

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 701, AS REPORTED  
OFFERED BY MR. THORNBERRY**

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 Rein-  
3 vestment Act of 2000”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Annual reports.
- Sec. 5. Conservation and Reinvestment Act Fund.
- Sec. 6. Limitation on use of available amounts for administration.
- Sec. 7. Recordkeeping requirements.
- Sec. 8. Maintenance of effort and matching funding.
- Sec. 9. Sunset.
- Sec. 10. Protection of private property rights.
- Sec. 11. Signs.

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

- Sec. 101. Impact assistance formula and payments.
- Sec. 102. Coastal State conservation and impact assistance plans.

**TITLE II—LAND AND WATER CONSERVATION FUND  
REVITALIZATION**

- Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
- Sec. 202. Extension of fund; treatment of amounts transferred from Conserva-  
tion and Reinvestment Act Fund.
- Sec. 203. Availability of amounts.
- Sec. 204. Allocation of Fund.
- Sec. 205. Use of Federal portion.
- Sec. 206. Allocation of amounts available for State purposes.
- Sec. 207. State planning.
- Sec. 208. Assistance to States for other projects.
- Sec. 209. Conversion of property to other use.
- Sec. 210. Water rights.



## TITLE III—WILDLIFE CONSERVATION AND RESTORATION

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

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM  
AMENDMENTS

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

## TITLE V—HISTORIC PRESERVATION FUND

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

## TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

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

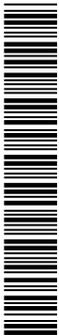
TITLE VII—FARMLAND PROTECTION PROGRAM AND  
ENDANGERED AND THREATENED SPECIES RECOVERY

## SUBTITLE A—FARMLAND PROTECTION PROGRAM

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

## Subtitle B—Endangered and Threatened Species Recovery

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



1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “coastal population” means the  
4 population of all political subdivisions, as determined  
5 by the most recent official data of the Census Bu-  
6 reau, contained in whole or in part within the des-  
7 ignated coastal boundary of a State as defined in a  
8 State’s coastal zone management program under the  
9 Coastal Zone Management Act of 1972 (16 U.S.C.  
10 1451 and following).

11 (2) The term “coastal political subdivision”  
12 means a political subdivision of a coastal State all or  
13 part of which political subdivision is within the  
14 coastal zone (as defined in section 304 of the Coast-  
15 al Zone Management Act of 1972 (16 U.S.C.  
16 1453)).

17 (3) The term “coastal State” has the same  
18 meaning as provided by section 304 of the Coastal  
19 Zone Management Act of 1972 (16 U.S.C. 1453).

20 (4) The term “coastline” has the same meaning  
21 that it has in the Submerged Lands Act (43 U.S.C.  
22 1301 and following).

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

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



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

3 (7) The term “Governor” means the highest  
4 elected official of a State or of any other political en-  
5 tity that is defined as, or treated as, a State under  
6 the Land and Water Conservation Fund Act of 1965  
7 (16 U.S.C. 460l-4 and following), the Act of Sep-  
8 tember 2, 1937 (16 U.S.C. 669 and following), com-  
9 monly referred to as the Federal Aid in Wildlife Res-  
10 toration Act or the Pittman-Robertson Act, the  
11 Urban Park and Recreation Recovery Act of 1978  
12 (16 U.S.C. 2501 and following), the National His-  
13 toric Preservation Act (16 U.S.C. 470h and fol-  
14 lowing), or the Federal Agriculture Improvement  
15 and Reform Act of 1996 (Public Law 104-127; 16  
16 U.S.C. 3830 note).

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



1 depicted on an Outer Continental Shelf Official Pro-  
2 traction Diagram.

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

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

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



1 moratorium and was in production on January 1,  
2 1999).

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



1           (13) The term “Secretary” means the Secretary  
2           of the Interior or the Secretary’s designee, except as  
3           otherwise specifically provided.

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

7   **SEC. 4. ANNUAL REPORTS.**

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

20          (b) REPORT TO CONGRESS.—On January 1 of each  
21          year the Secretary of the Interior, in consultation with the  
22          Secretary of Agriculture, shall submit an annual report  
23          to the Congress documenting all moneys expended by the  
24          Secretary of the Interior and the Secretary of Agriculture  
25          from the Fund during the previous fiscal year and summa-



1 rizing the contents of the Governors' reports submitted to  
2 the Secretaries under subsection (a).

