

107TH CONGRESS  
1ST SESSION

# S. 1328

Entitled the “Conservation and Reinvestment Act”.

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IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

Entitled the “Conservation and Reinvestment Act”.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Conservation and Rein-  
5 vestment Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this division is as follows:

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

Sec. 11. Signs.

#### TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

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

#### TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

- Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.  
 Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.  
 Sec. 203. Availability of amounts.  
 Sec. 204. Allocation of Fund.  
 Sec. 205. Use of Federal portion.  
 Sec. 206. Allocation of amounts available for State purposes.  
 Sec. 207. State planning.  
 Sec. 208. Assistance to States for other projects.  
 Sec. 209. Conversion of property to other use.  
 Sec. 210. Water rights.  
 Sec. 211. Requirements for acquisition of lands in Montana with Federal portion.

#### TITLE III—WILDLIFE CONSERVATION AND RESTORATION

- Sec. 301. Purpose.  
 Sec. 302. Technical correction.  
 Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.  
 Sec. 304. Apportionment to Indian tribes.  
 Sec. 305. Existing appropriations not affected.

#### TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

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

- Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.  
 Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.  
 Sec. 503. Funding for maritime heritage programs.

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

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

TITLE VII—ENDANGERED AND THREATENED SPECIES  
 RECOVERY

- Sec. 701. Purposes.  
 Sec. 702. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.  
 Sec. 703. Endangered and threatened species recovery assistance.  
 Sec. 704. Endangered and Threatened Species Recovery Agreements.  
 Sec. 705. Definitions.

TITLE VIII—FUNDING FOR PAYMENTS IN LIEU OF TAXES AND  
 REFUGE REVENUE SHARING

- Sec. 801. Purpose.  
 Sec. 802. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.

TITLE IX—PROTECTION OF SOCIAL SECURITY AND MEDICARE  
 BENEFITS

- Sec. 901. Protection of social security and medicare benefits.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “coastal population” means the  
 4 population of all political subdivisions, as determined  
 5 by the most recent official data of the Census Bu-  
 6 reau, contained in whole or in part within the des-  
 7 ignated coastal boundary of a State as defined in a  
 8 State’s coastal zone management program under the  
 9 Coastal Zone Management Act (16 U.S.C. 1451 et  
 10 seq.).

11 (2) The term “coastal political subdivision”  
 12 means a political subdivision of a coastal State all or  
 13 part of which political subdivision is within the

1 coastal zone (as defined in section 304 of the Coast-  
2 al Zone Management Act (16 U.S.C. 1453)).

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

6 (4) The term “coastline” has the same meaning  
7 that it has in the Submerged Lands Act (43 U.S.C.  
8 1301 et seq.).

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

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

15 (7) The term “Governor” means the highest  
16 elected official of a State or of any other political en-  
17 tity that is defined as, or treated as, a State under  
18 the Land and Water Conservation Fund Act of 1965  
19 (16 U.S.C. 460l–4 et seq.), the Pittman-Robertson  
20 Wildlife Restoration Act (16 U.S.C. 669 et seq.), the  
21 Urban Park and Recreation Recovery Act of 1978  
22 (16 U.S.C. 2501 et seq.), or the National Historic  
23 Preservation Act (16 U.S.C. 470h et seq.).

24 (8) The term “Indian tribe”—

1           (A) except as provided in subparagraph  
2           (B), means any federally recognized Indian  
3           tribe; and

4           (B) in the case of Alaska, means only a  
5           Native corporation, as that term is defined in  
6           section 3 of the Alaska Native Claims Settle-  
7           ment Act (43 U.S.C. 1602).

8           (9) The term “leased tract” means a tract,  
9           leased under section 6 or 8 of the Outer Continental  
10          Shelf Lands Act (43 U.S.C. 1335, 1337) for the  
11          purpose of drilling for, developing, and producing oil  
12          or natural gas resources, which is a unit consisting  
13          of either a block, a portion of a block, a combination  
14          of blocks or portions of blocks, or a combination of  
15          portions of blocks, as specified in the lease, and as  
16          depicted on an Outer Continental Shelf Official Pro-  
17          traction Diagram.

18          (10) The term “Outer Continental Shelf”  
19          means all submerged lands lying seaward and out-  
20          side of the area of “lands beneath navigable waters”  
21          as defined in section 2(a) of the Submerged Lands  
22          Act (43 U.S.C. 1301(a)), and of which the subsoil  
23          and seabed appertain to the United States and are  
24          subject to its jurisdiction and control.

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

10           (12) The term “producing State” means a  
11 State with a coastal seaward boundary within 200  
12 miles from the geographic center of a leased tract  
13 other than a leased tract or portion of a leased tract  
14 that is located in a geographic area subject to a leas-  
15 ing moratorium on January 1, 2001 (unless the  
16 lease was issued prior to the establishment of the  
17 moratorium and was in production on January 1,  
18 2001).

19           (13) The term “qualified Outer Continental  
20 Shelf revenues” means (except as otherwise provided  
21 in this paragraph) all moneys received by the United  
22 States from each leased tract or portion of a leased  
23 tract lying seaward of the zone defined and governed  
24 by section 8(g) of the Outer Continental Shelf Lands  
25 Act (43 U.S.C. 1337(g)), or lying within such zone

1 but to which section 8(g) does not apply, the geo-  
2 graphic center of which lies within a distance of 200  
3 miles from any part of the coastline of any coastal  
4 State, including bonus bids, rents, royalties (includ-  
5 ing payments for royalty taken in kind and sold),  
6 net profit share payments, and related late-payment  
7 interest from natural gas and oil leases issued pur-  
8 suant to the Outer Continental Shelf Lands Act.  
9 Such term does not include any revenues from a  
10 leased tract or portion of a leased tract that is lo-  
11 cated in a geographic area subject to a leasing mora-  
12 torium on January 1, 2001, unless the lease was  
13 issued prior to the establishment of the moratorium  
14 and was in production on January 1, 2001.

15 (14) The term “Secretary” means the Secretary  
16 of the Interior or the Secretary’s designee, except as  
17 otherwise specifically provided.

18 (15) The term “Fund” means the Conservation  
19 and Reinvestment Act Fund established under sec-  
20 tion 5.

21 **SEC. 4. ANNUAL REPORTS.**

22 (a) STATE REPORTS.—On June 15 of each year, each  
23 Governor receiving moneys from the Fund shall account  
24 for all moneys so received for the previous fiscal year in  
25 a written report to the Secretary of the Interior. The re-

1 port shall include, in accordance with regulations pre-  
2 scribed by the Secretary, a description of all projects and  
3 activities receiving funds under this Act. In order to avoid  
4 duplication, such report may incorporate by reference any  
5 other reports required to be submitted under other provi-  
6 sions of law to the Secretary by the Governor regarding  
7 any portion of such moneys.

