

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Conservation and Reinvestment Act”.

3 **SEC. 2. CONSERVATION AND REINVESTMENT ACT FUND.**

4 (a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States  
5 a fund which shall be known as the “Conservation and Reinvestment Act Fund”. In each fiscal year  
6 beginning in fiscal year 2001 and through fiscal year 2015, the Secretary of the Treasury shall deposit in  
7 the Conservation and Reinvestment Act Fund amounts sufficient to fund the programs identified in  
8 subsection (b) from qualified Outer Continental Shelf revenues, as that term is defined in section 2 of  
9 the Outer Continental Shelf Lands Act (43 U.S.C. 1331), notwithstanding section 9 of such Act (43  
10 U.S.C. 1338).

11 (b) PROGRAM ALLOCATION.—In each fiscal year beginning in fiscal year 2002 and through  
12 fiscal year 2016, the Secretary of the Treasury shall transfer amounts deposited in the previous year  
13 into the Conservation and Reinvestment Act Fund as follows:

14 (1) \$430,000,000 to the Secretary of Interior for purposes of making payments to  
15 Producing Coastal States under section 31 of the Outer Continental Shelf Lands Act (43  
16 U.S.C. 1330 et seq.).

17 (2) \$350,000,000 to the Secretary of Commerce for purposes of making  
18 payments to Coastal States under section 32 of the Outer Continental Shelf Lands Act (43  
19 U.S.C. 1330 et seq.).

1           (3)     \$25,000,000 to the Secretary of Interior and Secretary of Commerce for coral  
2 reef protection efforts as provided in section 104 of this Act.

3           (4)     Such amounts as are necessary to make the income of the Land and Water  
4 Conservation Fund \$900,000,000 to the Land and Water Conservation Fund for expenditure  
5 as provided in section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.  
6 460l-6).

7           (5)     \$350,000,000 to the Wildlife Conservation and Restoration Account within the  
8 Federal Aid to Wildlife Restoration Fund established under section 3 of the Federal Aid in  
9 Wildlife Restoration Act (16 U.S.C. 669b).

10          (6)     \$75,000,000 to the Secretary of the Interior to carry out the Urban Park and  
11 Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

12          (7)     \$50,000,000 to the Secretary of Agriculture to carry out the Urban and  
13 Community Forestry Act established by section 9 of the Cooperative Forestry Assistance Act  
14 of 1978 (16 U.S.C. 2105).

15          (8)     \$150,000,000 to the Secretary of the Interior for expenditure as provided in  
16 section 8(d) of the National Historic Preservation Act (16 U.S.C. 470h(d)).

17          (9)     \$125,000,000 to the Secretary of the Interior to carry out National Park  
18 Service and Indian lands restoration programs as provided in title VI of this Act.

19          (10)    \$50,000,000 to the Secretary of Agriculture to carry out the Forest Legacy  
20 program established by section 7 of the Cooperative Forestry Assistance Act of 1978 (16  
21 U.S.C. 2103c).

1           (11)   \$50,000,000 to the Secretary of Agriculture to carry out the Farm and Ranch  
2 Land Protection Program established by section 701 of this Act.

3           (12)   \$25,000,000 to the Secretary of Agriculture to carry out the Rural  
4 Development program under section 21 of the Cooperative Forestry Assistance Act of 1978  
5 (16 U.S.C. 2101).

6           (13)   \$25,000,000 to the Secretary of Agriculture to carry out the Rural Community  
7 Assistance program established by section 2379 of the National Forest-Dependent Rural  
8 Communities Economic Diversification Act of 1990 (7 U.S.C. 6611-6617).

9           (14)   \$60,000,000 to be equally divided between the Secretary of Agriculture, acting  
10 through the Chief of the Forest Service, and the Secretary of the Interior to carry out titles I and  
11 II of the Youth Conservation Corps Act of 1970 (16 U.S.C. 1701 et seq.).

12           (15)   Such sums as are necessary to the Secretary of the Interior to fund the payment  
13 in lieu of taxes program at its fully authorized level (31 U.S.C. 6901 et seq.).

14           (c)    AVAILABILITY OF FUNDS.—Amounts transferred under this subsection are hereby  
15 appropriated, subject to section 2(f), and shall be available for obligation and expenditure without  
16 further appropriation and without fiscal year limitation.

17           (d)    CONFORMING AMENDMENT.—Section 6906 of title 31, United States Code, is  
18 amended to read as follows: “There are authorized to be appropriated such sums as may be necessary  
19 to carry out this chapter.”.

20           (e)    SHORTFALL.—If amounts deposited in the Conservation and Reinvestment Act Fund in  
21 fiscal year 2001 or in any fiscal year thereafter are insufficient to fund each program identified in

1 subsection (b) in the amount specified in such subsection, the amount transferred to each program  
2 under subsection (b) for that fiscal year shall each be reduced proportionately in such fiscal year.

3 (f) LIMITATION ON AVAILABILITY OF FUNDS.—Notwithstanding any provision of this Act  
4 making funds available without further appropriation, no amounts from the Conservation and  
5 Reinvestment Act Fund shall be transferred under this section during any fiscal year until the Congress  
6 has made available \$450,000,000 (or such lesser amount as may be required by subsection (e)) for  
7 Federal land acquisition under section 5 of the Land and Water Conservation Fund Act of 1965 (16  
8 U.S.C. 460l-7) during such fiscal year in an Act making appropriations.

9 (g) STATE AND LOCAL ACQUISITION RESTRICTION.—Funds made available to States and  
10 local governments should be, to the extent practicable, for the acquisition of land or interests in land on  
11 a willing seller basis.

12 (h) SAVINGS CLAUSE.—Nothing in this Act expands, diminishes, or affects any water right.

### 13 **SEC. 3. RECORDKEEPING REQUIREMENTS.**

14 The Secretary of the Interior, Secretary of Agriculture, and Secretary of Commerce in  
15 administering a program funded under this Act shall establish such rules as may be necessary regarding  
16 recordkeeping and auditing of amounts made available to States and political subdivisions under this  
17 Act.

### 18 **SEC. 4. ANNUAL REPORTS.**

19 (a) STATE REPORTS.—As a condition for receiving amounts from the Conservation and  
20 Reinvestment Act Fund, each Governor receiving such amounts shall account for all amounts so

1 received during the previous fiscal year in a written report to the Secretary of the Interior, the Secretary  
2 of Agriculture, or the Secretary of Commerce, as appropriate. The report shall include, in accordance  
3 with regulations prescribed by the Secretary, a description of all projects and activities funded under  
4 this Act, including a listing of all lands or interests in lands acquired and the circumstances surrounding  
5 each acquisition. In order to avoid duplication, such report may incorporate by reference any other  
6 reports required to be submitted by the Governor, under other provisions of law, to the Secretary  
7 regarding any portion of such amounts.

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

14 **SEC. 5. MAINTENANCE OF EFFORT AND MATCHING FUNDING.**

15 (a) IN GENERAL.—Amounts made available to States and political subdivisions from the  
16 Conservation and Reinvestment Act Fund are intended to supplement rather than replace expenditures  
17 by such State and subdivisions. The Secretaries of the Interior, Commerce and Agriculture shall  
18 monitor the use of grant funds to ensure compliance with this intent and shall identify in the annual report  
19 required under section 4 any State or subdivision that, in the judgment of the Secretary, is not  
20 maintaining a sufficient local commitment uses funds received under this Act to reduce its expenditure of  
21 non-Federal funds.

1           (b)     USE OF AMOUNTS FROM THE CONSERVATION AND REINVESTMENT ACT FUND TO  
2 MEET MATCHING REQUIREMENTS.—All amounts received by a State or local government under this  
3 Act shall be treated as Federal funds for purposes of compliance with the requirement under any other  
4 law that non-Federal funds be used to provide a portion of the funding for any program or project.

5     **SEC. 6. PROTECTION OF PRIVATE PROPERTY RIGHTS.**

6           (a)     SAVINGS CLAUSE.—Nothing in this Act shall authorize the taking of private property  
7 for public use without just compensation.

8           (b)     FEDERAL REGULATION.—Nothing in this Act creates any new authority for Federal  
9 agencies to apply regulations on privately owned land.

10    **SEC. 7. SIGNS.**

11           The Secretary of the Interior shall require, as a condition of providing any amounts from the  
12 Conservation and Reinvestment Act Fund, that the person that owns or administers any site that  
13 benefits from such amounts shall include on any sign otherwise installed at that site at or near an  
14 entrance or public use focal point, a statement that the existence or development of the site (or both), as  
15 appropriate, is a product of such amounts.

