended to eliminate the references to grants as "rehabilitation and innovation" grants.

*Section 406. Recover action programs*

Section 406 amends section 1007(a) of the UPARR Act on the requirements of recovery action programs which prepared by local

governments to reflect the program's expansion to allow these grants to be used for development of new recreation areas and facilities.

*Section 407. State action incentives*

This section amends section 1008 of the UPARR Act to add a new subsection (b) that encourages eligible local governments to coordinate preparation of recovery action programs with State strategic action agendas prepared to meet the requirements of the Land and Water Conservation Fund Act. Further, the Secretary of the Interior is to encourage the States to consider recovery action programs when preparing and updating their State agendas.

*Section 408. Conversion of recreation property*

This section amends section 1010 of the UPARR Act to clarify the circumstances under which the Secretary of the Interior may approve the conversion of property acquired or developed with UPARR grants moneys to a purpose other than outdoor recreation. These circumstances are similar to the requirements imposed by section 6(f)(3) of the Land and Water Conservation Act regarding conversion of property acquired or developed with moneys made available under that Act.

*Section 409. Repeal*

This section repeals sections 1014 and 1015 of the UPARR Act. Section 1014 prohibits the use of UPARR grants to acquire land and section 1015 concerns expired reporting requirements.

TITLE V—HISTORIC PRESERVATION FUND

*Section 501. Historic preservation fund amendments*

Section 501 amends section 108 of the National Historic Preservation Act to add new subsections (c), (d), and (e), and to make conforming changes. New subsection (c) provides that the \$150 million transferred to the Secretary of the Interior each year for use in accordance with this title shall be available for obligation and expenditure without further appropriation and without fiscal year limitation.

New subsection (d) states that of amounts in the Historic Preservation Fund, \$150 million shall be made available each year, without further appropriation, as follows: \$75 million is available for State, local, and tribal historic preservation programs as provided in section 101(b), (c), and (d) of the National Historic Preservation Act; and \$15 million is available for the American Battlefield Protection Program that protects battlefield threatened with development. The remainder—\$60 million—shall be used to carry out the National Historic Preservation Act, except that at least \$30 million is to be used for preservation projects on historic properties or archaeological sites in accordance with the National Historic Preservation Act, with priority given to the preservation of endangered Federal historic properties or archaeological sites.

New subsection (e) establishes a process for Congress to review and modify the President's proposed expenditure of the \$60 million made available under subsection (d)(2)(C). Paragraph (1) requires the President to include in the annual budget proposal a list of pro-

grams to be funded under subsection (d)(2)(C). The subsection also makes clear that the President can propose to use part of the remainder funds as additional funding for State, local governmental, and tribal historic preservation programs, above the \$75 million provided in subsection (d)(2)(A).

Paragraph (2) states that except as provided in paragraph (3), no funds may be obligated or expended for any of the programs identified above unless approved in an appropriations Act.

Paragraph (3) provides that if the Congress adjourns for the year without appropriating the full amount made available under subsection (d)(2)(C), the Secretary of the Interior is directed, 15 days after the date of the sine die adjournment, to obligate and expend the difference between the full amount made available (\$60 million) and the amount actually appropriated. The Secretary is authorized to obligate and expend these funds without further appropriation, but only for the following purposes: to provide additional funding for State, local governmental, and tribal preservation programs or to fund preservation projects on endangered Federal historic properties or archaeological sites.

*Section 502. American Battlefield Protection Program amendments*

Section 502 makes three amendments to the American Battlefield Protection Act of 1996. Section 1(c)(2) of the Act, which authorizes the Secretary of the Interior to provide financial assistance of further the protection of threatened battlefields, is amended to require that priority for financial assistance for the preservation of Civil War battlefields be given to sites identified as Priority 1 battlefields in the “Civil War Sites Advisory Commission Report on the Nation’s Civil War Battlefields” issued in 1993.

Section 1(d) of the American Battlefield Protection Act is amended to delete the \$3 million annual authorization ceiling and provide a general authorization, since \$15 million will be made available each year under the Conservation and Reinvestment Act.

Section 1(e) of the American Battlefield Protection Act is repealed. Subsection (e) terminates the battlefield protection program in 2006. However, this date superseded by the date funding will terminate under the Conservation and Reinvestment Act, which is 2015.

TITLE VI—NATIONAL PARK AND INDIAN LAND RESTORATION PROGRAMS

*Section 601. National System resource protection*

Section 601 authorizes a program to protect threatened resources in units of the National Park System.

*Subsection 601(a). Amount transferred from the Conservation and Reinvestment Act Fund*

Subsection (a) states that \$100 million shall be available to the Secretary of the Interior each year for obligation and expenditure in accordance with this section without further appropriation and without fiscal year limitation.

*Subsection 601(b). Uses*

Subsection (b)(1) provides that the moneys transferred under this section shall only be used to protect significant natural, cultural,



or historical resources at units of the National Park System that or threatened or are in need of stabilization. Paragraph (2) authorizes the Secretary of the Interior to enter into cooperative agreements with State and local governments and other public and private organizations to carry to the purposes of this section. Paragraph (3) precludes using funds transferred under this section for land acquisition, salaries of permanent National Park Service employees, road construction, new visitor centers, routine maintenance, or specific projects which are funded under the Recreational Fee Demonstration Program. The functions and programs listed in this paragraph are funded through other revenue distribution programs.

*Subsection 601(c). Priority list*

Subsection (c) requires the President to include in the annual budget proposal priority list for projects to be funded under this section. Copies of the proposal are also required to be transmitted to the Senate and House authorizing committees. In preparing the list, the President is directed to give priority to projects which are identified in park unit's general management plan, are included in authorized environmental restoration projects, or are identified by the Secretary of the Interior as necessary to prevent immediate damage to park's natural, cultural, or historical resources, or to protect public health or safety.

*Subsection 601(d). Funding*

Subsection (d)(1) provides that except as provide in paragraph (2), no money may be obligated or expended during a fiscal year under this section unless approved in an appropriations Act. Paragraph (2) provides that if Congress adjourns for the year without appropriating the full amount made available under subsection (d)(2)(C), the Secretary of the Interior is directed, 15 days after the date of the sine die adjournment, to obligate and expend the difference between the full amount made available (\$100 million) and the amount actually appropriated. The Secretary is authorized to obligate and expend these funds without further appropriation, in accordance with the priority list submitted pursuant to subsection(c).

*Section 602. Indian lands restoration*

Section 602 authorizes a program to assist Indian tribes in the protection and restoration of tribal lands.

*Subsection 602(a). Amounts transferred from the Conservation and Reinvestment Act Fund.*

Subsection (a) states that \$25 million shall be available to the Secretary of the Interior each year for obligation and expenditure in accordance with this section without further appropriation and without fiscal year limitation.

*Subsection 602(b). Competitive grants to Indian tribes.*

Subsection (b)(1) directs the Secretary of the Interior to administer a competitive grant program for Indian tribes to assist in the restoration of degraded lands, resource protection, or for the protection of public health and safety on tribal lands. The Secretary is

directed to develop the competitive grant program in consultation with Indian tribes. In awarding grants, priority grants, priority is to be given to projects based on the significance of the resources to be protected, the severity of damages or threats to resources, and the protection of public health and safety. Paragraph (2) provides that no tribe may receive more than 10 percent of the amounts made available for grants under this section. Paragraph (3) defines the term Indian tribe to include those recognized by the Secretary as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act, or in the case of Alaska, an Alaska Native Corporation.

TITLE VII—CONSERVATION EASEMENTS AND RURAL DEVELOPMENT

*Section 701. Farm and Ranch Land Protection Program*

Section 701 establishes a Farm and Ranch Land Protection Program within the Department of Agriculture. Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Farm Bill) provided a one-time authorization and funding for a similar program, as did the Agricultural Risk Protection Act of 2000.

*Subsection 701(a). Establishment*

Subsection (a) authorizes the Secretary of Agriculture to establish a farm and ranch land protection program to protect prime or unique farm, ranch, and forest lands by limiting nonagricultural use. The Secretary is to provide matching grants for the acquisition of permanent conservation easements or other interests in such agricultural land when the land is subject to a pending State or local government offer.

*Subsection 701(b). Conservation plan*

Subsection (b) provides that a conservation plan must be prepared for highly erodible land purchased with moneys from the Conservation and Reinvestment Act Fund. The plan may require, at the option of the Secretary of Agriculture, the conversion of the land to less intensive uses.

*Subsection 701(c). Maximum Federal share*

Subsection (c) provides that no more than 50 percent of the total cost of a conservation easement may be paid by the Federal Government.

*Subsection 701(d). Eligible entity defined*

Subsection (d) provides that eligible entities, those entities which may receive farm and ranch land protection grants, are defined to include: State and local agencies; Federally recognized Indian tribes; or nonprofit conservation organizations.

*Subsection 701(e). Title; enforcement*

Subsection (e) provides that eligible entities may hold title to a conservation easement purchased using farm and ranch land protection grants and enforce conservation requirements of the easement.

*Subsection 701(f). State certification*

Subsection (f) provides that to receive a farm and ranch land protection grant, the attorney general of the State in which the conservation easement is purchased must certify that conservation easement will result in farmland protection.

*Subsection 701(g). Willing seller*

Subsection (g) mandates that conservation easements can be purchased only from willing sellers.

*Subsection 701(h). Technical assistance*

Subsection (h) provides that up to 10 percent of the funds provided from the Conservation and Reinvestment Act Fund are available for technical assistance by the Secretary of Agriculture.

*Subsection 701(h). Funding*

Subsection (h) provides that moneys from the Conservation and Reinvestment Fund are available to the Secretary of Agriculture for obligation or expenditure without further appropriation and without fiscal year limitation.