8 (b) REPORT TO CONGRESS.—On January 1 of each  
9 year the Secretary of the Interior shall submit an annual  
10 report to the Congress documenting all moneys expended  
11 by the Secretary of the Interior from the Fund during the  
12 previous fiscal year and summarizing the contents of the  
13 Governors' reports submitted to the Secretaries under  
14 subsection (a).

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

16 (a) ESTABLISHMENT OF FUND.—There is estab-  
17 lished in the Treasury of the United States a fund which  
18 shall be known as the “Conservation and Reinvestment  
19 Act Fund”. In each fiscal year after the fiscal year 2001,  
20 the Secretary of the Treasury shall deposit into the Fund  
21 the following amounts:

22 (1) OCS REVENUES.—An amount in each such  
23 fiscal year from qualified Outer Continental Shelf  
24 revenues equal to the difference between  
25 \$3,125,000,000 and the amounts deposited in the



1 Fund under paragraphs (2) and (3), notwith-  
2 standing section 9 of the Outer Continental Shelf  
3 Lands Act (43 U.S.C. 1338).

4 (2) AMOUNTS NOT DISBURSED.—All allocated  
5 but undisbursed amounts returned to the Fund  
6 under section 101(a)(2).

7 (3) INTEREST.—All interest earned under sub-  
8 section (d).

9 (b) TRANSFER FOR EXPENDITURE.—In each fiscal  
10 year after the fiscal year 2002, the Secretary of the Treas-  
11 ury shall transfer amounts deposited into the Fund as fol-  
12 lows:

13 (1) \$1,000,000,000 to the Secretary of the In-  
14 terior for purposes of making payments to coastal  
15 States under title I of this Act.

16 (2) To the Land and Water Conservation Fund  
17 for expenditure as provided in section 3(a) of the  
18 Land and Water Conservation Fund Act of 1965  
19 (16 U.S.C. 460l–6(a)) such amounts as are nec-  
20 essary to make the income of the fund \$900,000,000  
21 in each such fiscal year.

22 (3) \$350,000,000 to the Federal aid to wildlife  
23 restoration fund established under section 3 of the  
24 Pittman-Robertson Wildlife Restoration Act (16  
25 U.S.C. 669b).

1           (4) \$125,000,000 to the Secretary of the Inte-  
2           rior to carry out the Urban Park and Recreation Re-  
3           covery Act of 1978 (16 U.S.C. 2501 et seq.).

4           (5) \$160,000,000 to the Secretary of the Inte-  
5           rior for historic preservation purposes, of which—

6                   (A) \$150,000,000 shall be used to carry  
7                   out the National Historic Preservation Act (16  
8                   U.S.C. 470 et seq.); and

9                   (B) \$10,000,000 shall be used to carry out  
10                  the National Maritime Heritage Act of 1994.

11          (6) \$200,000,000 to the Secretary of the Inte-  
12          rior and the Secretary of Agriculture to carry out  
13          title VI of this Act.

14          (7) \$50,000,000 to the Secretary of the Interior  
15          to develop and implement Endangered and Threat-  
16          ened Species Recovery Agreements under of title VII  
17          of this Act.

18          (8) \$350,000,000 to the Secretary of the Inte-  
19          rior to carry out title VIII of this Act.

20          (c) **SHORTFALL.**—If amounts referred to in para-  
21          graphs (1) through (3) of subsection (a) in any fiscal year  
22          after the fiscal year 2001 are less than \$3,125,000,000,  
23          the amounts transferred under paragraphs (1) through (8)  
24          of subsection (b) for that fiscal year shall each be reduced  
25          proportionately.

1           (d) INTEREST.—The Secretary of the Treasury shall  
2 invest moneys in the Fund (including interest), and in any  
3 fund or account to which moneys are transferred pursuant  
4 to subsection (b) of this section, in public debt securities  
5 with maturities suitable to the needs of the Fund, as de-  
6 termined by the Secretary of the Treasury, and bearing  
7 interest at rates determined by the Secretary of the Treas-  
8 ury, taking into consideration current market yields on  
9 outstanding marketable obligations of the United States  
10 of comparable maturity. Such invested moneys shall re-  
11 main invested until needed to meet requirements for dis-  
12 bursement for the programs financed under this Act.

13           (e) REFUNDS.—In those instances where through ju-  
14 dicial decision, administrative review, arbitration, or other  
15 means there are royalty refunds owed to entities gener-  
16 ating revenues under this title, refunds shall be paid by  
17 the Secretary of the Treasury from amounts available in  
18 the Fund to the extent that such refunds are attributable  
19 to qualified Outer Continental Shelf revenues deposited in  
20 the Fund under this Act.

21           (f) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL  
22 APPROPRIATIONS FOR NATIONAL PARK SERVICE.—  
23 Amounts made available by this Act are intended by the  
24 Congress to supplement, and not detract from, annual ap-  
25 propriations for the National Park Service.

1 **SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR**  
2 **ADMINISTRATION.**

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

10 **SEC. 7. RECORDKEEPING REQUIREMENTS.**

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

20 **SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUND-**  
21 **ING.**

22 (a) IN GENERAL.—It is the intent of the Congress  
23 in this Act that States not use this Act as an opportunity  
24 to reduce State or local resources for the programs funded  
25 by this Act. Except as provided in subsection (b), no State  
26 or local government shall receive any funds under this Act

1 during any fiscal year when its expenditures of non-Fed-  
2 eral funds for recurrent expenditures for programs for  
3 which funding is provided under this Act will be less than  
4 its expenditures were for such programs during the pre-  
5 ceding fiscal year. No State or local government shall re-  
6 ceive funding under this Act with respect to a program  
7 unless the Secretary is satisfied that such a grant will be  
8 so used to supplement and, to the extent practicable, in-  
9 crease the level of State, local, or other non-Federal funds  
10 available for such program.

11 (b) EXCEPTION.—The Secretary may provide fund-  
12 ing under this Act to a State or local government not  
13 meeting the requirements of subsection (a) if the Sec-  
14 retary determines that a reduction in expenditures—

15 (1) is attributable to a nonselective reduction in  
16 expenditures for the programs of all executive  
17 branch agencies of the State or local government; or

18 (2) is a result of reductions in State or local  
19 revenue as a result of a downturn in the economy.

