

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

# H. R. 701

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IN THE SENATE OF THE UNITED STATES

MAY 11, 2000

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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##### SUBTITLE A—FARMLAND PROTECTION PROGRAM

- Sec. 701. Additional funding and additional authorities under farmland protection program.
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##### Subtitle B—Endangered and Threatened Species Recovery

- Sec. 711. Purposes.
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#### TITLE VIII—PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS

- Sec. 801. Protection of Social Security and Medicare benefits.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

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

11 (2) The term “coastal political subdivision”  
12 means a political subdivision of a coastal State all or  
13 part of which political subdivision is within the  
14 coastal zone (as defined in section 304 of the Coast-  
15 al Zone Management Act (16 U.S.C. 1453)).

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

19 (4) The term “coastline” has the same meaning  
20 that it has in the Submerged Lands Act (43 U.S.C.  
21 1301 et seq.).

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

24 (6) The term “fiscal year” means the Federal  
25 Government’s accounting period which begins on Oc-

1 tober 1st and ends on September 30th, and is des-  
2 ignated by the calendar year in which it ends.

3 (7) The term “Governor” means the highest  
4 elected official of a State or of any other political en-  
5 tity that is defined as, or treated as, a State under  
6 the Land and Water Conservation Fund Act of 1965  
7 (16 U.S.C. 4601–4 et seq.), the Act of September 2,  
8 1937 (16 U.S.C. 669 et seq.), commonly referred to  
9 as the Federal Aid in Wildlife Restoration Act or the  
10 Pittman-Robertson Act, the Urban Park and Recre-  
11 ation Recovery Act of 1978 (16 U.S.C. 2501 et  
12 seq.), the National Historic Preservation Act (16  
13 U.S.C. 470h et seq.), or the Federal Agriculture Im-  
14 provement and Reform Act of 1996 (Public Law  
15 104–127; 16 U.S.C. 3830 note).

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

1           (9) The term “Outer Continental Shelf” means  
2 all submerged lands lying seaward and outside of the  
3 area of “lands beneath navigable waters” as defined  
4 in section 2(a) of the Submerged Lands Act (43  
5 U.S.C. 1301(a)), and of which the subsoil and sea-  
6 bed appertain to the United States and are subject  
7 to its jurisdiction and control.

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

17           (11) The term “producing State” means a  
18 State with a coastal seaward boundary within 200  
19 miles from the geographic center of a leased tract  
20 other than a leased tract or portion of a leased tract  
21 that is located in a geographic area subject to a leas-  
22 ing moratorium on January 1, 1999 (unless the  
23 lease was issued prior to the establishment of the  
24 moratorium and was in production on January 1,  
25 1999).

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

22           (13) The term “Secretary” means the Secretary  
23 of the Interior or the Secretary’s designee, except as  
24 otherwise specifically provided.

1           (14) The term “Fund” means the Conservation  
2           and Reinvestment Act Fund established under sec-  
3           tion 5.

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

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

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

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

2 (a) ESTABLISHMENT OF FUND.—There is estab-  
3 lished in the Treasury of the United States a fund which  
4 shall be known as the “Conservation and Reinvestment  
5 Act Fund”. In each fiscal year after the fiscal year 2000,  
6 the Secretary of the Treasury shall deposit into the Fund  
7 the following amounts:

8 (1) OCS REVENUES.—An amount in each such  
9 fiscal year from qualified Outer Continental Shelf  
10 revenues equal to the difference between  
11 \$2,825,000,000 and the amounts deposited in the  
12 Fund under paragraph (2), notwithstanding section  
13 9 of the Outer Continental Shelf Lands Act (43  
14 U.S.C. 1338).

15 (2) AMOUNTS NOT DISBURSED.—All allocated  
16 but undisbursed amounts returned to the Fund  
17 under section 101(a)(2).

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

21 (b) TRANSFER FOR EXPENDITURE.—In each fiscal  
22 year after the fiscal year 2001, the Secretary of the Treas-  
23 ury shall transfer amounts deposited into the Fund as fol-  
24 lows:

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

4           (2) To the Land and Water Conservation Fund  
5           for expenditure as provided in section 3(a) of the  
6           Land and Water Conservation Fund Act of 1965  
7           (16 U.S.C. 460l–6(a)) such amounts as are nec-  
8           essary to make the income of the fund \$900,000,000  
9           in each such fiscal year.