*Section 702. Forest Service rural development*

Section 702 amends the Cooperative Forestry Assistance Act of 1978 to establish a Rural Development program within the Department of Agriculture. The Rural Development program is to assist rural communities in developing sustainable rural economies. Such a program has been established under the provisions of annual appropriations authorities since 1989. Funds from the Conservation and Reinvestment Act are available to the Secretary of Agriculture for this purpose without further appropriation and without fiscal year limitation.

*Section 703. Non-federal lands of regional or national interest**Subsection 703(a). Competitive grant program*

Subsection (a) authorizes the Secretary of the Interior to make grants to States for the conservation of non-Federal lands of clear regional or national interest. In making grants, the Secretary is to consider how conservation projects will conserve the natural, historic, cultural, or recreational values of non-Federal lands and give preference to projects that: seek to protect ecosystems; are developed with other States; complement conservation or restoration programs on Federal lands; demonstrate public participation in project proposal; or are supported by neighboring communities. Grants may not exceed 50 percent of the cost of the project.

*Subsection 703(b). Authorized projects*

Subsection (b) requires congressional authorization of conservation projects where the Federal contribution will exceed \$1 million

*Subsection 703(c). Authorization of appropriations*

Subsection (c) authorizes appropriations to carry out this section.

*Sec. 704. Mapping existing conservation easements*

*Subsection 704(a) . Deadline for completion*

Subsection (a) provides that within 4 years of enactment of the Conservation and Reinvestment Act, the Secretary of the Interior is to complete the mapping of all conservation easements to protect wetlands acquired by the Fish and Wildlife Service before 1977.

*Subsection 704(b). Authorization of appropriations*

Subsection (b) authorizes appropriations to carry out this section.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 1, 2000.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 701, the Conservation and Reinvestment Act.

If you wish further details on this estimate, we will be pleased to provide them. the CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 701—Conservation and Reinvestment Act*

Summary: Assuming appropriation action consistent with the act, CBO estimates that implementing H.R. 701 would cost about \$1 billion in fiscal year 2002 and a total of \$8.7 billion over the 2002–2005 period. H.R. 701 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The spending authorized by the act would include grants for state, local, and tribal governments. Any costs incurred by these governments to meet the conditions of assistance would be voluntary.

Major provisions: H.R. 701 would establish the Conservation and Reinvestment Act (CARA) fund within the Treasury. Beginning in fiscal year 2001, the Secretary of the Treasury would make annual deposits into this fund of about \$3 billion from oil and natural gas royalties and other income derived from exploration and development of the Outer Continental Shelf (OCS). Each year thereafter, the Secretary would transfer this money to other federal funds and accounts for land conservation, acquisition, management, and other activities. The amounts transferred from the CARA fund would be available without further appropriation, except that no transfers would be made in any year in which less than \$450 million is made

available for federal land acquisition in appropriations acts. (That minimum appropriation level would be reduced in any year that there are not enough OCS receipts to make all of the authorized deposits to the CARA fund.) As a result, all spending from the new fund would be contingent upon the magnitude of future appropriations.

**Estimated Cost to the Federal Government:** The estimated budgetary impact of H.R. 701 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and the environment), 450 (community and regional development), and 800 (general government).

No amounts have been included in this estimate for the program authorized by section 703. This section would authorize the appropriation of whatever amounts are necessary to provide grants to states for the conservation of nonfederal lands. The program would cover a broad range of projects nationwide and could cost as much as several hundred million dollars annually, but CBO has no basis for estimating the size of this program.

	By fiscal year, in million of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority <sup>1</sup> .....	677	0	0	0	0	0
Estimated outlays .....	618	396	145	45	4	2
Proposed changes:						
Estimated authorization level .....	0	0	3,004	3,015	3,029	3,044
Estimated outlays .....	0	0	1,022	2,037	2,680	2,980
Spending under H.R. 701:						
Estimated authorization level <sup>1</sup> .....	677	0	3,004	3,015	3,029	3,044
Estimated outlays .....	618	396	1,167	2,082	2,684	2,982

<sup>1</sup>The amount shown for 2000 includes appropriations for land acquisition (\$467 million), historic preservation (\$75 million), and payments in lieu of taxes (\$135 million). Funding for 2001 has not been enacted yet; the higher spending levels authorized under H.R. 701 would not begin until 2002.

### *Basis of estimate*

For this estimate, CBO assumes that H.R. 701 will be enacted near the beginning of fiscal year 2001 and that receipts from OCS activities will be sufficient to finance the entire amounts specified to be deposited into the CARA fund each year. We also assume that \$450 million for federal land acquisition will be appropriated each year—triggering the appropriation of the roughly \$3 billion total funding under the bill for each year—and that the Congress will determine that the budgetary conditions specified in section 9 of the legislation have been met. (Section 9 concerns the potential diminution of benefits under certain federal entitlement programs and the existence of an on-budget surplus.) Outlays for all programs have been estimated on the basis of existing similar activities.

### *CARA fund*

Beginning in fiscal year 2002, H.R. 701 would authorize transfers of OCS receipts from the CARA fund of about \$3 billion, allocated to activities and programs as follows:

A total of \$805 million to the Department of Commerce (DOC) and the Department of the Interior (DOI) for coastal area programs, including payments to coastal states to miti-

gate the effects of OCS activities (\$430 million), grants for ocean and coastal conservation programs (\$350 million), and spending to protect coral reefs (\$25 million);

Up to \$900 million to the Land and Water Conservation Fund for federal and state land acquisition;

A total of \$575 million to provide additional funding for existing DOI grant programs, including the urban parks and recreation program (\$75 million) and historic preservation fund (\$150 million) operated by the National Park Service (NPS), and federal wildlife restoration (\$350 million) administered by the U.S. Fish and Wildlife Service (USFWS);

\$125 million to DOI for the protection of NPS and tribal resources, including the restoration of degraded lands and related maintenance projects;

A total of \$200 million to the Forrest Service for forestry programs, rural assistance, and farm and ranch land protection;

\$60 million to DOI and the Forest Service for the Youth Conservation Corps; and

Such sums as are necessary to DOI to fully finance payments to local governments in lieu of taxes (an estimated \$337 million in 2002, rising to \$379 million in 2005).

Under section 2, none of these funds could be transferred to other accounts for federal spending in any year unless at least \$450 million is appropriated for that year for federal land acquisition. Because the availability of those funds each year would be contingent on such appropriation action, all of the spending of the amounts transferred from the CARA fund would be treated as discretionary spending. Under current budget procedures, if the obligation of certain funds is contingent on the enactment of a subsequent appropriation, then the cost of such spending is attributed to the subsequent appropriation. H.R. 701 would create such a contingency for obligating amounts in the CARA fund.

#### *Other discretionary spending*

Included in this estimate is about \$7 million over the next 10 years for the USFWS to complete a map of all conservation easements acquired by the agency before 1977 to protect wetlands. The agency would be required to complete the map by title VII of the legislation, which also would authorize the appropriation of whatever amounts are necessary for this purpose.

Title VII also would authorize the appropriation of whatever sums are necessary for a new federal program to make grants to states for the conservation of nonfederal lands of regional or national interest. CBO cannot estimate the costs of implementing this grant program because there is no basis for determining its size. Depending on the scope of this new program, it could cost several hundred million dollars annually.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending and receipts. This version of H.R. 701 would not be subject to such procedures because all spending under the bill would be subject to appropriation action.

As noted above, section 2 of H.R. 701 would allocate OCS receipts to a variety of federal programs. Subsection 2(f) states:

“Notwithstanding any provision of this act making funds available without further appropriation, no amounts from the Conservation and Reinvestment Act Fund shall be transferred under this section during any fiscal year until the Congress has made available \$450,000,000 (or such lesser amount as may be required by subsection (e)) for federal land acquisition under section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-7) during such fiscal year in an act making appropriations.”

Thus, only an annual appropriation of at least \$450 million would trigger the CARA transfers in a particular year, making the spending of those funds discretionary (i.e., subject to controls on discretionary spending and not subject to pay-as-you-go procedures).

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 701. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 701 as ordered reported.

#### EXECUTIVE COMMUNICATIONS

Formal Executive agency views were not requested on H.R. 701, as referred to the Committee on Energy and Natural Resources. George Frampton, acting Chair of the Council on Environmental Quality, testified before the Committee on related legislation on May 11, 1999. Mr. Frampton's testimony follows:

##### STATEMENT OF GEORGE T. FRAMPTON, JR., ACTING CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT

Mr. Chairman, Senator Bingaman, distinguished Members of the Committee:

I am pleased to have the opportunity to appear before you today to discuss the President's Lands Legacy Initiative and related legislation—including S. 25, S. 446, S. 532, S. 819—as well as the interaction of the Council on Environmental Quality with agencies under the Committee's jurisdiction—the Department of the Interior, the Department of Energy, and the U.S. Forest Service.

Let me turn first to the Lands Legacy Initiative. The overall goal of the President's proposal is to enable this and future generations to protect irreplaceable pieces of our Nation's natural endowment within easy reach of every American through the establishment of a permanent fund. Achieving this goal is one of the President's highest priorities, and the bills pending before this Committee strongly suggest that this aim enjoys broad bipartisan support in this Congress.

While it is not my purpose today to either support or oppose any of the bills pending before the Committee, I pledge the Administration's willingness to work diligently and in good faith with you, and with other Senators and Congressmen dedicated to these issues, so that together we may achieve this goal. Legislation for this purpose that can be widely supported and signed by the President would be a truly historic achievement on behalf of the citizens we work for—an achievement that I believe to be within our grasp.

I would like to begin our work together by outlining the President's Lands Legacy proposal.