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

1 to provide a portion of the funding for any program or  
2 project.

3 **SEC. 9. SUNSET.**

4 This Act, including the amendments made by this  
5 Act, shall have no force or effect after September 30,  
6 2015.

7 **SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.**

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

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

17 **SEC. 11. SIGNS.**

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

1 (b) STANDARDS.—The Secretary shall provide for the  
2 design of standardized signs for purposes of subsection  
3 (a), and shall prescribe standards and guidelines for such  
4 signs.

5 **TITLE I—IMPACT ASSISTANCE**  
6 **AND COASTAL CONSERVATION**

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

8 (a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

9 (1) GRANT PROGRAM.—Amounts transferred to  
10 the Secretary of the Interior from the Conservation  
11 and Reinvestment Act Fund under section 5(b)(1) of  
12 this Act for purposes of making payments to coastal  
13 States under this title in any fiscal year shall be al-  
14 located by the Secretary of the Interior among coast-  
15 al States as provided in this section in each such fis-  
16 cal year. In each such fiscal year, the Secretary of  
17 the Interior shall, without further appropriation, dis-  
18 burse such allocated funds to those coastal States  
19 for which the Secretary has approved a Coastal  
20 State Conservation and Impact Assistance Plan as  
21 required by this title. Payments for all projects shall  
22 be made by the Secretary to the Governor of the  
23 State or to the State official or agency designated by  
24 the Governor or by State law as having authority  
25 and responsibility to accept and to administer funds

1 paid hereunder. No payment shall be made to any  
2 State until the State has agreed to provide such re-  
3 ports to the Secretary, in such form and containing  
4 such information, as may be reasonably necessary to  
5 enable the Secretary to perform his duties under this  
6 title, and provide such fiscal control and fund ac-  
7 counting procedures as may be necessary to assure  
8 proper disbursement and accounting for Federal rev-  
9 enues paid to the State under this title.

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

22 (b) ALLOCATION AMONG COASTAL STATES.—

23 (1) ALLOCABLE SHARE FOR EACH STATE.—For  
24 each coastal State, the Secretary shall determine the  
25 State's allocable share of the total amount of the



1 revenues transferred from the Fund under section  
2 5(b)(1) for each fiscal year using the following  
3 weighted formula:

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

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

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

15 (2) OFFSHORE OUTER CONTINENTAL SHELF  
16 SHARE.—If any portion of a producing State lies  
17 within a distance of 200 miles from the geographic  
18 center of any leased tract with qualified Outer Con-  
19 tinental Shelf revenues, the Secretary of the Interior  
20 shall determine such State's allocable share under  
21 paragraph (1)(A) based on the formula set forth in  
22 this paragraph. Such State share shall be calculated  
23 as of the date of the enactment of this Act. Each  
24 such State's allocable share of the revenues dis-  
25 bursed under paragraph (1)(A) shall be based on

1 qualified Outer Continental Shelf revenues from  
2 each leased tract or portion of a leased tract the ge-  
3 ographic center of which is within a distance (to the  
4 nearest whole mile) of 200 miles from the coastline  
5 of the State and shall be inversely proportional to  
6 the distance between the nearest point on the coast-  
7 line of such State and the geographic center of each  
8 such leased tract or portion, as determined by the  
9 Secretary. In applying this paragraph a leased tract  
10 or portion of a leased tract shall be excluded if the  
11 tract or portion is located in a geographic area sub-  
12 ject to a leasing moratorium on January 1, 2001,  
13 unless the lease was issued prior to the establish-  
14 ment of the moratorium and was in production on  
15 January 1, 2001.

16 (3) MINIMUM STATE SHARE.—

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

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

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

18          The reduction shall be divided pro rata among  
19          such other coastal States.

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

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

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

19 **SEC. 102. COASTAL STATE CONSERVATION AND IMPACT AS-**  
20 **SISTANCE PLANS.**

21 (a) DEVELOPMENT AND SUBMISSION OF STATE  
22 PLANS.—Each coastal State seeking to receive grants  
23 under this title shall prepare, and submit to the Secretary,  
24 a Statewide Coastal State Conservation and Impact As-  
25 sistance Plan. In the case of a producing State, the Gov-

1 ernor shall incorporate the plans of the coastal political  
2 subdivisions into the Statewide plan for transmittal to the  
3 Secretary. The Governor shall solicit local input and shall  
4 provide for public participation in the development of the  
5 Statewide plan. The plan shall be submitted to the Sec-  
6 retary by April 1 of the calendar year after the calendar  
7 year in which this Act is enacted.

8 (b) APPROVAL OR DISAPPROVAL.—

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

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

21 (B) A program for the implementation of  
22 the plan which shall include (i) a description of  
23 how the plan will address environmental con-  
24 cerns, (ii) for producing States, a description of  
25 how funds will be used to address the impacts

1 of oil and gas production from the Outer Conti-  
2 nental Shelf, and (iii) a description of how the  
3 State will evaluate the effectiveness of the plan.

4 (C) Certification by the Governor that  
5 ample opportunity has been accorded for public  
6 participation in the development and revision of  
7 the plan.

8 (D) Measures for taking into account other  
9 relevant Federal resources and programs. The  
10 plan shall be correlated so far as practicable  
11 with other State, regional, and local plans.

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

20 (3) AMENDMENT OR REVISION.—Any amend-  
21 ment to or revision of the plan shall be prepared in  
22 accordance with the requirements of this subsection  
23 and shall be submitted to the Secretary for approval  
24 or disapproval. Any such amendment or revision  
25 shall take effect only for fiscal years after the fiscal

1 year in which the amendment or revision is approved  
2 by the Secretary.

3 (c) AUTHORIZED USES OF STATE GRANT FUND-  
4 ING.—The funds provided under this title to a coastal  
5 State and for coastal political subdivisions are authorized  
6 to be used in compliance with Federal and State law only  
7 for one or more of the following purposes:

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

17 (2) The conservation, restoration, enhancement,  
18 or creation of coastal habitats.

19 (3) Cooperative Federal or State enforcement of  
20 marine resources management statutes.

21 (4) Fishery observer coverage programs in  
22 State or Federal waters.

23 (5) Invasive, exotic, and nonindigenous species  
24 identification and control.

1           (6) Coordination and preparation of cooperative  
2 fishery conservation and management plans between  
3 States including the development and implementa-  
4 tion of population surveys, assessments and moni-  
5 toring plans, and the preparation and implementa-  
6 tion of State fishery management plans developed by  
7 interstate marine fishery commissions.

