

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

# H. R. 4377

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2000

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Conservation and Rein-  
3 vestment Act of 2000”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Annual reports.
- Sec. 5. Conservation and Reinvestment Act Fund.
- Sec. 6. Limitation on use of available amounts for administration.
- Sec. 7. 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 Conserva-  
tion and Reinvestment Act Fund.
- Sec. 203. Availability of amounts.
- Sec. 204. Allocation of Fund.
- Sec. 205. Use of Federal portion.
- Sec. 206. Allocation of amounts available for State purposes.
- Sec. 207. State planning.
- Sec. 208. Assistance to States for other projects.
- Sec. 209. Conversion of property to other use.
- Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

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

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM  
AMENDMENTS

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

#### TITLE V—HISTORIC PRESERVATION FUND

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

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

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

#### TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

##### SUBTITLE A—FARMLAND PROTECTION PROGRAM

- Sec. 701. Additional funding and additional authorities under farmland protection program.
- Sec. 702. Funding.

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

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

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

2 For purposes of this Act:

- 3 (1) The term “coastal population” means the
- 4 population of all political subdivisions, as determined
- 5 by the most recent official data of the Census Bu-

1 reau, contained in whole or in part within the des-  
2 igned coastal boundary of a State as defined in a  
3 State's coastal zone management program under the  
4 Coastal Zone Management Act (16 U.S.C. 1451 and  
5 following).

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

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

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

17 (5) The term "distance" means minimum great  
18 circle distance, measured in statute miles.

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

23 (7) The term "Governor" means the highest  
24 elected official of a State or of any other political en-  
25 tity that is defined as, or treated as, a State under

1 the Land and Water Conservation Fund Act of 1965  
2 (16 U.S.C. 4601–4 and following), the Act of Sep-  
3 tember 2, 1937 (16 U.S.C. 669 and following), com-  
4 monly referred to as the Federal Aid in Wildlife Res-  
5 toration Act or the Pittman-Robertson Act, the  
6 Urban Park and Recreation Recovery Act of 1978  
7 (16 U.S.C. 2501 and following), the National His-  
8 toric Preservation Act (16 U.S.C. 470h and fol-  
9 lowing), or the Federal Agriculture Improvement  
10 and Reform Act of 1996 (Public Law 104–127; 16  
11 U.S.C. 3830 note).

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

22 (9) The term “Outer Continental Shelf” means  
23 all submerged lands lying seaward and outside of the  
24 area of “lands beneath navigable waters” as defined  
25 in section 2(a) of the Submerged Lands Act (43

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

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

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

22 (12) The term “qualified Outer Continental  
23 Shelf revenues” means (except as otherwise provided  
24 in this paragraph) all moneys received by the United  
25 States from each leased tract or portion of a leased

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (7) \$100,000,000 to the Secretary of Agri-  
18 culture to carry out the farmland protection pro-  
19 gram under section 388 of the Federal Agriculture  
20 Improvement and Reform Act of 1996 (Public Law  
21 104–127; 16 U.S.C. 3830 note) and the Forest Leg-  
22 acy Program under section 7 of the Cooperative  
23 Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

24 (8) \$50,000,000 to the Secretary of the Interior  
25 to develop and implement Endangered and Threat-

1        ened Species Recovery Agreements under subtitle B  
2        of title VII of this Act.

3        (c) SHORTFALL.—If amounts deposited into the  
4 Fund in any fiscal year after the fiscal year 2000 are less  
5 than \$2,825,000,000, the amounts transferred under  
6 paragraphs (1) through (8) of subsection (b) for that fis-  
7 cal year shall each be reduced proportionately.

8        (d) INTEREST.—

9            (1) IN GENERAL.—The Secretary of the Treas-  
10 ury shall invest moneys in the Fund (including inter-  
11 est), and in any fund or account to which moneys  
12 are transferred pursuant to subsection (b) of this  
13 section, in public debt securities with maturities  
14 suitable to the needs of the Fund, as determined by  
15 the Secretary of the Treasury, and bearing interest  
16 at rates determined by the Secretary of the Treas-  
17 ury, taking into consideration current market yields  
18 on outstanding marketable obligations of the United  
19 States of comparable maturity. Such invested mon-  
20 eys shall remain invested until needed to meet re-  
21 quirements for disbursement for the programs fi-  
22 nanced under this Act.

23            (2) USE OF INTEREST.—Except as provided in  
24 paragraphs (3) and (4), interest earned on such

1 moneys shall be available, without further appropria-  
2 tion, for obligation or expenditure under—

3 (A) chapter 69 of title 31, United States  
4 Code (relating to payments in lieu of taxes);  
5 and

6 (B) section 401 of the Act of June 15,  
7 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating  
8 to refuge revenue sharing).

9 In each fiscal year such interest shall be allocated  
10 between the programs referred to in subparagraphs  
11 (A) and (B) in proportion to the amounts appro-  
12 priated for that fiscal year under other provisions of  
13 law for purposes of such programs. To the extent  
14 that the total amount available for a fiscal year  
15 under this paragraph and such other provisions of  
16 law for one of such programs exceeds the authorized  
17 limit of that program, the amount available under  
18 this paragraph that contributes to such excess shall  
19 be allocated to the other such program, but not in  
20 excess of its authorized limit. To the extent that for  
21 both such programs such total amount for each pro-  
22 gram exceeds the authorized limit of that program,  
23 the amount available under this paragraph that con-  
24 tributes to such excess shall be deposited into the  
25 Fund and shall be considered interest for purposes

1 of subsection (a)(3). Interest shall cease to be avail-  
2 able for obligation or expenditure for a fiscal year  
3 for purposes of subparagraph (A) if the annual ap-  
4 propriation for that fiscal year under other provi-  
5 sions of law for the program referred to in subpara-  
6 graph (A) is less than \$100,000,000, and in any  
7 such case, the allocation provisions of this paragraph  
8 shall not apply and all such interest shall be avail-  
9 able for purposes of the program referred to in sub-  
10 paragraph (B), up to the authorized limit of such  
11 program. Interest shall cease to be available for obli-  
12 gation or expenditure for a fiscal year for purposes  
13 of subparagraph (B) if the annual appropriation for  
14 that fiscal year under other provisions of law for the  
15 program referred to in subparagraph (A) is less than  
16 \$15,000,000, and in any such case, the allocation  
17 provisions of this paragraph shall not apply and all  
18 such interest shall be available for purposes of the  
19 program referred to in subparagraph (A), up to the  
20 authorized limit of such program. Interest shall  
21 cease to be available for obligation or expenditure  
22 for a fiscal year for purposes of this paragraph if the  
23 annual appropriation for that fiscal year under other  
24 provisions of law for each of the program referred to  
25 in subparagraph (A) and the program referred to in

1 subparagraph (B) is less than \$100,000,000 and  
2 \$15,000,000, respectively, and in any such case, the  
3 allocation provisions of this paragraph shall not  
4 apply and all such interest shall be deposited into  
5 the Fund and be considered interest for purposes of  
6 subsection (a)(3).