Congress enacted the Land and Water Conservation Fund in 1864 "to assist in preserving, developing, and assuring accessibility to all citizens of the United States of present and future generations \* \* \* outdoor recreation resources \* \* \* by (1) providing funds for and authorizing federal assistance to the states in planning, acquisition and development of needed land and water areas and facilities, and (2) providing funds for the federal acquisition and development of certain lands and other areas." Historically, as you are well aware, our efforts too often have fallen short of these commendable goals.

We believe the time has come to establish a permanent funding mechanism to ensure that Congress' vision is fulfilled, and to adapt this vision to meet new conservation challenges. More specifically, we believe that while there must continue to be a strong federal role in the protection of our natural resources—particularly resources of national significance that can not be adequately safeguarded at the state or local level—there is growing need and demand for additional assistance to states, tribes, and communities struggling to preserve local green spaces that grow scarcer every day. These needs range from keeping the urban environment healthy to preserving suburban greenways to saving threatened farmland.

Accordingly, we propose creation of a permanent fund of at least \$1 billion a year for the protection of open space and natural resources, with at least half of the funding dedicated to assisting state and local efforts.

We strongly believe that certain natural and historic sites and deserving of—and are most approximately safeguarded by—federal protection. For instance, at the Administration's request, Congress last year appropriated funds for completion of the Appalachian Trail, the Nation's longest footpath, extending from Georgia to Maine. Our priorities for fiscal year 2000 include acquisitions within the around Mojave and Joshua Tree National Parks; forests in Big Sur and Northern Florida; protection of lands along the historic Lewis and Clark Trail and the Pacific Coast Trail; and acquisitions within Civil War battlefields, including Gettysburg and Antietam. It is imperative that we provide a secure foundation for continuing such efforts in the years ahead.



However, natural resource protection is not, and cannot be, the exclusive province of the federal government. Many conservation needs are most appropriately addressed at the state or local level, both because the resources can be managed without direct federal involvement, and because certain conservation priorities are best set by communities themselves. Each community faces unique conservation challenges, and no one solution can be dictated from Washington. Rather, the federal government can provide funds that can be leveraged by states and local governments, and an array of tools that communities can choose from to meet their particular needs. For instance, outright acquisition is not always the right approach; often, conservation easements, funds to restore existing urban parks, or easements or loans to keep working forests working can more efficiently meet a community's needs.

The President's Lands Legacy proposal provides increased funding for a full complement of programs to assist state, tribal, and local governments in meeting a range of conservation needs: matching grants for acquisition of land or easements; matching grants for open space planning; grants to preserve wildlife habitat and support collaborative efforts to protect endangered species; matching grants and technical assistance to enhance urban forests and restore parks in economically distressed urban communities; matching grants for conservation easements on forests and farmland; and grants for coastal environmental protection, conservation, and restoration.

There is a remarkable degree of common ground between the broad framework of the President's proposal, which I have just outlined, and the legislative proposals before this Committee. Many if not all of the goals I have articulated are addressed in that legislation. I am confident that we can work productively with the Congress to arrive at a formula that fulfills the vision of the President's Lands Legacy Initiative.

I must be clear, however, on certain issues where we have serious concerns. The Administration cannot support legislation that unreasonably restricts the use of funds for federal land acquisition; that does not provide sufficient guidance to ensure that funding is spent in a manner consistent with environmental values and without any risk of environmental harm; or that provides incentives for additional oil and gas drilling in federal offshore waters.

Attached to this testimony is a more detailed set of legislative principles that will guide the Administration as we work with you, as well as an interagency budget cross-cut of the funding requested in the President's 2000 budget to support the Lands Legacy Initiative.

I believe there may be some confusion over the interaction between the President's fiscal year 2000 budget and the Lands Legacy Initiative. We recognize that the pending legislation anticipates establishment of a permanent funding mechanism beginning in fiscal year 2000. That is a goal that we share, and we will work hard to accomplish

it before September 30 of this year. However, in preparing the 2000 discretionary budget we needed to recognize the possibility that such legislation will not be completed in that time frame.

The President's budget submission ensures that funding for current and proposed programs for natural resources protection remains available beyond fiscal year 2000 within the context of a balanced discretionary budget, should permanent funding legislation be delayed. The Budget assumes appropriations funding these programs in fiscal year 2000, and that we will seek permanent funding beginning in fiscal year 2001. As you will see from the cross-cut, that budget would provide increased levels of funding over fiscal year 1999 appropriations in certain key areas.

It is, by its nature, reflective of the agencies' current statutory spending authority. It should not be viewed as an inflexible Administration position on the construction of a permanent funding mechanism, but rather as an outline of those purposes for which we believe funding ultimately should be available on a permanent side of the ledger. Should permanent funding be provided for programs now reflected in the discretionary budget, the proposed increases in funding would no longer be required in the discretionary budget. Conversely, those programs that do not move to permanent funding would require continued funding at requested levels in the discretionary budget in order to ensure that their important purposes are carried out.

Let me conclude the discussion of Lands Legacy by repeating that the Administration is here to work long and hard with you to build on the considerable common ground we have, and to find a way to do what the public clearly wants us to do—leave a legacy of financial resources adequate to protect our Nation's natural treasures.

I'd like briefly to address the other issue raised by the Committee's invitation letter—CEQ's role with respect to agencies within the Committee's jurisdiction. CEQ was created by the Congress in 1969 to advise the President on the long-term direction of environmental policy, to coordinate the environmental work of the federal family, and to oversee implementation of the National Environmental Policy Act (NEPA).

CEQ is to make sure that federal agencies are working together, not at cross purposes, and to referee disputes between the agencies. Congress envisioned CEQ as a "neutral" arbiter free of "agency bias"—that is, commitment to a particular regulatory approach or agency mission. As such, CEQ can ensure that the broadcast set of environmental goals is being advanced.

CEQ also is charged with an even broader mandate: to make sure that in the articulation and implementation of the Nation's environmental program, economic and social imperatives are fully taken into account. Sound environmental strategy that is based on good science, and is broad-based rather than parochial in scope—this, I believe, was the vision of Congress.

A parallel vision embodied in NEPA is that federal agencies should make important decisions affecting the environment in a democratic way, only after a thorough examination of the likely impacts of alternative courses of action. By putting sound information before the public and government managers, informed public input to such decisions would be guaranteed.

Both of these visions—coordination and balance, and informed democratic decision making—remain cornerstones of the Nation's environmental policy making and of CEQ's work with the agencies, including those within the Committee's jurisdiction.

I would be pleased to answer the any questions the Committee may have.

STATEMENT OF ADMINISTRATION PRINCIPLES LANDS LEGACY  
LEGISLATION FOR FY 2001 AND BEYOND

Legislation must create a permanent funding stream, within the context of a balanced budget, of at least \$1 billion annually beginning in fiscal year 2001.

Legislation should specify a generally equal allocation of funding between (1) federal land acquisition; and (2) funding for state, local, and tribal governments to acquire, protect, or restore open space, greenways, urban and community forests and parks, wildlife habitat, coastal wetlands, farmland protection and sustainable forests.

Legislation should provide funding for various tools for state, local, and tribal communities to protect their open space and natural resources in the manner most appropriate to their area, including the ability to acquire less than fee simple interest in land. The range of tools and programs should be similar in scope to those proposed in the President's Budget for FY 2000.

Legislation should protect wildlife by providing funding to support the health and diversity of habitat for at-risk and nongame species.

Legislation should provide support for open space planning that is integrated with other planning, land protection, and smart growth efforts. Funding to states and tribes for planning must encourage consideration of open space preservation, habitat protection, and the identification of appropriate corridors for growth.

In recognition of the unique environmental needs of coastal states, legislation should include specific programs and partnerships designed to assist in coastal environmental protection, conservation, and restoration. The range of tools and programs should be similar in scope to those proposed in the President's Budget for FY 2000. This allocation must be equitable considering the national needs of all states, and should not preclude the coastal states from competing for the other general grants available to all states.

Legislation must provide incentives for leveraging the federal funding to state, local, and tribal governments to the maximum extent possible through matching funds, and

partnerships with governmental or private, non-governmental entities including land trusts.

The program established by the legislation should contain no incentive for additional offshore oil or gas exploration or development, which should continue to be governed solely by existing law and procedures.