10          (3) \$350,000,000 to the Federal aid to wildlife  
11          restoration fund established under section 3 of the  
12          Federal Aid in Wildlife Restoration Act (16 U.S.C.  
13          669b).

14          (4) \$125,000,000 to the Secretary of the Inte-  
15          rior to carry out the Urban Park and Recreation Re-  
16          covery Act of 1978 (16 U.S.C. 2501 et seq.).

17          (5) \$100,000,000 to the Secretary of the Inte-  
18          rior to carry out the National Historic Preservation  
19          Act (16 U.S.C. 470 et seq.).

20          (6) \$200,000,000 to the Secretary of the Inte-  
21          rior and the Secretary of Agriculture to carry out  
22          title VI of this Act.

23          (7) \$100,000,000 to the Secretary of Agri-  
24          culture to carry out the farmland protection pro-  
25          gram under section 388 of the Federal Agriculture

1 Improvement and Reform Act of 1996 (Public Law  
2 104–127; 16 U.S.C. 3830 note), the Urban and  
3 Community Forestry Assistance Program estab-  
4 lished under section 9 of the Cooperative Forestry  
5 Assistance Act of 1978 (16 U.S.C. 2105), and the  
6 Forest Legacy Program under section 7 of the Coop-  
7 erative Forestry Assistance Act of 1978 (16 U.S.C.  
8 2103c).

9 (8) \$50,000,000 to the Secretary of the Interior  
10 to develop and implement Endangered and Threat-  
11 ened Species Recovery Agreements under subtitle B  
12 of title VII of this Act.

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

18 (d) INTEREST.—

19 (1) IN GENERAL.—The Secretary of the Treas-  
20 ury shall invest moneys in the Fund (including inter-  
21 est), and in any fund or account to which moneys  
22 are transferred pursuant to subsection (b) of this  
23 section, in public debt securities with maturities  
24 suitable to the needs of the Fund, as determined by  
25 the Secretary of the Treasury, and bearing interest

1 at rates determined by the Secretary of the Treas-  
2 ury, taking into consideration current market yields  
3 on outstanding marketable obligations of the United  
4 States of comparable maturity. Such invested mon-  
5 eys shall remain invested until needed to meet re-  
6 quirements for disbursement for the programs fi-  
7 nanced under this Act.

8 (2) USE OF INTEREST.—Except as provided in  
9 paragraphs (3) and (4), interest earned on such  
10 moneys shall be available, without further appropria-  
11 tion, for obligation or expenditure under—

12 (A) chapter 69 of title 31, United States  
13 Code (relating to payments in lieu of taxes);  
14 and

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

18 In each fiscal year such interest shall be allocated  
19 between the programs referred to in subparagraphs  
20 (A) and (B) in proportion to the amounts appro-  
21 priated for that fiscal year under other provisions of  
22 law for purposes of such programs. To the extent  
23 that the total amount available for a fiscal year  
24 under this paragraph and such other provisions of  
25 law for one of such programs exceeds the authorized

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

1 provisions of this paragraph shall not apply and all  
2 such interest shall be available for purposes of the  
3 program referred to in subparagraph (A), up to the  
4 authorized limit of such program. Interest shall  
5 cease to be available for obligation or expenditure  
6 for a fiscal year for purposes of this paragraph if the  
7 annual appropriation for that fiscal year under other  
8 provisions of law for each of the program referred to  
9 in subparagraph (A) and the program referred to in  
10 subparagraph (B) is less than \$100,000,000 and  
11 \$15,000,000, respectively, and in any such case, the  
12 allocation provisions of this paragraph shall not  
13 apply and all such interest shall be deposited into  
14 the Fund and be considered interest for purposes of  
15 subsection (a)(3).

16 (3) CEILING ON EXPENDITURES OF INTER-  
17 EST.—Amounts made available under paragraph (2)  
18 in each fiscal year shall not exceed the lesser of the  
19 following:

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

21 (B) The total amount authorized and ap-  
22 propriated for that fiscal year under other pro-  
23 visions of law for purposes of the programs re-  
24 ferred to in subparagraphs (A) and (B) of para-  
25 graph (2).