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

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

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

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

1           (e) REFUNDS.—In those instances where through ju-  
2 dicial decision, administrative review, arbitration, or other  
3 means there are royalty refunds owed to entities gener-  
4 ating revenues under this title, refunds shall be paid by  
5 the Secretary of the Treasury from amounts available in  
6 the Fund to the extent that such refunds are attributable  
7 to qualified Outer Continental Shelf revenues deposited in  
8 the Fund under this Act.

9   **SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR**  
10                                   **ADMINISTRATION.**

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

18   **SEC. 7. RECORDKEEPING REQUIREMENTS.**

19           The Secretary of the Interior in consultation with the  
20 Secretary of Agriculture shall establish such rules regard-  
21 ing recordkeeping by State and local governments and the  
22 auditing of expenditures made by State and local govern-  
23 ments from funds made available under this Act as may  
24 be necessary. Such rules shall be in addition to other re-  
25 quirements established regarding recordkeeping and the

1 auditing of such expenditures under other authority of  
2 law.

3 **SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUND-**  
4 **ING.**

5 (a) IN GENERAL.—It is the intent of the Congress  
6 in this Act that States not use this Act as an opportunity  
7 to reduce State or local resources for the programs funded  
8 by this Act. Except as provided in subsection (b), no State  
9 or local government shall receive any funds under this Act  
10 during any fiscal year when its expenditures of non-Fed-  
11 eral funds for recurrent expenditures for programs for  
12 which funding is provided under this Act will be less than  
13 its expenditures were for such programs during the pre-  
14 ceding fiscal year. No State or local government shall re-  
15 ceive funding under this Act with respect to a program  
16 unless the Secretary is satisfied that such a grant will be  
17 so used to supplement and, to the extent practicable, in-  
18 crease the level of State, local, or other non-Federal funds  
19 available for such program.

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

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

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

6           (c) **USE OF FUND TO MEET MATCHING REQUIRE-**  
7 **MENTS.**—All funds received by a State or local govern-  
8 ment under this Act shall be treated as Federal funds for  
9 purposes of compliance with any provision in effect under  
10 any other law requiring that non-Federal funds be used  
11 to provide a portion of the funding for any program or  
12 project.

13 **SEC. 9. SUNSET.**

14           This Act, including the amendments made by this  
15 Act, shall have no force or effect after September 30,  
16 2015.

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

18           (a) **SAVINGS CLAUSE.**—Nothing in the Act shall au-  
19 thorize that private property be taken for public use, with-  
20 out just compensation as provided by the Fifth and Four-  
21 tenth amendments to the United States Constitution.

22           (b) **REGULATION.**—Federal agencies, using funds ap-  
23 propriated by this Act, may not apply any regulation on  
24 any lands until the lands or water, or an interest therein,

1 is acquired, unless authorized to do so by another Act of  
2 Congress.

3 **SEC. 11. SIGNS.**

4 (a) IN GENERAL.—The Secretary shall require, as a  
5 condition of any financial assistance provided with  
6 amounts made available by this Act, that the person that  
7 owns or administers any site that benefits from such as-  
8 sistance shall include on any sign otherwise installed at  
9 that site at or near an entrance or public use focal point,  
10 a statement that the existence or development of the site  
11 (or both), as appropriate, is a product of such assistance.

12 (b) STANDARDS.—The Secretary shall provide for the  
13 design of standardized signs for purposes of subsection  
14 (a), and shall prescribe standards and guidelines for such  
15 signs.

16 **TITLE I—IMPACT ASSISTANCE**  
17 **AND COASTAL CONSERVATION**

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

19 (a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

20 (1) GRANT PROGRAM.—Amounts transferred to  
21 the Secretary of the Interior from the Conservation  
22 and Reinvestment Act Fund under section 5(b)(1) of  
23 this Act for purposes of making payments to coastal  
24 States under this title in any fiscal year shall be al-  
25 located by the Secretary of the Interior among coast-

1 al States as provided in this section in each such fis-  
2 cal year. In each such fiscal year, the Secretary of  
3 the Interior shall, without further appropriation, dis-  
4 burse such allocated funds to those coastal States  
5 for which the Secretary has approved a Coastal  
6 State Conservation and Impact Assistance Plan as  
7 required by this title. Payments for all projects shall  
8 be made by the Secretary to the Governor of the  
9 State or to the State official or agency designated by  
10 the Governor or by State law as having authority  
11 and responsibility to accept and to administer funds  
12 paid hereunder. No payment shall be made to any  
13 State until the State has agreed to provide such re-  
14 ports to the Secretary, in such form and containing  
15 such information, as may be reasonably necessary to  
16 enable the Secretary to perform his duties under this  
17 title, and provide such fiscal control and fund ac-  
18 counting procedures as may be necessary to assure  
19 proper disbursement and accounting for Federal rev-  
20 enues paid to the State under this title.

21 (2) FAILURE TO HAVE PLAN APPROVED.—At  
22 the end of each fiscal year, the Secretary shall re-  
23 turn to the Conservation and Reinvestment Act  
24 Fund any amount that the Secretary allocated, but  
25 did not disburse, in that fiscal year to a coastal

1 State that does not have an approved plan under  
2 this title before the end of the fiscal year in which  
3 such grant is allocated, except that the Secretary  
4 shall hold in escrow until the final resolution of the  
5 appeal any amount allocated, but not disbursed, to  
6 a coastal State that has appealed the disapproval of  
7 a plan submitted under this title.

8 (b) ALLOCATION AMONG COASTAL STATES.—

9 (1) ALLOCABLE SHARE FOR EACH STATE.—For  
10 each coastal State, the Secretary shall determine the  
11 State's allocable share of the total amount of the  
12 revenues transferred from the Fund under section  
13 5(b)(1) for each fiscal year using the following  
14 weighted formula:

15 (A) 50 percent of such revenues shall be  
16 allocated among the coastal States as provided  
17 in paragraph (2).

18 (B) 25 percent of such revenues shall be  
19 allocated to each coastal State based on the  
20 ratio of each State's shoreline miles to the  
21 shoreline miles of all coastal States.

22 (C) 25 percent of such revenues shall be  
23 allocated to each coastal State based on the  
24 ratio of each State's coastal population to the  
25 coastal population of all coastal States.

1           (2) OFFSHORE OUTER CONTINENTAL SHELF  
2           SHARE.—If any portion of a producing State lies  
3           within a distance of 200 miles from the geographic  
4           center of any leased tract with qualified Outer Con-  
5           tinental Shelf revenues, the Secretary of the Interior  
6           shall determine such State’s allocable share under  
7           paragraph (1)(A) based on the formula set forth in  
8           this paragraph. Such State share shall be calculated  
9           as of the date of the enactment of this Act for the  
10          first 5-fiscal year period during which funds are dis-  
11          bursed under this title and recalculated on the anni-  
12          versary of such date each fifth year thereafter for  
13          each succeeding 5-fiscal year period. Each such  
14          State’s allocable share of the revenues disbursed  
15          under paragraph (1)(A) shall be based on qualified  
16          Outer Continental Shelf revenues from each leased  
17          tract or portion of a leased tract the geographic cen-  
18          ter of which is within a distance (to the nearest  
19          whole mile) of 200 miles from the coastline of the  
20          State and shall be inversely proportional to the dis-  
21          tance between the nearest point on the coastline of  
22          such State and the geographic center of each such  
23          leased tract or portion, as determined by the Sec-  
24          retary for the 5-year period concerned. In applying  
25          this paragraph a leased tract or portion of a leased

1 tract shall be excluded if the tract or portion is lo-  
2 cated in a geographic area subject to a leasing mora-  
3 torium on January 1, 1999, unless the lease was  
4 issued prior to the establishment of the moratorium  
5 and was in production on January 1, 1999.