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

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

10 (1) OCS REVENUES.—An amount in each such  
11 fiscal year from qualified Outer Continental Shelf  
12 revenues equal to the difference between  
13 \$2,825,000,000 and the amounts deposited in the  
14 Fund under paragraph (2), notwithstanding section  
15 9 of the Outer Continental Shelf Lands Act (43  
16 U.S.C. 1338).

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

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

23 (b) TRANSFER FOR EXPENDITURE.—In each fiscal  
24 year after the fiscal year 2001, the Secretary of the Treas-



1 ury shall transfer amounts deposited into the Fund as fol-  
2 lows:

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

6 (2) To the Land and Water Conservation Fund  
7 for expenditure as provided in section 3(a) of the  
8 Land and Water Conservation Fund Act of 1965  
9 (16 U.S.C. 4601-6(a)) such amounts as are nec-  
10 essary to make the income of the fund \$900,000,000  
11 in each such fiscal year.

12 (3) \$350,000,000 to the Federal aid to wildlife  
13 restoration fund established under section 3 of the  
14 Federal Aid in Wildlife Restoration Act (16 U.S.C.  
15 669b).

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

19 (5) \$100,000,000 to the Secretary of the Inte-  
20 rior to carry out the National Historic Preservation  
21 Act (16 U.S.C. 470 and following).

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



1           (7) \$100,000,000 to the Secretary of Agri-  
2           culture to carry out the farmland protection pro-  
3           gram under section 388 of the Federal Agriculture  
4           Improvement and Reform Act of 1996 (Public Law  
5           104–127; 16 U.S.C. 3830 note) and the Forest Leg-  
6           acy Program under section 7 of the Cooperative  
7           Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

8           (8) \$50,000,000 to the Secretary of the Interior  
9           to carry out subtitle B of title VII of this Act.

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

15          (d) INTEREST.—

16                (1) IN GENERAL.—The Secretary of the Treas-  
17                ury shall invest moneys in the Fund in public debt  
18                securities with maturities suitable to the needs of  
19                the Fund, as determined by the Secretary of the  
20                Treasury, and bearing interest at rates determined  
21                by the Secretary of the Treasury, taking into consid-  
22                eration current market yields on outstanding mar-  
23                ketable obligations of the United States of com-  
24                parable maturity.



1           (2) USE OF INTEREST.—Except as provided in  
2 paragraphs (3) and (4), interest earned on such  
3 moneys shall be available, subject to appropriations  
4 for fiscal years before fiscal year 2006 and without  
5 further appropriation for fiscal year 2006 and each  
6 fiscal year thereafter, for obligation or expenditure  
7 under—

8           (A) chapter 69 of title 31 of the United  
9 States Code (relating to payment in lieu of  
10 taxes), and

11           (B) section 401 of the Act of June 15,  
12 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating  
13 to refuge revenue sharing).

14 In each fiscal year such interest shall be allocated  
15 between the programs referred to in subparagraph  
16 (A) and (B) in proportion to the amounts authorized  
17 and appropriated for that fiscal year under other  
18 provisions of law for purposes of such programs.

19           (3) CEILING ON EXPENDITURES OF INTER-  
20 EST.—Amounts made available under paragraph (2)  
21 in each fiscal year shall not exceed \$200,000,000.

22           (4) TITLE III INTEREST.—All interest attrib-  
23 utable to amounts transferred by the Secretary of  
24 the Treasury to the Secretary of the Interior for  
25 purposes of title III of this Act (and the amend-





1 ing recordkeeping by State and local governments and the  
2 auditing of expenditures made by State and local govern-  
3 ments from funds made available under this Act as may  
4 be necessary. Such rules shall be in addition to other re-  
5 quirements established regarding recordkeeping and the  
6 auditing of such expenditures under other authority of  
7 law.

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

10 (a) IN GENERAL.—Except as provided in subsection  
11 (b), no State or local government shall receive any funds  
12 under this Act during any fiscal year when its expendi-  
13 tures of non-Federal funds for recurrent expenditures for  
14 programs for which funding is provided under this Act will  
15 be less than its expenditures were for such programs dur-  
16 ing the preceding fiscal year. No State or local government  
17 shall receive any funding under this Act with respect to  
18 a program unless the Secretary is satisfied that such a  
19 grant will be so used to supplement and, to the extent  
20 practicable, increase the level of State, local, or other non-  
21 Federal funds available for such program. In order for the  
22 Secretary to provide funding under this Act in a timely  
23 manner each fiscal year, the Secretary shall compare a  
24 State or local government's prospective expenditure level  
25 to that of its second preceding fiscal year.