16    **SEC. 8. ENSURING THE SOLVENCY OF THE SOCIAL SECURITY**  
17 **AND MEDICARE TRUST FUNDS.**

18           (a)     DEBT REDUCTION.—The Director of the Congressional Budget Office shall report to  
19 Congress by February 1 of each year whether—

1 (1) a sufficient portion of the on-budget surplus is reserved for debt retirement to put  
2 the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current  
3 economic and technical projections; and

4 (2) there is an on-budget surplus for that fiscal year.

5 (b) SOCIAL SECURITY SOLVENCY.—The Board of Trustees of the Federal Old-Age and  
6 Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall report to  
7 Congress by February 1 of each year whether outlays from such trust funds are anticipated to exceed  
8 the revenues to such trust funds during any of the next 5 years.

9 (c) MEDICARE SOLVENCY.—The Board of Trustees of the Federal Hospital Insurance  
10 Trust Fund shall report to Congress by February 1 of each year whether outlays from such trust fund  
11 are anticipated to exceed the revenues to such trust fund during any of the next 5 fiscal years.

12 **SEC. 9. PROTECTION OF SOCIAL SECURITY AND MEDICARE**

13 **BENEFITS.**

14 No funds shall be transferred under this Act if such expenditure diminishes benefit obligations of  
15 the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund,  
16 the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust  
17 Fund or if there is not an on-budget surplus.

18 **TITLE I—COASTAL IMPACT ASSISTANCE AND STEWARDSHIP**

19 **SEC. 101. DEFINITIONS.**

1           Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at  
2 the end the following:

3           “(r)    The term ‘coastal population’ means the population of all political subdivisions, as  
4 determined by the most recent official data of the Census Bureau, contained in whole or in part within  
5 the designated coastal boundary of a State as defined in a State’s coastal zone management program  
6 under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

7           “(s)    The term ‘Coastal State’ has the same meaning as provided by subsection 304(4) of  
8 the Coastal Zone Management Act (16 U.S.C. 1453(4)).

9           “(t)    The term ‘coastline’ has the same meaning as the term ‘coast line’ as defined in  
10 subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

11          “(u)    The term ‘leased tract’ means a tract maintained under section 6 or leased under  
12 section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

13          “(v)    The term ‘qualified Outer Continental Shelf revenues’ means all amounts received by  
14 the United States from each leased tract or portion of a leased tract lying seaward of the zone defined  
15 and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not  
16 apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline  
17 of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in  
18 kind and sold), net profit share payments, and related late payment interest. Such term does not  
19 include any revenues from a leased tract or portion of a leased tract that is included within any area of  
20 the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000,



1 unless the lease was issued prior to the establishment of the moratorium and was in production on  
2 January 1, 2000.”.

3 **SEC. 102. COASTAL IMPACT ASSISTANCE.**

4 The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the  
5 end the following:

6 **“SEC. 31. COASTAL IMPACT ASSISTANCE.**

7 “(a) DEFINITIONS.—When used in this section—

8 “(1) The term ‘coastal political subdivision’ means a county, parish, or any  
9 equivalent subdivision of a Producing Coastal State which subdivision lies within the coastal  
10 zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)) and  
11 within a distance of 200 miles from the geographic center of any leased tract.

12 “(2) The term ‘distance’ means minimum great circle distance, measured in statute  
13 miles.

14 “(3) The term ‘Producing Coastal State’ means a Coastal State with a coastal  
15 seaward boundary within 200 miles from the geographic center of a leased tract other than a  
16 leased tract within any area of the Outer Continental Shelf where a moratorium on new leasing  
17 was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the  
18 moratorium and was in production on January 1, 2000.

1           “(b) FUNDING.—Amounts transferred to the Secretary under section 2(b)(1) of the  
2 Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for  
3 the purposes of this section, without further appropriation and without fiscal year limitation.

4           “(c) IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL  
5 SUBDIVISIONS.—Notwithstanding section 9, the Secretary shall make payments from the amounts  
6 available under this section to Producing Coastal States with an approved Coastal Impact Assistance  
7 Plan, and to coastal political subdivisions as follows:

8                   “(1) ALLOCATIONS TO PRODUCING COASTAL STATES.—In each fiscal year, each  
9 Producing Coastal State’s allocable share shall be equal to the sum of the following:

10                           “(A) \$245,000,000 equally divided among all Producing Coastal States;

11                           “(B) \$185,000,000 divided among Producing Coastal States based on  
12 Outer Continental Shelf production.

13                   “(2) CALCULATION.—The amount for each Producing Coastal State under  
14 paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated  
15 off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the  
16 coastlines of all Producing Coastal States, for the preceding five-year period and recalculated  
17 each fifth year thereafter. Where there is more than one Producing Coastal State within 200  
18 miles of a leased tract, the amount of each Producing Coastal State's payment under paragraph  
19 (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest  
20 point on the coastline of such State and the geographic center of each leased tract or portion of  
21 the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as

1 determined by the Secretary for the 5-year period concerned. A leased tract or portion of a  
2 leased tract shall be excluded if the tract or portion is located in a geographic area where a  
3 moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior  
4 to the establishment of the moratorium and was in production on January 1, 2000.

5 “(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—Twenty percent of each  
6 Producing Coastal State’s allocable share as determined under paragraph (1) shall be paid  
7 directly to the coastal political subdivisions by the Secretary based on the following formula:

8 “(A) 25 percent shall be allocated based on the ratio of such coastal political  
9 subdivision’s coastal population to the coastal population of all coastal political  
10 subdivisions in the Producing Coastal State; except that for those coastal political  
11 subdivisions in the State of Louisiana without a coastline, the coastline for purposes of  
12 this element of the formula shall be the average length of the coastline of the remaining  
13 coastal subdivisions in the state.

14 “(B) 25 percent shall be allocated based on the ratio of such coastal political  
15 subdivision’s coastline miles to the coastline miles of all coastal political subdivisions in  
16 the Producing Coastal State.

17 “(C) 50 percent shall be allocated based on the relative distance of such  
18 coastal political subdivision from a leased tract using ratios that are inversely  
19 proportional to the distance between the point in the coastal political subdivision closest  
20 to the geographic center of each leased tract or portion, as determined by the  
21 Secretary; except that in the State of Louisiana the funds for this element of the formula

1 shall be divided equally among all coastal political subdivisions. For purposes of the  
2 calculations under this subparagraph, a leased tract or portion of a leased tract shall be  
3 excluded if the leased tract or portion is located in a geographic area where a  
4 moratorium on new leasing was in effect on January 1, 2000, unless the lease was  
5 issued prior to the establishment of the moratorium and was in production on January 1,  
6 2000.

7 “(4) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to a Producing  
8 Coastal State or coastal political subdivision but not disbursed because of a failure to have an  
9 approved Coastal Impact Assistance Plan under this section shall be allocated equally by the  
10 Secretary among all other Producing Coastal States in a manner consistent with this subsection  
11 except that the Secretary shall hold in escrow such amount until the final resolution of any  
12 appeal regarding the disapproval of a plan submitted under this section. The Secretary may  
13 waive the provisions of this paragraph and hold a Producing Coastal State’s allocable share in  
14 escrow if the Secretary determines that such State is making a good faith effort to develop and  
15 submit, or update, a Coastal Impact Assistance Plan.

16 “(d) COASTAL IMPACT ASSISTANCE PLAN.—

17 “(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—The Governor of each  
18 Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact  
19 Assistance Plan which shall incorporate the plans of coastal political subdivisions, and may also  
20 incorporate the Statewide Coastal Conservation Plan required under section 32 of this Act.

21 The Governor shall solicit local input and shall provide for public participation in the

1 development of the plan. The plan shall be submitted to the Secretary by July 1, 2001 and  
2 updated at least once every 5 years thereafter. Amounts received by Producing Coastal States  
3 and coastal political subdivisions may be used only for the purposes specified in the Producing  
4 Coastal State's Coastal Impact Assistance Plan.

5 “(2) APPROVAL.—The Secretary shall approve a plan under paragraph (1) prior to  
6 disbursement of amounts under this section. The Secretary shall approve the plan if the  
7 Secretary determines that the plan is consistent with the uses set forth in subsection (e) and if  
8 the plan contains each of the following:

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

11 “(B) A program for the implementation of the plan which describes how the  
12 amounts provided under this section will be used.

13 “(C) A description of how coastal political subdivisions will use amounts  
14 provided under this section, including a certification by the Governor that such uses are  
15 consistent with the requirements of this section.

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

18 “(E) Measures for taking into account other relevant Federal resources and  
19 programs.

20 “(3) PROCEDURE.—The Secretary shall approve or disapprove each plan or  
21 amendment within 90 days of its submission.

1           “(4) AMENDMENT.—Any amendment to the plan shall be prepared in accordance  
2 with the requirements of this subsection and shall be submitted to the Secretary for approval or  
3 disapproval.