6 (3) MINIMUM STATE SHARE.—

7 (A) IN GENERAL.—The allocable share of  
8 revenues determined by the Secretary under  
9 this subsection for each coastal State with an  
10 approved coastal management program (as de-  
11 fined by the Coastal Zone Management Act (16  
12 U.S.C. 1451)), or which is making satisfactory  
13 progress toward one, shall not be less in any  
14 fiscal year than 0.50 percent of the total  
15 amount of the revenues transferred by the Sec-  
16 retary of the Treasury to the Secretary of the  
17 Interior for purposes of this title for that fiscal  
18 year under subsection (a). For any other coast-  
19 al State the allocable share of such revenues  
20 shall not be less than 0.25 percent of such reve-  
21 nues.

22 (B) RECOMPUTATION.—Where one or  
23 more coastal States' allocable shares, as com-  
24 puted under paragraphs (1) and (2), are in-  
25 creased by any amount under this paragraph,

1           the allocable share for all other coastal States  
2           shall be recomputed and reduced by the same  
3           amount so that not more than 100 percent of  
4           the amount transferred by the Secretary of the  
5           Treasury to the Secretary of the Interior for  
6           purposes of this title for that fiscal year under  
7           section 5(b)(1) is allocated to all coastal States.  
8           The reduction shall be divided pro rata among  
9           such other coastal States.

10           (c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the  
11 case of a producing State, the Governor of the State shall  
12 pay 50 percent of the State’s allocable share, as deter-  
13 mined under subsection (b), to the coastal political sub-  
14 divisions in such State. Such payments shall be allocated  
15 among such coastal political subdivisions of the State ac-  
16 cording to an allocation formula analogous to the alloca-  
17 tion formula used in subsection (b) to allocate revenues  
18 among the coastal States, except that a coastal political  
19 subdivision in the State of California that has a coastal  
20 shoreline, that is not within 200 miles of the geographic  
21 center of a leased tract or portion of a leased tract, and  
22 in which there is located one or more oil refineries shall  
23 be eligible for that portion of the allocation described in  
24 subsection (b)(1)(A) and (b)(2) in the same manner as  
25 if that political subdivision were located within a distance

1 of 50 miles from the geographic center of the closest  
2 leased tract with qualified Outer Continental Shelf reve-  
3 nues.

4 (d) TIME OF PAYMENT.—Payments to coastal States  
5 and coastal political subdivisions under this section shall  
6 be made not later than December 31 of each year from  
7 revenues received during the immediately preceding fiscal  
8 year.

9 **SEC. 102. COASTAL STATE CONSERVATION AND IMPACT AS-**  
10 **SISTANCE PLANS.**

11 (a) DEVELOPMENT AND SUBMISSION OF STATE  
12 PLANS.—Each coastal State seeking to receive grants  
13 under this title shall prepare, and submit to the Secretary,  
14 a Statewide Coastal State Conservation and Impact As-  
15 sistance Plan. In the case of a producing State, the Gov-  
16 ernor shall incorporate the plans of the coastal political  
17 subdivisions into the Statewide plan for transmittal to the  
18 Secretary. The Governor shall solicit local input and shall  
19 provide for public participation in the development of the  
20 Statewide plan. The plan shall be submitted to the Sec-  
21 retary by April 1 of the calendar year after the calendar  
22 year in which this Act is enacted.

23 (b) APPROVAL OR DISAPPROVAL.—

24 (1) IN GENERAL.—Approval of a Statewide  
25 plan under subsection (a) is required prior to dis-

1       bursement of funds under this title by the Secretary.  
2       The Secretary shall approve the Statewide plan if  
3       the Secretary determines, in consultation with the  
4       Secretary of Commerce, that the plan is consistent  
5       with the uses set forth in subsection (c) and if the  
6       plan contains each of the following:

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

11             (B) A program for the implementation of  
12             the plan which, for producing States, includes a  
13             description of how funds will be used to address  
14             the impacts of oil and gas production from the  
15             Outer Continental Shelf.

16             (C) Certification by the Governor that  
17             ample opportunity has been accorded for public  
18             participation in the development and revision of  
19             the plan.

20             (D) Measures for taking into account other  
21             relevant Federal resources and programs. The  
22             plan shall be correlated so far as practicable  
23             with other State, regional, and local plans.

24             (2) PROCEDURE AND TIMING; REVISIONS.—The  
25       Secretary shall approve or disapprove each plan sub-

1       mitted in accordance with this section. If a State  
2       first submits a plan by not later than 90 days before  
3       the beginning of the first fiscal year to which the  
4       plan applies, the Secretary shall approve or dis-  
5       approve the plan by not later than 30 days before  
6       the beginning of that fiscal year.

7               (3) AMENDMENT OR REVISION.—Any amend-  
8       ment to or revision of the plan shall be prepared in  
9       accordance with the requirements of this subsection  
10      and shall be submitted to the Secretary for approval  
11      or disapproval. Any such amendment or revision  
12      shall take effect only for fiscal years after the fiscal  
13      year in which the amendment or revision is approved  
14      by the Secretary.

15           (c) AUTHORIZED USES OF STATE GRANT FUND-  
16   ING.—The funds provided under this title to a coastal  
17   State and for coastal political subdivisions are authorized  
18   to be used only for one or more of the following purposes:

19           (1) Data collection, including but not limited to  
20      fishery or marine mammal stock surveys in State  
21      waters or both, cooperative State, interstate, and  
22      Federal fishery or marine mammal stock surveys or  
23      both, cooperative initiatives with university and pri-  
24      vate entities for fishery and marine mammal sur-  
25      veys, activities related to marine mammal and fish-

1       ery interactions, and other coastal living marine re-  
2       sources surveys.

3               (2) The conservation, restoration, enhancement,  
4       or creation of coastal habitats.

5               (3) Cooperative Federal or State enforcement of  
6       marine resources management statutes.

7               (4) Fishery observer coverage programs in  
8       State or Federal waters.

9               (5) Invasive, exotic, and nonindigenous species  
10      identification and control.

11              (6) Coordination and preparation of cooperative  
12      fishery conservation and management plans between  
13      States including the development and implementa-  
14      tion of population surveys, assessments and moni-  
15      toring plans, and the preparation and implementa-  
16      tion of State fishery management plans developed by  
17      interstate marine fishery commissions.

18              (7) Preparation and implementation of State  
19      fishery or marine mammal management plans that  
20      comply with bilateral or multilateral international  
21      fishery or marine mammal conservation and man-  
22      agement agreements or both.

23              (8) Coastal and ocean observations necessary to  
24      develop and implement real time tide and current  
25      measurement systems.

1           (9) Implementation of federally approved ma-  
2           rine, coastal, or comprehensive conservation and  
3           management plans.