**Lands Legacy Program Elements**  
(BA discretionary dollars in millions)

4/19/99

	FY98 <u>Actual</u>	FY99 <u>Enacted</u>	FY00 <u>Total</u>	Change <u>from FY99</u>	Funds from <u>LWCF</u>
<b>Great Places</b>	284	343	442	99	428
<b>DOI Federal Land Acquisition</b>	217 <sup>U</sup>	211	295	94	295
Federal acquisition of lands and easements to protect Federal resources and habitat.					
<b>FS Federal Land Acquisition</b>	53 <sup>U</sup>	118	118	0	118
Federal acquisition of lands and easements to protect Federal resources and habitat.					
<b>National Marine Sanctuary Program (NOAA)</b>	14	14	29	15	15
Funds would be used in partnerships with states to expand sanctuaries and enhance protections of existing sanctuaries.					
<b>Smart Growth</b>	102	116	588	472	472
<b>LWCF (DOI Open Space Planning Grants)*</b>	0	0	50	50	50
Competitive matching grants to state/tribal governments to promote integrated open space plans that incorporate wildlife habitat, economic and population growth, recreation, other needs and geospatial information leading to community smart growth and the mitigation of sprawl.					
<b>LWCF (DOI Conservation Grants)*</b>	0	0	150	150	150
Competitive matching grants to state/tribal/local governments to acquire lands and easements for open space, urban parks, outdoor recreation, greenways, coastal wetlands, and sensitive habitat to promote conservation and mitigate urban sprawl.					
<b>Coop. Endangered Species Conservation Fund (FWS)</b>	14	14	80	66	66
Competitive matching grants to state/tribal/local governments to acquire lands and easements and for other programs to help communities allow development to continue in the presence of at-risk species.					
<b>Forest Legacy Program (FS)</b>	4	7	50	43	43
Matching grants to state/tribal/local governments for the acquisition of easements to protect critical environmental habitat threaten with development.					
<b>Urban and Community Forestry (FS)</b>	27	31	40	9	9
Grants to states, communities to establish, maintain, or expand urban and community forests and related green space that serve to support viable communities and neighborhoods.					
<b>Farmland Protection Program (NRCS)</b>	0	0	50	50	50
New discretionary component of the program providing financial and technical assistance to state/tribal/local governments to acquire easements protecting productive agricultural lands and open space from development.					
<b>Smart Growth Partnership (FS)</b>	0	0	10	10	10
New USDA program would provide communities with subsidized loans directed to rural areas for "smart growth" development and planning.					
<b>Urban Parks and Recreation Recovery Program (NPS)</b>	0	0	4	4	4
Provides grants to municipalities and cities to renovate and restore urban parks in economically distressed areas.					
<b>Coastal Zone Management Act Program (NOAA)</b>	51	58	90	32	32
Federal-State partnership providing matching grants to states for coastal habitat conservation, restoration, and protection including land acquisition.					
<b>Nat. Estuarine Research Reserves System (NOAA)</b>	6	4	19	15	15
Matching grants to states for estuarine protection areas for research, education, and land acquisition and resource protection.					
<b>Coral/Coastal/Fish Habitat Restorations (NOAA)</b>	0	2	45	43	43
Provides grants to communities for coral reef protection and restoration, use of dredged material for habitat restoration, and promotion of declining fisheries through restoration, acquisition and protection.					
<b>Total</b>	386	459	1,030	571	900

\* Program traditionally funded from the Land and Water Conservation Fund.

<sup>U</sup> Does not include \$699 million appropriated in FY 1999 on a one-time basis for priority land acquisitions. (DOI \$532m, USDN \$167m)

## MINORITY VIEWS OF SENATOR DOMENICI

I oppose the Conservation and Reinvestment Act (CARA), H.R. 701, as reported by the Committee on Energy and Natural Resources. CARA would create almost \$2.5 billion annually in new entitlement spending for each of the next 15 years—a total of \$37.5 billion. By creating vast new entitlement programs, CARA has significant implications for the rest of the federal budget. I also take issue with the policy direction embodied in this legislation, particularly the ceding of substantial power over local land use to cabinet officials and agencies of the executive branch.

Entitlement spending is the largest and fastest growing segment of the federal budget. New entitlement spending, without associated reductions in other entitlement programs, will only serve to make the task of controlling the cost of government and reducing federal debt more difficult.

During the Energy and Natural Resources Committee markup of HR 701, the question of the funding mechanism was raised. Staff indicated that the funding under this bill would be subject to appropriation. While it is true that \$450 million for federal land acquisition would be subject to annual appropriations, once that appropriation is enacted, \$2.5 billion in mandatory spending will be automatically triggered each year. The \$2.5 billion will be spent as it is mandated under CARA. It will automatically go to the following programs in these amounts: \$780 million for coastal impact assistance, \$25 million for coral reef protection, \$450 million for state Land and Water Conservation Fund, \$350 million for PILT, \$350 million for wildlife conservation and restoration, \$75 million for urban parks, \$150 million for historic preservation, \$125 million for National Park and Indian land restoration, \$50 million for the Forest Legacy program, \$50 million for the Farm and Ranchland Protection program, \$25 million for the Rural Development program, \$25 million for the Rural Community Assistance program, \$60 million for the Youth Conservation Corps.

I strongly support many of these programs as they are currently authorized, and I would support this legislation if all of the spending remained subject to the annual appropriations process. The PILT program is vitally important to sustain services provided by county governments throughout the country, especially in those areas in Western states that are dominated by federal land. Funding for urban parks and historic preservation is greatly needed to help improve the quality of life for all Americans. Restoration of our National Parks should be among our highest national conservation priorities, and the condition of land and resources held in trust for American Indians in many cases is dismal and in need of federal assistance.

Notwithstanding my support for these programs, the explicit policy statement of CARA is that all programs funded by the law will

be of higher priority than any other federal conservation effort for the next 15 years. This year, the Western United States is facing its worst fire season in decades, yet the Committee-reported bill sets funding priorities for the next 15 years for coastal impact assistance, coral reef protection and additional land acquisition all above firefighting and activities to reduce the risk of catastrophic wildfires, even in heavily populated areas. There is currently a \$20.8 billion maintenance backlog within the land management agencies, and CARA does not come close to addressing this problem. We cannot be certain today what will be needed for resource conservation 15 years from now. It is simply bad budgeting and bad policy to set priorities and \$37.5 billion in funding in stone for 15 years.

In addition to my concerns with the federal budgetary implications of this legislation, I have serious reservations about the power that this bill would cede from Congress to the executive branch. Under four sections of the bill, namely those dealing with planning for coastal impact assistance, ocean and coastal conservation, the state portion of the Land and Water Conservation Fund, and wildlife conservation and restoration, the Secretaries of Interior, Commerce and Agriculture are required to approve State plans before funding will be released from the CARA fund to implement those plans. The language gives the Secretaries a great deal of discretion in the interpretation of the law. While the intention of the Committee may be that the approval process should be little more than a formality to ensure that the states adhere to the spirit of the law, we should not overlook how similar processes have been interpreted in the recent past. Activist administrations and courts have interpreted laws in ways that Congress did not and could not foresee. Two high profile examples of far reaching and broad administrative and judicial interpretation are apparent in the Antiquities Act and the national Environmental Policy Act (NEPA).

Under the Antiquities Act, the President may designate "national monuments," imposing protective measures for "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" that are contained on federal land. The law goes on to state, however, that the limits on the amount of land to be designated "in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." Regardless of whether or not I have supported the designation of specific monuments under the Antiquities Act in recent years, I cannot believe that Congress intended for the President to unilaterally use this authority to set aside millions of acres of public land with a single stroke of the pen.

In the second case, NEPA requires that agencies of the federal government study the potential environmental impacts of proposed actions, and to include various alternative courses of action within the analysis. Under various court rulings and administrative interpretations, the NEPA process has become a tangled mess of rigid requirements on decision-making, that are particularly onerous on the federal land management agencies. Although NEPA has served to shed "sunshine" on the agency decision-making process, it has unfortunately become a legal impediment to many sound and justifiable land and environmental management activities.

These two examples demonstrate that no matter how well intentioned Congress may be in trying to provide resources for conservation to states and local communities under CARA, we should anticipate that there will be interpretations we cannot now foresee. For this reason, Congress should maintain an effective way to oversee and adjust to changing interpretations of this law. This is especially true when it comes to the funding of activities that have historically and justifiably been in the hands of state and local decision-makers. Setting this process in motion for 15 years, without a clear mandate for Congressional review will only provide a vast avenue for federal intervention into issues that are better resolved at the state or local level.

While I wholeheartedly support natural resource conservation, including many of the programs embodied in this bill, I have significant concerns with certain budgetary and policy impacts of this legislation. Unless CARA is amended to address these concerns, I will continue to oppose the bill and will urge my colleagues to do the same.

PETE V. DOMENICI.



MINORITY VIEWS OF SENATORS THOMAS, NICKLES, CRAIG,  
GORTON, BURNS, AND CAMPBELL

During the month of July, the Committee held five business meetings to consider H.R. 701, the Conservation and Reinvestment Act. We have grave concerns about the overall goals of this legislation and the structure of the Murkowski-Bingaman substitute amendment adopted by the Committee.

By creating vast new entitlement programs, CARA has significant implications for the rest of the federal budget that we find unacceptable. We also take issue with several policies embodied in the legislation, most importantly the ceding of substantially increased powers in local land use decisions to the federal bureaucracy.

The committee-passed version of the CARA legislation would create new entitlement programs that would cost taxpayers nearly \$45 billion over the next 15 years. The CARA bill that passed the House would increase entitlement spending by \$42 billion over 15 years. Entitlement spending has been the fastest growing segment of the federal budget over the last 10 years. As a proportion of total federal spending, entitlement spending grew from 45 percent in 1990 to 53 percent in 2000, and will continue to grow even under current law. The portion of discretionary spending decreased over the same period from 40 percent in 1990 to 35 percent in 2000. New mandatory spending, without associated reductions in other entitlement programs, will only serve to make the task of controlling the cost of government more difficult.

If this bill is enacted, there will be less money available for other critical programs such as education, national security, Social Security reform, and prescription drug benefits. The entitlement programs contained in CARA should not take precedence over our children's future and security, our seniors' retirement or paying down the public debt. Neither should they take automatic precedence over programs directly related to the purposes of this legislation, such as the existing operation and maintenance needs of our vast public land holdings or functions such as wild-land fire preparedness.

We have serious reservations about several policies embodied in this bill. Even with the Murkowski-Bingaman language that would ostensibly subject federal land acquisition funding to annual authorization and appropriation—we would argue that a greater injustice is committed by linking the appropriation of \$450 million in federal land acquisitions to the expenditure of more than \$2.5 billion in additional entitlement spending. By establishing this convoluted trigger, the proponents of the Murkowski-Bingaman bill have created an artificial environment in which appropriations for federal land acquisitions will be considered each and every year for the next 15 years. Rather than consider the value and justification of each proposed federal land acquisition, some in Congress will be

inspired to meet the mark of spending \$450 million on federal land acquisitions simply to trigger \$2.5 billion in other entitlement spending. Others in Congress may be conversely motivated to avoid full funding of federal land acquisitions due to this inappropriate and artificial link to other entitlements.