1 (b) EXCEPTION.—The Secretary may provide fund-  
2 ing under this Act to a State or local government not  
3 meeting the requirements of subsection (a) if the Sec-  
4 retary determines that a reduction in expenditures is at-  
5 tributable to a non-selective reduction in the expenditures  
6 in the programs of all Executive branch agencies of the  
7 State or local government.

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

15 **SEC. 9. SUNSET.**

16 This Act, including the amendments made by this  
17 Act, shall have no force or effect after September 30,  
18 2020.

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

20 (a) SAVINGS CLAUSE.—Nothing in the Act shall au-  
21 thorize that private property be taken for public use, with-  
22 out just compensation—

23 (1) as provided by the Fifth and Fourteenth  
24 amendments to the United States Constitution; and



1 (2) determined based on an independent ap-  
2 praisal of the property, that is—

3 (A) paid for by the Federal Government;

4 and

5 (B) performed by an appraiser approved  
6 by the property owner and the head of the Fed-  
7 eral agency taking the action that constitutes a  
8 taking of the property.

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

14 (c) PROTECTION OF RIGHTS IN NON-FEDERAL  
15 PROPERTY FROM FEDERAL ACQUISITION OF NEARBY  
16 LANDS.—The right of an owner of non-Federal real prop-  
17 erty to use and enjoy that property shall not be diminished  
18 based on the property being—

19 (1) within the boundaries of a Federal unit as  
20 a consequence of the acquisition of lands for that  
21 unit with amounts made available by this Act; or

22 (2) adjacent to Federal lands acquired with  
23 amounts made available by this Act.



1 **SEC. 11. SIGNS.**

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

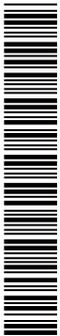
10 (b) STANDARDS.—The Secretary shall provide for the  
11 design of standardized signs for purposes of subsection  
12 (a), and shall prescribe standards and guidelines for such  
13 signs.

14 **TITLE I—IMPACT ASSISTANCE**  
15 **AND COASTAL CONSERVATION**

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

17 (a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

18 (1) GRANT PROGRAM.—Amounts transferred to  
19 the Secretary of the Interior from the Conservation  
20 and Reinvestment Act Fund under section 5(b)(1) of  
21 this Act for purposes of making payments to coastal  
22 States under this title in any fiscal year shall be al-  
23 located by the Secretary of the Interior among coast-  
24 al States as provided in this section in each such fis-  
25 cal year. In each such fiscal year, the Secretary of  
26 the Interior shall, subject to appropriations for fiscal



1 years before fiscal year 2006 and without further  
2 appropriation for fiscal year 2006 and each fiscal  
3 year thereafter, disburse such allocated funds to  
4 those coastal States for which the Secretary has ap-  
5 proved a Coastal State Conservation and Impact As-  
6 sistance Plan as required by this title. Payments for  
7 all projects shall be made by the Secretary to the  
8 Governor of the State or to the State official or  
9 agency designated by the Governor or by State law  
10 as having authority and responsibility to accept and  
11 to administer funds paid hereunder. No payment  
12 shall be made to any State until the State has  
13 agreed to provide such reports to the Secretary, in  
14 such form and containing such information, as may  
15 be reasonably necessary to enable the Secretary to  
16 perform his duties under this title, and provide such  
17 fiscal control and fund accounting procedures as  
18 may be necessary to assure proper disbursement and  
19 accounting for Federal revenues paid to the State  
20 under this title.