1           (4) TITLE III INTEREST.—All interest attrib-  
2           utable to amounts transferred by the Secretary of  
3           the Treasury to the Secretary of the Interior for  
4           purposes of title III of this Act (and the amend-  
5           ments made by such title III) shall be available,  
6           without further appropriation, for obligation or ex-  
7           penditure for purposes of the North American Wet-  
8           lands Conservation Act of 1989 (16 U.S.C. 4401 et  
9           seq.).

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

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

23          (g) ENSURING SOCIAL SECURITY AND MEDICARE  
24          SOLVENCY.—The Secretary of the Treasury shall not

1 transfer funds to the Conservation and Reinvestment Act  
2 Fund under this Act during any fiscal year unless—

3 (1) the Director of the Congressional Budget  
4 Office has certified that the House and Senate have  
5 approved legislation that—

6 (A) ensures that a sufficient portion of the  
7 on-budget surplus is reserved for debt retire-  
8 ment to put the Government on a path to elimi-  
9 nate the publicly held debt by fiscal year 2013  
10 under current economic and technical projec-  
11 tions; and

12 (B) ensures that there is not an on-budget  
13 deficit for that fiscal year;

14 (2) the Board of Trustees of the Federal Old-  
15 Age and Survivors Insurance Trust Fund and the  
16 Federal Disability Insurance Trust Fund has cer-  
17 tified that outlays from such trust funds are not an-  
18 ticipated to exceed the revenues to such trust funds  
19 during any of the next 5 fiscal years; and

20 (3) the Board of Trustees of the Federal Hos-  
21 pital Insurance Trust Fund has certified that the  
22 outlays from such trust fund are not anticipated to  
23 exceed the revenues to such trust fund during any  
24 of the next 5 fiscal years.

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

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

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

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

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

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

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

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

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

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

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

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

3 **SEC. 9. SUNSET.**

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

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

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

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

17 **SEC. 11. SIGNS.**

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

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

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

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

8 (a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

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

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

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

22 (b) ALLOCATION AMONG COASTAL STATES.—

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

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

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

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

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

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

1 qualified Outer Continental Shelf revenues from  
2 each leased tract or portion of a leased tract the ge-  
3 ographic center of which is within a distance (to the  
4 nearest whole mile) of 200 miles from the coastline  
5 of the State and shall be inversely proportional to  
6 the distance between the nearest point on the coast-  
7 line of such State and the geographic center of each  
8 such leased tract or portion, as determined by the  
9 Secretary. In applying this paragraph a leased tract  
10 or portion of a leased tract shall be excluded if the  
11 tract or portion is located in a geographic area sub-  
12 ject to a leasing moratorium on January 1, 1999,  
13 unless the lease was issued prior to the establish-  
14 ment of the moratorium and was in production on  
15 January 1, 1999.

16 (3) MINIMUM STATE SHARE.—

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

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

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

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

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

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

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

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

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

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

8 (b) APPROVAL OR DISAPPROVAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
6 AND REINVESTMENT ACT FUND.—In addition to the sum  
7 of the revenues and collections estimated by the Secretary  
8 of the Interior to be covered into the fund pursuant to  
9 subsections (a) and (b) of this section, there shall be cov-  
10 ered into the fund all amounts transferred to the fund  
11 under section 5(b)(2) of the Conservation and Reinvest-  
12 ment Act of 2000.”.

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

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

16 “APPROPRIATIONS

17 “SEC. 3. (a) IN GENERAL.—There are authorized to  
18 be appropriated to the Secretary from the fund to carry  
19 out this Act not more than \$900,000,000 in any fiscal  
20 year after the fiscal year 2001. Amounts transferred to  
21 the fund from the Conservation and Reinvestment Act  
22 Fund and amounts covered into the fund under sub-  
23 sections (a) and (b) of section 2 shall be available to the  
24 Secretary in fiscal years after the fiscal year 2001 without  
25 further appropriation to carry out this Act.

