

107TH CONGRESS  
1ST SESSION

# S. 990

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 6, 2001

Mr. SMITH of New Hampshire introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “American Wildlife Enhancement Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND  
RESTORATION PROGRAMS IMPROVEMENT

Sec. 101. Short title.  
 Sec. 102. Definitions.  
 Sec. 103. Wildlife Conservation and Restoration Account.  
 Sec. 104. Apportionment of amounts in the Account.  
 Sec. 105. Wildlife conservation and restoration programs.  
 Sec. 106. Nonapplicability of Federal Advisory Committee Act.  
 Sec. 107. Technical amendments.  
 Sec. 108. Effective date.

## TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 201. Purpose.  
 Sec. 202. Endangered and threatened species recovery assistance.

## TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

Sec. 301. Non-Federal land conservation grant program.

# 1 **TITLE I—PITTMAN-ROBERTSON** 2 **WILDLIFE CONSERVATION** 3 **AND RESTORATION PRO-** 4 **GRAMS IMPROVEMENT**

## 5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Pittman-Robertson  
 7 Wildlife Conservation and Restoration Programs Improve-  
 8 ment Act”.

## 9 **SEC. 102. DEFINITIONS.**

10 (a) IN GENERAL.—Section 2 of the Pittman-Robert-  
 11 son Wildlife Restoration Act (16 U.S.C. 669a) is amended  
 12 to read as follows:

## 13 **“SEC. 2. DEFINITIONS.**

14 “In this Act:

15 “(1) ACCOUNT.—The term ‘Account’ means the  
 16 Wildlife Conservation and Restoration Account es-  
 17 tablished by section 3(a)(2).

1 “(2) CONSERVATION.—

2 “(A) IN GENERAL.—The term ‘conserva-  
3 tion’ means the use of a method or procedure  
4 necessary or desirable to sustain healthy popu-  
5 lations of wildlife.

6 “(B) INCLUSIONS.—The term ‘conserva-  
7 tion’ includes any activity associated with sci-  
8 entific resources management, such as—

9 “(i) research;

10 “(ii) census;

11 “(iii) monitoring of populations;

12 “(iv) acquisition, improvement, and  
13 management of habitat;

14 “(v) live trapping and transplantation;

15 “(vi) wildlife damage management;

16 “(vii) periodic or total protection of a  
17 species or population; and

18 “(viii) the taking of individuals within  
19 a wildlife stock or population if permitted  
20 by applicable Federal law, State law, or  
21 law of the District of Columbia or a terri-  
22 tory.

23 “(3) FUND.—The term ‘fund’ means the Fed-  
24 eral aid to wildlife restoration fund established by  
25 section 3(a)(1).

1           “(4) SECRETARY.—The term ‘Secretary’ means  
2           the Secretary of the Interior.

3           “(5) STATE FISH AND GAME DEPARTMENT.—  
4           The term ‘State fish and game department’ means  
5           any department or division of a department of an-  
6           other name, or commission, or 1 or more officials,  
7           of a State, the District of Columbia, or a territory  
8           empowered under the laws of the State, the District  
9           of Columbia, or the territory, respectively, to exer-  
10          cise the functions ordinarily exercised by a State fish  
11          and game department or a State fish and wildlife  
12          department.

13          “(6) TERRITORY.—The term ‘territory’ means  
14          Puerto Rico, Guam, American Samoa, the Common-  
15          wealth of the Northern Mariana Islands, and the  
16          Virgin Islands.

17          “(7) WILDLIFE.—

18                 “(A) IN GENERAL.—Except as provided in  
19                 subparagraph (B), the term ‘wildlife’ means—

20                         “(i) any species of wild, free-ranging  
21                         fauna (excluding fish); and

22                         “(ii) any species of fauna (excluding  
23                         fish) in a captive breeding program the ob-  
24                         ject of which is to reintroduce individuals

1 of a depleted indigenous species into the  
 2 previously occupied range of the species.

3 “(B) WILDLIFE CONSERVATION AND RES-  
 4 TORATION PROGRAM.—For the purposes of each  
 5 wildlife conservation and restoration program,  
 6 the term ‘wildlife’ includes fish.

7 “(8) WILDLIFE-ASSOCIATED RECREATION  
 8 PROJECT.—The term ‘wildlife-associated recreation  
 9 project’ means—

10 “(A) a project intended to meet the de-  
 11 mand for an outdoor activity associated with  
 12 wildlife, such as hunting, fishing, and wildlife  
 13 observation and photography;

14 “(B) a project such as construction or res-  
 15 toration of a wildlife viewing area, observation  
 16 tower, blind, platform, land or water trail,  
 17 water access route, area for field trialing, or  
 18 trail head; and

19 “(C) a project to provide access for a  
 20 project described in subparagraph (A) or (B).

21 “(9) WILDLIFE CONSERVATION AND RESTORA-  
 22 TION PROGRAM.—The term ‘wildlife conservation  
 23 and restoration program’ means a program devel-  
 24 oped by a State fish and game department and ap-  
 25 proved by the Secretary under section 12.

1           “(10) WILDLIFE CONSERVATION EDUCATION  
2 PROJECT.—The term ‘wildlife conservation education  
3 project’ means a project, including public outreach,  
4 that is intended to foster responsible natural re-  
5 source stewardship.