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



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

8 (b) ALLOCATION AMONG COASTAL STATES.—

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

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

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

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



1           (2) OFFSHORE OUTER CONTINENTAL SHELF  
2           SHARE.—If any portion of a producing State lies  
3           within a distance of 200 miles from the geographic  
4           center of any leased tract, the Secretary of the Inte-  
5           rior shall determine such State's allocable share  
6           under paragraph (1)(A) based on the formula set  
7           forth in this paragraph. Such State share shall be  
8           calculated as of the date of the enactment of this  
9           Act for the first 5-fiscal year period during which  
10          funds are disbursed under this title and recalculated  
11          on the anniversary of such date each fifth year  
12          thereafter for each succeeding 5-fiscal year period.  
13          Each such State's allocable share of the revenues  
14          disbursed under paragraph (1)(A) shall be inversely  
15          proportional to the distance between the nearest  
16          point on the coastline of such State and the geo-  
17          graphic center of each leased tract or portion of the  
18          leased tract (to the nearest whole mile) that is with-  
19          in 200 miles of that coastline, as determined by the  
20          Secretary for the 5-year period concerned. In apply-  
21          ing this paragraph a leased tract or portion of a  
22          leased tract shall be excluded if the tract or portion  
23          is located in a geographic area subject to a leasing  
24          moratorium on January 1, 1999, unless the lease



1 was issued prior to the establishment of the morato-  
2 rium and was in production on January 1, 1999.

3 (3) MINIMUM STATE SHARE.—

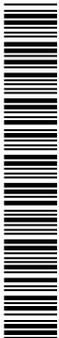
4 (A) IN GENERAL.—The allocable share of  
5 revenues determined by the Secretary under  
6 this subsection for each coastal State with an  
7 approved coastal management program (as de-  
8 fined by the Coastal Zone Management Act of  
9 1972 (16 U.S.C. 1451)), or which is making  
10 satisfactory progress toward one, shall not be  
11 less in any fiscal year than 0.50 percent of the  
12 total amount of the revenues transferred by the  
13 Secretary of the Treasury to the Secretary of  
14 the Interior for purposes of this title for that  
15 fiscal year under subsection (a). For any other  
16 coastal State the allocable share of such reve-  
17 nues shall not be less than 0.25 percent of such  
18 revenues.

19 (B) RECOMPUTATION.—Where one or  
20 more coastal States' allocable shares, as com-  
21 puted under paragraphs (1) and (2), are in-  
22 creased by any amount under this paragraph,  
23 the allocable share for all other coastal States  
24 shall be recomputed and reduced by the same  
25 amount so that not more than 100 percent of



1 the amount transferred by the Secretary of the  
2 Treasury to the Secretary of the Interior for  
3 purposes of this title for that fiscal year under  
4 section 5(b)(1) is allocated to all coastal States.  
5 The reduction shall be divided pro rata among  
6 such other coastal States.

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



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

6 **SEC. 102. COASTAL STATE CONSERVATION AND IMPACT AS-**  
7 **SISTANCE PLANS.**

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

20 (b) APPROVAL OR DISAPPROVAL.—

21 (1) IN GENERAL.—Approval of a Statewide  
22 plan under subsection (a) is required prior to dis-  
23 bursement of funds under this title by the Secretary.  
24 The Secretary shall approve the Statewide plan if  
25 the Secretary determines, in consultation with the



1 Secretary of Commerce, that the plan is consistent  
2 with the uses set forth in subsection (c) and if the  
3 plan contains each of the following:

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

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

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

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

21 (2) PROCEDURE AND TIMING; REVISIONS.—The  
22 Secretary shall approve or disapprove each plan sub-  
23 mitted in accordance with this section. If a State  
24 first submits a plan by not later than 90 days before  
25 the beginning of the first fiscal year to which the

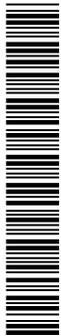


1 plan applies, the Secretary shall approve or dis-  
2 approve the plan by not later than 30 days before  
3 the beginning of that fiscal year.

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

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

16 (1) Data collection, including but not limited to  
17 fishery or marine mammal stock surveys in State  
18 waters or both, cooperative State, interstate, and  
19 Federal fishery or marine mammal stock surveys or  
20 both, cooperative initiatives with universities and  
21 private entities for fishery and marine mammal sur-  
22 veys, activities related to marine mammal and fish-  
23 ery interactions, and other coastal living marine re-  
24 sources surveys.



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

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

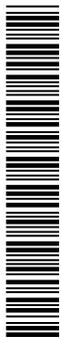
5           (4) Fishery observer coverage programs in  
6 State or Federal waters.

7           (5) Invasive, exotic, and nonindigenous species  
8 identification and control.