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

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

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

9                               “ALLOCATION OF FUNDS

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

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

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

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

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

20       “(d) USE OF FEDERAL PORTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(A) the land; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(7)(A) Any amounts available in addition to those  
17 amounts made available under section 5 of the Conserva-  
18 tion and Reinvestment Act of 2000 in a fiscal year shall  
19 be available without further appropriation to the Secretary  
20 of the Interior to be distributed among the several States  
21 under a competitive grant program for State projects as  
22 authorized under section 6(e)(1) of national or regional  
23 significance involving one or more States.

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

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

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

9 (a) STATE ACTION AGENDA REQUIRED.—

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

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

1 consultation with its citizens, shall develop, within 5 years  
2 after the enactment of the Conservation and Reinvestment  
3 Act of 2000, a State Action Agenda that meets the fol-  
4 lowing requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “WATER RIGHTS

9 “SEC. 14. Nothing in this title—

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

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

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

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

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

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

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

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

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

17 **TITLE III—WILDLIFE CONSERVA-**  
18 **TION AND RESTORATION**

19 **SEC. 301. PURPOSES.**

20       The purposes of this title are—

21               (1) to extend financial and technical assistance  
22 to the States under the Federal Aid to Wildlife Res-  
23 toration Act for the benefit of a diverse array of  
24 wildlife and associated habitats, including species  
25 that are not hunted or fished, to fulfill unmet needs

1 of wildlife within the States in recognition of the pri-  
2 mary role of the States to conserve all wildlife;

3 (2) to assure sound conservation policies  
4 through the development, revision, and implementa-  
5 tion of a comprehensive wildlife conservation and  
6 restoration plan;

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

14 (4) to encourage State fish and wildlife agencies  
15 to provide for public involvement in the process of  
16 development and implementation of a wildlife con-  
17 servation and restoration program.

18 **SEC. 302. DEFINITIONS.**

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

24 (b) WILDLIFE CONSERVATION AND RESTORATION  
25 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-

1 toration Act (16 U.S.C. 669a) is amended by inserting  
2 after “shall be construed” the first place it appears the  
3 following: “to include the wildlife conservation and res-  
4 toration program and”.

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

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

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

1 **SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
2 **CONSERVATION AND REINVESTMENT ACT**  
3 **FUND.**

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

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

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

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

18 “(c) Amounts transferred to the fund from the Con-  
19 servation and Reinvestment Act Fund and apportioned  
20 under subsection (a)(2) shall supplement, but not replace,  
21 existing funds available to the States from the sport fish  
22 restoration account and wildlife restoration account and  
23 shall be used for the development, revision, and implemen-  
24 tation of wildlife conservation and restoration programs  
25 and should be used to address the unmet needs for a di-  
26 verse array of wildlife and associated habitats, including

1 species that are not hunted or fished, for wildlife conserva-  
2 tion, wildlife conservation education, and wildlife-associ-  
3 ated recreation projects. Such funds may be used for new  
4 programs and projects as well as to enhance existing pro-  
5 grams and projects.

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

13 “(A) the fourth succeeding fiscal year, in the  
14 case of amounts transferred in any of the first 10  
15 fiscal years beginning after the date of the enact-  
16 ment of the Conservation and Reinvestment Act of  
17 2000; or

18 “(B) the second succeeding fiscal year, in the  
19 case of amounts transferred in a fiscal year begin-  
20 ning after the 10-fiscal year period referred to in  
21 subparagraph (A).

22 “(2) Any amount apportioned to a State under this  
23 subsection that is unexpended or unobligated at the end  
24 of the period during which it is available under paragraph

1 (1) shall be reapportioned to all States during the suc-  
2 ceeding fiscal year.”.

3 **SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED**  
4 **FROM CONSERVATION AND REINVESTMENT**  
5 **ACT FUND.**

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

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

14 “(A) To the District of Columbia and to the  
15 Commonwealth of Puerto Rico, each a sum equal to  
16 not more than one-half of 1 percent thereof.

17 “(B) To Guam, American Samoa, the Virgin Is-  
18 lands, and the Commonwealth of the Northern Mar-  
19 iana Islands, each a sum equal to not more than  
20 one-sixth of 1 percent thereof.

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

1           “(i) One-third of which is based on the ratio to  
2           which the land area of such State bears to the total  
3           land area of all such States.