4           “(e) AUTHORIZED USES.—Producing Coastal States and coastal political subdivisions shall  
5 use amounts provided under this section, including any such amounts deposited in a State or coastal  
6 political subdivision administered trust fund dedicated to uses consistent with this subsection, in  
7 compliance with Federal and State law and only for one or more of the following purposes:

8           “(1) uses authorized under subsection 32(c) of this Act relating to coastal  
9 stewardship;

10           “(2) projects and activities for the conservation, protection or restoration of  
11 wetlands;

12           “(3) mitigating damage to fish, wildlife or natural resources, including such activities  
13 authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c),  
14 (d));

15           “(4) planning assistance and administrative costs of complying with the provisions of  
16 this section;

17           “(5) implementation of Federally approved marine, coastal, or comprehensive  
18 conservation management plans; and

19           “(6) mitigating impacts of Outer Continental Shelf activities through funding of  
20 onshore infrastructure and public service needs; Provided, That funds made available under this  
21 paragraph shall not exceed 23 percent of the funds provided under this section.

1           “(f) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any  
2 expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the  
3 uses authorized in subsection (e), the Secretary shall not disburse any further amounts under this section  
4 to that Producing Coastal State or coastal political subdivision until the amounts used for the  
5 inconsistent expenditure have been repaid or obligated for authorized uses.

6           **SEC. 103. OCEAN AND COASTAL CONSERVATION.**

7           The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is further amended by adding  
8 at the end the following:

9           **“SEC. 32.—OCEAN AND COASTAL CONSERVATION.**

10           “(a) FUNDING.—Amounts transferred to the Secretary of Commerce under section 2(b)(2)  
11 of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and  
12 expenditure for the purpose of this section, without further appropriation and without fiscal year  
13 limitation.

14           “(b) ALLOCATION OF FUNDS.—Notwithstanding section 9, the Secretary of Commerce  
15 shall allocate amounts available under this section as follows:

16                   “(1) for uses identified in subsection (c), \$250,000,000; and

17                   “(2) for uses identified in subsection (d), \$100,000,000.

18           “(c) COASTAL STEWARDSHIP.—

1           “(1)    ALLOCATION TO COASTAL STATES. The Secretary of Commerce shall  
2 allocate among all Coastal States with an approved Statewide Coastal Conservation Plan, the  
3 amounts available under subsection (b)(1) as follows:

4                   “(A)    25 percent shall be allocated based on the ratio of the Coastal State’s  
5 coastal population to the coastal population of all Coastal States;

6                   “(B)    25 percent shall be allocated based on the ratio of the Coastal State’s  
7 coastline miles to the coastline miles of all Coastal States; and

8                   “(C)    50 percent shall be equally divided among all Coastal States.

9           “(2)    FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to a Coastal  
10 State but not disbursed because of a failure to have an approved Statewide Coastal  
11 Conservation Plan under this subsection shall be allocated among all other Coastal States in a  
12 manner consistent with paragraph (1), except that the Secretary of Commerce shall hold in  
13 escrow such amount until the final resolution of any appeal regarding the disapproval of a plan  
14 submitted under this subsection. The Secretary of Commerce may waive the provisions of this  
15 paragraph and hold a Coastal State’s allocable share in escrow if the Secretary of Commerce  
16 determines that such State is making a good faith effort to develop and submit, or update, a  
17 Statewide Coastal Conservation Plan.

18           “(3)    DEVELOPMENT AND SUBMISSION OF STATE PLANS.—(A) The Governor of  
19 each Coastal State shall prepare, and submit to the Secretary of Commerce, a Statewide  
20 Coastal Conservation Plan. The Governor shall solicit local input and shall provide for public  
21 participation in the development of the Plan. The Plan shall be submitted to the Secretary of



1 Commerce by July 1, 2001, and updated at least once every 5 years thereafter. Each Plan  
2 shall consider ways to use amounts received under this subsection to assist local governments,  
3 non-profit organizations, or public institutions with activities or programs consistent with this  
4 subsection. Amounts received by Coastal States may be used only for the purposes specified  
5 in the Statewide Coastal Conservation Plan.

6 “(B) APPROVAL.—The Secretary of Commerce shall approve a Statewide  
7 Coastal Conservation Plan under subparagraph (A) prior to disbursement of amounts  
8 under this section. The Secretary of Commerce shall approve the Plan if the Secretary  
9 of Commerce determines that the Plan is consistent with the uses set forth in paragraph  
10 (4) and if the Plan contains each of the following:

11 “(i) The name of the State agency that will have the authority to  
12 represent and act for the State in dealing with the Secretary of Commerce for  
13 purposes of this subsection;

14 “(ii) A program for the implementation of the Plan which describes  
15 how amounts will be used to protect and manage the State’s coastal, estuarine,  
16 and marine resources in accordance with the requirements of this subsection;

17 “(iii) Certification by the Governor that ample opportunity has been  
18 accorded for public participation in the development and revision of the Plan;  
19 and

20 “(iv) Measures for taking into account other relevant Federal  
21 resources and programs.

1           “(C)   PROCEDURE.—The Secretary shall approve or disapprove each plan or  
2 amendment within 90 days of its submission.

3           “(D)   AMENDMENT.—Any amendment to the plan shall be prepared in  
4 accordance with the requirements of this paragraph and shall be submitted to the  
5 Secretary of Commerce for approval or disapproval.

6           “(4)   AUTHORIZED USES.—Coastal States shall use amounts provided under this  
7 subsection in compliance with Federal and State law and only for one or more of the following  
8 purposes—

9           “(A)   activities which support and are consistent with the Coastal Zone  
10 Management Act, including National Estuarine Research Reserve programs, the  
11 National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and  
12 Management Act, or the National Estuaries program;

13           “(B)   conservation, restoration, enhancement or protection of coastal or  
14 marine habitats including wetlands, estuaries, coastal barrier islands, coastal fishery  
15 resources and coral reefs, including projects to remove abandoned vessels or marine  
16 debris that may adversely affect coastal habitats;

17           “(C)   protection, restoration and enhancement of coastal water quality  
18 consistent with the provisions of the Coastal Zone Management Act (16 U.S.C. 1451  
19 et seq.), including the reduction or monitoring of coastal polluted runoff or other coastal  
20 contaminants;

1           “(D)   addressing watershed protection or other coastal or marine  
2 conservation needs which cross jurisdictional boundaries;

3           “(E)   assessment, research, mapping and monitoring of coastal or marine  
4 resources and habitats, including, where appropriate, the establishment and monitoring  
5 of marine protected areas;

6           “(F)   addressing coastal conservation needs associated with seasonal or  
7 otherwise transient fluctuations in coastal populations;

8           “(G)   protection and restoration of natural coastline protective features,  
9 including control of coastline erosion;

10          “(H)   identification, prevention and control of invasive exotic and harmful  
11 non-indigenous species;

12          “(I)   assistance to local communities to assess, plan for and manage the  
13 impacts of growth and development on coastal or marine habitats and natural  
14 resources, including coastal community fishery assistance programs that encourage  
15 participation in sustainable fisheries; and

16          “(J)   projects that promote research, education, training and advisory  
17 services in fields related to coastal and Great Lakes living marine resource use and  
18 management.

19          “(5)   COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any  
20 expenditure made by a Coastal State is not consistent with the uses authorized in paragraph (4),

1 the Secretary shall not disburse any further amounts under this subsection to that Coastal State  
2 until the amounts used for such expenditure have been repaid or obligated for authorized uses.

3 “(d) COOPERATIVE FISHERIES ENFORCEMENT AND RESEARCH AND MANAGEMENT.—The  
4 amounts made available under subsection (b)(2) shall be allocated by the Secretary of Commerce for  
5 the following purposes, with not less than 25 percent used for Cooperative Enforcement Agreements  
6 under paragraph (2):

7 “(1) TECHNICAL AND ADMINISTRATIVE EXPENSES.—Up to five percent of such  
8 amounts may be used by the Secretary of Commerce to provide technical assistance to a State  
9 and cover administrative costs associated with this subsection.

10 “(2) COOPERATIVE ENFORCEMENT USES.—(A) The Governor of Hawaii, a  
11 territory, or a State represented on an Interstate Marine Fisheries Commission may apply to the  
12 Secretary of Commerce for execution of a cooperative enforcement agreement with the  
13 Secretary of Commerce. Cooperative agreements between the Secretary of Commerce and  
14 such States shall authorize the deputization of State law enforcement officers with marine law  
15 enforcement responsibilities to perform duties of the Secretary of Commerce relating to any law  
16 enforcement provision of any marine resource laws enforced by the Secretary of Commerce.  
17 Such cooperative enforcement agreements shall be consistent with the purposes and intent of  
18 section 311(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16  
19 U.S.C. 1861(a)), to the extent applicable to the regulated activities.