6           “(11) WILDLIFE-RESTORATION PROJECT.—

7           “(A) IN GENERAL.—The term ‘wildlife-res-  
8 toration project’ means a project consisting of  
9 the selection, restoration, rehabilitation, or im-  
10 provement of an area of land or water (includ-  
11 ing a property interest in land or water) that is  
12 adaptable as a feeding, resting, or breeding  
13 place for wildlife.

14           “(B) INCLUSIONS.—The term ‘wildlife-res-  
15 toration project’ includes—

16           “(i) acquisition of an area described  
17 in subparagraph (A) that is suitable or ca-  
18 pable of being made suitable for feeding,  
19 resting, or breeding by wildlife;

20           “(ii) construction in an area described  
21 in subparagraph (A) of such works as are  
22 necessary to make the area available for  
23 feeding, resting, or breeding by wildlife;

24           “(iii) such research into any problem  
25 of wildlife management as is necessary for

efficient administration of wildlife re-  
sources; and

“(iv) such preliminary or incidental  
expenses as are incurred with respect to  
activities described in this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) The first section, section 3(a)(1), and section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669, 669b(a)(1), 669i) are amended by striking “Secretary of Agriculture” each place it appears and inserting “Secretary”.

(2) The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended by striking “Secretary of the Interior” each place it appears and inserting “Secretary”.

(3) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended by striking “(hereinafter referred to as the ‘fund’)”.

(4) Section 6(c) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e(c)) is amended by striking “established by section 3 of this Act”.

(5) Section 11(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(b)) is amended by striking “wildlife restoration projects”

1 each place it appears and inserting “wildlife-restora-  
 2 tion projects”.

3 **SEC. 103. WILDLIFE CONSERVATION AND RESTORATION**  
 4 **ACCOUNT.**

5 (a) IN GENERAL.—Section 3 of the Pittman-Robert-  
 6 son Wildlife Restoration Act (16 U.S.C. 669b) is  
 7 amended—

8 (1) by striking “SEC. 3. (a)(1) An” and insert-  
 9 ing the following:

10 **“SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.**

11 **“(a) IN GENERAL.—**

12 **“(1) FEDERAL AID TO WILDLIFE RESTORATION**  
 13 **FUND.—An”;**

14 (2) in subsection (a), by striking paragraph (2)  
 15 and inserting the following:

16 **“(2) WILDLIFE CONSERVATION AND RESTORA-**  
 17 **TION ACCOUNT.—**

18 **“(A) ESTABLISHMENT.—**There is estab-  
 19 lished in the fund an account to be known as  
 20 the ‘Wildlife Conservation and Restoration Ac-  
 21 count’.

22 **“(B) FUNDING.—**There are authorized to  
 23 be appropriated to the Account for apportion-  
 24 ment to States, the District of Columbia, and  
 25 territories in accordance with section 4(d)—



1 “(i) \$50,000,000 for fiscal year 2001;

2 and

3 “(ii) \$350,000,000 for each of fiscal

4 years 2002 through 2006.”; and

5 (3) by striking subsections (c) and (d).

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 3(a)(1) of the Pittman-Robertson

8 Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is

9 amended in the first sentence—

10 (A) by inserting “(other than the Ac-

11 count)” after “wildlife restoration fund”; and

12 (B) by inserting before the period at the

13 end the following: “(other than sections 4(d)

14 and 12)”.

15 (2) Section 4 of the Pittman-Robertson Wildlife

16 Restoration Act (16 U.S.C. 669c) is amended—

17 (A) in subsection (a)—

18 (i) in paragraph (1)(A)—

19 (I) by inserting “(other than the

20 Account)” after “the fund”; and

21 (II) by inserting “(other than

22 subsection (d) and sections 3(a)(2)

23 and 12)” after “this Act”; and

1 (ii) in paragraph (2)(B), by inserting  
2 “from the fund (other than the Account)”  
3 before “under this Act”; and  
4 (B) in the first sentence of subsection (b),  
5 by striking “said fund” and inserting “the fund  
6 (other than the Account)”.

7 (3) Section 6 of the Pittman-Robertson Wildlife  
8 Restoration Act (16 U.S.C. 669e) is amended—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph  
11 (1), by inserting “(other than sections 4(d)  
12 and 12)” after “this Act”;

13 (ii) in the last sentence of paragraph  
14 (1), by striking “this Act from funds ap-  
15 portioned under this Act” and inserting  
16 “this Act (other than sections 4(d) and 12)  
17 from funds apportioned from the fund  
18 (other than the Account) under this Act”;

19 (iii) in paragraph (2)—

20 (I) in the first sentence, by in-  
21 serting “(other than sections 4(d) and  
22 12)” after “this Act”; and

23 (II) in the last sentence, by strik-  
24 ing “said fund as represents the share  
25 of the United States payable under

1                   this Act” and inserting “the fund  
2                   (other than the Account) as rep-  
3                   resents the share of the United States  
4                   payable from the fund (other than the  
5                   Account) under this Act”; and

6                   (iv) in the last paragraph, by inserting  
7                   “from the fund (other than the Account)”  
8                   before “under this Act” each place it ap-  
9                   pears; and

10                  (B) in subsection (b), by inserting “(other  
11                  than sections 4(d) and 12)” after “this Act”  
12                  each place it appears.