8           (7) Preparation and implementation of State  
9 fishery or marine mammal management plans that  
10 comply with bilateral or multilateral international  
11 fishery or marine mammal conservation and man-  
12 agement agreements or both.

13           (8) Coastal and ocean observations necessary to  
14 develop and implement real time tide and current  
15 measurement systems.

16           (9) Implementation of federally approved ma-  
17 rine, coastal, or comprehensive conservation and  
18 management plans.

19           (10) Mitigating marine and coastal impacts of  
20 Outer Continental Shelf activities including impacts  
21 on onshore infrastructure.

22           (11) Projects that promote research, education,  
23 training, and advisory services in fields related to  
24 ocean, coastal, and Great Lakes resources.



1 (d) COMPLIANCE WITH AUTHORIZED USES.—Based  
 2 on the annual reports submitted under section 4 of this  
 3 Act and on audits conducted by the Secretary under sec-  
 4 tion 7, the Secretary shall review the expenditures made  
 5 by each State and coastal political subdivision from funds  
 6 made available under this title. If the Secretary deter-  
 7 mines that any expenditure made by a State or coastal  
 8 political subdivision of a State from such funds is not con-  
 9 sistent with the authorized uses set forth in subsection (c),  
 10 the Secretary shall not make any further grants under this  
 11 title to that State until the funds used for such expendi-  
 12 ture have been repaid to the Conservation and Reinvest-  
 13 ment Act Fund.

14 **TITLE II—LAND AND WATER**  
 15 **CONSERVATION FUND REVI-**  
 16 **TALIZATION**

17 **SEC. 201. AMENDMENT OF LAND AND WATER CONSERVA-**  
 18 **TION FUND ACT OF 1965.**

19 Except as otherwise expressly provided, whenever in  
 20 this title an amendment or repeal is expressed in terms  
 21 of an amendment to, or repeal of, a section or other provi-  
 22 sion, the reference shall be considered to be made to a  
 23 section or other provision of the Land and Water Con-  
 24 servation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

1 **SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS**  
2 **TRANSFERRED FROM CONSERVATION AND**  
3 **REINVESTMENT ACT FUND.**

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

5 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
6 AND REINVESTMENT ACT FUND.—In addition to the sum  
7 of the revenues and collections estimated by the Secretary  
8 of the Interior to be covered into the fund pursuant to  
9 subsections (a) and (b) of this section, there shall be cov-  
10 ered into the fund all amounts transferred to the fund  
11 under section 5(b)(2) of the Conservation and Reinvest-  
12 ment Act.”.

13 **SEC. 203. AVAILABILITY OF AMOUNTS.**

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

16 “APPROPRIATIONS

17 “SEC. 3. (a) IN GENERAL.—There are authorized to  
18 be appropriated to the Secretary from the fund to carry  
19 out this Act not more than \$900,000,000 in any fiscal  
20 year after the fiscal year 2002. Amounts transferred to  
21 the fund from the Conservation and Reinvestment Act  
22 Fund and amounts covered into the fund under sub-  
23 sections (a) and (b) of section 2 shall be available to the  
24 Secretary in fiscal years after the fiscal year 2002 without  
25 further appropriation to carry out this Act.

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

6 **SEC. 204. ALLOCATION OF FUND.**

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

9                               “ALLOCATION OF FUNDS

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

12               “(1) 50 percent shall be available for Federal  
13 purposes (in this Act referred to as the ‘Federal por-  
14 tion’); and

15               “(2) 50 percent shall be available for grants to  
16 States.”.

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

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

20       “(d) USE OF FEDERAL PORTION.—

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

1 appropriations for the Department of the Interior or  
2 the Department of Agriculture, respectively.

3 “(2) WILLING SELLER REQUIREMENT.—The  
4 Federal portion may not be used to acquire any  
5 property unless—

6 “(A) the owner of the property concurs in  
7 the acquisition; or

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

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

11 “(1) RESTRICTION ON USE.—The Federal por-  
12 tion for a fiscal year may not be obligated or ex-  
13 pended to acquire any interest in lands or water un-  
14 less the lands or water were included in a list of ac-  
15 quisitions that is approved by the Congress.

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

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

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

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

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

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

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

21           “(C) The Secretary of the Interior and the Sec-  
22 retary of Agriculture shall each—

23           “(i) transmit, with the list transmitted  
24 under subparagraph (A), a separate list of  
25 those lands under the administrative jurisdic-

1           tion of the Secretary that have been identified  
2           in applicable land management plans as surplus  
3           and eligible for disposal as provided for by law;  
4           and

5           “(ii) update each list to be transmitted  
6           under clause (i) as land management plans are  
7           amended or revised.

8           “(3) INFORMATION REGARDING PROPOSED AC-  
9           QUISITIONS.—Each list under paragraph (2)(A)  
10          shall include, for each proposed acquisition included  
11          in the list—

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

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

16          “(f) NOTIFICATION TO AFFECTED AREAS RE-  
17          QUIRED.—The Federal portion for a fiscal year may not  
18          be used to acquire any interest in land unless the Sec-  
19          retary administering the acquisition, by not later than 30  
20          days after the date the Secretaries submit the list under  
21          subsection (e)(2)(A) for the fiscal year, provides notice of  
22          the proposed acquisition—

23           “(1) in writing to each Member of and each  
24          Delegate and Resident Commissioner to the Con-

1 gress elected to represent any area in which is  
2 located—

3 “(A) the land; or

4 “(B) any part of any federally designated  
5 unit that includes the land;

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

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

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

15 “(g) COMPLIANCE WITH REQUIREMENTS UNDER  
16 FEDERAL LAWS.—

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

20 “(A) All actions required under Federal  
21 law with respect to the acquisition have been  
22 complied with.

23 “(B) A copy of each final environmental  
24 impact statement or environmental assessment  
25 required by law, and a summary of all public

1           comments regarding the acquisition that have  
2           been received by the agency making the acquisi-  
3           tion, are submitted to the Committee on Re-  
4           sources of the House of Representatives, the  
5           Committee on Energy and Natural Resources of  
6           the Senate, and the Committees on Appropria-  
7           tions of the House of Representatives and of  
8           the Senate.

9           “(C) A notice of the availability of such  
10          statement or assessment and of such summary  
11          is provided to—

12                 “(i) each Member of and each Dele-  
13                 gate and Resident Commissioner to the  
14                 Congress elected to represent the area in  
15                 which the land is located;

16                 “(ii) the Governor of the State in  
17                 which the land is located; and

18                 “(iii) each State political subdivision  
19                 having jurisdiction over the land.