20 “(B) Upon receiving an application meeting the requirements of this  
21 subsection, the Secretary of Commerce shall enter into the cooperative enforcement

1 agreement with the requesting State. The Secretary of Commerce shall include in each  
2 cooperative enforcement agreement an allocation of funds to assist in management of  
3 the agreement. The allocation shall be distributed among all States participating in  
4 cooperative enforcement agreements under this paragraph based upon consideration of  
5 the specific marine conservation enforcement needs of each participating State.

6 “(3) COOPERATIVE RESEARCH AND MANAGEMENT USES.—(A) The Governor of  
7 Hawaii, a territory, or any State represented on an Interstate Fishery Commission may apply to  
8 the Secretary of Commerce for the execution of a research and management agreement, on a  
9 sole source basis, for the purpose of undertaking eligible projects required for the effective  
10 management of living marine resources of the United States. Upon determining that the  
11 application meets the requirements of this subsection, the Secretary of Commerce shall enter  
12 into such agreement.

13 “(B) The Secretary of Commerce shall allocate to States participating in a  
14 research and management agreement under this subsection funds to assist in  
15 implementing the agreement.

16 “(C) For purposes of this subsection, eligible projects are those which  
17 address critical needs identified in fishery management reports or plans developed and  
18 approved by a State, Marine Fisheries Commission, Regional Fishery Management  
19 Council, or other regional or tribal entity, charged with management and conservation  
20 of living marine resources, and that pertain to—

1                   “(i)     the collection and analysis of fishery data and information,  
2                   including data on landings, fishing effort, biology, habitat, economics and social  
3                   changes, including those information needs identified pursuant to section 401 of  
4                   the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.  
5                   1881); or

6                   “(ii)    the development of measures to promote innovative or  
7                   cooperative management of fisheries.

8                   “(D)    In making funds available under this paragraph, the Secretary of  
9                   Commerce shall give priority to eligible projects that meet the following criteria:

10                  “(i)     establishment of observer programs;

11                  “(ii)    cooperative research projects developed among States,  
12                  academic institutions, and the fishing industry, to obtain data or other  
13                  information necessary to meet national or regional management priorities;

14                  “(iii)   projects to reduce harvesting capacity performed in a manner  
15                  consistent with section 312(b) of the Magnuson-Stevens Fishery and  
16                  Conservation Act (16 U.S.C. 1862(b));

17                  “(iv)    projects designed to identify ecosystem impacts of fishing,  
18                  including the relationship between fishing harvest and marine mammal  
19                  population abundance;



1           (a)     FUNDING.—Amounts transferred to the Secretaries of Interior and Commerce under  
2 section 2(b)(3) of the Conservation and Reinvestment Act in a fiscal year shall be available for  
3 obligation and expenditure for the purposes of this section, without further appropriation and without  
4 fiscal year limitation.

5           (b)     CORAL REEF.—As used in this section, the term “coral reef” means species (including  
6 reef plants and coralline algae), habitats, and other natural resources associated with any reefs or shoals  
7 composed primarily of corals within all maritime areas and zones subject to the jurisdiction of the  
8 United States, including in the Atlantic Ocean, Caribbean Sea, Gulf of Mexico, and Pacific Ocean or  
9 subject to the jurisdiction of the Republic of the Marshall Islands, the Federated States of Micronesia,  
10 or the Republic of Palau as long as such entity is in free association with the United States.

11          (c)     ALLOCATION OF FUNDS.—Amounts under this section shall be allocated as follows:

12                 (1)     \$12,500,000 shall be made available to the Secretary of Commerce; and

13                 (2)     \$12,500,000 shall be made available to the Secretary of the Interior;

14 to be administered in accordance with this section.

15          (d)     USES.—The Secretary of Commerce and the Secretary of the Interior shall use  
16 amounts provided under this section for activities that contribute to or result in preserving, sustaining or  
17 enhancing the health, diversity or viability of coral reef ecosystems. No amounts provided under this  
18 section shall be used for the acquisition of lands or interests in lands. In determining how to allocate  
19 amounts under this section, the Secretaries shall give priority to those areas of most critical  
20 environmental need. Uses may include:



1           (1)     actions to enhance or improve resource management of coral reefs, such as  
2           assessment, scientific research, protection, restoration and mapping;

3           (2)     habitat monitoring and species surveys and monitoring;

4           (3)     activities necessary for planning and development of strategies for coral reef  
5           management;

6           (4)     community outreach and education on coral reef importance and conservation;

7           (5)     activities in support of the enforcement of laws relating to coral reefs; and

8           (6)     grants of financial assistance for the uses authorized in this subsection to natural  
9           resource management authorities of States or territories of the United States, the Republic of  
10          the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, or other  
11          government authorities with jurisdiction over coral reefs or whose activities affect coral reefs, or  
12          educational or non-governmental organizations with demonstrated expertise in marine science  
13          or the conservation of coral reefs.

14          (e)     CONSULTATION.—In developing guidelines and requirements to implement this section,  
15          the Secretary of Commerce and the Secretary of the Interior shall consult with the Coral Reef Task  
16          Force established under Executive Order 13089 (June 11, 1998), States and territories, the Republic  
17          of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, regional and local  
18          entities, and non-governmental organizations involved in coral and marine conservation.

19          (f)     CONGRESSIONAL APPROVAL.—The Secretary of Commerce and the Secretary of the  
20          Interior shall transmit, as part of the annual budget proposal, a priority list for all allocations under this  
21          section. Amounts shall be made available under section 2(b)(3) of the Conservation and Reinvestment

1 Act 15 days after the *sine die* adjournment of the Congress each year, without further appropriation,  
2 for the projects identified on the priority list, unless, prior to such date, legislation is enacted establishing  
3 a different priority list. If Congress enacts legislation establishing an alternate priority list, and such  
4 priority list funds less than the annual authorized funding amount identified in this section, the difference  
5 between the authorized funding and the alternate priority list shall be available for expenditure, without  
6 further appropriation, in accordance with the priority list submitted by the Secretary of the Interior and  
7 Secretary of Commerce.

## 8 **TITLE II — LAND AND WATER CONSERVATION FUND**

### 9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “Land and Water Conservation Fund Act Amendments of 2000”.

### 11 **SEC. 202. LAND AND WATER CONSERVATION FUND**

#### 12 **AMENDMENTS.**

13 (a) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT  
14 FUND.—Section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5(c)) is  
15 amended to read as follows:

16 “(c) In addition to the sum of the revenues and collections estimated by the Secretary of the  
17 Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be  
18 deposited into the fund all amounts transferred to the fund under section 2(b)(4) of the Conservation  
19 and Reinvestment Act. Such amounts shall only be used to carry out the purposes of this Act.”.

1           (b)     ANNUAL FUNDING AUTHORITY.—Section 3 of the Land and Water Conservation  
2 Fund Act of 1965 (16 U.S.C. 460l-6) is amended to read as follows:

3           “Of amounts in the fund, \$900,000,000 shall be available each fiscal year for obligation and  
4 expenditure in accordance with section 5 of this Act, without further appropriation and without fiscal  
5 year limitation. Other moneys in the fund shall be available for expenditure only when appropriated  
6 therefor. Such appropriations may be made without fiscal year limitation.”.

7           (c)     ALLOCATION OF FUNDS.—Section 5 of the Land and Water Conservation Fund Act of  
8 1965 (16 U.S.C. 460l-7) is amended to read as follows:

9           “Of the amounts made available each fiscal year, fifty percent of the funds shall be used for  
10 Federal land acquisition purposes as provided in section 7 of this Act and fifty percent shall be used for  
11 financial assistance to States as provided in section 6 of this Act.”.

12     **SEC. 203. ALLOCATION OF AMOUNTS FOR STATE PURPOSES.**

13           (a)     FACILITY REHABILITATION.—Section 6(a) of the Land and Water Conservation Fund  
14 Act of 1965 (16 U.S.C. 460l-8(a)) is amended by deleting “(3) development.” and inserting “(3)  
15 development, including facility rehabilitation.”.

16           (b)     STATE FUNDING ALLOCATIONS.—Section 6(b) of the Land and Water Conservation  
17 Fund Act of 1965 (16 U.S.C. 460l-8(b)) is amended to read as follows:

18           “(b)    APPORTIONMENT AMONG STATES.—(1) Not more than 4 percent of the amounts  
19 made available for financial assistance to States each fiscal year may be deducted by the Secretary for  
20 expenses in the administration of this section. Such amount is authorized to be made available therefor

1 until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year,  
2 the Secretary shall apportion any unexpended amounts, in a manner consistent with this subsection.

3 (2) The Secretary, after making the deduction under paragraph (1), shall apportion  
4 the remaining amounts as follows:

5 “(A) Sixty percent shall be apportioned equally among the several States;

6 and

7 “(B) Forty percent shall be apportioned on the basis of the ratio which the  
8 population of each State bears to the total population of the United States.