13                  (4) Section 8A of the Pittman-Robertson Wild-  
14                  life Restoration Act (16 U.S.C. 669g–1) is amended  
15                  in the first sentence by inserting “from the fund  
16                  (other than the Account)” before “under this Act”.

17                  (5) Section 9 of the Pittman-Robertson Wildlife  
18                  Restoration Act (16 U.S.C. 669h) is amended in  
19                  subsections (a) and (b)(1) by striking “section  
20                  4(a)(1)” each place it appears and inserting “sub-  
21                  sections (a)(1) and (d)(1) of section 4”.

22                  (6) Section 10 of the Pittman-Robertson Wild-  
23                  life Restoration Act (16 U.S.C. 669h–1) is  
24                  amended—

25                         (A) in subsection (a)(1)—

1 (i) by inserting “(other than the Ac-  
2 count)” after “the fund”; and

3 (ii) in subparagraph (B), by inserting  
4 “but excluding any use authorized solely  
5 by section 12” after “target ranges”; and  
6 (B) in subsection (c)(2), by inserting be-  
7 fore the period at the end the following: “(other  
8 than sections 4(d) and 12)”.

9 (7) Section 11(a)(1) of the Pittman-Robertson  
10 Wildlife Restoration Act (16 U.S.C. 669h–2(a)(1)) is  
11 amended by inserting “(other than the Account)”  
12 after “the fund”.

13 **SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.**

14 Section 4 of the Pittman-Robertson Wildlife Restora-  
15 tion Act (16 U.S.C. 669c) is amended by striking the sec-  
16 ond subsection (c) and subsection (d) and inserting the  
17 following:

18 “(d) APPORTIONMENT OF AMOUNTS IN THE AC-  
19 COUNT.—

20 “(1) DEDUCTION FOR ADMINISTRATIVE EX-  
21 PENSES.—For each fiscal year, the Secretary may  
22 deduct, for payment of administrative expenses in-  
23 curred by the Secretary in carrying out activities  
24 funded from the Account, not more than 3 percent

1 of the total amount of the Account available for ap-  
 2 portionment for the fiscal year.

3 “(2) APPORTIONMENT TO DISTRICT OF COLUM-  
 4 BIA AND TERRITORIES.—For each fiscal year, after  
 5 making the deduction under paragraph (1), the Sec-  
 6 retary shall apportion from the amount in the Ac-  
 7 count remaining available for apportionment—

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

12 “(B) to each of Guam, American Samoa,  
 13 the Commonwealth of the Northern Mariana Is-  
 14 lands, and the Virgin Islands, a sum equal to  
 15 not more than  $\frac{1}{4}$  of 1 percent of that remain-  
 16 ing amount.

17 “(3) APPORTIONMENT TO STATES.—

18 “(A) IN GENERAL.—Subject to subpara-  
 19 graph (B), for each fiscal year, after making  
 20 the deduction under paragraph (1) and the ap-  
 21 portionment under paragraph (2), the Secretary  
 22 shall apportion the amount in the Account re-  
 23 maining available for apportionment among  
 24 States in the following manner:

1 “(i)  $\frac{1}{3}$  based on the ratio that the  
 2 area of each State bears to the total area  
 3 of all States.

4 “(ii)  $\frac{2}{3}$  based on the ratio that the  
 5 population of each State bears to the total  
 6 population of all States.

7 “(B) MINIMUM AND MAXIMUM APPORTION-  
 8 MENTS.—For each fiscal year, the amounts ap-  
 9 portioned under this paragraph shall be ad-  
 10 justed proportionately so that no State is ap-  
 11 portioned a sum that is—

12 “(i) less than 1 percent of the amount  
 13 available for apportionment under this  
 14 paragraph for the fiscal year; or

15 “(ii) more than 5 percent of that  
 16 amount.

17 “(4) USE.—

18 “(A) IN GENERAL.—Apportionments under  
 19 paragraphs (2) and (3)—

20 “(i) shall supplement, but not sup-  
 21 plant, funds available to States, the Dis-  
 22 trict of Columbia, and territories—

23 “(I) from the fund; or

24 “(II) from the Sport Fish Res-  
 25 toration Account established by sec-

1                   tion 9504(a) of the Internal Revenue  
2                   Code of 1986; and

3                   “(ii) shall be used to address the  
4                   unmet needs for a wide variety of wildlife  
5                   and associated habitats, including species  
6                   that are not hunted or fished, for projects  
7                   authorized to be carried out as part of  
8                   wildlife conservation and restoration pro-  
9                   grams in accordance with section 12.

10                  “(B) PROHIBITION ON DIVERSION.—A  
11                  State, the District of Columbia, or a territory  
12                  shall not be eligible to receive an apportionment  
13                  under paragraph (2) or (3) if the Secretary de-  
14                  termines that the State, the District of Colum-  
15                  bia, or the territory, respectively, diverts funds  
16                  from any source of revenue (including interest,  
17                  dividends, and other income earned on the rev-  
18                  enue) available to the State, the District of Co-  
19                  lumbia, or the territory after January 1, 2000,  
20                  for conservation of wildlife for any purpose  
21                  other than the administration of the State fish  
22                  and game department in carrying out wildlife  
23                  conservation activities.