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

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

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



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

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

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

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



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

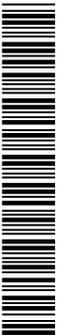
4 **SEC. 201. AMENDMENT OF LAND AND WATER CONSERVA-**  
5 **TION FUND ACT OF 1965.**

6 Except as otherwise expressly provided, whenever in  
7 this title an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a section or other provi-  
9 sion, the reference shall be considered to be made to a  
10 section or other provision of the Land and Water Con-  
11 servation Fund Act of 1965 (16 U.S.C. 460l–4 and fol-  
12 lowing).

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

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

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



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

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

4 “APPROPRIATIONS

5 “SEC. 3. (a) IN GENERAL.—There are authorized to  
6 be appropriated to the Secretary from the fund to carry  
7 out this Act not more than \$900,000,000 in any fiscal  
8 year after the fiscal year 2001. Amounts transferred to  
9 the fund from the Conservation and Reinvestment Act  
10 Fund and amounts covered into the fund under sub-  
11 sections (a) and (b) of section 2 shall be available to the  
12 Secretary in fiscal years after the fiscal year 2001, subject  
13 to appropriations for fiscal years before fiscal year 2006  
14 and without further appropriation for fiscal year 2006 and  
15 each fiscal year thereafter, to carry out this Act.

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

21 **SEC. 204. ALLOCATION OF FUND.**

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

24 “ALLOCATION OF FUNDS

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



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

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

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

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

9           “(d) USE OF FEDERAL PORTION.—

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

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

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

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



1           “(3) CERTIFICATION BY GAO REQUIRED.—Of  
2           the amounts in the Federal portion that are trans-  
3           ferred from the Conservation and Reinvestment Act  
4           Fund and available for a fiscal year to the Secretary  
5           of the Interior or to the Secretary of Agriculture, re-  
6           spectively, 25 percent may not be obligated or ex-  
7           pended and shall be returned to the general fund of  
8           the Treasury unless, before the commencement of  
9           the fiscal year, the Comptroller General of the  
10          United States submits to the President and the Con-  
11          gress a finding that the operational maintenance  
12          backlog of the National Park Service, United States  
13          Fish and Wildlife Service, and the Bureau of Land  
14          Management of the Department of the Interior or  
15          the United States Forest Service of the Department  
16          of Agriculture (as applicable) as of the beginning of  
17          the preceding fiscal year has been reduced by at  
18          least 5 percent.

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

20                 “(1) RESTRICTION ON USE.—The Federal por-  
21                 tion for a fiscal year may not be obligated or ex-  
22                 pended to acquire any interest in lands or water un-  
23                 less the lands or water were included in a list of ac-  
24                 quisitions that is approved by the Congress. This list  
25                 shall include an inventory of surplus lands under the



1 administrative jurisdiction of the Secretary of the  
2 Interior and the Secretary of Agriculture for which  
3 there is no demonstrated compelling program need.

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

14 “(B) In preparing each list, the Secretary  
15 shall—

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

19 “(ii) use equal value land exchanges, where  
20 feasible and suitable, as an alternative means of  
21 land acquisition;

22 “(iii) use permanent conservation ease-  
23 ments, where feasible and suitable, as an alter-  
24 native means of acquisition;



1           “(iv) identify those properties that are pro-  
2           posed to be acquired from willing sellers, and  
3           not use adverse condemnation; and

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

9           “(3) INFORMATION REGARDING PROPOSED AC-  
10          QUISITIONS.—Each list shall include, for each pro-  
11          posed acquisition included in the list—

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

14           “(B) an explanation of why the particular  
15           interest proposed to be acquired was selected,  
16           including an explanation of the priorities under  
17           paragraph (2)(B)(iv) that were applied in mak-  
18           ing the selection.

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



1           “(1) in writing to each Member of and each  
2 Delegate and Resident Commissioner to the Con-  
3 gress elected to represent any area in which is  
4 located—

5                   “(A) the land; or

6                   “(B) any part of any federally designated  
7 unit that includes the land;

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

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

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

17           “(g) COMPLIANCE WITH REQUIREMENTS UNDER  
18 FEDERAL LAWS.—

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

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



1           “(B) A copy of each final environmental  
2 impact statement or environmental assessment  
3 required by law, and a summary of all public  
4 comments regarding the acquisition that have  
5 been received by the agency making the acqui-  
6 sition, are submitted to the Committee on Re-  
7 sources of the House of Representatives, the  
8 Committee on Energy and Natural Resources of  
9 the Senate, and the Committees on Appropria-  
10 tions of the House of Representatives and of  
11 the Senate.