Although we are not opposed to the government acquiring inholdings and other properties with special value, the Murkowski-Bingaman version of CARA sets the dangerous precedent of linking a certain level of discretionary spending to the automatic expenditure of billions more in entitlements. Unfortunately, the House-passed version of CARA, which simply creates an off-budget entitlement for federal land acquisitions, coastal impact payments, and other programs, is equally objectionable. But trying to disguise an even larger entitlement program in the Murkowski-Bingaman bill behind annual authorizations and appropriations for federal land acquisition does not injustice to the integrity of the larger annual budget process. Congress deserves the opportunity to weigh, each and every year, the merits of the proposed land acquisitions without the albatross of \$2.5 billion in unrelated programs impacting this process.

Either way, CARA amounts to entitlement spending for federal land acquisition, which we believe threatens the income base of state and local governments and the rights of individual property owners throughout the nation. Although the bills include funding for increased Payments in Lieu of Taxes (PILT), this program does not and cannot take the place of all lost tax revenue and economic development.

Further, there will be no incentive to dispose of land already eligible for removal from federal ownership. This lack of balance will only compound the current situation within the federal land management agencies, where the backlog of operations and maintenance needs for existing lands and facilities is already staggering.

Current figures show backlogs in maintenance projects as follows: the Bureau of Indian Affairs, \$5.9 billion; the National Park Service, \$5.4 billion; and the Forest Service \$8.9 billion. With total maintenance backlogs of \$20.8 billion for all the land management agencies, it is clear that the federal government is struggling to take care of the land and facilities it already owns. Under these circumstances, why should we create an entitlement that would require an additional \$900 million a year be spent on land acquisition? Furthermore, why should the other conservation programs contained in CARA take priority over every other program in the federal budget?

In almost every state, officials and concerned citizens are saying it is time to address existing public lands' needs before we swell the size of the federal government. The federal land management agencies continue to lock up public lands throughout the West and restrict access to these areas for multiple-use purposes. This pattern creates great hardship for local communities, destroying jobs, and depressing the economy in many rural areas around the West. Even with the language that would place constraints on this spending, federal land acquisition will occur at a faster pace than it does currently. Since 50 percent of the West is already owned by the

government, we are concerned about adding more federally owned land to our states that might be restricted for specific uses.

Finally, we must dispel the fanciful notion that this legislation will actually amount to additional spending above and beyond what is normally spent on natural resource programs in the Interior appropriations bill. As currently written, the \$2.5 billion in entitlement spending authorized in this bill be scored against the Interior appropriations allocation. There is no guarantee that there will be an additional \$2.5 billion to add to the Interior allocation each and every year for the next 15 years, as is assumed by the proponents for this legislation. As a result, passage of this legislation implies that Congress has decided, for the next 15 years, that grant programs targeted for state and local governments, most of which are running significant surpluses, are more important than the construction of Indian schools, national park maintenance, or fire preparedness and prevention in our national forests and rangelands.

While we wholeheartedly support natural resource conservation, including many of the programs that would be funded under CARA, we have significant concerns with certain policy and budgetary impacts of this legislation. Until our concerns have been addressed, we will not be able to accept any time agreement should this legislation be brought before the full Senate, as we would require time to debate fully a substantial number of amendments.

CRAIG THOMAS.  
DON NICKLES.  
LARRY E. CRAIG.  
SLADE GORTON.  
CONRAD BURNS.  
BEN NIGHTHORSE CAMPBELL.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 701, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OUTER CONTINENTAL SHELF LANDS ACT

The Act of August 7, 1953, Chapter 345, as amended

SEC. 2. DEFINITIONS.

When used in this Act—

\* \* \* \* \*

(r) *The term “coastal population” means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State’s coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).*

(s) *The term “Coastal States” has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).*

(t) *The term “coastline” has the same meaning as the term “coast line” as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).*

(u) *The term “leased tract” means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.*

(v) *The term “qualified Outer Continental Shelf revenues” means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.*

\* \* \* \* \*

**SEC. 31. COASTAL IMPACT ASSISTANCE.**

(a) **DEFINITIONS.**—When used in this section—

(1) The term “coastal political subdivision” means a county, parish, or any equivalent subdivision of a Producing Coastal State which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1)) and within a distance of 200 miles from the geographic center of any leased tract.

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

(3) The term “Producing Coastal State” means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

(b) **FUNDING.**—Amounts transferred to the Secretary under section 2(b)(1) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purposes of this section, without further appropriation and without fiscal year limitation.

(c) **IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS.**—Notwithstanding section 9, the Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

(1) **ALLOCATIONS TO PRODUCING COASTAL STATES.**—In each fiscal year, each Producing Coastal State’s allocable share shall be equal to the sum of the following:

(A) \$245,000,000 equally divided among all Producing Coastal States;

(B) \$185,000,000 divided among Producing Coastal States based on Outer Continental Shelf production.

(2) **CALCULATION.**—The amount for each Producing Coastal State under paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the coastlines of all Producing Coastal States, for the preceding five-year period and recalculated each fifth year thereafter. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State’s payment under paragraph (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

(3) *PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.*—Twenty percent of each Producing Coastal State's allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula:

(A) 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State; except that for those coastal political subdivisions in the State of Louisiana without a coastline, the coastline for purposes of this element of the formula shall be the average length of the coastline of the remaining coastal subdivisions in the state.

(B) 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastline miles to the coastline miles of all coastal political subdivisions in the Producing Coastal State.

(C) 50 percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate the Producing Coastal State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary; except that in the State of Louisiana the funds for this element of the formula shall be divided equally among all coastal political subdivisions. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tractor portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior the establishment of the moratorium and was in production on January 1, 2000.

(4) *FAILURE TO HAVE PLAN APPROVED.*—Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

(d) *COASTAL IMPACT ASSISTANT PLAN.*—

(1) *DEVELOPMENT AND SUBMISSION OF STATE PLANS.*—The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan which shall incorporate the plans of coastal political subdivisions, and may also incorporate the Statewide Coastal Conservation Plan required under section 32 of this Act. The Governor shall solicit local input and shall provide for public par-

participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2001 and updated at least once every 5 years thereafter. Amounts received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State's Coastal Impact Assistance Plan.

(2) APPROVAL.—The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (e) and if the plan contains each of the following:

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

(B) A program for the implementation of the plan which describes how the amounts provided under this section will be used.

(C) A description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section.

(D) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(E) Measures for taking into account other relevant Federal resources and programs.

(3) PROCEDURE.—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

(4) AMENDMENT.—Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

(e) AUTHORIZED USES.—Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes:

(1) uses authorized under subsection 32(c) of this Act relating to coastal stewardship;

(2) projects and activities for the conservation, protection or restoration of wetlands;

(3) mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c), (d));

(4) planning assistance and administrative costs of complying with the provisions of this section;

(5) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

(6) mitigating impacts of Outer Continental Shelf activities through funding of onshore infrastructure and public service needs: Provided, That funds made available under this paragraph shall not exceed 23 percent of the funds provided under this section.

(f) *COMPLIANCE WITH AUTHORIZED USES.*—If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (e), the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

**SEC. 32. OCEAN AND COASTAL CONSERVATION.**

(a) *FUNDING.*—Amounts transferred to the Secretary of Commerce under section 2(b)(2) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation.

(b) *ALLOCATION OF FUNDS.*—Notwithstanding section 9, the Secretary of Commerce shall allocate amounts available under this section as follows:

- (1) for uses identified in subsection (c), \$250,000,000; and
- (2) for uses identified in subsection (d), \$100,000,000.

(c) *COASTAL STEWARDSHIP.*—

(1) *ALLOCATION TO COASTAL STATES.*—The Secretary of Commerce shall allocate among all Coastal States with an approved Statewide Coastal Conservation Plan, the amounts available under subsection (b)(1) as follows:

(A) 25 percent shall be allocated based on the ratio of the Coastal State's coastal population to the coastal population of all Coastal States;

(B) 25 percent shall be allocated based on the ratio of the Coastal State's coastline miles to the coastline miles of all Coastal States; and

(C) 50 percent shall be equally divided among all Coastal States.

(2) *FAILURE TO HAVE PLAN APPROVED.*—Any amount allocated to a Coastal State but not disbursed because of a failure to have an approved Statewide Coastal Conservation Plan under this subsection shall be allocated among all other Coastal States in a manner consistent with paragraph (1), except that the Secretary of Commerce shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this subsection. The Secretary of Commerce may waive the provisions of this paragraph and hold a Coastal State's allocable share in escrow if the Secretary of Commerce determines that such State is making a good faith effort to develop and submit, or update, a Statewide Coastal Conservation Plan.

(3) *DEVELOPMENT AND SUBMISSION OF STATE PLANS.*—(A) The Governor of each Coastal State shall prepare, and submit to the Secretary of Commerce, a Statewide Coastal Conservation Plan. The Governor shall solicit local input and shall provide for public participation in the development of the Plan. The Plan shall be submitted to the Secretary of Commerce by July 1, 2001, and updated at least once every 5 years thereafter. Each Plan shall consider ways to use amounts received under this subsection to assist local governments, non-profit organizations,



or public institutions with activities or programs consistent with this subsection. Amounts received by Coastal States may be used only for the purposes specified in the Statewide Coastal Conservation Plan.

(B) *APPROVAL.*—The Secretary of Commerce shall approve a Statewide Coastal Conservation Plan under subparagraph (A) prior to disbursement of amounts under this section. The Secretary of Commerce shall approve the Plan if the Secretary of Commerce determines that the Plan is consistent with the uses set forth in paragraph (4) and if the Plan contains each of the following:

(i) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary of Commerce for purposes of this subsection;

(ii) A program for the implementation of the Plan which describes how amounts will be used to protect and manage the State's coastal, estuarine, and marine resources in accordance with the requirements of this subsection;

(iii) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the Plan; and

(iv) Measures for taking into account other relevant Federal resources and programs.