4           (10) Mitigating marine and coastal impacts of  
5           Outer Continental Shelf activities including impacts  
6           on onshore infrastructure.

7           (11) Projects that promote research, education,  
8           training, and advisory services in fields related to  
9           ocean, coastal, and Great Lakes resources.

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

1 **TITLE II—LAND AND WATER**  
2 **CONSERVATION FUND REVI-**  
3 **TALIZATION**

4 **SEC. 201. AMENDMENT OF LAND AND WATER CONSERVA-**  
5 **TION FUND ACT OF 1965.**

6 Except as otherwise expressly provided, whenever in  
7 this title an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a section or other provi-  
9 sion, the reference shall be considered to be made to a  
10 section or other provision of the Land and Water Con-  
11 servation Fund Act of 1965 (16 U.S.C. 4601–4 and fol-  
12 lowing).

13 **SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS**  
14 **TRANSFERRED FROM CONSERVATION AND**  
15 **REINVESTMENT ACT FUND.**

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

17 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
18 AND REINVESTMENT ACT FUND.—In addition to the sum  
19 of the revenues and collections estimated by the Secretary  
20 of the Interior to be covered into the fund pursuant to  
21 subsections (a) and (b) of this section, there shall be cov-  
22 ered into the fund all amounts transferred to the fund  
23 under section 5(b)(2) of the Conservation and Reinvest-  
24 ment Act of 2000.”.

1 **SEC. 203. AVAILABILITY OF AMOUNTS.**

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

4 “APPROPRIATIONS

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

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

19 **SEC. 204. ALLOCATION OF FUND.**

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

22 “ALLOCATION OF FUNDS

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

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

4           “(2) 50 percent shall be available for grants to  
5 States.”.

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

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

9           “(d) USE OF FEDERAL PORTION.—

10           “(1) APPROVAL BY CONGRESS REQUIRED.—The  
11 Federal portion (as that term is defined in section  
12 5(1)) may not be obligated or expended by the Sec-  
13 retary of the Interior or the Secretary of Agriculture  
14 for any acquisition except those specifically referred  
15 to, and approved by the Congress, in an Act making  
16 appropriations for the Department of the Interior or  
17 the Department of Agriculture, respectively.

18           “(2) WILLING SELLER REQUIREMENT.—The  
19 Federal portion may not be used to acquire any  
20 property unless—

21           “(A) the owner of the property concurs in  
22 the acquisition; or

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

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

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

6           “(2) TRANSMISSION OF LIST.—(A) The Sec-  
7           retary of the Interior and the Secretary of Agri-  
8           culture shall jointly transmit to the appropriate au-  
9           thorizing and appropriations committees of the  
10          House of Representatives and the Senate for each  
11          fiscal year, by no later than the submission of the  
12          budget for the fiscal year under section 1105 of title  
13          31, United States Code, a list of the acquisitions of  
14          interests in lands and water proposed to be made  
15          with the Federal portion for the fiscal year.

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

18                  “(i) seek to consolidate Federal land-  
19                  holdings in States with checkerboard Federal  
20                  land ownership patterns;

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

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

4           “(iv) identify those properties that are pro-  
5           posed to be acquired from willing sellers and  
6           specify any for which adverse condemnation is  
7           requested; and

8           “(v) establish priorities based on such fac-  
9           tors as important or special resource attributes,  
10          threats to resource integrity, timely availability,  
11          owner hardship, cost escalation, public recre-  
12          ation use values, and similar considerations.

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

15                 “(i) transmit, with the list transmitted  
16                 under subparagraph (A), a separate list of  
17                 those lands under the administrative jurisdic-  
18                 tion of the Secretary that have been identified  
19                 in applicable land management plans as surplus  
20                 and eligible for disposal as provided for by law;  
21                 and

22                 “(ii) update each list to be Indian trans-  
23                 mitted under clause (i) as land management  
24                 plans are amended or revised.

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

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

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

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

16                   “(1) in writing to each Member of and each  
17                   Delegate and Resident Commissioner to the Con-  
18                   gress elected to represent any area in which is  
19                   located—

20                           “(A) the land; or

21                           “(B) any part of any federally designated  
22                           unit that includes the land;

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

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

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

8           “(g) COMPLIANCE WITH REQUIREMENTS UNDER  
9           FEDERAL LAWS.—

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

13                   “(A) All actions required under Federal  
14                   law with respect to the acquisition have been  
15                   complied with.

16                   “(B) A copy of each final environmental  
17                   impact statement or environmental assessment  
18                   required by law, and a summary of all public  
19                   comments regarding the acquisition that have  
20                   been received by the agency making the acquisi-  
21                   tion, are submitted to the Committee on Re-  
22                   sources of the House of Representatives, the  
23                   Committee on Energy and Natural Resources of  
24                   the Senate, and the Committees on Appropria-

1 tions of the House of Representatives and of  
2 the Senate.

3 “(C) A notice of the availability of such  
4 statement or assessment and of such summary  
5 is provided to—

6 “(i) each Member of and each Dele-  
7 gate and Resident Commissioner to the  
8 Congress elected to represent the area in  
9 which the land is located;

10 “(ii) the Governor of the State in  
11 which the land is located; and

12 “(iii) each State political subdivision  
13 having jurisdiction over the land.

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

17 **SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR**  
18 **STATE PURPOSES.**

19 (a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l-  
20 8(b)) is amended to read as follows:

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

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

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

5                   “(B) 70 percent shall be apportioned so  
6                   that the ratio that the amount apportioned to  
7                   each State under this subparagraph bears to  
8                   the total amount apportioned under this sub-  
9                   paragraph for the fiscal year is equal to the  
10                  ratio that the population of the State bears to  
11                  the total population of all States.

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

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

1 the 10 percent limitation to an individual State specified  
2 in paragraph (3).

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

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

6 “(ii) Puerto Rico, the Virgin Islands, Guam,  
7 and American Samoa—

8 “(I) shall be treated collectively as one  
9 State; and

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

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

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

20 “(C) For the purposes of paragraph (1), all federally  
21 recognized Indian tribes, or in the case of Alaska, Native  
22 Corporations (as defined in section 3 of the Alaska Native  
23 Claims Settlement Act (43 U.S.C. 1602)), shall be eligible  
24 to receive shares of the apportionment under paragraph  
25 (1) in accordance with a competitive grant program estab-

1 lished by the Secretary by rule. The total apportionment  
2 available to such tribes, or in the case of Alaska, Native  
3 Corporations shall be equivalent to the amount available  
4 to a single State. No single tribe, nor in the case of Alas-  
5 ka, Native Corporation shall receive a grant that con-  
6 stitutes more than 10 percent of the total amount made  
7 available to all tribes and Alaska Native Corporations pur-  
8 suant to the apportionment under paragraph (1). Funds  
9 received by a tribe, or in the case of Alaska, Native Cor-  
10 poration under this subparagraph may be expended only  
11 for the purposes specified in paragraphs (1) and (3) of  
12 subsection (a).”.