12           “(C) A notice of the availability of such  
13 statement or assessment and of such summary  
14 is provided to—

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

19                   “(ii) the Governor of the State in  
20 which the land is located; and

21                   “(iii) each State political subdivision  
22 having jurisdiction over the land.

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



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

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

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

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

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

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

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

25 “(4) The Secretary shall notify each State of its ap-  
26 portionment, and the amounts thereof shall be available



1 thereafter to the State for planning, acquisition, or devel-  
2 opment projects as hereafter described. Any amount of  
3 any apportionment under this subsection that has not  
4 been paid or obligated by the Secretary during the fiscal  
5 year in which such notification is given and the two fiscal  
6 years thereafter shall be reapportioned by the Secretary  
7 in accordance with paragraph (2), but without regard to  
8 the 10 percent limitation to an individual State specified  
9 in paragraph (3).

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

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

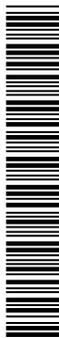
13 “(ii) Puerto Rico, the Virgin Islands, Guam,  
14 and American Samoa—

15 “(I) shall be treated collectively as one  
16 State; and

17 “(II) shall each be allocated an equal share  
18 of any amount distributed to them pursuant to  
19 clause (i).

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

23 (b) TRIBES AND ALASKA NATIVE CORPORATIONS.—  
24 Section 6(b)(5) (16 U.S.C. 460l-8(b)(5)) is further



1 amended by adding at the end the following new subpara-  
2 graph:

3 “(C) For the purposes of paragraph (1), all federally  
4 recognized Indian tribes and Native Corporations (as de-  
5 fined in section 3 of the Alaska Native Claims Settlement  
6 Act (43 U.S.C. 1602)), shall be eligible to receive shares  
7 of the apportionment under paragraph (1) in accordance  
8 with a competitive grant program established by the Sec-  
9 retary by rule. The total apportionment available to such  
10 tribes and Native Corporations shall be equivalent to the  
11 amount available to a single State. No single tribe or Na-  
12 tive Corporation shall receive a grant that constitutes  
13 more than 10 percent of the total amount made available  
14 to all tribes and Native Corporations pursuant to the ap-  
15 portionment under paragraph (1). Funds received by a  
16 tribe or Native Corporation under this subparagraph may  
17 be expended only for the purposes specified in paragraphs  
18 (1) and (3) of subsection (a).”.

19 (c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C.  
20 4601–8(b)) is amended by adding at the end the following:

21 “(6) Absent some compelling and annually docu-  
22 mented reason to the contrary acceptable to the Secretary  
23 of the Interior, each State (other than an area treated as  
24 a State under paragraph (5)) shall make available as  
25 grants to local governments, at least 50 percent of the an-



1 nual State apportionment, or an equivalent amount made  
2 available from other sources.”.

3 **SEC. 207. STATE PLANNING.**

4 (a) STATE ACTION AGENDA REQUIRED.—

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

7 “(d) STATE ACTION AGENDA REQUIRED.—(1) Each  
8 State may define its own priorities and criteria for selec-  
9 tion of outdoor conservation and recreation acquisition  
10 and development projects eligible for grants under this Act  
11 so long as it provides for public involvement in this process  
12 and publishes an accurate and current State Action Agen-  
13 da for Community Conservation and Recreation (in this  
14 Act referred to as the ‘State Action Agenda’) indicating  
15 the needs it has identified and the priorities and criteria  
16 it has established. In order to assess its needs and estab-  
17 lish its overall priorities, each State, in partnership with  
18 its local governments and in consultation with its citizens,  
19 shall develop, within 5 years after the enactment of the  
20 Conservation and Reinvestment Act of 2000, a State Ac-  
21 tion Agenda that meets the following requirements:

22 “(A) The agenda must be strategic, originating  
23 in broad-based and long-term needs, but focused on  
24 actions that can be funded over the next 4 years.



1           “(B) The agenda must be updated at least once  
2           every 4 years and certified by the Governor that the  
3           State Action Agenda conclusions and proposed ac-  
4           tions have been considered in an active public in-  
5           volvement process.

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

22                 (2) EXISTING STATE PLANS.—Comprehensive  
23          State Plans developed by any State under section  
24          6(d) of the Land and Water Conservation Fund Act  
25          of 1965 before the date that is 5 years after the en-



1 actment of this Act shall remain in effect in that  
2 State until a State Action Agenda has been adopted  
3 pursuant to the amendment made by this subsection,  
4 but no later than 5 years after the enactment of this  
5 Act.