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



1 **SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR**  
2 **STATE PURPOSES.**

3 (a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l–  
4 8(b)) is amended to read as follows:

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

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

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

14 “(B) 70 percent shall be apportioned so that  
15 the ratio that the amount apportioned to each State  
16 under this subparagraph bears to the total amount  
17 apportioned under this subparagraph for the fiscal  
18 year is equal to the ratio that the population of the  
19 State bears to the total population of all States.

20 No amount may be apportioned under this paragraph to  
21 any State (herein referred to as an ‘unfunded State’) that  
22 has not established a dedicated State land acquisition fund  
23 that is funded through the State’s budget process. The  
24 amount that would have been apportioned to any such un-  
25 funded State under this paragraph shall be reapportioned

1 to other States in accordance with subparagraphs (A) and  
2 (B).

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

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

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

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

21 “(ii) Puerto Rico, the Virgin Islands, Guam,  
22 and American Samoa—

23 “(I) shall be treated collectively as one  
24 State; and

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

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

7                   (b) TRIBES AND ALASKA NATIVE CORPORATIONS.—  
8 Section 6(b)(5) (16 U.S.C. 460l–8(b)(5)) is further  
9 amended by adding at the end the following new subpara-  
10 graph:

11                   “(C) For the purposes of paragraph (1), all federally  
12 recognized Indian tribes, or in the case of Alaska, Native  
13 Corporations (as defined in section 3 of the Alaska Native  
14 Claims Settlement Act (43 U.S.C. 1602)), shall be eligible  
15 to receive shares of the apportionment under paragraph  
16 (1) in accordance with a competitive grant program estab-  
17 lished by the Secretary by rule. The total apportionment  
18 available to such tribes, or in the case of Alaska, Native  
19 Corporations shall be equivalent to the amount available  
20 to a single State. No single tribe, nor in the case of Alas-  
21 ka, Native Corporation shall receive a grant that con-  
22 stitutes more than 10 percent of the total amount made  
23 available to all tribes and Alaska Native Corporations pur-  
24 suant to the apportionment under paragraph (1). Funds  
25 received by a tribe, or in the case of Alaska, Native Cor-

1 poration under this subparagraph may be expended only  
2 for the purposes specified in clauses (1) and (3) of sub-  
3 section (a).”.

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

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

13 (d) STATE PROJECTS OF REGIONAL OR NATIONAL  
14 SIGNIFICANCE.—Section 6(b) (16 U.S.C. 4601–8(b)) is  
15 amended by adding the following at the end:

16 “(7)(A) Any amounts available in addition to those  
17 amounts made available under section 5 of the Conserva-  
18 tion and Reinvestment Act in a fiscal year shall be avail-  
19 able without further appropriation to the Secretary of the  
20 Interior to be distributed among the several States under  
21 a competitive grant program for State projects as author-  
22 ized under section 6(e)(1) of national or regional signifi-  
23 cance involving one or more States.

24 “(B) The Secretary shall award grants only to  
25 projects that would conserve open space and either con-

1 serve wildlife habitat, protect water quality, or otherwise  
2 enhance the environment, or that would protect areas that  
3 have historic or cultural value. The Secretary shall give  
4 preference to projects that would be most likely to have  
5 the greatest benefit to the environment regionally or na-  
6 tionally and would maintain or enhance recreational op-  
7 portunities.”.

8 **SEC. 207. STATE PLANNING.**

9 (a) STATE ACTION AGENDA REQUIRED.—

10 (1) IN GENERAL.—Section 6(d) (16 U.S.C.  
11 460l–8(d)) is amended to read as follows:

12 “(d) STATE ACTION AGENDA REQUIRED.—(1) Each  
13 State may define its own priorities and criteria for selec-  
14 tion of outdoor conservation and recreation acquisition  
15 and development projects eligible for grants under this  
16 Act, so long as the priorities and criteria defined by the  
17 State are consistent with the purposes of this Act, the  
18 State provides for public involvement in this process, and  
19 the State publishes an accurate and current State Action  
20 Agenda for Community Conservation and Recreation (in  
21 this Act referred to as the ‘State Action Agenda’) indi-  
22 cating the needs it has identified and the priorities and  
23 criteria it has established. In order to assess its needs and  
24 establish its overall priorities, each State, in partnership  
25 with its local governments and Federal agencies, and in

1 consultation with its citizens, shall develop, within 5 years  
2 after the enactment of the Conservation and Reinvestment  
3 Act, a State Action Agenda that meets the following re-  
4 quirements:

5           “(A) The agenda must be strategic, originating  
6           in broad-based and long-term needs, but focused on  
7           actions that can be funded over the next 5 years.

8           “(B) The agenda must be updated at least once  
9           every 5 years and certified by the Governor that the  
10          State Action Agenda conclusions and proposed ac-  
11          tions have been considered in an active public in-  
12          volvement process.

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

1 dancy of local efforts by allowing, wherever possible, use  
 2 of the findings, priorities, and implementation schedules  
 3 of recovery action programs to meet such requirements.”.

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

13 (b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l-  
 14 8(e)) is amended as follows:

15 (1) In the matter preceding paragraph (1) by  
 16 striking “State comprehensive plan” and inserting  
 17 “State Action Agenda”.

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

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

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

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

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

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

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

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

10           (2) by striking the second sentence and insert-  
11           ing the following:

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



1 wetlands provisions of the action agenda and proposed to  
 2 be acquired as suitable replacement property within that  
 3 same State that is otherwise acceptable to the Secretary  
 4 shall be considered to be of reasonably equivalent useful-  
 5 ness with the property proposed for conversion.”.

6 **SEC. 210. WATER RIGHTS.**

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

8 “WATER RIGHTS

9 “SEC. 14. Nothing in this title—

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

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

17 “(3) preempts or modifies any Federal or State  
 18 law, or interstate compact, dealing with water qual-  
 19 ity or disposal; or

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

23 **SEC. 211. REQUIREMENTS FOR ACQUISITION OF LANDS IN**  
 24 **MONTANA WITH FEDERAL PORTION.**

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

1       “(h) REQUIREMENTS FOR ACQUISITION OF LANDS IN  
2 MONTANA.—The Secretary of the Interior and the Sec-  
3 retary of Agriculture shall jointly develop and issue a plan  
4 for acquisition and disposal of lands in the State of Mon-  
5 tana that will result in consolidation of forest reserves cre-  
6 ated from the public domain and private inholdings within  
7 those reserves. The plan shall be designed to ensure that—

8               “(1) acquisitions of lands with the Federal por-  
9 tion consolidate Federal ownership of lands in Mon-  
10 tana under the administrative jurisdiction of the De-  
11 partment of the Interior and the Forest Service; and

12               “(2) any increase in the total acreage of lands  
13 in Montana under those administrative jurisdictions  
14 that results from acquisitions of lands with the Fed-  
15 eral portion is de minimis.”.