24                  “(5) PERIOD OF AVAILABILITY OF APPORTION-  
25                  MENTS.—Notwithstanding section 3(a)(1), for each

1       fiscal year, the apportionment to a State, the Dis-  
 2       trict of Columbia, or a territory from the Account  
 3       under this subsection shall remain available for obli-  
 4       gation until the end of the second following fiscal  
 5       year.”.

6   **SEC. 105. WILDLIFE CONSERVATION AND RESTORATION**  
 7                   **PROGRAMS.**

8       (a) IN GENERAL.—The Pittman-Robertson Wildlife  
 9   Restoration Act is amended—

10           (1) by redesignating sections 12 and 13 (16  
 11       U.S.C. 669i, 669 note) as sections 13 and 15, re-  
 12       spectively; and

13           (2) by inserting after section 11 (16 U.S.C.  
 14       669h–2) the following:

15   **“SEC. 12. WILDLIFE CONSERVATION AND RESTORATION**  
 16                   **PROGRAMS.**

17       “(a) DEFINITION OF STATE.—In this section, the  
 18   term ‘State’ means a State, the District of Columbia, and  
 19   a territory.

20       “(b) WILDLIFE CONSERVATION AND RESTORATION  
 21   PROGRAMS.—

22           “(1) IN GENERAL.—A State, acting through the  
 23       State fish and game department, may apply to the  
 24       Secretary—



1           “(A) for approval of a wildlife conservation  
2           and restoration program; and

3           “(B) to receive funds from the apportion-  
4           ment to the State under section 4(d) to develop  
5           and implement the wildlife conservation and  
6           restoration program.

7           “(2) APPLICATION CONTENTS.—As part of an  
8           application under paragraph (1), a State shall pro-  
9           vide documentation demonstrating that the wildlife  
10          conservation and restoration program of the State  
11          includes—

12           “(A) provisions vesting in the State fish  
13           and game department overall responsibility and  
14           accountability for the wildlife conservation and  
15           restoration program of the State;

16           “(B) provisions to identify which species in  
17           the State are in greatest need of conservation;  
18           and

19           “(C) provisions for the development, imple-  
20           mentation, and maintenance, under the wildlife  
21           conservation and restoration program, of—

22           “(i) wildlife conservation projects—

23                   “(I) that expand and support  
24           other wildlife programs; and

1 “(II) that are selected giving ap-  
2 propriate consideration to all species  
3 of wildlife in accordance with sub-  
4 section (c);

5 “(ii) wildlife-associated recreation  
6 projects; and

7 “(iii) wildlife conservation education  
8 projects.

9 “(3) PUBLIC PARTICIPATION.—A State shall  
10 provide an opportunity for public participation in the  
11 development, implementation, and revision of the  
12 wildlife conservation and restoration program of the  
13 State and projects carried out under the wildlife con-  
14 servation and restoration program.

15 “(4) APPROVAL FOR FUNDING.—If the Sec-  
16 retary finds that the application submitted by a  
17 State meets the requirements of paragraph (2), the  
18 Secretary shall approve the wildlife conservation and  
19 restoration program of the State.

20 “(5) PAYMENT OF FEDERAL SHARE.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (D), after the Secretary approves a wild-  
23 life conservation and restoration program of a  
24 State, the Secretary may use the apportionment

1 to the State under section 4(d) to pay the Fed-  
2 eral share of—

3 “(i) the cost of implementation of the  
4 wildlife conservation and restoration pro-  
5 gram; and

6 “(ii) the cost of development, imple-  
7 mentation, and maintenance of each  
8 project that is part of the wildlife conserva-  
9 tion and restoration program.

10 “(B) FEDERAL SHARE.—The Federal  
11 share shall not exceed 75 percent.

12 “(C) TIMING OF PAYMENTS.—Under such  
13 regulations as the Secretary may promulgate,  
14 the Secretary—

15 “(i) shall make payments to a State  
16 under subparagraph (A) during the course  
17 of a project; and

18 “(ii) may advance funds to pay the  
19 Federal share of the costs described in  
20 subparagraph (A).

21 “(D) MAXIMUM AMOUNT FOR LAW EN-  
22 FORCEMENT ACTIVITIES.—Notwithstanding sec-  
23 tion 8(a), for each fiscal year, not more than 10  
24 percent of the apportionment to a State under  
25 section 4(d) for the wildlife conservation and

1 restoration program of the State may be used  
 2 for law enforcement activities.

3 “(6) METHOD OF IMPLEMENTATION OF  
 4 PROJECTS.—A State may implement a project that  
 5 is part of the wildlife conservation and restoration  
 6 program of the State through—

7 “(A) a grant made by the State to, or a  
 8 contract entered into by the State with—

9 “(i) any Federal, State, or local agen-  
 10 cy (including an agency that gathers, eval-  
 11 uates, and disseminates information on  
 12 wildlife and wildlife habitats);

13 “(ii) an Indian tribe (as defined in  
 14 section 4 of the Indian Self-Determination  
 15 and Education Assistance Act (25 U.S.C.  
 16 450b));

17 “(iii) a wildlife conservation organiza-  
 18 tion; or

19 “(iv) an outdoor recreation or con-  
 20 servation education entity; and

21 “(B) any other method determined appro-  
 22 priate by the State.