6 (b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l–  
7 8(e)) is amended as follows:

8 (1) In the matter preceding paragraph (1) by  
9 striking “State comprehensive plan” and inserting  
10 “State Action Agenda”.

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

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

14 Section 6(e)(2) (16 U.S.C. 460l–8(e)(2)) is amended  
15 by inserting before the period at the end the following:  
16 “or to enhance public safety within a designated park or  
17 recreation area”.

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

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

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

22 and

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



1 “(B) Prior to each such conversion, the Governor of  
2 the State shall demonstrate that—

3 “(i) no prudent or feasible alternative exists  
4 with the exception of those properties that no longer  
5 meet the criteria within the State Plan or Agenda as  
6 an outdoor conservation and recreation facility due  
7 to changes in demographics or that must be aban-  
8 doned because of environmental contamination which  
9 endangers public health and safety; and

10 “(ii) the conversion will assure the substitution  
11 of other conservation and recreation properties of at  
12 least equal fair market value and reasonably equiva-  
13 lent usefulness and location and that are consistent  
14 with the existing State Plan or Agenda.”.

15 **SEC. 210. WATER RIGHTS.**

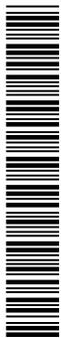
16 Title I is amended by adding at the end the following:

17 “WATER RIGHTS

18 “SEC. 14. Nothing in this title—

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

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



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

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

7 **TITLE III—WILDLIFE CONSERVA-**  
8 **TION AND RESTORATION**

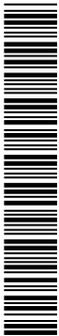
9 **SEC. 301. PURPOSES.**

10       The purposes of this title are—

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

18           (2) to assure sound conservation policies  
19 through the development, revision, and implementa-  
20 tion of a comprehensive wildlife conservation and  
21 restoration plan;

22           (3) to encourage State fish and wildlife agencies  
23 to participate with the Federal Government, other  
24 State agencies, wildlife conservation organizations,  
25 and outdoor recreation and conservation interests



1 through cooperative planning and implementation of  
2 this title; and

3 (4) to encourage State fish and wildlife agencies  
4 to provide for public involvement in the process of  
5 development and implementation of a wildlife con-  
6 servation and restoration program.

7 **SEC. 302. DEFINITIONS.**

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

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

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

23 (d) DEFINITIONS.—Section 2 of the Federal Aid in  
24 Wildlife Restoration Act (16 U.S.C. 669a) is amended by  
25 striking the period at the end thereof, substituting a semi-



1 colon, and adding the following: “the term ‘conservation’  
2 shall be construed to mean the use of methods and proce-  
3 dures necessary or desirable to sustain healthy populations  
4 of wildlife including all activities associated with scientific  
5 resources management such as research, census, moni-  
6 toring of populations, acquisition, improvement and man-  
7 agement of habitat, live trapping and transplantation,  
8 wildlife damage management, and periodic or total protec-  
9 tion of a species or population as well as the taking of  
10 individuals within wildlife stock or population if permitted  
11 by applicable State and Federal law; the term ‘wildlife  
12 conservation and restoration program’ means a program  
13 developed by a State fish and wildlife department and ap-  
14 proved by the Secretary under section 4(d), the projects  
15 that constitute such a program, which may be imple-  
16 mented in whole or part through grants and contracts by  
17 a State to other State, Federal, or local agencies (includ-  
18 ing those that gather, evaluate, and disseminate informa-  
19 tion on wildlife and their habitats) wildlife conservation  
20 organizations, and outdoor recreation and conservation  
21 education entities from funds apportioned under this title,  
22 and maintenance of such projects; the term ‘wildlife’ shall  
23 be construed to mean any species of wild, free-ranging  
24 fauna including fish, and also fauna in captive breeding  
25 programs the object of which is to reintroduce individuals



1 of a depleted indigenous species into previously occupied  
2 range; the term ‘wildlife-associated recreation’ shall be  
3 construed to mean projects intended to meet the demand  
4 for outdoor activities associated with wildlife including,  
5 but not limited to, hunting and fishing, wildlife observa-  
6 tion and photography, such projects as construction or  
7 restoration of wildlife viewing areas, observation towers,  
8 blinds, platforms, land and water trails, water access, trail  
9 heads, and access for such projects; and the term ‘wildlife  
10 conservation education’ shall be construed to mean  
11 projects, including public outreach, intended to foster re-  
12 sponsible natural resource stewardship.”.