9 “(2) The total apportionment to an individual State under paragraph (2) shall not  
10 exceed 10 percent of the total amount made available for financial assistance to the States in  
11 any one year.

12 “(3) The Secretary shall notify each State of its apportionment, and the amount  
13 thereof shall be available thereafter to such State for planning, acquisition, or development  
14 projects as hereafter described. Any amount of any apportionment that has not been paid or  
15 obligated by the Secretary during the fiscal year in which such notification is given and for two  
16 fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph  
17 (2).

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

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

20 “(ii) Puerto Rico, the Virgin Islands, Guam, American Samoa and

21 the Commonwealth of the Northern Mariana Islands shall be treated

1 collectively as one State and shall receive shares of such apportionment in  
2 proportion to their populations.

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

5 “(5)(A) For the purposes of paragraph (2) of this subsection, all Federally  
6 recognized Indian tribes or, in the case of Alaska, Native Corporations (as defined in section 3  
7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) shall be treated collectively as  
8 one State and be eligible to receive shares of apportionment in accordance with a competitive  
9 grant program established by the Secretary.

10 “(B) No single tribe or Alaska Native Corporation shall receive more than  
11 10 percent of the total amount made available under this paragraph.

12 “(C) Funds received by a tribe or Alaska Native Corporation under this  
13 paragraph may be expended only for the purposes specified in paragraphs (1) and (3)  
14 of subsection (a).

15 “(6) Absent a compelling and annually documented reason to the contrary  
16 acceptable to the Secretary of the Interior, each State (other than an area treated as a State  
17 under paragraphs (4) and (5) of this subsection) shall make at least 25 percent of its annual  
18 apportionment available as grants to local governments within such State.”.

19 **SEC. 204. STATE PLANNING.**

20 (a) STATE ACTION AGENDA.—

1           (1)     IN GENERAL. — Section 6(d) of the Land and Water Conservation Fund Act  
2 of 1965 (16 U.S.C. 4601-8(d)) is amended to read as follows:

3           “(d)    STATE ACTION AGENDA.

4           “(1)    A State Action Agenda for Community Recreation and Conservation (in this  
5 Act referred to as the “State Action Agenda”) shall be required prior to the consideration by  
6 the Secretary of financial assistance under this section. The State Action Agenda shall be  
7 adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of  
8 this Act.

9           “(2)    Each State, in partnership with its local governments and Federal agencies, shall  
10 develop a State Action Agenda within 5 years after the date of enactment of the Conservation  
11 and Reinvestment Act. Each State may define its own priorities and criteria for selection of  
12 outdoor recreation and conservation acquisition and development projects eligible for grants  
13 under this Act so long as it provides for public involvement in this process. The State Action  
14 Agenda shall be strategic, originating in broad-based and long-term needs, but focused on  
15 actions that can be funded over the next 5 years. A State Action Agenda must be updated at  
16 least once every 5 years.

17           “(3)    The State Action Agenda shall contain:

18                   “(A)    the name of the State agency that will have authority to represent and  
19 act for the State in dealing with the Secretary for the purposes of this Act;

20                   “(B)    the priorities and criteria for selection of outdoor recreation and  
21 conservation acquisition and development projects; and

1                   “(C) certification by the Governor that the agenda’s conclusions and  
2                   proposed actions reflect an ample opportunity for public participation.

3                   “(4) State Action Agendas shall take into account all providers of recreation and  
4                   conservation lands within each State, including Federal, regional, and local government  
5                   resources, and shall be correlated whenever possible with other State, regional, and local plans  
6                   for parks, recreation, open space, and wetlands conservation. Recovery action programs  
7                   developed by urban localities under section 1007 of the Urban Park and Recreation Recovery  
8                   Act of 1978 (16 U.S.C. 2506) shall be used by a State as a guide to the conclusions, priorities,  
9                   and action schedules contained in State Action Agenda. Each State shall assure that any  
10                  requirements for local outdoor recreation and conservation planning, promulgated as conditions  
11                  for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the  
12                  findings, priorities, and implementation schedules of recovery action programs to meet such  
13                  requirements.”.

14                  (2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any  
15                  State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the  
16                  date of enactment of this Act shall remain in effect in that State until a State Action Agenda has  
17                  been adopted pursuant to the amendment made by this subsection, but no later than 5 years  
18                  after the enactment of this Act.

19                  (b) CONFORMING AMENDMENTS.— (1) Section 6(e) of the Land and Water  
20                  Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)) is amended—

1 (A) in the first sentence by striking “State comprehensive plan” and inserting  
2 “State Action Agenda”; and

3 (B) in paragraph (1) by striking “comprehensive plan” and inserting “State  
4 Action Agenda”.

5 (2) Reference to a “State comprehensive plan” in any law shall be deemed to be to  
6 the State Action Agenda established by this section.

7 **SEC. 205. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

8 Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)) is  
9 further amended—

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

12 (2) in subsection (e)(2) by striking “facilities” the first place it appears and inserting  
13 “facilities, or to enhance public safety within a designated park or recreation area”.

14 **SEC. 206. CONVERSION OF PROPERTY TO OTHER USE.**

15 Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.  
16 460l-8(f)(3)) is amended —

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

18 (2) by striking the second sentence (including the proviso) and inserting the  
19 following:



1           “(B) With the exception of those properties that are no longer viable as an outdoor  
2 recreation and conservation facility due to changes in demographics or which must be  
3 abandoned because of environmental contamination or other condition that endangers public  
4 health and safety, the Secretary shall approve such conversion only if the State demonstrates no  
5 prudent or feasible alternative exists. Any conversion must satisfy such conditions as the  
6 Secretary deems necessary to assure the substitution of other recreation and conservation  
7 properties of at least equal fair market value and reasonably equivalent usefulness and location  
8 and which are consistent with the existing State Action Agenda.”.

9   **SEC. 207. FEDERAL LAND ACQUISITION.**

10           (a)    FEDERAL LAND ACQUISITION PROJECTS.—Section 7(a) of the Land and Water  
11 Conservation Fund Act of 1965 (16 U.S.C. 460l-9(a)) is amended—

12                   (1)    by striking “Moneys appropriated” and all that follows through “subpurposes:”  
13 and inserting the following:

14                   “(1)(A) The President shall transmit, as part of the annual budget proposal, a priority  
15 list for Federal land acquisition projects that fully allocates the amount made available for  
16 Federal land acquisition projects for that fiscal year. The President shall require the Secretary  
17 of the Interior and the Secretary of Agriculture to develop priority lists for projects under each  
18 Secretary’s jurisdiction. The Secretaries shall prepare the lists in consultation with the head of  
19 each affected bureau or agency, taking into account the best professional judgment regarding  
20 the land acquisition priorities and policies of each bureau or agency. In preparing the lists, the  
21 Secretaries shall consider whether land exchanges, consolidation of Federal land ownership

1 within a State, or the acquisition of conservation easements can be used with respect to  
2 proposed acquisitions. The Secretaries also shall consult with the Governors of the States and  
3 shall carefully consider any recommendations made by the Governor for any land acquisition  
4 within the State and any concerns on the acquisition of individual parcels.

5 “(B) The President shall also transmit the priority list to the Committee on  
6 Resources of the House of Representatives and the Committee on Energy and Natural  
7 Resources of the Senate together with a list of all expenditures made during the prior  
8 fiscal year and the specific statutory authorization for each proposed land acquisition on  
9 the priority list. The Committee on Energy and Natural Resources shall review the  
10 priority list and not later than May 1 of each year shall transmit to the Committee on  
11 Appropriations of the Senate a priority list for land acquisitions for the next fiscal year  
12 for lands that have been specifically authorized for acquisition by statute.

13 “(2) Amounts made available from the fund for Federal land acquisition projects  
14 shall be used for the following purposes and subpurposes:” and

15 (2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C)  
16 respectively.

17 (b) Section 7(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.  
18 460l-9(b)) is amended to read as follows:

19 “(b) ACQUISITION RESTRICTIONS.—(1) LIMITATION ON EXPENDITURE.—No money shall be  
20 obligated or expended for Federal land acquisition purposes under this section unless approved in an  
21 Act making appropriations.

1           “(2) AUTHORIZATION REQUIREMENT.—Appropriations from the funds pursuant to  
2 this section shall not be used for acquisition unless such acquisition is otherwise authorized by  
3 law: *Provided, however,* That appropriations from the fund may be used for preacquisition  
4 work in instances where authorization is imminent and where substantial monetary savings could  
5 be realized.

6           “(3) WILLING SELLER.—Amounts made available for Federal land acquisition  
7 purposes under this section shall not be used to acquire property unless—

8                   “(A) the owner of the property is willing to sell; or

9                   “(B) the acquisition is authorized by law and is conducted in accordance  
10 therewith.”.