23 “(c) WILDLIFE CONSERVATION STRATEGY.—

24 “(1) IN GENERAL.—Not later than 5 years  
 25 after the date of the initial apportionment to a State

1 under section 4(d), to be eligible to continue to re-  
2 ceive funds from the apportionment to the State  
3 under section 4(d), the State shall, as part of the  
4 wildlife conservation and restoration program of the  
5 State, develop and begin implementation of a wildlife  
6 conservation strategy that is based on the best avail-  
7 able and appropriate scientific information.

8 “(2) REQUIRED ELEMENTS.—A wildlife con-  
9 servation strategy shall—

10 “(A) use such information on the distribu-  
11 tion and abundance of species of wildlife as is  
12 indicative of the diversity and health of the  
13 wildlife of the State, including such information  
14 on species with low populations and declining  
15 numbers of individuals as the State fish and  
16 game department determines to be appropriate;

17 “(B) identify the extent and condition of  
18 wildlife habitats and community types essential  
19 to conservation of the species of wildlife of the  
20 State identified using information described in  
21 subparagraph (A);

22 “(C)(i) identify the problems that may ad-  
23 versely affect—

24 “(I) the species identified using infor-  
25 mation described in subparagraph (A); and

1 “(II) the habitats of the species iden-  
 2 tified under subparagraph (B); and

3 “(ii) provide for high priority research and  
 4 surveys to identify factors that may assist in  
 5 the restoration and more effective conservation  
 6 of—

7 “(I) the species identified using infor-  
 8 mation described in subparagraph (A); and

9 “(II) the habitats of the species iden-  
 10 tified under subparagraph (B);

11 “(D)(i) describe which actions should be  
 12 taken to conserve—

13 “(I) the species identified using infor-  
 14 mation described in subparagraph (A); and

15 “(II) the habitats of the species iden-  
 16 tified under subparagraph (B); and

17 “(ii) establish priorities for implementing  
 18 those actions; and

19 “(E) provide for—

20 “(i) periodic monitoring of—

21 “(I) the species identified using  
 22 information described in subpara-  
 23 graph (A);

1 “(II) the habitats of the species  
2 identified under subparagraph (B);  
3 and

4 “(III) the effectiveness of the  
5 conservation actions described under  
6 subparagraph (D); and

7 “(ii) adaptation of conservation ac-  
8 tions as appropriate to respond to new in-  
9 formation or changing conditions.

10 “(3) PUBLIC PARTICIPATION IN DEVELOPMENT  
11 OF STRATEGY.—A State shall provide an oppor-  
12 tunity for public participation in the development  
13 and implementation of the wildlife conservation  
14 strategy of the State.

15 “(4) REVIEW AND REVISION.—Not less often  
16 than once every 10 years, a State shall review the  
17 wildlife conservation strategy of the State and make  
18 any appropriate revisions.

19 “(5) COORDINATION.—During the development,  
20 implementation, review, and revision of the wildlife  
21 conservation strategy of the State, a State shall pro-  
22 vide for coordination, to the maximum extent prac-  
23 ticable, between—

24 “(A) the State fish and game department;  
25 and

1                   “(B) Federal, State, and local agencies  
2                   and Indian tribes that—

3                   “(i) manage significant areas of land  
4                   or water within the State; or

5                   “(ii) administer programs that signifi-  
6                   cantly affect the conservation of

7                   “(I) the species identified using  
8                   information described in paragraph  
9                   (2)(A); or

10                  “(II) the habitats of the species  
11                  identified under paragraph (2)(B).

12                  “(d) USE OF FUNDS FOR NEW AND EXISTING PRO-  
13                  GRAMS AND PROJECTS.—Funds made available from the  
14                  Account to carry out activities under this section may be  
15                  used—

16                  “(1) to carry out new programs and projects;  
17                  and

18                  “(2) to enhance existing programs and projects.

19                  “(e) PRIORITY FOR FUNDING.—In using funds made  
20                  available from the Account to carry out activities under  
21                  this section, a State shall give priority to species that are  
22                  in greatest need of conservation, as identified by the State.

23                  “(f) LIMITATION ON USE OF FUNDS FOR WILDLIFE  
24                  CONSERVATION EDUCATION PROJECTS.—Funds made  
25                  available from the Account to carry out wildlife conserva-



tion education projects shall not be used to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife.”.

(b) CONFORMING AMENDMENT.—Section 8(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking the last sentence.

**SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

(a) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Pittman-Robertson Wildlife Restoration Act (as amended by section 105(a)(1)) is amended by inserting after section 13 the following:

**“SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

“Coordination with State fish and game department personnel or with personnel of any other agency of a State, the District of Columbia, or a territory under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by redesignating section 15 (16 U.S.C. 777 note) as section 16; and

1           (2) by inserting after section 14 (16 U.S.C.  
2       777m) the following:

3       **“SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COM-  
4                               MITTEE ACT.**

5       “Coordination with State fish and game department  
6 personnel or with personnel of any other State agency  
7 under this Act shall not be subject to the Federal Advisory  
8 Committee Act (5 U.S.C. App.).”.