4           “(ii) Two-thirds of which is based on the ratio  
5           to which the population of such State bears to the  
6           total population of all such States.

7           “(B) The amounts apportioned under this paragraph  
8           shall be adjusted equitably so that no such State shall be  
9           apportioned a sum which is less than one-half of 1 percent  
10          of the amount available for apportionment under this  
11          paragraph for any fiscal year or more than 5 percent of  
12          such amount.

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

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

23                 “(A) provisions vesting in the fish and wildlife  
24                 department of the State overall responsibility and  
25                 accountability for the program;

1           “(B) provisions for the development and imple-  
2           mentation of—

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

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

8                   “(iii) wildlife conservation education  
9                   projects pursuant to programs under section  
10                  8(a); and

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

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

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

1       “(4)(A) Except as provided in subparagraph (B),  
2 after the Secretary approves a State’s wildlife conservation  
3 and restoration program, the Secretary may make pay-  
4 ments on a project that is a segment of the State’s wildlife  
5 conservation and restoration program as the project pro-  
6 gresses. Such payments, including previous payments on  
7 the project, if any, shall not be more than the United  
8 States pro rata share of such project. The Secretary,  
9 under such regulations as he may prescribe, may advance  
10 funds representing the United States pro rata share of  
11 a project that is a segment of a wildlife conservation and  
12 restoration program, including funds to develop such pro-  
13 gram.

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

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

23       (b) FACA.—Coordination with State fish and wildlife  
24 agency personnel or with personnel of other State agencies  
25 pursuant to the Federal Aid in Wildlife Restoration Act

1 or the Federal Aid in Sport Fish Restoration Act shall  
2 not be subject to the Federal Advisory Committee Act (5  
3 U.S.C. App.). Except for the preceding sentence, the pro-  
4 visions of this title relate solely to wildlife conservation and  
5 restoration programs and shall not be construed to affect  
6 the provisions of the Federal Aid in Wildlife Restoration  
7 Act relating to wildlife restoration projects or the provi-  
8 sions of the Federal Aid in Sport Fish Restoration Act  
9 relating to fish restoration and management projects.

10 **SEC. 305. EDUCATION.**

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

20 **SEC. 306. PROHIBITION AGAINST DIVERSION.**

21 No designated State agency shall be eligible to receive  
22 matching funds under this title if sources of revenue avail-  
23 able to it after January 1, 1999, for conservation of wild-  
24 life are diverted for any purpose other than the adminis-  
25 tration of the designated State agency, it being the inten-

1 tion of Congress that funds available to States under this  
2 title be added to revenues from existing State sources and  
3 not serve as a substitute for revenues from such sources.  
4 Such revenues shall include interest, dividends, or other  
5 income earned on the forgoing.

6 **TITLE IV—URBAN PARK AND**  
7 **RECREATION RECOVERY**  
8 **PROGRAM AMENDMENTS**

9 **SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION**  
10 **RECOVERY ACT OF 1978.**

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

17 **SEC. 402. PURPOSE.**

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

21 **SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
22 **CONSERVATION AND REINVESTMENT ACT**  
23 **FUND.**

24 Section 1013 (16 U.S.C. 2512) is amended to read  
25 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 one-half of the funds obligated or ex-  
8 pended each fiscal year under this Act shall be used in  
9 accordance with this Act for preservation projects on his-  
10 toric properties. In making such funds available, the Sec-  
11 retary shall give priority to the preservation of endangered  
12 historic 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 et seq.) is amended by adding at the end the  
18 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.—Sixty  
22 percent shall be allocated and available to the Sec-  
23 retary of the Interior to carry out the purpose of  
24 this title on lands within the National Park System,  
25 lands within the National Wildlife Refuge System,

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

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

7 (3) INDIAN TRIBES.—Ten 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       Amounts transferred to the Secretary of Agriculture  
8 under section 5(b)(7) of this Act in a fiscal year shall be  
9 available to the Secretary of Agriculture, without further  
10 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);

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

18           (3) the Urban and Community Forestry Assist-  
19 ance Program established under section 9 of the Co-  
20 operative Forestry Assistance Act of 1978 (16  
21 U.S.C. 2105).