(C) *PROCEDURE.*—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

(D) *AMENDMENT.*—Any amendment to the plan shall be prepared in accordance with the requirements of this paragraph and shall be submitted to the Secretary of Commerce for approval or disapproval.

(4) *AUTHORIZED USES.*—Coastal States shall use amounts provided under this subsection in compliance with Federal and State law and only for one or more of the following purposes—

(A) activities which support and are consistent with the Coastal Zone Management Act, including National Estuarine Research Reserve programs, the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, or the National Estuaries program;

(B) conservation, restoration, enhancement or protection of coastal or marine habitats including wetlands, estuaries, coastal barrier islands, coastal fishery resources and coral reefs, including projects to remove abandoned vessels or marine debris that may adversely affect coastal habitats;

(C) protection, restoration and enhancement of coastal water quality consistent with the provisions of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.), including the reduction or monitoring of coastal polluted runoff or other coastal contaminants;

(D) addressing watershed protection or other coastal or marine conservation needs which cross jurisdictional boundaries;

(E) assessment, research, mapping and monitoring of coastal or marine resources and habitats, including, where

appropriate, the establishment and monitoring of marine protected areas;

(F) addressing coastal conservation needs associated with seasonal or otherwise transient fluctuations in coastal populations;

(G) protection and restoration of natural coastline protective features, including control of coastline erosion;

(H) identification, prevention and control of invasive exotic and harmful non-indigenous species;

(I) assistance to local communities to assess, plan for and manage the impacts of growth and development on coastal or marine habitats and natural resources, including coastal community fishery assistance programs that encourage participation in sustainable fisheries; and

(J) projects that promote research, education, training and advisory services in fields related to coastal and Great Lakes living marine resource use and management.

(5) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a Coastal State is not consistent with the uses authorized in paragraph (4), the Secretary shall not disburse any further amounts under this subsection to that Coastal State until the amounts used for such expenditure have been repaid or obligated for authorized uses.

(d) COOPERATIVE FISHERIES ENFORCEMENT AND RESEARCH AND MANAGEMENT.—The amounts made available under subsection (b)(2) shall be allocated by the Secretary of Commerce for the following purposes, with not less than 25 percent used for Cooperative Enforcement Agreements under paragraph (2):

(1) TECHNICAL AND ADMINISTRATIVE EXPENSES.—Up to five percent for such amounts may be used by the Secretary of Commerce to provide technical assistance to a State and cover administrative costs associated with this subsection.

(2) COOPERATIVE ENFORCEMENT USES.—(A) The Governor of Hawaii, a territory, or a State represented on an Interstate Marine Fisheries Commission may apply to the Secretary of Commerce for execution of a cooperative enforcement agreement with the Secretary of Commerce. Cooperative agreements between the Secretary of Commerce and such States shall authorize the deputization of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary of Commerce relating to any law enforcement provision of any marine resource laws enforced by the Secretary of Commerce. Such cooperative enforcement agreements shall be consistent with the purposes and intent of section 311(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(a)), to the extent applicable to the regulated activities.

(B) Upon receiving an application meeting the requirements of this subsection, the Secretary of Commerce shall enter into the cooperative enforcement agreement with the requesting State. The Secretary of Commerce shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be distributed among all States participating in cooperative enforcement agreements under this paragraph based upon consideration of

*the specific marine conservation enforcement needs of each participating State.*

(3) *COOPERATIVE RESEARCH AND MANAGEMENT USES.—(A) The Governor of Hawaii, a territory, or any State represented on an Interstate Marine Fisheries Commission may apply to the Secretary of Commerce for the execution of a research and management agreement, on a sole source basis, for the purpose of undertaking eligible projects required for the effective management of living marine resources of the United States. Upon determining that the application meets the requirements of this subsection, the Secretary of Commerce shall enter into such agreement.*

*(B) The Secretary of Commerce shall allocate to States participating in a research and management agreement under this subsection funds to assist in implementing the agreement.*

*(C) For purposes of this subsection, eligible projects are those which address critical needs identified in fishery management reports or plans developed and approved by a State, Marine Fisheries Commission, Regional Fishery Management Council, or other regional or tribal entity, charged with management and conservation of living marine resources, and that pertain to—*

*(i) the collection and analysis of fishery data and information, including data on landings, fishing effort, biology, habitat, economics and social changes, including those information needs identified pursuant to section 401 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881); or*

*(ii) the development of measures to promote innovative or cooperative management of fisheries.*

*(D) In making funds available under this paragraph, the Secretary of Commerce shall give priority to eligible projects that meet the following criteria:*

*(i) establishment of observer programs;*

*(ii) cooperative research projects developed among States, academic institutions, and the fishing industry, to obtain data or other information necessary to meet national or regional management priorities;*

*(iii) projects to reduce harvesting capacity performed in a manner consistent with section 312(b) of the Magnuson-Stevens Fishery and Conservation Act (16 U.S.C. 1862(b));*

*(iv) projects designed to identify ecosystem impacts of fishing, including the relationship between fishing harvest and marine mammal population abundance;*

*(v) projects to develop sustainable experimental fisheries and fishery harvest techniques and fishing gear that provide conservation benefits, including reduction of fishing bycatch;*

*(vi) projects to develop sustainable aquaculture; or*

*(vii) projects for the identification, conservation, restoration or enhancement of coastal fishery resources and habitats.*

(4) *COMMERCE PROCEDURES.—Within 90 days after the enactment of the Conservation and Reinvestment Act, the Secretary*

of Commerce shall adopt procedures necessary to implement this subsection.

(5) CONGRESSIONAL APPROVAL.—The President shall include in, as part of the annual budget proposal, a priority list of allocations to Coastal States under this subsection. Amounts shall be made available under section 2(b)(2) of the Conservation and Reinvestment Act 15 days after the sine die adjournment of the Congress each year, without further appropriation, for the projects identified on the priority list, unless prior to such date, legislation is enacted establishing a different priority list. If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in this subsection, the difference between the authorized funding amount and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

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LAND AND WATER CONSERVATION FUND ACT OF 1965

Public Law 88–578 (Sept. 3, 1964), as Amended

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CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the “fund”, the following revenues and collections:

(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

[(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$300,000,000 for fiscal year 1977, and \$900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

[(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.]

*(c) In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be deposited into the fund all amounts transferred to the fund under section 2(b)(4) of the Conservation and Reinvestment Act. Such amounts shall only be used to carry out the purposes of this Act.*

SEC. 3. APPROPRIATIONS.—[Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.] *Of amounts in the fund, \$900,000,000 shall be available each fiscal year for obligation and expenditure in accordance with section 5 of this Act, without further appropriation and without fiscal year limitation. Other moneys in the fund shall be available for expenditure only when appropriated therefor. Such appropriations may be made without fiscal year limitation.*

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SEC. 5. ALLOCATION.—[There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 2 of this Act. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifty Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

- [(1) the National Park System;
- [(2) national scenic trails;
- [(3) the National Wilderness Preservation System;
- [(4) federally administered components of the National Wild and Scenic Rivers System; and
- [(5) national recreation areas administered by the Secretary of Agriculture.] *Of the amounts made available each fiscal year, fifty percent of the funds shall be used for Federal land*

*acquisition purposes as provided in section 7 of this Act and fifty percent shall be used for financial assistance to States as provided in section 6 of this Act.*

SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or **[(3) development.]** *(3) development, including facility rehabilitation.*

**[(b) APPORTIONMENT AMONG STATES; NOTIFICATION.]**—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

**[(1)]** Forty per centum of the first \$225,000,000; thirty per centum of the next \$275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and<sup>1</sup>

**[(2)]** At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

**[(3)]** The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

**[(4)]** The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

**[(5)]** For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title. **.]**

(b) *APPORTIONMENT AMONG STATES.*—(1) *Not more than 4 percent of the amounts made available for financial assistance to States each fiscal year may be deducted by the Secretary for expenses in the administration of this section. Such amount is authorized to be made available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year, the Secretary shall apportion any unexpended amounts, in a manner consistent with this subsection.*

(2) *The Secretary, after making the deduction under paragraph (1), shall apportion the remaining amounts as follows:*

(A) *Sixty percent shall be apportioned equally among the several States; and*

(B) *Forty percent shall be apportioned on the basis of the ratio which the population of each State bears to the total population of the United States.*

(3) *The total apportionment to an individual State under paragraph (2) shall not exceed 10 percent of the total amount made available for financial assistance to the States in any one year.*

(4) *The Secretary shall notify each State of its apportionment, and the amount thereof shall be available thereafter to such State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2).*

(5)(A) *For the purposes of paragraph (2)—*

(i) *the District of Columbia shall be treated as a State; and*

(ii) *Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands shall be treated collectively as one State and shall receive shares of such apportionment in proportion to their populations.*

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

(6)(A) *For the purposes of paragraph (2) of this subsection, all Federally recognized Indian tribes or, in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) shall be treated collectively as one State and be eligible to receive shares of apportionment in accordance with a competitive grant program established by the Secretary.*

(B) *No single tribe or Alaska Native Corporation shall receive more than 10 percent of the total amount made available under this paragraph.*

(C) *Funds received by a tribe or Alaska Native Corporation under this paragraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).*

(7) *Absent a compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraphs (5) and (6) of this subsection) shall make at least 25 percent of*

*its annual apportionment available as grants to local governments within such State.*

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

[(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act: *Provided*, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

[(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

[(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

[(3) a program for the implementation of the plan; and

[(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

[(The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

[(For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director of the National Park Service, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority con-



ervation plan developed under section 301 of the Emergency Wetlands Resources Act or, if such national plan has not been completed, consistent with the provisions of that section.】

(d) STATE ACTION AGENDA.—

(1) A State Action Agenda for Community Recreation and Conservation (in this Act referred to as the “State Action Agenda”) shall be required prior to the consideration by the Secretary of financial assistance under this section. The State Action Agenda shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act.