### 11           **TITLE III — WILDLIFE CONSERVATION AND RESTORATION**

#### 12           **SEC. 301. DEFINITIONS.**

13           (a) REFERENCE TO LAW.—The term “Federal Aid in Wildlife Restoration Act” means the  
14 Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in  
15 Wildlife Restoration Act or the Pittman-Robertson Act.

16           (b) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C.  
17 669a) is amended to read as follows:

#### 18           **“SEC. 2. DEFINITIONS.**

19           “As used in this Act—

1           “(1) the term ‘conservation’ means the use of methods and procedures necessary or  
2 desirable to sustain healthy populations of wildlife, including all activities associated with scientific  
3 resources management such as research, census, monitoring of populations, acquisition, improvement  
4 and management of habitat, live trapping and transplantation, wildlife damage management, and  
5 periodic or total protection of a species or population, as well as the taking of individuals within wildlife  
6 stock or population if permitted by applicable State and Federal law;

7           “(2) the term ‘Secretary’ means the Secretary of the Interior;

8           “(3) the term ‘State fish and game department’ or ‘State fish and wildlife department’ means  
9 any department or division of department of another name, or commission, or official or officials, of a  
10 State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game  
11 department or State fish and wildlife department.

12           “(4) the term ‘wildlife’ means any species of wild, free-ranging fauna including fish, and also  
13 fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted  
14 indigenous species into previously occupied range;

15           “(5) the term ‘wildlife-associated recreation’ means projects intended to meet the demand  
16 for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife  
17 observation and photography, such projects as construction or restoration of wildlife viewing areas,  
18 observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for  
19 such projects;

20           “(6) the term ‘wildlife conservation and restoration program’ means a program developed  
21 by a State fish and wildlife department and approved by the Secretary under section 304(d), the

1 projects that constitute such a program, which may be implemented in whole or part through grants and  
2 contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and  
3 disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor  
4 recreation and conservation education entities from funds apportioned under this title, and maintenance  
5 of such projects;

6 “(7) the term ‘wildlife conservation education’ means projects, including public outreach,  
7 intended to foster responsible natural resource stewardship; and

8 “(8) the term ‘wildlife-restoration project’ includes the wildlife conservation and restoration  
9 program and means the selection, restoration, rehabilitation, and improvement of areas of land or water  
10 adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or  
11 estates or interests therein as are suitable or capable of being made suitable therefor, and the  
12 construction thereon or therein of such works as may be necessary to make them available for such  
13 purposes and also including such research into problems of wildlife management as may be necessary  
14 to efficient administration affecting wildlife resources, and such preliminary or incidental costs and  
15 expenses as may be incurred in and about such projects.”

16 **SEC. 302. WILDLIFE CONSERVATION AND RESTORATION**

17 **ACCOUNT.**

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

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

1           “(2) There is established in the fund a subaccount to be known as the “Wildlife Conservation  
2 and Restoration Account”. Amounts transferred to the Secretary under section 2(b)(5) of the  
3 Conservation and Reinvestment Act shall be deposited in the subaccount and shall be available without  
4 further appropriation for obligation and expenditure, in each fiscal year, for apportionment in  
5 accordance with this Act to carry out State wildlife conservation and restoration programs.”; and

6           (2)     by adding at the end the following—

7                   “(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Fund shall  
8 supplement, but not replace, existing funds available to the States from the sport fish restoration  
9 account and wildlife restoration account and shall be used for the development, revision, and  
10 implementation of wildlife conservation and restoration programs and should be used to address  
11 the unmet needs for a diverse array of wildlife and associated habitats, including species not  
12 hunted or fished.

13                   “(2)     Funds may be used by a State or an Indian tribe for the planning and  
14 implementation of its wildlife conservation and restoration program and wildlife conservation  
15 strategy, as provided in section 4(d) and (e) of this Act, including wildlife conservation, wildlife  
16 conservation education, and wildlife-associated recreation projects. Such funds may be used  
17 for new programs and projects as well as to enhance existing programs and projects.

18                   “(3)     Priority for funding from the Wildlife Conservation and Restoration Account  
19 shall be for those species with the greatest conservation need.

20                   “(d)     Notwithstanding subsections (a) and (b) of this section, with respect to amounts  
21 transferred to the Wildlife Conservation and Restoration Account from the Conservation and

1 Reinvestment Act Fund, so much of such amounts apportioned to any State for any fiscal year as  
2 remains unexpended at the close thereof shall remain available for obligation in that State until the close  
3 of the second succeeding fiscal year.”.

4 **SEC. 303. STATE APPORTIONMENTS.**

5 Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by  
6 adding the following—

7 “(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION  
8 ACCOUNT.—(1) Notwithstanding subsection (a), the Secretary may use not more than 2  
9 percent of the revenues deposited into the Wildlife Conservation and Restoration Account in  
10 each fiscal year as necessary for expenses in the administration and execution of programs  
11 carried out under the Wildlife Conservation and Restoration Account and such amount shall be  
12 available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the  
13 close of such fiscal year, the Secretary shall apportion any portion thereof as remains  
14 unexpended, if any, on the same basis and in the same manner as is provided under paragraphs  
15 (2) and (3).

16 “(2) The Secretary, after deducting administrative expenses shall make the following  
17 apportionment from the Wildlife Conservation and Restoration Account:

18 “(A) to the District of Columbia and to the Commonwealth of Puerto Rico,  
19 each a sum equal to not more than one-half of 1 percent thereof;

1           “(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth  
2 of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1  
3 percent thereof; and

4           “(C) to Federally recognized Indian tribes, a sum equal to not more than 2  
5 and 1/4 percent, one-third of which shall be allocated among the various tribes based  
6 on the ratio to which the trust land area of such tribe bears to the total trust land area of  
7 all such tribes and two-thirds of which shall be allocated based on the ratio to which the  
8 population of such tribe bears to the total population of all such tribes; except that no  
9 Indian tribe shall receive more than 5 percent per annum of the total annual amount  
10 made available to Indian tribes under this subsection.

11           “(3) The Secretary shall apportion the remaining amount in the Wildlife  
12 Conservation and Restoration Account for each year among the States in the following manner:

13           “(A) one-third of which is based on the ratio to which the land area of such  
14 State bears to the total land area of all such States; and

15           “(B) two-thirds of which is based on the ratio to which the population of  
16 such State bears to the total population of all such States.

17           “(4) The amounts apportioned under this paragraph shall be adjusted equitably so  
18 that no State shall be apportioned a sum which is less than 1 percent of the amount available for  
19 apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.



1           “(d)   WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—(1) Any State, may  
2           apply to the Secretary for approval of a wildlife conservation and restoration program or for funds from  
3           the Wildlife Conservation and Restoration Account to develop a program which shall —

4                       “(A)   contain provision for vesting in the State fish and wildlife department  
5                       overall responsibility and accountability for development and implementation of the  
6                       program; and

7                       “(B)   contain provision for development and implementation of —

8                               “(i)   wildlife conservation projects that expand and support existing  
9                               wildlife programs to meet the needs of a diverse array of wildlife species,  
10                              including a wildlife strategy as set forth in subsection (e),

11                             “(ii)   wildlife associated recreation programs,

12                             “(iii)   wildlife conservation education projects; and

13                       “(C)   contain provisions for public participation in the development, revision,  
14                       and implementation of projects and programs identified in subparagraph (B) of this  
15                       subsection.

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

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

9                       “(B)    Not more than 10 percent of the amounts apportioned to each State  
10                      under this section for a State's wildlife conservation and restoration program may be  
11                      used for wildlife-associated recreation.

12                     “(C)    Not more than 10 percent of the amounts apportioned to each State  
13                      under this section for a State’s wildlife conservation and restoration program may be  
14                      used for law enforcement.

15           “(4)    For purposes of this subsection, the term “State” shall include the District of  
16           Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and  
17           the Commonwealth of the Northern Mariana Islands and any of the Federally recognized Indian  
18           tribes with a wildlife conservation and restoration program.