22       **Subtitle B—Endangered and**  
23       **Threatened Species Recovery**

24 **SEC. 711. PURPOSES.**

25       The purposes of this subtitle are the following:

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

7           (2) To promote greater involvement by non-  
8           Federal entities in the recovery of the Nation's en-  
9           dangered species and threatened species and the  
10          habitat upon which they depend.

11 **SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
12                           **CONSERVATION AND REINVESTMENT ACT**  
13                           **FUND.**

14          Amounts transferred to the Secretary of the Interior  
15          under section 5(b)(8) of this Act in a fiscal year shall be  
16          available to the Secretary of the Interior without further  
17          appropriation to carry out this subtitle.

18 **SEC. 713. ENDANGERED AND THREATENED SPECIES RE-**  
19                           **COVERY ASSISTANCE.**

20          (a) **FINANCIAL ASSISTANCE.**—The Secretary may  
21          use amounts made available under section 712 to provide  
22          financial assistance to any person for development and im-  
23          plementation of Endangered and Threatened Species Re-  
24          covery Agreements entered into by the Secretary under  
25          section 714.

1 (b) PRIORITY.—In providing assistance under this  
2 section, the Secretary shall give priority to the develop-  
3 ment and implementation of species recovery agreements  
4 that—

5 (1) implement actions identified under recovery  
6 plans approved by the Secretary under section 4(f)  
7 of the Endangered Species Act of 1973 (16 U.S.C.  
8 1533(f));

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

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

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

22 (d) PAYMENTS UNDER OTHER PROGRAMS.—

23 (1) OTHER PAYMENTS NOT AFFECTED.—Finan-  
24 cial assistance provided to a person under this sec-  
25 tion shall be in addition to, and shall not affect, the

1 total amount of payments that the person is other-  
2 wise eligible to receive under the conservation re-  
3 serve program established under subchapter B of  
4 chapter 1 of subtitle D of title XII of the Food Se-  
5 curity Act of 1985 (16 U.S.C. 3831 et seq.), the  
6 wetlands reserve program established under sub-  
7 chapter C of that chapter (16 U.S.C. 3837 et seq.),  
8 or the Wildlife Habitat Incentives Program estab-  
9 lished under section 387 of the Federal Agriculture  
10 Improvement and Reform Act of 1996 (16 U.S.C.  
11 3836a).

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

21 **SEC. 714. ENDANGERED AND THREATENED SPECIES RE-**  
22 **COVERY AGREEMENTS.**

23 (a) IN GENERAL.—The Secretary may enter into En-  
24 dangered and Threatened Species Recovery Agreements

1 for purposes of this subtitle in accordance with this sec-  
2 tion.

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

5 (1) require the person—

6 (A) to carry out on real property owned or  
7 leased by the person activities not otherwise re-  
8 quired by law that contribute to the recovery of  
9 an endangered or threatened species;

10 (B) to refrain from carrying out on real  
11 property owned or leased by the person other-  
12 wise lawful activities that would inhibit the re-  
13 covery of an endangered or threatened species;

14 or

15 (C) to do any combination of subpara-  
16 graphs (A) and (B);

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

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

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

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

4           (6) require the person to notify the Secretary  
5           if—

6                   (A) any right or obligation of the person  
7                   under the agreement is assigned to any other  
8                   person; or

9                   (B) any term of the agreement is breached  
10                  by the person or any other person to whom is  
11                  assigned a right or obligation of the person  
12                  under the agreement;

13           (7) specify the date on which the agreement  
14           takes effect and the period of time during which the  
15           agreement shall remain in effect;

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

20           (9) allocate financial assistance provided under  
21           this subtitle for implementation of the agreement, on  
22           an annual or other basis during the period the  
23           agreement is in effect based on the schedule for im-  
24           plementation required under paragraph (4).

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

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

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

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

17           (d) MONITORING IMPLEMENTATION OF AGREE-  
18 MENTS.—The Secretary shall—

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

22           (2) based on the information obtained from  
23 that monitoring, annually or otherwise disburse fi-  
24 nancial assistance under this subtitle to implement

1 the agreement as the Secretary determines is appro-  
2 priate under the terms of the agreement.

3 **SEC. 715. DEFINITIONS.**

4 In this subtitle:

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

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

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

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

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