13 (c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C.  
14 460l–8(b)) is amended by adding at the end the following:

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

22 **SEC. 207. STATE PLANNING.**

23 (a) STATE ACTION AGENDA REQUIRED.—

24 (1) IN GENERAL.—Section 6(d) (16 U.S.C.  
25 460l–8(d)) is amended to read as follows:

1           “(d) STATE ACTION AGENDA REQUIRED.—(1) Each  
2 State may define its own priorities and criteria for selec-  
3 tion of outdoor conservation and recreation acquisition  
4 and development projects eligible for grants under this  
5 Act, so long as the priorities and criteria defined by the  
6 State are consistent with the purposes of this Act, the  
7 State provides for public involvement in this process, and  
8 the State publishes an accurate and current State Action  
9 Agenda for Community Conservation and Recreation (in  
10 this Act referred to as the ‘State Action Agenda’) indi-  
11 cating the needs it has identified and the priorities and  
12 criteria it has established. In order to assess its needs and  
13 establish its overall priorities, each State, in partnership  
14 with its local governments and Federal agencies, and in  
15 consultation with its citizens, shall develop, within 5 years  
16 after the enactment of the Conservation and Reinvestment  
17 Act of 2000, a State Action Agenda that meets the fol-  
18 lowing requirements:

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

22           “(B) The agenda must be updated at least once  
23 every 5 years and certified by the Governor that the  
24 State Action Agenda conclusions and proposed ac-

1 tions have been considered in an active public in-  
2 volvement process.

3 “(2) State Action Agendas shall take into account all  
4 providers of conservation and recreation lands within each  
5 State, including Federal, regional, and local government  
6 resources, and shall be correlated whenever possible with  
7 other State, regional, and local plans for parks, recreation,  
8 open space, and wetlands conservation. Recovery action  
9 programs developed by urban localities under section 1007  
10 of the Urban Park and Recreation Recovery Act of 1978  
11 shall be used by a State as a guide to the conclusions,  
12 priorities, and action schedules contained in State Action  
13 Agenda. Each State shall assure that any requirements  
14 for local outdoor conservation and recreation planning,  
15 promulgated as conditions for grants, minimize redun-  
16 dancy of local efforts by allowing, wherever possible, use  
17 of the findings, priorities, and implementation schedules  
18 of recovery action programs to meet such requirements.”.

19 (2) EXISTING STATE PLANS.—Comprehensive  
20 State Plans developed by any State under section  
21 6(d) of the Land and Water Conservation Fund Act  
22 of 1965 before the date that is 5 years after the en-  
23 actment of this Act shall remain in effect in that  
24 State until a State Action Agenda has been adopted  
25 pursuant to the amendment made by this subsection,

1 but no later than 5 years after the enactment of this  
2 Act.

3 (b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l–  
4 8(e)) is amended as follows:

5 (1) In the matter preceding paragraph (1) by  
6 striking “State comprehensive plan” and inserting  
7 “State Action Agenda”.

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

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

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

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

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

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

20 Section 6(f)(3) (16 U.S.C. 460l–8(f)(3)) is  
21 amended—

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

24 (2) by striking the second sentence and insert-  
25 ing the following:



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

6           “(3) preempts or modifies any Federal or State  
7           law, or interstate compact, dealing with water qual-  
8           ity or disposal; or

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

## 12 **TITLE III—WILDLIFE CONSERVA-** 13 **TION AND RESTORATION**

### 14 **SEC. 301. PURPOSES.**

15          The purposes of this title are—

16           (1) to extend financial and technical assistance  
17           to the States under the Federal Aid to Wildlife Res-  
18           toration Act for the benefit of a diverse array of  
19           wildlife and associated habitats, including species  
20           that are not hunted or fished, to fulfill unmet needs  
21           of wildlife within the States in recognition of the pri-  
22           mary role of the States to conserve all wildlife;

23           (2) to assure sound conservation policies  
24           through the development, revision, and implementa-

1       tion of a comprehensive wildlife conservation and  
2       restoration plan;

3           (3) to encourage State fish and wildlife agencies  
4       to participate with the Federal Government, other  
5       State agencies, wildlife conservation organizations,  
6       Indian tribes, and in the case of Alaska, Alaska Na-  
7       tive Corporations, and outdoor recreation and con-  
8       servation interests through cooperative planning and  
9       implementation of this title; and

10          (4) to encourage State fish and wildlife agencies  
11       to provide for public involvement in the process of  
12       development and implementation of a wildlife con-  
13       servation and restoration program.

14 **SEC. 302. DEFINITIONS.**

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

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

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

5           (d) DEFINITIONS.—Section 2 of the Federal Aid in  
6 Wildlife Restoration Act (16 U.S.C. 669a) is amended by  
7 striking the period at the end thereof, substituting a semi-  
8 colon, and adding the following: “the term ‘conservation’  
9 shall be construed to mean the use of methods and proce-  
10 dures necessary or desirable to sustain healthy populations  
11 of wildlife including all activities associated with scientific  
12 resources management such as research, census, moni-  
13 toring of populations, acquisition, improvement and man-  
14 agement of habitat, live trapping and transplantation,  
15 wildlife damage management, and periodic or total protec-  
16 tion of a species or population as well as the taking of  
17 individuals within wildlife stock or population if permitted  
18 by applicable State and Federal law; the term ‘wildlife  
19 conservation and restoration program’ means a program  
20 developed by a State fish and wildlife department and ap-  
21 proved by the Secretary under section 4(d), the projects  
22 that constitute such a program, which may be imple-  
23 mented in whole or part through grants and contracts by  
24 a State to other State, Federal, or local agencies (includ-  
25 ing those that gather, evaluate, and disseminate informa-

1 tion on wildlife and their habitats), wildlife conservation  
2 organizations, and outdoor recreation and conservation  
3 education entities from funds apportioned under this title,  
4 and maintenance of such projects; the term ‘wildlife’ shall  
5 be construed to mean any species of wild, free-ranging  
6 fauna including fish, and also fauna in captive breeding  
7 programs the object of which is to reintroduce individuals  
8 of a depleted indigenous species into previously occupied  
9 range; the term ‘wildlife-associated recreation’ shall be  
10 construed to mean projects intended to meet the demand  
11 for outdoor activities associated with wildlife including,  
12 but not limited to, hunting and fishing, wildlife observa-  
13 tion and photography, such projects as construction or  
14 restoration of wildlife viewing areas, observation towers,  
15 blinds, platforms, land and water trails, water access, trail  
16 heads, and access for such projects; and the term ‘wildlife  
17 conservation education’ shall be construed to mean  
18 projects, including public outreach, intended to foster re-  
19 sponsible natural resource stewardship.”.

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

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

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

3           “(2) There is established in the Federal aid to wildlife  
4 restoration fund a subaccount to be known as the ‘wildlife  
5 conservation and restoration account’. Amounts trans-  
6 ferred to the fund for a fiscal year under section 5(b)(3)  
7 of the Conservation and Reinvestment Act of 2000 shall  
8 be deposited in the subaccount and shall be available with-  
9 out further appropriation, in each fiscal year, for appor-  
10 tionment in accordance with this Act to carry out State  
11 wildlife conservation and restoration programs.”; and

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

13           “(c) Amounts transferred to the fund from the Con-  
14 servation and Reinvestment Act Fund and apportioned  
15 under subsection (a)(2) shall supplement, but not replace,  
16 existing funds available to the States from the sport fish  
17 restoration account and wildlife restoration account and  
18 shall be used for the development, revision, and implemen-  
19 tation of wildlife conservation and restoration programs  
20 and should be used to address the unmet needs for a di-  
21 verse array of wildlife and associated habitats, including  
22 species that are not hunted or fished, for wildlife conserva-  
23 tion, wildlife conservation education, and wildlife-associ-  
24 ated recreation projects. Such funds may be used for new

1 programs and projects as well as to enhance existing pro-  
2 grams and projects.