9       **SEC. 107. TECHNICAL AMENDMENTS.**

10       (a) The first section of the Pittman-Robertson Wild-  
11 life Restoration Act (16 U.S.C. 669) is amended by strik-  
12 ing “That the” and inserting the following:

13       **“SECTION 1. COOPERATION OF SECRETARY OF THE INTE-  
14                               RIOR WITH STATES.**

15       “The”.

16       (b) Section 5 of the Pittman-Robertson Wildlife Res-  
17 toration Act (16 U.S.C. 669d) is amended by striking  
18 “SEC. 5.” and inserting the following:

19       **“SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR AP-  
20                               PORTIONED.”.**

21       (c) Section 6 of the Pittman-Robertson Wildlife Res-  
22 toration Act (16 U.S.C. 669e) is amended by striking  
23 “SEC. 6.” and inserting the following:

1 **“SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND**  
2 **PROJECTS.”.**

3 (d) Section 7 of the Pittman-Robertson Wildlife Res-  
4 toration Act (16 U.S.C. 669f) is amended by striking  
5 “SEC. 7.” and inserting the following:

6 **“SEC. 7. PAYMENT OF FUNDS TO STATES.”.**

7 (e) Section 8 of the Pittman-Robertson Wildlife Res-  
8 toration Act (16 U.S.C. 669g) is amended by striking  
9 “SEC. 8.” and inserting the following:

10 **“SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF**  
11 **HUNTER SAFETY PROGRAMS AND PUBLIC**  
12 **TARGET RANGES.”.**

13 (f) Section 8A of the Pittman-Robertson Wildlife  
14 Restoration Act (16 U.S.C. 669g–1) is amended by strik-  
15 ing “SEC. 8A.” and inserting the following:

16 **“SEC. 8A. APPORTIONMENTS TO TERRITORIES.”.**

17 (g) Section 12 of the Pittman-Robertson Wildlife  
18 Restoration Act (16 U.S.C. 669i) is amended by striking  
19 “SEC. 12.” and inserting the following:

20 **“SEC. 12. RULES AND REGULATIONS.”.**

21 **SEC. 108. EFFECTIVE DATE.**

22 This title takes effect on October 1, 2001.

1 **TITLE II—ENDANGERED AND**  
 2 **THREATENED SPECIES RE-**  
 3 **COVERY**

4 **SEC. 201. PURPOSE.**

5 The purpose of this title is to promote involvement  
 6 by non-Federal entities in the recovery of the endangered  
 7 species and threatened species of the United States and  
 8 the habitats on which the species depend.

9 **SEC. 202. ENDANGERED AND THREATENED SPECIES RE-**  
 10 **COVERY ASSISTANCE.**

11 (a) IN GENERAL.—Section 13 of the Endangered  
 12 Species Act of 1973 (87 Stat. 902) is amended to read  
 13 as follows:

14 **“SEC. 13. ENDANGERED AND THREATENED SPECIES RE-**  
 15 **COVERY ASSISTANCE.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) SMALL LANDOWNER.—The term ‘small  
 18 landowner’ means an individual who owns not more  
 19 than 150 acres of land.

20 “(2) SPECIES RECOVERY AGREEMENT.—The  
 21 term ‘species recovery agreement’ means an endan-  
 22 gered and threatened species recovery agreement en-  
 23 tered into under subsection (c).

24 “(b) ENDANGERED AND THREATENED SPECIES RE-  
 25 COVERY ASSISTANCE.—

1           “(1) FINANCIAL ASSISTANCE.—The Secretary  
 2           may provide financial assistance to any person for  
 3           development and implementation of an endangered  
 4           and threatened species recovery agreement entered  
 5           into by the Secretary and the person under sub-  
 6           section (c).

7           “(2) PRIORITY.—In providing financial assist-  
 8           ance under this subsection, the Secretary shall give  
 9           priority to the development and implementation of  
 10          species recovery agreements that—

11               “(A) implement actions identified under  
 12               recovery plans approved by the Secretary under  
 13               section 4(f);

14               “(B) have the greatest potential for con-  
 15               tributing to the recovery of an endangered spe-  
 16               cies or threatened species; and

17               “(C) are proposed by small landowners.

18           “(3) PROHIBITION ON ASSISTANCE FOR RE-  
 19           QUIRED ACTIVITIES.—The Secretary shall not pro-  
 20           vide financial assistance under this subsection for  
 21           any activity that is required—

22               “(A) by a permit issued under section  
 23               10(a)(1)(B);

24               “(B) by an incidental taking statement  
 25               provided under section 7(b)(4); or

1           “(C) under another provision of this Act or  
2           any other Federal law.

3           “(4) PAYMENTS UNDER OTHER PROGRAMS.—

4           “(A) OTHER PAYMENTS NOT AFFECTED.—  
5           Financial assistance provided to a person under  
6           this subsection shall be in addition to, and shall  
7           not affect, the total amount of payments that  
8           the person is eligible to receive under—

9                   “(i) the conservation reserve program  
10                   established under subchapter B of chapter  
11                   1 of subtitle D of title XII of the Food Se-  
12                   curity Act of 1985 (16 U.S.C. 3831 et  
13                   seq.);

14                   “(ii) the wetlands reserve program es-  
15                   tablished under subchapter C of that chap-  
16                   ter (16 U.S.C. 3837 et seq.);

17                   “(iii) the environmental quality incen-  
18                   tives program established under chapter 4  
19                   of subtitle D of title XII of the Food Secu-  
20                   rity Act of 1985 (16 U.S.C. 3839aa et  
21                   seq.); or

22                   “(iv) the Wildlife Habitat Incentive  
23                   Program established under section 387 of  
24                   the Federal Agriculture Improvement and  
25                   Reform Act of 1996 (16 U.S.C. 3836a).