## 16 **TITLE III—WILDLIFE CONSERVA-** 17 **TION AND RESTORATION**

### 18 **SEC. 301. PURPOSE.**

19       The purpose of this title is to ensure adequate fund-  
20 ing of the Wildlife Conservation and Restoration Planning  
21 program established under the amendments to the Pitt-  
22 man-Robertson Wildlife Restoration Act (16 U.S.C. 669  
23 et seq.) enacted by H.R. 5548 as introduced in the 106th  
24 Congress and enacted, by reference, by Public Law 106–  
25 553.

1 **SEC. 302. TECHNICAL CORRECTION.**

2 (a) CORRECTION OF SUBSECTION DESIGNATION.—

3 Section 4 of the Pittman-Robertson Wildlife Restoration  
 4 Act (16 U.S.C. 669e) is amended by redesignating the  
 5 first subsection (c) (relating to revenues from pistols, re-  
 6 volvers, bows, and arrows) as subsection (e) and moving  
 7 such subsection so as to appear after subsection (d) of  
 8 that section.

9 (b) CONFORMING AMENDMENTS.—Such Act is fur-  
 10 ther amended—

11 (1) in section 4(b) (16 U.S.C. 669e(b)) by  
 12 striking “subsection (c)” and inserting “subsection  
 13 (e)”;

14 (2) in section 8(b) (16 U.S.C. 669g(b)) by  
 15 striking “section 4(c)” and inserting “section 4(e);  
 16 and

17 (3) in section 10 (16 U.S.C. 669h–1) by strik-  
 18 ing “section 4(c)” each place it appears and insert-  
 19 ing “section 4(e)”.

20 **SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
 21 **CONSERVATION AND REINVESTMENT ACT**  
 22 **FUND.**

23 Section 3(a)(2) of the Pittman-Robertson Wildlife  
 24 Restoration Act (16 U.S.C. 669b(a)(2)) is amended to  
 25 read as follows:

1           “(2) There is established in the Federal aid to wildlife  
2 restoration fund a subaccount to be known as the ‘wildlife  
3 conservation and restoration account’. Amounts trans-  
4 ferred to the fund for a fiscal year under section 5(b)(3)  
5 of the Conservation and Reinvestment Act shall be depos-  
6 ited in the subaccount and shall be available without fur-  
7 ther appropriation, in each fiscal year, for apportionment  
8 in accordance with this Act to carry out State wildlife con-  
9 servation and restoration programs.”.

10 **SEC. 304. APPORTIONMENT TO INDIAN TRIBES.**

11           (a) IN GENERAL.—Section 4(c)(1) of the Pittman-  
12 Robertson Wildlife Restoration Act (16 U.S.C. 669c(e)(1))  
13 is amended—

14           (1) in the matter preceding subparagraph (A)  
15 by striking “from” and inserting “from amounts  
16 available each fiscal year from”; and

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

18           “(C) To Indian tribes, a sum equal to not more  
19 than  $2\frac{1}{4}$  percent thereof, of which—

20           “(i)  $\frac{1}{3}$  shall be allocated based on the  
21 ratio to which the trust land area of each In-  
22 dian tribe bears to the total trust land area of  
23 all Indian tribes; and

24           “(ii)  $\frac{2}{3}$  shall be allocated based on the  
25 ratio to which the population of each Indian

1           tribe bears to the total population of all Indian  
2           tribes;  
3           except that no Indian tribe shall receive more than  
4           5 percent of the total amount made available in a  
5           fiscal year to Indian tribes under this subsection.”.

6           (b) TREATMENT OF APPORTIONMENTS TO INDIAN  
7 TRIBES.—Section 4 of such Act (16 U.S.C. 669c) is  
8 amended by adding at the end the following:

9           “(e) TREATMENT OF APPORTIONMENTS TO INDIAN  
10 TRIBES.—For purposes of the treatment under this Act  
11 of amounts apportioned to Indian tribes under subsection  
12 (c)(1)(C), the term ‘State’ includes an Indian tribe.”.

13           (c) INDIAN TRIBE DEFINED.—Section 2 of such Act  
14 (16 U.S.C. 669a) is amended—

15           (1) by redesignating paragraphs (2) through  
16           (8) in order as paragraphs (3) through (9); and

17           (2) by inserting after paragraph (1) the fol-  
18           lowing:

19           “(2) The term ‘Indian tribe’—

20           “(A) except as provided in subparagraph  
21           (B), means any federally recognized Indian  
22           tribe; and

23           “(B) in the case of Alaska, means only a  
24           Native corporation, as that term is defined in

1 section 3 of the Alaska Native Claims Settle-  
 2 ment Act (43 U.S.C. 1602);”.

3 (d) CONFORMING AMENDMENTS.—Such Act is  
 4 amended—

5 (1) in section 3(c)(2) (16 U.S.C. 669b(c)(2)) by  
 6 striking “or an Indian tribe”; and

7 (2) in section 4(d)(5) (16 U.S.C. 669c(d)(5))—

8 (A) by striking “and the Commonwealth”  
 9 and inserting “the Commonwealth”; and

10 (B) by inserting before the period the fol-  
 11 lowing: “, and, except for purposes of sub-  
 12 section (c)(2), each Indian tribe”.

13 **SEC. 305. EXISTING APPROPRIATIONS NOT AFFECTED.**

14 Nothing in this title shall apply to or otherwise affect  
 15 the availability or use of amounts appropriated before the  
 16 date of the enactment of this Act. Such amounts may be  
 17 expended as if this Act and the amendments made by this  
 18 Act were not enacted.

19 **TITLE IV—URBAN PARK AND**  
 20 **RECREATION RECOVERY**  
 21 **PROGRAM AMENDMENTS**

22 **SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION**  
 23 **RECOVERY ACT OF 1978.**

24 Except as otherwise expressly provided, whenever in  
 25 this title an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-  
2 sion, the reference shall be considered to be made to a  
3 section or other provision of the Urban Park and Recre-  
4 ation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

5 **SEC. 402. PURPOSE.**

6 The purpose of this title is to provide a dedicated  
7 source of funding to assist local governments in improving  
8 their park and recreation systems.