3 “(d)(1) Notwithstanding subsections (a) and (b) of  
4 this section, with respect to amounts transferred to the  
5 fund from the Conservation and Reinvestment Act Fund  
6 so much of such amounts as is apportioned to any State  
7 for any fiscal year and as remains unexpended at the close  
8 thereof shall remain available for expenditure in that State  
9 until the close of—

10 “(A) the fourth succeeding fiscal year, in the  
11 case of amounts transferred in any of the first 10  
12 fiscal years beginning after the date of enactment of  
13 the Conservation and Reinvestment Act of 2000; or

14 “(B) the second succeeding fiscal year, in the  
15 case of amounts transferred in a fiscal year begin-  
16 ning after the 10-fiscal-year period referred to in  
17 subparagraph (A).

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

1 **SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED**  
2 **FROM CONSERVATION AND REINVESTMENT**  
3 **ACT FUND.**

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

7 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
8 AND REINVESTMENT ACT FUND.—(1) The Secretary of  
9 the Interior shall make the following apportionment from  
10 the amount transferred to the fund from the Conservation  
11 and Reinvestment Act Fund for each fiscal year:

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

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

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

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

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

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

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

14          “(d) WILDLIFE CONSERVATION AND RESTORATION  
15          PROGRAMS.—(1) Any State, through its fish and wildlife  
16          department, may apply to the Secretary of the Interior  
17          for approval of a wildlife conservation and restoration pro-  
18          gram, or for funds to develop a program. To apply, a State  
19          shall submit a comprehensive plan that includes—

20                 “(A) provisions vesting in the fish and wildlife  
21                 department of the State overall responsibility and  
22                 accountability for the program;

23                 “(B) provisions for the development and imple-  
24                 mentation of—

1           “(i) wildlife conservation projects that ex-  
2           pand and support existing wildlife programs,  
3           giving appropriate consideration to all wildlife;

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

6           “(iii) wildlife conservation education  
7           projects pursuant to programs under section  
8           8(a); and

9           “(C) provisions to ensure public participation in  
10          the development, revision, and implementation of  
11          projects and programs required under this para-  
12          graph.

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

16          “(3) If the Secretary finds that the comprehensive  
17          plan submitted by a State complies with paragraph (1),  
18          the Secretary shall approve the wildlife conservation and  
19          restoration program of the State and set aside from the  
20          apportionment to the State made pursuant to subsection  
21          (c) an amount that shall not exceed 75 percent of the esti-  
22          mated cost of developing and implementing the program.

23          “(4)(A) Except as provided in subparagraph (B),  
24          after the Secretary approves a State’s wildlife conservation  
25          and restoration program, the Secretary may make pay-

1 ments on a project that is a segment of the State’s wildlife  
2 conservation and restoration program as the project pro-  
3 gresses. Such payments, including previous payments on  
4 the project, if any, shall not be more than the United  
5 States pro rata share of such project. The Secretary,  
6 under such regulations as he may prescribe, may advance  
7 funds representing the United States pro rata share of  
8 a project that is a segment of a wildlife conservation and  
9 restoration program, including funds to develop such pro-  
10 gram.

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

15 “(5) For purposes of this subsection, the term ‘State’  
16 shall include the District of Columbia, the Commonwealth  
17 of Puerto Rico, the Virgin Islands, Guam, American  
18 Samoa, and the Commonwealth of the Northern Mariana  
19 Islands.”.

20 (b) FACA.—Coordination with State fish and wildlife  
21 agency personnel or with personnel of other State agencies  
22 pursuant to the Federal Aid in Wildlife Restoration Act  
23 or the Federal Aid in Sport Fish Restoration Act shall  
24 not be subject to the Federal Advisory Committee Act (5  
25 U.S.C. App.). Except for the preceding sentence, the pro-

1 visions of this title relate solely to wildlife conservation and  
2 restoration programs and shall not be construed to affect  
3 the provisions of the Federal Aid in Wildlife Restoration  
4 Act relating to wildlife restoration projects or the provi-  
5 sions of the Federal Aid in Sport Fish Restoration Act  
6 relating to fish restoration and management projects.

7 **SEC. 305. EDUCATION.**

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

17 **SEC. 306. PROHIBITION AGAINST DIVERSION.**

18       No designated State agency shall be eligible to receive  
19 matching funds under this title if sources of revenue avail-  
20 able to it after January 1, 1999, for conservation of wild-  
21 life are diverted for any purpose other than the adminis-  
22 tration of the designated State agency, it being the inten-  
23 tion of Congress that funds available to States under this  
24 title be added to revenues from existing State sources and  
25 not serve as a substitute for revenues from such sources.

1 Such revenues shall include interest, dividends, or other  
2 income earned on the forgoing.

3 **TITLE IV—URBAN PARK AND**  
4 **RECREATION RECOVERY**  
5 **PROGRAM AMENDMENTS**

6 **SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION**  
7 **RECOVERY ACT OF 1978.**

8 Except as otherwise expressly provided, whenever in  
9 this title an amendment or repeal is expressed in terms  
10 of an amendment to, or repeal of, a section or other provi-  
11 sion, the reference shall be considered to be made to a  
12 section or other provision of the Urban Park and Recre-  
13 ation Recovery Act of 1978 (16 U.S.C. 2501 and fol-  
14 lowing).

15 **SEC. 402. PURPOSE.**

16 The purpose of this title is to provide a dedicated  
17 source of funding to assist local governments in improving  
18 their park and recreation systems.

19 **SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
20 **CONSERVATION AND REINVESTMENT ACT**  
21 **FUND.**

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

1       “TREATMENT OF AMOUNTS TRANSFERRED FROM  
2       CONSERVATION AND REINVESTMENT ACT FUND

3       “SEC. 1013. (a) IN GENERAL.—Amounts transferred  
4 to the Secretary of the Interior under section 5(b)(4) of  
5 the Conservation and Reinvestment Act of 2000 in a fiscal  
6 year shall be available to the Secretary without further  
7 appropriation to carry out this title. Any amount that has  
8 not been paid or obligated by the Secretary before the end  
9 of the second fiscal year beginning after the first fiscal  
10 year in which the amount is available shall be reappor-  
11 tioned by the Secretary among grantees under this title.

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

14               “(1) not more than 3 percent may be used for  
15 grants for the development of local park and recre-  
16 ation recovery action programs pursuant to sections  
17 1007(a) and 1007(c);

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

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

23       “(c) LIMITATION ON USE FOR GRANT ADMINISTRA-  
24 TION.—The Secretary shall establish a limit on the portion

1 of any grant under this title that may be used for grant  
2 and program administration.”.