(2) Each State, in partnership with its local governments and Federal agencies, shall develop a State Action Agenda within 5 years after the date of enactment of the Conservation and Reinvestment Act. Each State may define its own priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process. The State Action Agenda shall be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years. A State Action Agenda must be updated at least once every 5 years.

(3) The State Action Agenda shall contain:

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

(B) the priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects; and

(C) certification by the Governor that the agenda’s conclusions and proposed actions reflect an ample opportunity for public participation.

(4) State Action Agendas shall take into account all providers of recreation and conservation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor recreation and conservation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.

(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the 【State comprehensive plan】 State Action Agenda:

(1) ACQUISITION OF LAND AND WATER.—For the acquisition of land, water, or interests in land or waters, or wetland areas and interests therein as identified in the wetlands provisions of the [comprehensive plan] *State Action Agenda* (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value) [but not including incidental costs relating to acquisition].

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1984) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(2) DEVELOPMENT.—For development of basic outdoor recreation [facilities] *facilities, or to enhance public safety within a designated park or recreation area* to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after the date of enactment of this proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for ap-

proved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3)(A) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. [The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and or reasonably equivalent usefulness and location: *Provided*, That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.]

(B) *With the exception of those properties that are no longer viable as an outdoor recreation and conservation facility due to changes in demographics or which must be abandoned because of environmental contamination of other condition that endangers public health and safety, the Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other recreation and conservation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Action Agenda.*

\* \* \* \* \*

SEC. 7. (a) [Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:] (1)(A) *The President shall transmit, as part of the annual budget proposal, a priority list for Federal land acquisition projects that fully allocates the amount made available for Federal land acquisition projects for that fiscal year. The President shall require the Secretary of the Interior and the Secretary of Agriculture to develop priority lists for projects under each Secretary's jurisdiction. The Secretaries shall prepare the lists in consultation with the head of each affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency. In preparing the lists, the Secretaries shall consider whether land exchanges, consolidation of Federal land ownership within a State, or the acquisition of conservation easements can be used with respect to proposed acquisitions. The Secretaries also shall consult with the Governors of the States and shall carefully consider any recommendations made by the Governor for any land acquisition within the State and any concerns on the acquisition of individual parcels.*

(B) *The President shall also transmit the priority list to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate together with*

*a list of all expenditures made during the prior fiscal year and the specific statutory authorization for each proposed land acquisition on the priority list. The Committee on Energy and Natural Resources shall review the priority list and not later than May 1 of each year shall transmit to the Committee on Appropriations of the Senate a priority list for land acquisitions for the next fiscal year for lands that have been specifically authorized for acquisition by statute.*

*(2) Amounts made available from the fund for Federal land acquisition projects shall be used for the following purposes and sub-purposes:*

**[(1)] (A)** For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may, also be acquired with moneys appropriated from this fund: *Provided further*, That except for areas specifically authorized by Act of Congress, nor more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

NATIONAL WILDLIFE REFUGE SYSTEM.—Acquisition for (a) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973; (b) areas authorized by section 2 of the Act of September 28, 1962, as amended (16 U.S.C. 460k-1; (c) national wildlife refuge areas under section 7(a)(5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986; (d) and areas authorized for the National Wildlife Refuge System by specific Acts.

**[(2)] (B)** For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

**[(3)] (C)** Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings “NATIONAL PARK SYSTEM; RECREATIONAL AREAS” and “NATIONAL FOREST SYSTEM” in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appro-

priations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such ceiling or \$1,000,000, whichever is greater.

[(b) ACQUISITION RESTRICTION.—Appropriations from the funds pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law. *Provided, however,* That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.]

(b) ACQUISITION RESTRICTIONS.—(1) LIMITATION ON EXPENDITURE.—*No money shall be obligated or expended for Federal land acquisition purposes under this section unless approved in an Act making appropriations.*

(2) AUTHORIZATION REQUIREMENT.—*Appropriations from the funds pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law: Provided, however, That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.*

(3) WILLING SELLER.—*Amounts made available for Federal land acquisition purposes under this section shall not be used to acquire property unless—*

(A) *the owner of the property is willing to sell; or*

(B) *the acquisition is authorized by law and is conducted in accordance therewith.*

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#### FEDERAL AID IN WILDLIFE RESTORATION ACT

Act of Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended

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#### [SEC. 2. DEFINITIONS.

[For the purposes of this chapter the term “wildlife-restoration project” shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term “State fish and game department” shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.]

**SEC. 2. DEFINITIONS.**

As used in this Act—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplanted, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) the term “Secretary” means the Secretary of the Interior;

(3) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

(4) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

(5) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects;

(6) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

(7) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

(8) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting

*wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.*

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS; DISPOSITION OF UNEXPENDED FUNDS.**

(a)(1) An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of title 26, shall, subject to the exemptions in section 4182 of such title, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the "fund") and is authorized to be appropriated and made available until expended to carry out the purposes of this chapter. So much of such appropriations apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this chapter which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

(2) *There is established in the fund a subaccount to be known as the "Wildlife Conservation and Restoration Account". Amounts transferred to the Secretary under section 2(b)(5) of the Conservation and Reinvestment Act shall be deposited in the subaccount and shall be available without further appropriations for obligation and expenditure, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.*

(b)(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may—

(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

(B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund—

(A) shall be credited to the fund;

(B) constitute the sums available for allocation by the Secretary under section 4407 of this title;

(C) shall become available for apportionment under this chapter at the beginning of fiscal year 2006.

(c)(1) *Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species not hunted or fished.*

(2) *Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in section 4(d) and (e) of this Act, including wildlife conservation, wildlife con-*

*ervation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.*

*(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need.*

*(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account from the Conservation and Reinvestment Act Fund, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.*

**SEC. 4. APPORTIONMENT OF FUNDS; EXPENSES OF SECRETARY.**

(a) So much, not to exceed 8 per centum, of the revenues (excluding interest accruing under section 3(b) of this title) covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this chapter and the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this chapter to be apportioned among the States for such current fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section, the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this chapter shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

(b) One-half of the revenues accruing to the fund under this chapter each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per cen-



tum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

(c) *APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.*—(1) *Notwithstanding subsection (a), the Secretary may use not more than 2 percent of the revenues deposited into the Wildlife Conservation and Restoration Account in each fiscal year as necessary for expenses in the administration and execution of programs carried out under the Wildlife Conservation and Restoration Account and such amount shall be available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year, the Secretary shall apportion any portion thereof as remains unexpended, if any, on the same basis and in the same manner as is provided under paragraphs (2) and (3).*

(2) *The Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account:*

(A) *to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof;*

(B) *to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof; and*

(C) *to Federally recognized Indian tribes, a sum equal to not more than 2<sup>1</sup>/<sub>4</sub> percent, one-third of which shall be allocated among the various tribes based on the ratio to which the trust land area of such tribe bears to the total trust land area of all such tribes and two-thirds of which shall be allocated based on the ratio to which the population of such tribe bears to the total population of all such tribes; except that no Indian tribe shall receive more than 5 percent per annum of the total annual amount made available to Indian tribes under this subsection.*

(3) *The Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner:*

(A) *one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and*

(B) *two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.*

(4) *The amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.*

(d) *WILDLIFE CONSERVATION AND RESTORATION PROGRAM.*—(1) *Any State, may apply to the Secretary for approval of a wildlife conservation and restoration program or for funds from the Wildlife Conservation and Restoration Account to develop a program which shall—*

(A) contain provision for vesting in the State fish and wildlife department overall responsibility and accountability for development and implementation of the program; and

(B) contain provision for development and implementation of—

(i) wildlife conservation projects that expand and support existing wildlife programs to meet the needs of a diverse array of wildlife species, including a wildlife strategy as set forth in subsection (e),

(ii) wildlife associated recreation programs,

(iii) wildlife conservation education projects; and

(C) contain provisions for public participation in the development, revision, and implementation of projects and programs identified in subparagraph (B) of this subsection.

(2) If the Secretary finds that the wildlife conservation and restoration program submitted by a State complies with paragraph (1), the Secretary shall approve the program and shall set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(3)(A) Except as provided in subparagraphs (B) and (C), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the pro rata share of the United States for such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

(C) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for law enforcement.

(4) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and any of the Federally recognized Indian tribes with a wildlife conservation and restoration program.

(e) *Wildlife Conservation Strategy.*—Any State that receives an apportionment pursuant to subsection (c) shall, within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best scientific information and data available that—

(1) integrates available information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that exemplify and are indicative of the diversity and health of wildlife of the State;

(2) identifies the extent and condition of habitats and community types essential to conservation of species identified under paragraph (1);

(3) identifies the problems which may adversely affect the species identified under paragraph (1) and their habitats, and provides for research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

(4) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

(6) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

(7) provides for coordination by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

#### URBAN PARK AND RECREATION RECOVERY ACT

Public Law 95-625 (Nov. 10, 1978), as Amended

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#### SEC. 1003. CONGRESSIONAL STATEMENT OF PURPOSE; COMPLEMENTARY PROGRAM AUTHORIZATION; TERMS AND CONDITIONS

The purpose of this chapter is to authorize the Secretary to establish an urban park and recreation recovery program which would provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas, facilities, *development of new recreation areas and facilities, including the acquisition of lands for such development*, and development of improved recreation programs. This program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development Grant Programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter. It is further the purpose of this chapter to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk

youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.