1           “(B) LIMITATION.—A person shall not re-  
 2           ceive financial assistance under a species recov-  
 3           ery agreement for any activity for which the  
 4           person receives a payment under a program re-  
 5           ferred to in subparagraph (A) unless the species  
 6           recovery agreement imposes on the person a fi-  
 7           nancial or management obligation in addition to  
 8           the obligations of the person under that pro-  
 9           gram.

10       “(c) ENDANGERED AND THREATENED SPECIES RE-  
 11       COVERY AGREEMENTS.—

12           “(1) IN GENERAL.—In accordance with this  
 13           subsection, the Secretary may enter into endangered  
 14           and threatened species recovery agreements.

15           “(2) REQUIRED TERMS.—The Secretary shall  
 16           include in each species recovery agreement with a  
 17           person provisions that—

18           “(A) require the person—

19           “(i) to carry out on real property  
 20           owned or leased by the person activities  
 21           not required by other law that contribute  
 22           to the recovery of an endangered species or  
 23           threatened species; or

24           “(ii) to refrain from carrying out on  
 25           real property owned or leased by the per-

1 son otherwise lawful activities that would  
2 inhibit the recovery of an endangered spe-  
3 cies or threatened species;

4 “(B) describe the real property referred to  
5 in clauses (i) and (ii) of subparagraph (A);

6 “(C) specify species recovery goals for the  
7 species recovery agreement, and activities for  
8 attaining the goals;

9 “(D)(i) require the person to make reason-  
10 able efforts to make measurable progress each  
11 year in achieving the species recovery goals; and

12 “(ii) specify a schedule for implementation  
13 of the species recovery agreement;

14 “(E) specify actions to be taken by the  
15 Secretary or the person to monitor the effective-  
16 ness of the species recovery agreement in at-  
17 taining the species recovery goals;

18 “(F) require the person to notify the Sec-  
19 retary if any right or obligation of the person  
20 under the species recovery agreement is as-  
21 signed to any other person;

22 “(G) require the person to notify the Sec-  
23 retary if any term of the species recovery agree-  
24 ment is breached;



1           “(H) specify the date on which the species  
2 recovery agreement takes effect and the period  
3 of time during which the species recovery agree-  
4 ment shall remain in effect;

5           “(I) provide that the species recovery  
6 agreement shall not be in effect on or after any  
7 date on which the Secretary publishes a certifi-  
8 cation by the Secretary that the person has not  
9 complied with the species recovery agreement;  
10 and

11           “(J) schedule the disbursement of financial  
12 assistance provided under subsection (b) for im-  
13 plementation of the species recovery agreement,  
14 on an annual or other basis during the period  
15 in which the species recovery agreement is in  
16 effect, based on the schedule for implementation  
17 required under subparagraph (D)(ii).

18           “(3) REVIEW AND APPROVAL OF PROPOSED  
19 SPECIES RECOVERY AGREEMENTS.—On submission  
20 by any person of a proposed species recovery agree-  
21 ment under this subsection, the Secretary shall—

22           “(A) review the proposed species recovery  
23 agreement and determine whether the species  
24 recovery agreement—

25           “(i) complies with this subsection; and

1 “(ii) will contribute to the recovery of  
 2 each endangered species or threatened spe-  
 3 cies that is the subject of the proposed spe-  
 4 cies recovery agreement;

5 “(B) propose to the person any additional  
 6 provisions that are necessary for the species re-  
 7 covery agreement to comply with this sub-  
 8 section; and

9 “(C) if the Secretary determines that the  
 10 species recovery agreement complies with this  
 11 subsection, enter into the species recovery  
 12 agreement with the person.

13 “(4) MONITORING OF IMPLEMENTATION OF  
 14 SPECIES RECOVERY AGREEMENTS.—The Secretary  
 15 shall—

16 “(A) periodically monitor the implementa-  
 17 tion of each species recovery agreement; and

18 “(B) based on the information obtained  
 19 from the monitoring, annually or otherwise dis-  
 20 burse financial assistance under this section to  
 21 implement the species recovery agreement as  
 22 the Secretary determines to be appropriate  
 23 under the species recovery agreement.

24 “(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
 25 Of the amounts made available to carry out this section

1 for a fiscal year, not more than 3 percent may be used  
 2 to pay administrative expenses incurred in carrying out  
 3 this section.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
 5 15 of the Endangered Species Act of 1973 (16 U.S.C.  
 6 1542) is amended by adding at the end the following:

7 “(d) ENDANGERED AND THREATENED SPECIES RE-  
 8 COVERY ASSISTANCE.—There is authorized to be appro-  
 9 priated to carry out section 13 \$75,000,000 for each of  
 10 fiscal years 2002 through 2006.”.

