

107TH CONGRESS
1ST SESSION

S. 990

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

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2001

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

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

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

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

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

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

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT
PROGRAM

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

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

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

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

9 **SEC. 102. DEFINITIONS.**

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

13 **“SEC. 2. DEFINITIONS.**

14 “In this Act:

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

1 “(2) CONSERVATION.—

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

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

9 “(i) research;

10 “(ii) census;

11 “(iii) monitoring of populations;

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

14 “(v) live trapping and transplantation;

15 “(vi) wildlife damage management;

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

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

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

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

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

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

17 “(7) WILDLIFE.—

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

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

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

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

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

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

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

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

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

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

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

6 “(11) WILDLIFE-RESTORATION PROJECT.—

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

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

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

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

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

1 efficient administration of wildlife re-
2 sources; and

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

6 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

11 **“(a) IN GENERAL.—**

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

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

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

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

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

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

2 and

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

4 years 2002 through 2006.”; and

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

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 3(a)(1) of the Pittman-Robertson
8 Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is
9 amended in the first sentence—

10 (A) by inserting “(other than the Ac-
11 count)” after “wildlife restoration fund”; and

12 (B) by inserting before the period at the
13 end the following: “(other than sections 4(d)
14 and 12)”.

15 (2) Section 4 of the Pittman-Robertson Wildlife
16 Restoration Act (16 U.S.C. 669c) is amended—

17 (A) in subsection (a)—

18 (i) in paragraph (1)(A)—

19 (I) by inserting “(other than the
20 Account)” after “the fund”; and

21 (II) by inserting “(other than
22 subsection (d) and sections 3(a)(2)
23 and 12)” after “this Act”; and

1 (ii) in paragraph (2)(B), by inserting
2 “from the fund (other than the Account)”
3 before “under this Act”; and

4 (B) in the first sentence of subsection (b),
5 by striking “said fund” and inserting “the fund
6 (other than the Account)”.

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

9 (A) in subsection (a)—

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

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

19 (iii) in paragraph (2)—

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

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

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

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

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

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

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

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

25 (A) in subsection (a)(1)—

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

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

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

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

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

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

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

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

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

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

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

17 “(3) APPORTIONMENT TO STATES.—

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

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

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

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

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

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

17 “(4) USE.—

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

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

23 “(I) from the fund; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(i) wildlife conservation projects—

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

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

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

7 “(iii) wildlife conservation education
8 projects.

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

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

20 “(5) PAYMENT OF FEDERAL SHARE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(c) WILDLIFE CONSERVATION STRATEGY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(E) provide for—

20 “(i) periodic monitoring of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tion education projects shall not be used to fund, in whole
 2 or in part, any activity that promotes or encourages oppo-
 3 sition to the regulated hunting or trapping of wildlife.”.

4 (b) CONFORMING AMENDMENT.—Section 8(a) of the
 5 Pittman-Robertson Wildlife Restoration Act (16 U.S.C.
 6 669g) is amended by striking the last sentence.

7 **SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 8 **MITTEE ACT.**

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

13 **“SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 14 **MITTEE ACT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

22 This title takes effect on October 1, 2001.

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

4 **SEC. 201. PURPOSE.**

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

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

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

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

16 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

17 “(C) are proposed by small landowners.

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

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

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

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

3 “(4) PAYMENTS UNDER OTHER PROGRAMS.—

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

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

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

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

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

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

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

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

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

18 “(A) require the person—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(i) complies with this subsection; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(A) that seek to protect ecosystems;

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

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

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

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

8 “(c) GRANTS TO STATES.—

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

14 “(2) SUBMISSION OF APPLICATIONS.—

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

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

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

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

24 “(I) planning;

25 “(II) administration;

1 “(III) property acquisition; and

2 “(IV) property management;

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

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

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

12 “(A) review the application; and

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

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

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

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

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

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

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

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

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

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

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

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

○