19           “(e)    WILDLIFE CONSERVATION STRATEGY.—Any State that receives an apportionment  
20           pursuant to subsection (c) shall, within five years of the date of the initial apportionment, develop and

1 begin implementation of a wildlife conservation strategy based upon the best scientific information and  
2 data available that—

3 “(1) integrates available information on the distribution and abundance of species of  
4 wildlife, including low population and declining species as the State fish and wildlife department  
5 deems appropriate, that exemplify and are indicative of the diversity and health of wildlife of the  
6 State;

7 “(2) identifies the extent and condition of habitats and community types essential to  
8 conservation of species identified under paragraph (1);

9 “(3) identifies the problems which may adversely affect the species identified under  
10 paragraph (1) and their habitats, and provides for research and surveys to identify factors which  
11 may assist in restoration and more effective conservation of such species and their habitats;

12 “(4) determines those actions which should be taken to conserve the species  
13 identified under paragraph (1) and their habitats and establishes priorities for implementing such  
14 conservation actions;

15 “(5) provides for periodic monitoring of species identified under paragraph (1) and  
16 their habitats and the effectiveness of the conservation actions determined under paragraph (4),  
17 and for adapting conservation actions as appropriate to respond to new information or changing  
18 conditions;

19 “(6) provides for the review of the State wildlife conservation strategy and, if  
20 appropriate, revision at intervals of not more than ten years;

1           “(7) provides for coordination by the State fish and wildlife department, during the  
2 development, implementation, review, and revision of the wildlife conservation strategy, with  
3 Federal, State, and local agencies and Indian tribes that manage significant areas of land or  
4 water within the State, or administer programs that significantly affect the conservation of  
5 species identified under paragraph (1) or their habitats.”

6                                   **Title IV– Urban Park Programs**

7       **SEC. 401. TREATMENT OF AMOUNTS TRANSFERRED FROM THE**  
8       **CONSERVATION AND REINVESTMENT ACT FUND.**

9           Section 1013 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2512) is amended  
10 to read as follows:

11                   **“TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND**  
12                   **REINVESTMENT ACT FUND**

13           “SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under  
14 section 2(b)(6) of the Conservation and Reinvestment Act in a fiscal year shall be available for  
15 obligation and expenditure for the purpose of this section, without further appropriation and without  
16 fiscal year limitation. Any amounts that have not been paid or obligated by the Secretary before the  
17 end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be  
18 reapportioned by the Secretary among grantees under this title.

1           “(b) ADMINISTRATIVE EXPENSES.—Not more than four percent of the amounts made  
2 available under this section in each fiscal year, may be deducted by the Secretary for expenses in the  
3 administration and execution of this Act.

4           “(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under subsection  
5 (b), of the amounts available in a fiscal year under subsection (a)—

6                   “(1) not more than 3 percent may be used for grants for the development of local  
7 park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

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

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

12           “(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a  
13 limit on the portion of any grant under this title, not to exceed 25 percent that may be used for grant and  
14 program administration.”.

15           **SEC. 402. AUTHORITY TO DEVELOP NEW AREAS AND**  
16           **FACILITIES.**

17           Section 1003 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2502) is amended  
18 by inserting “development of new recreation areas and facilities, including the acquisition of lands for  
19 such development,” after “rehabilitation of critically needed recreation areas, facilities,”.

1     **SEC. 403. DEFINITIONS.**

2             Section 1004 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2503) is amended  
3 as follows:

4             (1)     In paragraph (j), by striking “and” after the semicolon.

5             (2)     In paragraph (k), by adding “Commonwealth of” after “and” and before “the” and by  
6 striking the period at the end and inserting a semicolon.

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

8                     “(l)     ‘development grants’ means matching capital grants to units of local  
9 government to cover costs of development and construction on existing or new neighborhood  
10 recreation sites, including indoor and outdoor recreational areas and facilities, support facilities,  
11 and landscaping but excluding routine maintenance and upkeep activities; and

12                     “(m) ‘Secretary’ means the Secretary of the Interior.”.

13     **SEC. 404. ELIGIBILITY.**

14             Section 1005(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2504(a)) is  
15 amended to read as follows:

16             “(a)     Eligibility of general purpose local governments to compete for assistance under this  
17 title shall be based upon need as determined by the Secretary and shall include, but not be limited to,  
18 the following:

19                     “(1)     All political subdivisions included in Metropolitan, Primary, or Consolidated  
20 Statistical Areas, as determined by the most recent Census.

1           “(2) Any other city, town, or group of cities or towns (or both) within such a  
2 Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by  
3 the most recent Census.

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

6       **SEC. 405. GRANTS.**

7           Section 1006(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2505(a)) is  
8 amended as follows:

9           (1) by striking in the first sentence “rehabilitation and innovation”,

10          (2) by striking in paragraph (1) “rehabilitation and innovation”, and

11          (3) by striking in paragraph (2) “rehabilitation and innovative”.

12       **SEC. 406. RECOVERY ACTION PROGRAMS.**

13           Section 1007(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2506(a)) is  
14 amended—

15          (1) in the first sentence, by inserting “development,” after “commitments to ongoing  
16 planning,”; and

17          (2) in paragraph (2), by inserting “development and” after “adequate planning for”.

18       **SEC. 407. STATE ACTION INCENTIVES.**

19           Section 1008 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2507) is  
20 amended—

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

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

4 “(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The  
5 Secretary and general purpose local governments are encouraged to coordinate preparation of  
6 recovery action programs required by this title with State Plans or State Action Agendas required under  
7 section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), including the  
8 allowance or flexibility in preparation of recovery action programs so they may be used to meet State  
9 and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants  
10 for similar purposes or for other recreation or conservation purposes.

11 “(2) The Secretary shall encourage States to consider the findings, priorities,  
12 strategies, and schedules included in the recovery action programs of their urban localities in  
13 preparation and updating of State plans in accordance with the public coordination and citizen  
14 consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of  
15 1965 (16 U.S.C. 4601-8(d)).”.

16 **SEC. 408. CONVERSION OF RECREATION PROPERTY.**

17 Section 1010 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2509) is amended  
18 to read as follows:

19 **“CONVERSION OF RECREATION PROPERTY**



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

4           “(b)    The Secretary shall approve such conversion only if the grantee demonstrates  
5 no prudent or feasible alternative exists with the exception of those properties that are no longer  
6 a viable recreation facility due to changes in demographics or that must be abandoned because  
7 of environmental contamination or other condition that endangers public health or safety.

8           “(c)    Any conversion must satisfy any conditions the Secretary considers necessary  
9 to assure substitution of other recreation property that is of at least equal fair market value, or  
10 reasonably equivalent usefulness and location; and is in accord with the current recreation  
11 recovery action plan of the grantee.”.

12   **SEC. 409. REPEAL.**

13           Sections 1014 and 1015 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2513,  
14 2514) are repealed.

15                           **TITLE V — HISTORIC PRESERVATION FUND**

16   **SEC. 501. HISTORIC PRESERVATION FUND AMENDMENTS.**

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

- 18           (1)    by inserting “(a)” before the first sentence of the first paragraph;  
19           (2)    by inserting “(b)” before the first sentence of the second paragraph;  
20           (3)    by adding at the end the following:

1           “(c)    Amounts transferred to the Secretary under section 5(b)(8) of the Conservation and  
2 Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purposes of  
3 this Act, without further appropriation and without fiscal year limitation.

4           “(d)(1)   Of the amounts in the fund, \$150,000,000 shall be available each fiscal year for  
5 obligation or expenditure in accordance with paragraph (2) of this section. Such amounts shall be made  
6 available without further appropriation, subject to the requirements of this Act, and shall remain  
7 available until expended.

8           “(2)    Of the amounts made available each fiscal year —

9                   “(A)    \$75,000,000 shall be available for State, local governmental, and tribal  
10 historic preservation programs as provided in section 101(b), (c), and (d) of this Act  
11 (16 U.S.C. 470a(b), (c), and (d));

12                   “(B)    \$15,000,000 shall be available for the American Battlefield Protection  
13 Program (16 U.S.C. 469k) for the protection of threatened battlefields; and

14                   “(C)    the remainder shall be available to carry out this Act, except that not  
15 less than 50 percent of the amounts made available shall be used for preservation  
16 projects on historic properties or archaeological sites in accordance with this Act, with  
17 priority given to the preservation of endangered Federal historic properties or  
18 archaeological sites.

19           “(e)(1) The President shall include in the annual budget proposal a list of programs to be  
20 funded under subsection (d)(2)(C) and additional funding amounts, if any, for State, local governmental,  
21 and tribal historic programs in accordance with section 101(b), (c), and (d) of this Act.

1           “(2) Except as provided in paragraph (3), during any fiscal year no money shall be  
2 obligated or expended for the programs identified in paragraph (d)(2)(C) unless approved in an  
3 Act making appropriations.

4           “(3) If the Congress adjourns *sine die* without appropriating the full amount made  
5 available under subsection (d)(2)(C), 15 days after the date of such adjournment, the Secretary  
6 shall, without further appropriation, obligate and expend the difference between the full amount  
7 made available under subsection (d)(2)(C) and the amount appropriated, only as follows:

8                   “(A) to provide additional funding for State, local governmental, and tribal  
9 historic preservation programs as provided in section 101(b), (c), and (d) of this Act;

10                   or

11                   “(B) to fund preservation projects on endangered Federal historic properties  
12 or archaeological sites.”.