11 (c) CONFORMING AMENDMENT.—The table of con-  
 12 tents in the first section of the Endangered Species Act  
 13 of 1973 (16 U.S.C. prec. 1531) is amended by striking  
 14 the item relating to section 13 and inserting the following:

“Sec. 13. Endangered and threatened species recovery assistance.”.

15 **TITLE III—NON-FEDERAL LAND**  
 16 **CONSERVATION GRANT PRO-**  
 17 **GRAM**

18 **SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PRO-**  
 19 **GRAM.**

20 (a) IN GENERAL.—The Partnerships for Wildlife Act  
 21 (16 U.S.C. 3741 et seq.) is amended by adding at the end  
 22 the following:

1 **“SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT**  
 2 **PROGRAM.**

3 “(a) ESTABLISHMENT.—In consultation with appro-  
 4 priate State, regional, and other units of government, the  
 5 Secretary shall establish a competitive grant program, to  
 6 be known as the ‘Non-Federal Land Conservation Grant  
 7 Program’ (referred to in this section as the ‘program’),  
 8 to make grants to States or groups of States to pay the  
 9 Federal share determined under subsection (c)(4) of the  
 10 costs of conservation of non-Federal land or water of re-  
 11 gional or national significance.

12 “(b) RANKING CRITERIA.—In selecting among appli-  
 13 cations for grants for projects under the program, the Sec-  
 14 retary shall—

15 “(1) rank projects according the extent to  
 16 which a proposed project will protect watersheds and  
 17 important scenic, cultural, recreational, fish, wildlife,  
 18 and other ecological resources; and

19 “(2) subject to paragraph (1), give preference  
 20 to proposed projects—

21 “(A) that seek to protect ecosystems;

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

24 “(C) with respect to which there has been  
 25 public participation in the development of the  
 26 project proposal;

1 “(D) that are supported by communities  
 2 and individuals that are located in the imme-  
 3 diate vicinity of the proposed project or that  
 4 would be directly affected by the proposed  
 5 project; or

6 “(E) that the State considers to be a State  
 7 priority.

8 “(c) GRANTS TO STATES.—

9 “(1) NOTICE OF DEADLINE FOR APPLICA-  
 10 TIONS.—The Secretary shall give reasonable advance  
 11 notice of each deadline for submission of applica-  
 12 tions for grants under the program by publication of  
 13 a notice in the Federal Register.

14 “(2) SUBMISSION OF APPLICATIONS.—

15 “(A) IN GENERAL.—A State or group of  
 16 States may submit to the Secretary an applica-  
 17 tion for a grant under the program.

18 “(B) REQUIRED CONTENTS OF APPLICA-  
 19 TIONS.—Each application shall include—

20 “(i) a detailed description of each pro-  
 21 posed project;

22 “(ii) a detailed analysis of project  
 23 costs, including costs associated with—

24 “(I) planning;

25 “(II) administration;

1 “(III) property acquisition; and

2 “(IV) property management;

3 “(iii) a statement describing how the  
4 project is of regional or national signifi-  
5 cance; and

6 “(iv) a plan for stewardship of any  
7 land or water, or interest in land or water,  
8 to be acquired under the project.

9 “(3) SELECTION OF GRANT RECIPIENTS.—Not  
10 later than 90 days after the date of receipt of an ap-  
11 plication, the Secretary shall—

12 “(A) review the application; and

13 “(B)(i) notify the State or group of States  
14 of the decision of the Secretary on the applica-  
15 tion; and

16 “(ii) if the application is denied, provide an  
17 explanation of the reasons for the denial.

18 “(4) COST SHARING.—The Federal share of the  
19 costs of a project under the program shall be—

20 “(A) in the case of a project to acquire the  
21 fee simple interest in land or water, not more  
22 than 50 percent of the costs of the project;

23 “(B) in the case of a project to acquire  
24 less than the fee simple interest in land or  
25 water (including acquisition of a conservation

1 easement), not more than 70 percent of the  
 2 costs of the project; and

3 “(C) in the case of a project involving 3 or  
 4 more States, not more than 75 percent of the  
 5 costs of the project.

6 “(5) EFFECT OF INSUFFICIENCY OF FUNDS.—

7 If the Secretary determines that there are insuffi-  
 8 cient funds available to make grants with respect to  
 9 all applications that meet the requirements of this  
 10 subsection, the Secretary shall give priority to those  
 11 projects that best meet the ranking criteria estab-  
 12 lished under subsection (b).

13 “(d) REPORT.—Not later than 60 days after the end  
 14 of each fiscal year, the Secretary shall submit to the Com-  
 15 mittee on Environment and Public Works of the Senate  
 16 and the Committee on Resources of the House of Rep-  
 17 resentatives a report describing the grants made under  
 18 this section, including an analysis of how projects were  
 19 ranked under subsection (b).

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 21 is authorized to be appropriated to carry out this section  
 22 \$50,000,000 for each of fiscal years 2002 through 2006.”.

23 (b) CONFORMING AMENDMENT.—Section 7105(g)(2)  
 24 of the Partnerships for Wildlife Act (16 U.S.C.

- 1 3744(g)(2)) is amended by striking “this chapter” and in-
- 2 serting “this section”.