9 **SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
10 **CONSERVATION AND REINVESTMENT ACT**  
11 **FUND.**

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

14 “TREATMENT OF AMOUNTS TRANSFERRED FROM  
15 CONSERVATION AND REINVESTMENT ACT FUND

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

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

1           “(1) not more than 3 percent may be used for  
2 grants for the development of local park and recre-  
3 ation recovery action programs pursuant to sections  
4 1007(a) and 1007(c);

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

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

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

14 **SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FA-**  
15 **CILITIES.**

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

21 **SEC. 405. DEFINITIONS.**

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

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



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

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

4           “(1) ‘development grants’—

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

12                   “(2) does not include routine maintenance,  
13 and upkeep activities; and

14                   “(m) ‘Secretary’ means the Secretary of the In-  
15 terior.”.

16 **SEC. 406. ELIGIBILITY.**

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

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

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

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

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

11 **SEC. 407. GRANTS.**

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

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

15                (2) by striking so much as precedes subsection  
16                (a)(4) (as so redesignated) and inserting the fol-  
17                lowing:

18   “GRANTS

19                “SEC. 1006. (a)(1) The Secretary may provide 70  
20                percent matching grants for rehabilitation, development,  
21                acquisition, and innovation purposes to any eligible gen-  
22                eral purpose local government upon approval by the Sec-  
23                retary of an application submitted by the chief executive  
24                of such government.

25                “(2) At the discretion of such an applicant, a grant  
26                under this section may be transferred in whole or part to

1 independent special purpose local governments, private  
2 nonprofit agencies, or county or regional park authorities,  
3 if—

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

6           “(B) the applicant provides assurance to the  
7 Secretary that the applicant will maintain public  
8 recreation opportunities at assisted areas and facili-  
9 ties in accordance with section 1010.

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

15 **SEC. 408. RECOVERY ACTION PROGRAMS.**

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

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

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

22 **SEC. 409. STATE ACTION INCENTIVES.**

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

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

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

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

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

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

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

1           “CONVERSION OF RECREATION PROPERTY

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

6           “(2) Paragraph (1) shall apply to—

7                 “(A) property developed with amounts provided  
8 under this title; and

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

11          “(b)(1) The Secretary shall approve such conversion  
12 only if the grantee demonstrates no prudent or feasible  
13 alternative exists.

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

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

22                 “(1) of at least equal fair market value, and  
23 reasonably equivalent usefulness and location; and

24                 “(2) in accord with the current recreation re-  
25 covery action program of the grantee.”.

1 **SEC. 411. REPEAL.**

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

3 **TITLE V—HISTORIC**  
4 **PRESERVATION FUND**

5 **SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
6 **CONSERVATION AND REINVESTMENT ACT**  
7 **FUND.**

8 Section 108 of the National Historic Preservation Act  
9 (16 U.S.C. 470h) is amended—

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

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

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

15 “(b) Amounts transferred to the Secretary under sec-  
16 tion 5(b)(5) of the Conservation and Reinvestment Act in  
17 a fiscal year shall be deposited into the Fund and shall  
18 be available without further appropriation only to provide  
19 grants and other financial and technical assistance under  
20 this Act to States, Indian tribes, local governments, and  
21 other non-Federal governmental entities.

22 “(c) At least one-half of the funds obligated or ex-  
23 pended each fiscal year under this Act shall be used in  
24 accordance with this Act for preservation projects on his-  
25 toric properties. In making such funds available, the Sec-

1 retary shall give priority to the preservation of endangered  
2 historic properties.”.

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

6 Title I of the National Historic Preservation Act (16  
7 U.S.C. 470a et seq.) is amended by adding at the end the  
8 following:

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

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

18 **SEC. 503. FUNDING FOR MARITIME HERITAGE PROGRAMS.**

19 Section 6 of the National Maritime Heritage Act of  
20 1994 (16 U.S.C. 5405) is amended—

21 (1) by redesignating subsection (d) as sub-  
22 section (e), and by inserting after subsection (e) the  
23 following:

24 “(d) AVAILABILITY OF FUNDS FROM CONSERVATION  
25 AND REINVESTMENT ACT FUND.—Amounts transferred

1 to the Secretary under section 5(b)(8) of the Conservation  
 2 and Reinvestment Act shall be available until expended  
 3 and without further appropriation to carry out the Pro-  
 4 gram as provided in subsection (b).”; and

5 (2) in subsection (b), by striking “subsection  
 6 (a)(1)(C)” each place it appears and inserting “this  
 7 section”.

## 8 **TITLE VI—FEDERAL AND INDIAN** 9 **LANDS RESTORATION**

### 10 **SEC. 601. PURPOSE.**

11 The purpose of this title is to provide a dedicated  
 12 source of funding for a coordinated program on Federal  
 13 and Indian lands to restore degraded lands, protect re-  
 14 sources that are threatened with degradation, and protect  
 15 public health and safety.

### 16 **SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM** 17 **CONSERVATION AND REINVESTMENT ACT** 18 **FUND; ALLOCATION.**

19 (a) **IN GENERAL.**—Amounts transferred to the Sec-  
 20 retary of the Interior and the Secretary of Agriculture  
 21 under section 5(b)(6) of this Act in a fiscal year shall be  
 22 available without further appropriation to carry out this  
 23 title.

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



1           (1) DEPARTMENT OF THE INTERIOR.—Sixty  
2 percent shall be allocated and available to the Sec-  
3 retary of the Interior to carry out the purpose of  
4 this title on lands within the National Park System,  
5 lands within the National Wildlife Refuge System,  
6 and public lands administered by the Bureau of  
7 Land Management.

8           (2) DEPARTMENT OF AGRICULTURE.—Thirty  
9 percent shall be allocated and available to the Sec-  
10 retary of Agriculture to carry out the purpose of this  
11 title on lands within the National Forest System.

12           (3) INDIAN TRIBES.—Ten percent shall be allo-  
13 cated and available to the Secretary of the Interior  
14 for competitive grants to qualified Indian tribes  
15 under section 603(b).

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

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

22           (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

23           (1) GRANT AUTHORITY.—The Secretary of the  
24 Interior shall administer a competitive grant pro-  
25 gram for Indian tribes, giving priority to projects

1 based upon the protection of significant resources,  
2 the severity of damages or threats to resources, and  
3 the protection of public health or safety.