**SEC. 1004. DEFINITIONS.**

When used in this chapter the term—

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(j) “State” means any State of the United States or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, insular areas; **[and]**

(k) “insular areas” means Guam, the Virgin Islands, American Samoa, and *Commonwealth of the Northern Mariana Islands* **[.]**;

(l) “development grants” means *matching capital grants to units of local government to cover costs of development and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping but excluding routine maintenance and upkeep activities; and*

(m) “Secretary” means *the Secretary of the Interior.*

**SEC. 1005. FEDERAL ASSISTANCE GRANTS.**

**[(a) Eligibility of general purpose local governments for assistance under this chapter shall be based upon need as determined by the Secretary. Within one hundred and twenty days after November 10, 1978, the Secretary shall publish in the Federal Register, a list of the local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Such criteria shall be based upon factors which the Secretary determines are related to deteriorated recreational facilities or systems, and physical and economic distress.]**

*(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary and shall include, but not be limited to, the following:*

*(1) All political subdivisions included in Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.*

*(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.*

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

\* \* \* \* \*

**SEC. 1006. REHABILITATION AND INNOVATION GRANTS.**

(a) The Secretary is authorized to provide 70 per centum matching **[rehabilitation and innovative]** grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

(1) At the discretion of such applicants, and if consistent with an approved application, **[rehabilitation and innovation]** grants may be transferred in whole or in part to independent

special purpose local governments, private nonprofit agencies or county or regional park authorities: Provided, That assisted recreation areas and facilities owned or managed by them offer recreation opportunities to the general population within the jurisdictional boundaries of an eligible applicant.

(2) Payments may be made only for those [rehabilitation or innovative] projects which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project, except that the Secretary may, when appropriate, make advance payments on approved [rehabilitation and innovative] projects in an amount not to exceed 20 per centum of the total project cost.

(3) The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modification is necessary because of circumstances not foreseeable at the time a project was proposed.

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**SEC. 1007. LOCAL COMMITMENTS TO SYSTEM RECOVERY AND MAINTENANCE.**

(a) As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, *development*, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs which maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs which briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a five-year action program for park and recreation recovery that satisfactorily demonstrate:

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for *development and* rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) capacity and commitment to assure that facilities provided or improved under this chapter shall thereafter continue to be adequately maintained, protected, staffed, and supervised;

(4) intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought beginning in fiscal year 1980 except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts. Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process which includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

\* \* \* \* \*

**SEC. 1008. STATE ACTION INCENTIVE; FEDERAL IMPLEMENTATION GRANTS, INCREASE.**

(a) *IN GENERAL.*—The Secretary is authorized to increase Federal implementation grants authorized in section 2505 of this title by providing an additional match equal to the total match provided by a State of up to 15 per centum of total project costs. In no event may the Federal matching amount exceed 85 per centum of total project cost. [The Secretary shall further encourage the States to assist him in assuring that local recovery plans and programs are adequately implemented by cooperating with the Department of the Interior in monitoring local park and recreation recovery plans and programs and in assuring consistency of such plans and programs, where appropriate, with State recreation policies set forth in statewide comprehensive outdoor recreation plans.]

(b) *COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.*—

(1) *The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or State Action Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8), including the allowance or flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other recreation or conservation purposes.*

(2) *The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(d)).*

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**[SEC. 1010. CONVERSION OF RECREATION PROPERTY.**

[No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the current local park and recreation recovery action program and only upon such conditions as he deems necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.]

## CONVERSION OF RECREATION PROPERTY

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

*(b) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists with the exception of those properties that are no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination or other condition that endangers public health or safety.*

*(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is of at least equal fair market value and reasonably equivalent usefulness and location; and is in accord with the current recreation recovery action plan of the grantee.*

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**[SEC. 1013. AUTHORIZATION OF APPROPRIATIONS.**

**[(a) IN GENERAL.—**There are hereby authorized to be appropriated for the purposes of this chapter, not to exceed \$150,000,000 for each of the fiscal years 1979 through 1982, and \$125,000,000 in fiscal year 1983, such sums to remain available until expended. Not more than 3 per centum of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c) of this title, and not more than 10 per centum may be used for innovation grants pursuant to section 1006 of this title. Grants made under this chapter for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated in any fiscal year. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years. Notwithstanding any other provision of this Act, or any other law, or regulation, there is further authorized to be appropriated \$250,000 for each of the fiscal years 1979 through 1983, such sums

to remain available until expended, to each of the insular areas. Such sums will not be subject to the matching provisions of this section, and may only be subject to such conditions, reports, plans, and agreements, if any, as determined by the Secretary.

**[(b) PROGRAM SUPPORT.—**Not more than 25 percent of the amounts made available under this chapter to any local government may be used for program support.]

*TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND*

*SEC. 1013. (a) IN GENERAL.—*Amounts transferred to the Secretary of the Interior under section 2(b)(6) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation. Any amounts that have not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which

*the amount is available shall be reapportioned by the Secretary among grantees under this title.*

*(b) ADMINISTRATIVE EXPENSES.—Not more than four percent of the amounts made available under this section in each fiscal year, may be deducted by the Secretary for expenses in the administration and execution of this Act.*

*(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under subsection (b), of the amounts available in a fiscal year under subsection (a)—*

*(1) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);*

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

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

*(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title, not to exceed 25 percent that may be used for grant and program administration.*

**[SEC. 1014. LIMITATION OF USE OF FUNDS.**

**[No funds available under this chapter shall be used for the acquisition of land or interests in land.]**

**[SEC. 1015. SUNSET AND REPORTING PROVISIONS; REPORTS TO CONGRESS.**

**[(a) Within ninety days of the expiration of this authority, the Secretary shall report to the Congress on the overall impact of the urban park and recreation recovery program.]**

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NATIONAL HISTORIC PRESERVATION ACT

Public Law 89-665 (Oct. 15, 1966), as Amended

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**SEC. 108.**

*(a) To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.*

*(b) There shall be covered into such fund \$24,400,000 for fiscal year 1977, \$10,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980, and \$150,000,000 for fiscal year 1981 and \$150,000,000 for each of fiscal years 1982 through 1997, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this subchapter and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: Provided, That appropriations made pur-*



suant to this paragraph may be made without fiscal year limitation.

*(c) Amounts transferred to the Secretary under section 5(b)(8) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purposes of this Act, without further appropriation and without fiscal year limitation.*

*(d)(1) Of the amounts in the fund, \$150,000,000 shall be available each fiscal year for obligation or expenditure in accordance with paragraph (2) of this section. Such amounts shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.*

*(2) Of the amounts made available each fiscal year—*

*(A) \$75,000,000 shall be available for State, local governmental, and tribal historic preservation programs as provided in section 101(b), (c), and (d) of this Act (16 U.S.C. 470a(b), (c), and (d));*

*(B) \$15,000,000 shall be available for the American Battlefield Protection Program (16 U.S.C. 469k) for the protection of threatened battlefields; and*

*(C) the remainder shall be available to carry out this Act, except that not less than 50 percent of the amounts made available shall be used for preservation projects on historic properties or archaeological sites in accordance with this Act, with priority given to the preservation of endangered Federal historic properties or archaeological sites.*

*(e)(1) The President shall include in the annual budget proposal a list of programs to be funded under subsection (d)(2)(C) and additional funding amounts, if any, for State, local governmental, and tribal historic programs in accordance with section 101(b), (c), and (d) of this Act.*

*(2) Except as provided in paragraph (3), during any fiscal year no money shall be obligated or expended for the programs identified in paragraph (d)(2)(C) unless approved in an Act making appropriations.*

*(3) If the Congress adjourns sine die without appropriating the full amount made available under subsection (d)(2)(C), 15 days after the date of such adjournment, the Secretary shall, without further appropriation, obligate and expend the difference between the full amount made available under subsection (d)(2)(C) and the amount appropriated, only as follows:*

*(A) to provide additional funding for State, local governmental, and tribal historic preservation programs as provided in section 101(b), (c), and (d) of this Act; or*

*(B) to fund preservation projects on endangered Federal historic properties or archaeological sites.*

#### AMERICAN BATTLEFIELD PROTECTION ACT OF 1996

Public Law 104–333 (Nov. 12, 1996)

(a) **SHORT TITLE.**—This section may be cited as the “American Battlefield Protection Act of 1996”.

(b) **PURPOSE.**—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in

planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(c) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance. *Priority for financial assistance for the preservation of Civil War Battlefields shall be given to sites identified as Priority 1 battlefields in the “Civil War Sites Advisory Commission Report on the Nation’s Civil War Battlefields” issued in 1993.*

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated **[\$3,000,000]** *such sums as may be necessary* annually to carry out this section, to remain available until expended.

**[(e) REPEAL.—**

**[(1) IN GENERAL.—**This section is repealed as of the date that is 10 years after November 12, 1996.

**[(2) NO EFFECT ON GENERAL AUTHORITY.—**The Secretary may continue to conduct battlefield studies in accordance with other authorities available to the Secretary.

**[(3) UNOBLIGATED FUNDS.—**Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.

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COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978

Public Law 95–313 (July 1, 1978) as Amended

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**SEC. 21. RURAL DEVELOPMENT.**

(a) *USES.—The Secretary shall conduct a Rural Development program to provide technical assistance to rural communities for sustainable rural development purposes.*

(b) *FUNDING.—Amounts transferred to the Secretary of Agriculture under section 2(b)(11) of the Conservation and Reinvestment Act shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation.*

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PAYMENT FOR ENTITLEMENT LAND

31 U.S.C. 6906

**SEC. 6906. AUTHORIZATION OF APPROPRIATIONS.**

【Necessary amounts may be appropriated to the Secretary of the interior to carry out this chapter. Amounts are available only as provided in appropriation laws.】

*There are authorized to be appropriated such sums as may be necessary to carry out this chapter.*