3 **SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FA-**  
4 **CILITIES.**

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

10 **SEC. 405. DEFINITIONS.**

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

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

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

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

18 “(l) ‘development grants’—

19 “(1) subject to subparagraph (2) means  
20 matching capital grants to units of local govern-  
21 ment to cover costs of development, land acqui-  
22 sition, and construction on existing or new  
23 neighborhood recreation sites, including indoor  
24 and outdoor recreational areas and facilities,  
25 support facilities, and landscaping; and

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

3                   “(m) ‘Secretary’ means the Secretary of the In-  
4                   terior.”.

5 **SEC. 406. ELIGIBILITY.**

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

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

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

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

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

23 **SEC. 407. GRANTS.**

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



1 from time to time in keeping with the rate of progress  
2 toward completion of a project, on a reimbursable basis.”.

3 **SEC. 408. RECOVERY ACTION PROGRAMS.**

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

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

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

10 **SEC. 409. STATE ACTION INCENTIVES.**

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

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

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

17 “(b) COORDINATION WITH LAND AND WATER CON-  
18 SERVATION FUND ACTIVITIES.—(1) The Secretary and  
19 general purpose local governments are encouraged to co-  
20 ordinate preparation of recovery action programs required  
21 by this title with State Plans or Agendas required under  
22 section 6 of the Land and Water Conservation Fund Act  
23 of 1965, including by allowing flexibility in preparation of  
24 recovery action programs so they may be used to meet  
25 State and local qualifications for local receipt of Land and

1 Water Conservation Fund grants or State grants for simi-  
2 lar purposes or for other conservation or recreation pur-  
3 poses.

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

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

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

14 “CONVERSION OF RECREATION PROPERTY

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

19 “(2) Paragraph (1) shall apply to—

20 “(A) property developed with amounts provided  
21 under this title; and

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

24 “(b)(1) The Secretary shall approve such conversion  
25 only if the grantee demonstrates no prudent or feasible  
26 alternative exists.

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

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

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

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

13 **SEC. 411. REPEAL.**

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

15                               **TITLE V—HISTORIC**  
16                               **PRESERVATION FUND**

17 **SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
18                               **CONSERVATION AND REINVESTMENT ACT**  
19                               **FUND.**

20       Section 108 of the National Historic Preservation Act  
21 (16 U.S.C. 470h) is amended—

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

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

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

2 “(b) Amounts transferred to the Secretary under sec-  
3 tion 5(b)(5) of the Conservation and Reinvestment Act of  
4 2000 in a fiscal year shall be deposited into the Fund and  
5 shall be available without further appropriation to carry  
6 out this Act.

7 “(c) At least 1/2 of the funds obligated or expended  
8 each fiscal year under this Act shall be used in accordance  
9 with this Act for preservation projects on historic prop-  
10 erties. In making such funds available, the Secretary shall  
11 give priority to the preservation of endangered historic  
12 properties.”.

13 **SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSIST-**  
14 **ANCE FOR NATIONAL HERITAGE AREAS AND**  
15 **CORRIDORS.**

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

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

21 “In addition to other uses authorized by this Act,  
22 amounts provided to a State under this title may be used  
23 by the State to provide financial assistance to the manage-  
24 ment entity for any national heritage area or national her-  
25 itage corridor established under the laws of the United

1 States, to support cooperative historic preservation plan-  
2 ning and development.”.

3 **TITLE VI—FEDERAL AND INDIAN**  
4 **LANDS RESTORATION**

5 **SEC. 601. PURPOSE.**

6 The purpose of this title is to provide a dedicated  
7 source of funding for a coordinated program on Federal  
8 and Indian lands to restore degraded lands, protect re-  
9 sources that are threatened with degradation, and protect  
10 public health and safety.

11 **SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
12 **CONSERVATION AND REINVESTMENT ACT**  
13 **FUND; ALLOCATION.**

14 (a) IN GENERAL.—Amounts transferred to the Sec-  
15 retary of the Interior and the Secretary of Agriculture  
16 under section 5(b)(6) of this Act in a fiscal year shall be  
17 available without further appropriation to carry out this  
18 title.

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

21 (1) DEPARTMENT OF THE INTERIOR.—60 per-  
22 cent shall be allocated and available to the Secretary  
23 of the Interior to carry out the purpose of this title  
24 on lands within the National Park System, lands  
25 within the National Wildlife Refuge System, and

1 public lands administered by the Bureau of Land  
2 Management.

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

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

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

12 (a) IN GENERAL.—Funds made available to carry out  
13 this title shall be used solely for restoration of degraded  
14 lands, resource protection, maintenance activities related  
15 to resource protection, or protection of public health or  
16 safety.

17 (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

18 (1) GRANT AUTHORITY.—The Secretary of the  
19 Interior shall administer a competitive grant pro-  
20 gram for Indian tribes, giving priority to projects  
21 based upon the protection of significant resources,  
22 the severity of damages or threats to resources, and  
23 the protection of public health or safety.

24 (2) LIMITATION.—The amount received for a  
25 fiscal year by a single Indian tribe in the form of

1 grants under this subsection may not exceed 10 per-  
2 cent of the total amount available for that fiscal year  
3 for grants under this subsection.

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

11 (d) COMPLIANCE WITH APPLICABLE PLANS.—Any  
12 project carried out on Federal lands with amounts pro-  
13 vided under this title shall be carried out in accordance  
14 with all management plans that apply under Federal law  
15 to the lands.

16 (e) TRACKING RESULTS.—Not later than the end of  
17 the first full fiscal year for which funds are available under  
18 this title, the Secretary of the Interior and the Secretary  
19 of Agriculture shall jointly establish a coordinated pro-  
20 gram for—

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

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

1 **SEC. 604. INDIAN TRIBE DEFINED.**

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

8 **TITLE VII—FARMLAND PROTEC-**  
9 **TION PROGRAM AND ENDAN-**  
10 **GERED AND THREATENED**  
11 **SPECIES RECOVERY**

12 **Subtitle A—Farmland Protection**  
13 **Program**

14 **SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AU-**  
15 **THORITIES UNDER FARMLAND PROTECTION**  
16 **PROGRAM.**

17 Section 388 of the Federal Agriculture Improvement  
18 and Reform Act of 1996 (Public Law 104–127; 16 U.S.C.  
19 3830 note) is amended to read as follows:

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

21 “(a) ESTABLISHMENT AND PURPOSE.—The Sec-  
22 retary of Agriculture shall carry out a farmland protection  
23 program for the purpose of protecting farm, ranch, and  
24 forest lands with prime, unique, or other productive uses  
25 by limiting the nonagricultural uses of the lands. Under  
26 the program, the Secretary may provide matching grants

1 to eligible entities described in subsection (d) to facilitate  
2 their purchase of—

3 “(1) permanent conservation easements in such  
4 lands; or

5 “(2) conservation easements or other interests  
6 in such lands when the lands are subject to a pend-  
7 ing offer from a State or local government.

8 “(b) CONSERVATION PLAN.—Any highly erodible  
9 land for which a conservation easement or other interest  
10 is purchased using funds made available under this section  
11 shall be subject to the requirements of a conservation plan  
12 that requires, at the option of the Secretary of Agri-  
13 culture, the conversion of the cropland to less intensive  
14 uses.