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

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

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

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

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

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

5 **SEC. 604. INDIAN TRIBE DEFINED.**

6 In this title, the term “Indian tribe”—

7           (1) except as provided in paragraph (2), means  
8 any federally recognized Indian tribe; and

9           (2) in the case of Alaska, means only a Native  
10 corporation, as that term is defined in section 3 of  
11 the Alaska Native Claims Settlement Act (43 U.S.C.  
12 1602).

13 **TITLE VII—ENDANGERED AND**  
14 **THREATENED SPECIES RE-**  
15 **COVERY**

16 **SEC. 701. PURPOSES.**

17 The purposes of this title are the following:

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

24           (2) To promote greater involvement by non-  
25 Federal entities in the recovery of the Nation’s en-

1       dangered species and threatened species and the  
2       habitat upon which they depend.

3 **SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
4                   **CONSERVATION AND REINVESTMENT ACT**  
5                   **FUND.**

6       Amounts transferred to the Secretary of the Interior  
7       under section 5(b)(7) of this Act in a fiscal year shall be  
8       available to the Secretary of the Interior without further  
9       appropriation to carry out this title.

10 **SEC. 703. ENDANGERED AND THREATENED SPECIES RE-**  
11                   **COVERY ASSISTANCE.**

12       (a) **FINANCIAL ASSISTANCE.**—The Secretary may  
13       use amounts made available under section 702 to provide  
14       financial assistance to any person for development and im-  
15       plementation of Endangered and Threatened Species Re-  
16       covery Agreements entered into by the Secretary under  
17       section 704.

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

22               (1) implement actions identified under recovery  
23       plans approved by the Secretary under section 4(f)  
24       of the Endangered Species Act of 1973 (16 U.S.C.  
25       1533(f));

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

4           (3) to the extent practicable, require use of the  
5           assistance on land owned by a small landowner.

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

14          (d) PAYMENTS UNDER OTHER PROGRAMS.—

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

1 lished under section 387 of the Federal Agriculture  
2 Improvement and Reform Act of 1996 (16 U.S.C.  
3 3836a).

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

13 **SEC. 704. ENDANGERED AND THREATENED SPECIES RE-**  
14 **COVERY AGREEMENTS.**

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

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

20 (1) require the person—

21 (A) to carry out on real property owned or  
22 leased by the person activities not otherwise re-  
23 quired by law that contribute to the recovery of  
24 an endangered or threatened species;

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

6           (C) to do any combination of subpara-  
7           graphs (A) and (B);

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

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

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

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

18          (6) require the person to notify the Secretary  
19          if—

20                 (A) any right or obligation of the person  
21                 under the agreement is assigned to any other  
22                 person; or

23                 (B) any term of the agreement is breached  
24                 by the person or any other person to whom is

1 assigned a right or obligation of the person  
2 under the agreement;

3 (7) specify the date on which the agreement  
4 takes effect and the period of time during which the  
5 agreement shall remain in effect;

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

10 (9) allocate financial assistance provided under  
11 this subtitle for implementation of the agreement, on  
12 an annual or other basis during the period the  
13 agreement is in effect based on the schedule for im-  
14 plementation required under paragraph (4).

15 (c) REVIEW AND APPROVAL OF PROPOSED AGREE-  
16 MENTS.—Upon submission by any person of a proposed  
17 species recovery agreement under this section, the  
18 Secretary—

19 (1) shall review the proposed agreement and de-  
20 termine whether it complies with the requirements of  
21 this section and will contribute to the recovery of en-  
22 dangered or threatened species that are the subject  
23 of the proposed agreement;



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

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

8           (d) MONITORING IMPLEMENTATION OF AGREE-  
9           MENTS.—The Secretary shall—

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

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

18 **SEC. 705. DEFINITIONS.**

19           In this title:

20           (1) ENDANGERED OR THREATENED SPECIES.—  
21           The term “endangered or threatened species” means  
22           any species that is listed as an endangered species  
23           or threatened species under section 4 of the Endan-  
24           gered Species Act of 1973 (16 U.S.C. 1533).

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

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

8           (4) SPECIES RECOVERY AGREEMENT.—The  
9           term “species recovery agreement” means an En-  
10          dangered and Threatened Species Recovery Agree-  
11          ment entered into by the Secretary under section  
12          704.

13 **TITLE VIII—FUNDING FOR PAY-**  
14 **MENTS IN LIEU OF TAXES**  
15 **AND REFUGE REVENUE SHAR-**  
16 **ING**

17 **SEC. 801. PURPOSE.**

18          The purpose of this title is to ensure adequate fund-  
19          ing for—

20               (1) payments for entitlement land under chap-  
21               ter 69 of title 31, United States Code (relating to  
22               payments in lieu of taxes); and

23               (2) payments under section 401 of the Act of  
24               June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (re-  
25               lating to refuge revenue sharing).

1 **SEC. 802. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
2 **CONSERVATION AND REINVESTMENT ACT**  
3 **FUND.**

4 (a) **IN GENERAL.**—Amounts transferred to the Sec-  
5 retary of the Interior under section 5(b)(8) of the Con-  
6 servation and Reinvestment Act in a fiscal year shall be  
7 available to the Secretary without further appropriation  
8 for payments in accordance with this section.

9 (b) **ALLOCATION.**—Of the amounts referred to in  
10 subsection (a)—

11 (1) \$320,000,000 shall be used each fiscal year  
12 only for payments under chapter 69 of title 31,  
13 United States Code (relating to payments in lieu of  
14 taxes); and

15 (2) \$30,000,000 shall be used each fiscal year  
16 only for payments under section 401 of the Act of  
17 June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (re-  
18 lating to refuge revenue sharing).

19 (c) **SHORTFALL.**—If amounts transferred under  
20 paragraphs (1) through (8) of section 5(b) for a fiscal year  
21 have been reduced under section 5(c), the amounts set  
22 forth in subsection (b) of this section shall each be reduced  
23 proportionately.

1 **TITLE IX—PROTECTION OF SO-**  
2 **CIAL SECURITY AND MEDI-**  
3 **CARE BENEFITS**

4 **SEC. 901. PROTECTION OF SOCIAL SECURITY AND MEDI-**  
5 **CARE BENEFITS.**

6 No funds shall be transferred under this Act if such  
7 expenditure diminishes benefit obligations of the Federal  
8 Old-Age and Survivors Insurance Trust Fund, the Federal  
9 Disability Insurance Trust Fund, the Federal Hospital In-  
10 surance Trust Fund, or the Federal Supplementary Med-  
11 ical Insurance Trust Fund.

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