13 **SEC. 502. AMERICAN BATTLEFIELD PROTECTION PROGRAM**

14 **AMENDMENTS.**

15           The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended:

16           (1) In subsection (c)(2), by adding at the end the following: “Priority for financial  
17 assistance for the preservation of Civil War Battlefields shall be given to sites identified as Priority 1  
18 battlefields in the “Civil War Sites Advisory Commission Report on the Nation’s Civil War Battlefields”  
19 issued in 1993;

1           (2)     In subsection (d), by striking “\$3,000,000” and inserting “such sums as may be  
2 necessary”.

3           (3)     By repealing subsection (e) in its entirety.

## 4           **TITLE VI — NATIONAL PARK AND INDIAN LAND RESTORATION**

### 5           **PROGRAMS**

#### 6           **SEC. 601. NATIONAL PARK SYSTEM RESOURCE PROTECTION.**

7           (a)     AMOUNTS TRANSFERRED FROM THE CONSERVATION AND REINVESTMENT ACT  
8 FUND.—Of the amounts transferred to the Secretary of the Interior under section 2(b)(9) of this Act,  
9 \$100,000,000 shall be available for obligation and expenditure in accordance with this section without  
10 further appropriation and without fiscal year limitation.

11          (b)     USES.—(1)     Amounts in the fund shall only be used to protect significant natural,  
12 cultural or historical resources at units of the National Park System that are threatened or in need of  
13 stabilization or restoration.

14           (2)     The Secretary is authorized to enter into cooperative agreements with State and  
15 local governments and other public and private organizations to carry out the purposes of this  
16 section.

17           (3)     No funds made available by this section shall be used for—

18                   (A)     acquisition of lands or interests therein;

19                   (B)     salaries of National Park Service permanent employees;

20                   (C)     construction of roads;

1 (D) construction of new visitor centers;

2 (E) routine maintenance activities; or

3 (F) specific projects which are funded by the Recreational Fee

4 Demonstration Program (16 U.S.C. 460l-6a(note)).

5 (c) PRIORITY LIST.—(1)The President shall include in the annual budget proposal a priority  
6 list for projects to be funded under this section. The President shall also submit the priority list to the  
7 Committee on Resources of the House of Representatives and to the Committee on Energy and Natural  
8 Resources of the Senate.

9 (2) In preparing the list of projects to be funded under this section, the Secretary  
10 shall give priority to projects that—

11 (A) are identified in the park unit's general management plan;

12 (B) are included in authorized environmental restoration projects; or

13 (C) are identified by the Secretary of the Interior as necessary to prevent  
14 immediate damage to a park unit's natural, cultural, or historical resources or to protect  
15 the public health and safety.

16 (d) FUNDING.—(1) Except as provided in paragraph (2), during any fiscal year no money  
17 shall be obligated or expended for the purposes of this section unless approved in an Act making  
18 appropriations for the Department of the Interior.

19 (2) If the Congress adjourns *sine die* without appropriating the full amount  
20 transferred for this section, 15 days after the date of such adjournment, the Secretary shall,  
21 without further appropriation, obligate and expend the difference between the full amount

1 transferred and the amount appropriated in accordance with the priority list submitted pursuant  
2 to subsection (c).

3 **SEC. 602. INDIAN LANDS RESTORATION.**

4 (a) AMOUNTS TRANSFERRED FROM THE CONSERVATION AND REINVESTMENT ACT.—Of  
5 the amounts transferred to the Secretary of the Interior under section 2(b)(9) of this Act, \$25,000,000  
6 shall be available for obligation and expenditure in accordance with this section without further  
7 appropriation and without fiscal year limitation.

8 (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—(1) The Secretary shall administer a  
9 competitive grant program for Indian tribes to assist in the restoration of degraded lands, resource  
10 protection, or the protection of public health and safety. Priority shall be given to projects based upon  
11 the protection of significant resources, the severity of damages or threats to resources, and the  
12 protection of public health or safety. The Secretary shall develop the competitive grant program in  
13 consultation with Indian tribes.

14 (2) The amount received for a fiscal year by a single Indian tribe in the form of  
15 grants under this subsection may not exceed 10 percent of the total amount available for that  
16 fiscal year for grants under this section.

17 (3) As used in this section, the term “Indian tribe”, means —

18 (A) an Indian tribe, band, nation, pueblo, village, or community that the  
19 Secretary recognizes as an Indian tribe under section 104 of the Federally Recognized  
20 Indian Tribe List Act of 1994 (25 U.S.C. 479a-1); or

1 (B) in the case of Alaska, an Alaska Native Corporation (as defined in  
2 section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

3 **TITLE VII-CONSERVATION EASEMENTS AND RURAL DEVELOPMENT**

4 **SEC.701. FARM AND RANCH LAND PROTECTION PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Agriculture shall carry out a farm and ranch land  
6 protection program for the purpose of protecting farm and ranch lands with prime, unique, or other  
7 productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may  
8 provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

9 (1) permanent conservation easements in such lands; or

10 (2) conservation easements or other interests in such lands when the lands are  
11 subject to a pending offer from a State or local government.

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

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

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

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

2 (2) A Federally recognized Indian tribe.

3 (3) Any organization that is organized for, and at all times since its formation has  
4 been operated principally for, one or more of the conservation purposes specified in clause (i),  
5 (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and —

6 (A) is described in section 501(c)(3) of such Code;

7 (B) is exempt from taxation under section 501(a) of such Code; or

8 (C) is described in paragraph (2) of section 509(a) of such Code, or  
9 paragraph (3) of such section, but is controlled by an organization described in  
10 paragraph (2) of such section.

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

14 (f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant  
15 under subsection (a)(1), the attorney general of the State in which the conservation easement is to be  
16 purchased using the grant funds shall certify that the conservation easement to be purchased is in a form  
17 that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection  
18 program and the terms and conditions of the grant.

19 (g) WILLING SELLER.—A conservation easement purchased with funds provided under this  
20 section shall be acquired only with the consent of the owner.



1           (h)     TECHNICAL ASSISTANCE.— To provide technical assistance to carry out this section,  
2     the Secretary of Agriculture may use not more than 10 percent of the amount made available for any  
3     fiscal year under section 2(b)(10) of the Conservation and Reinvestment Act.

4           (i)     FUNDING.—Amounts transferred to the Secretary of Agriculture under section 2(b)(10)  
5     of the Conservation and Reinvestment Act shall be available for obligation and expenditure for the  
6     purpose of this section, without further appropriation and without fiscal year limitation.

7     **SEC. 702. FOREST SERVICE RURAL DEVELOPMENT.**

8           The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by  
9     adding at the end the following:

10           **“SEC. 21. RURAL DEVELOPMENT.**

11           “(a)    USES.—The Secretary shall conduct a Rural Development program to provide  
12     technical assistance to rural communities for sustainable rural development purposes.

13           “(b)    FUNDING.—Amounts transferred to the Secretary of Agriculture under section 2(b)(11)  
14     of the Conservation and Reinvestment Act shall be available for obligation and expenditure for the  
15     purpose of this section, without further appropriation and without fiscal year limitation.”.

16     **SEC.703. NON-FEDERAL LANDS OF REGIONAL OR NATIONAL**  
17     **INTEREST.**

18           (a)     COMPETITIVE GRANT PROGRAM. — (1) The Secretary of the Interior may make grants  
19     to States for the conservation of non-Federal lands of clear regional or national interest.

1           (2)     In making a grant under this section, the Secretary shall consider the extent to  
2           which a proposed project described in the grant application will conserve the natural, historic,  
3           cultural, or recreational values of the non-Federal lands.

4           (3)     The Secretary shall give preference to proposed conservation projects —

5                     (A)     that seek to protect ecosystems;

6                     (B)     that are developed in collaboration with other States;

7                     (C)     that are complementary to conservation or restoration programs  
8           undertaken on Federal lands;

9                     (D)     that demonstrate public participation in the development of the project  
10          proposal; or

11                    (E)     that are supported by communities and individuals in the immediate  
12          vicinity of the proposed project or who would be directly affected by the proposed  
13          project.

14          (4)     A grant awarded to a State under this subsection shall cover not more than 50  
15          percent of the total cost of the conservation projects.

16          (b)     AUTHORIZED PROJECTS.—The Secretary may not award a grant for any project under  
17          this section where the Federal contribution for such project exceeds \$1 million, unless the project is  
18          authorized by an Act of Congress.

19          (c)     AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such  
20          sums as may be necessary to carry out this section.

21          **SEC. 704. MAPPING EXISTING CONSERVATION EASEMENTS.**

1           (a)     DEADLINE FOR COMPLETION.—The Secretary of the Interior shall, not later than 48  
2 months after the date of enactment of this Act, complete the mapping of all existing conservation  
3 easements acquired by the United States Fish and Wildlife Service before 1977 to protect wetlands.

4

5           (b)     AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated  
6 such sums as may be necessary to carry out this section.