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

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

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

22 “(2) A federally recognized Indian tribe.

23 “(3) Any organization that is organized for,  
24 and at all times since its formation has been oper-  
25 ated principally for, one or more of the conservation

1 purposes specified in clause (i), (ii), or (iii) of sec-  
2 tion 170(h)(4)(A) of the Internal Revenue Code of  
3 1986 and—

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

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

8 “(C) is described in paragraph (2) of sec-  
9 tion 509(a) of the Code, or paragraph (3) of  
10 such section, but is controlled by an organiza-  
11 tion described in paragraph (2) of such section.

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

16 “(f) STATE CERTIFICATION.—As a condition of the  
17 receipt by an eligible entity of a grant under subsection  
18 (a)(1), the attorney general of the State in which the con-  
19 servation easement is to be purchased using the grant  
20 funds shall certify that the conservation easement to be  
21 purchased is in a form that is sufficient, under the laws  
22 of the State, to achieve the purposes of the farmland pro-  
23 tection program and the terms and conditions of the  
24 grant.

1       “(g) TECHNICAL ASSISTANCE.—To provide technical  
2 assistance to carry out this section, the Secretary of Agri-  
3 culture may not use more than 10 percent of the amount  
4 made available for any fiscal year under section 702 of  
5 the Conservation and Reinvestment Act of 2000.”.

6 **SEC. 702. FUNDING.**

7       (a) AVAILABILITY.—Amounts transferred to the Sec-  
8 retary of Agriculture under section 5(b)(7) of this Act in  
9 a fiscal year shall be available to the Secretary of Agri-  
10 culture, without further appropriation, to carry out—

11           (1) the farmland protection program under sec-  
12 tion 388 of the Federal Agriculture Improvement  
13 and Reform Act of 1996 (Public Law 104–127; 16  
14 U.S.C. 3830 note), and

15           (2) the Forest Legacy Program under section 7  
16 of the Cooperative Forestry Assistance Act of 1978  
17 (16 U.S.C. 2103c).

18       (b) MINIMUM ALLOCATION.—Not less than 10 per-  
19 cent of the amounts transferred to the Secretary of Agri-  
20 culture under section 5(b)(7) of this Act in a fiscal year  
21 shall be used for each of the programs referred to in para-  
22 graphs (1) and (2) of subsection (a).

1           **Subtitle B—Endangered and**  
2           **Threatened Species Recovery**

3 **SEC. 711. PURPOSES.**

4           The purposes of this subtitle are the following:

5           (1) To provide a dedicated source of funding to  
6           the United States Fish and Wildlife Service and the  
7           National Marine Fisheries Service for the purpose of  
8           implementing an incentives program to promote the  
9           recovery of endangered species and threatened spe-  
10          cies and the habitat upon which they depend.

11          (2) To promote greater involvement by non-  
12          Federal entities in the recovery of the Nation's en-  
13          dangered species and threatened species and the  
14          habitat upon which they depend.

15 **SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
16                   **CONSERVATION AND REINVESTMENT ACT**  
17                   **FUND.**

18          Amounts transferred to the Secretary of the Interior  
19          under section 5(b)(8) of this Act in a fiscal year shall be  
20          available to the Secretary of the Interior without further  
21          appropriation to carry out this subtitle.

22 **SEC. 713. ENDANGERED AND THREATENED SPECIES RE-**  
23                   **COVERY ASSISTANCE.**

24          (a) **FINANCIAL ASSISTANCE.**—The Secretary may  
25          use amounts made available under section 712 to provide

1 financial assistance to any person for development and im-  
2 plementation of Endangered and Threatened Species Re-  
3 covery Agreements entered into by the Secretary under  
4 section 714.

5 (b) PRIORITY.—In providing assistance under this  
6 section, the Secretary shall give priority to the develop-  
7 ment and implementation of species recovery agreements  
8 that—

9 (1) implement actions identified under recovery  
10 plans approved by the Secretary under section 4(f)  
11 of the Endangered Species Act of 1973 (16 U.S.C.  
12 1533(f));

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

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

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

1 (d) PAYMENTS UNDER OTHER PROGRAMS.—

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

16 (2) LIMITATION.—A person may not receive fi-  
17 nancial assistance under this section to carry out ac-  
18 tivities under a species recovery agreement in addi-  
19 tion to payments under the programs referred to in  
20 paragraph (1) made for the same activities, if the  
21 terms of the species recovery agreement do not re-  
22 quire financial or management obligations by the  
23 person in addition to any such obligations of the  
24 person under such programs.

1 **SEC. 714. ENDANGERED AND THREATENED SPECIES RE-**  
2 **COVERY AGREEMENTS.**

3 (a) IN GENERAL.—The Secretary may enter into En-  
4 dangered and Threatened Species Recovery Agreements  
5 for purposes of this subtitle in accordance with this sec-  
6 tion.

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

9 (1) require the person—

10 (A) to carry out on real property owned or  
11 leased by the person activities not otherwise re-  
12 quired by law that contribute to the recovery of  
13 an endangered or threatened species;

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

19 (C) to do any combination of subpara-  
20 graphs (A) and (B);

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

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

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

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

7           (6) require the person to notify the Secretary  
8 if—

9                   (A) any right or obligation of the person  
10 under the agreement is assigned to any other  
11 person; or

12                   (B) any term of the agreement is breached  
13 by the person or any other person to whom is  
14 assigned a right or obligation of the person  
15 under the agreement;

16           (7) specify the date on which the agreement  
17 takes effect and the period of time during which the  
18 agreement shall remain in effect;

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

23           (9) allocate financial assistance provided under  
24 this subtitle for implementation of the agreement, on  
25 an annual or other basis during the period the

1 agreement is in effect based on the schedule for im-  
2 plementation required under paragraph (4).

3 (c) REVIEW AND APPROVAL OF PROPOSED AGREE-  
4 MENTS.—Upon submission by any person of a proposed  
5 species recovery agreement under this section, the  
6 Secretary—

7 (1) shall review the proposed agreement and de-  
8 termine whether it complies with the requirements of  
9 this section and will contribute to the recovery of en-  
10 dangered or threatened species that are the subject  
11 of the proposed agreement;

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

15 (3) if the Secretary determines that the agree-  
16 ment complies with the requirements of this section,  
17 shall approve and enter with the person into the  
18 agreement.

19 (d) MONITORING IMPLEMENTATION OF AGREE-  
20 MENTS.—The Secretary shall—

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

24 (2) based on the information obtained from  
25 that monitoring, annually or otherwise disburse fi-

1 nancial assistance under this subtitle to implement  
2 the agreement as the Secretary determines is appro-  
3 priate under the terms of the agreement.

4 **SEC. 715. DEFINITIONS.**

5 In this subtitle:

6 (1) **ENDANGERED OR THREATENED SPECIES.**—

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

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

15 (3) **SMALL LANDOWNER.**—The term “small  
16 landowner” means an individual who owns 50 acres  
17 or fewer of land.

18 (4) **SPECIES RECOVERY AGREEMENT.**—The  
19 term “species recovery agreement” means an En-  
20 dangered and Threatened Species Recovery Agree-  
21 ment entered into by the Secretary under section  
22 714.

○