13 **SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
14 **CONSERVATION AND REINVESTMENT ACT**  
15 **FUND.**

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

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

20 “(2) There is established in the Federal aid to wildlife  
21 restoration fund a subaccount to be known as the ‘wildlife  
22 conservation and restoration account’. Amounts trans-  
23 ferred to the fund for a fiscal year under section 5(b)(3)  
24 of the Conservation and Reinvestment Act of 2000 shall  
25 be deposited in the subaccount and shall be available, sub-



1 ject to appropriations for fiscal years before fiscal year  
2 2006 and without further appropriation for fiscal year  
3 2006 and each fiscal year thereafter, for apportionment  
4 in accordance with this Act to carry out State wildlife con-  
5 servation and restoration programs.”; and

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

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

21 “(d)(1) Notwithstanding subsections (a) and (b) of  
22 this section, with respect to amounts transferred to the  
23 fund from the Conservation and Reinvestment Act Fund  
24 so much of such amounts as is apportioned to any State  
25 for any fiscal year and as remains unexpended at the close



1 thereof shall remain available for expenditure in that State  
2 until the close of—

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

7 “(B) the second succeeding fiscal year, in the  
8 case of amounts transferred in a fiscal year begin-  
9 ning after the 10-fiscal-year period referred to in  
10 subparagraph (A).

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

16 **SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED**  
17 **FROM CONSERVATION AND REINVESTMENT**  
18 **ACT FUND.**

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

22 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
23 AND REINVESTMENT ACT FUND.—(1) The Secretary of  
24 the Interior shall, subject to appropriations for fiscal years  
25 before fiscal year 2006 and without further appropriation



1 for fiscal year 2006 and each fiscal year thereafter, make  
2 the following apportionment from the amount transferred  
3 to the fund from the Conservation and Reinvestment Act  
4 Fund for each fiscal year:

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

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

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

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

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

23           “(B) The amounts apportioned under this paragraph  
24 shall be adjusted equitably so that no such State shall be  
25 apportioned a sum which is less than  $\frac{1}{2}$  of 1 percent of



1 the amount available for apportionment under this para-  
2 graph for any fiscal year or more than 5 percent of such  
3 amount.

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

8 “(d) WILDLIFE CONSERVATION AND RESTORATION  
9 PROGRAMS.—(1) Any State, through its fish and wildlife  
10 department, may apply to the Secretary of the Interior  
11 for approval of a wildlife conservation and restoration pro-  
12 gram, or for funds to develop a program. To apply, a State  
13 shall submit a comprehensive plan that includes—

14 “(A) provisions vesting in the fish and wildlife  
15 department of the State overall responsibility and  
16 accountability for the program;

17 “(B) provisions for the development and imple-  
18 mentation of—

19 “(i) wildlife conservation projects that ex-  
20 pand and support existing wildlife programs,  
21 giving appropriate consideration to all wildlife;

22 “(ii) wildlife-associated recreation projects;  
23 and



1           “(iii) wildlife conservation education  
2           projects pursuant to programs under section  
3           8(a); and

4           “(C) provisions to ensure public participation in  
5           the development, revision, and implementation of  
6           projects and programs required under this para-  
7           graph.

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

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

18          “(4)(A) Except as provided in subparagraph (B),  
19          after the Secretary approves a State’s wildlife conservation  
20          and restoration program, the Secretary may make pay-  
21          ments on a project that is a segment of the State’s wildlife  
22          conservation and restoration program as the project pro-  
23          gresses. Such payments, including previous payments on  
24          the project, if any, shall not be more than the United  
25          States pro rata share of such project. The Secretary,



1 under such regulations as he may prescribe, may advance  
2 funds representing the United States pro rata share of  
3 a project that is a segment of a wildlife conservation and  
4 restoration program, including funds to develop such pro-  
5 gram.

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

10 “(5) For purposes of this subsection, the term ‘State’  
11 shall include the District of Columbia, the Commonwealth  
12 of Puerto Rico, the Virgin Islands, Guam, American  
13 Samoa, and the Commonwealth of the Northern Mariana  
14 Islands.”.

15 (b) FACA.—Coordination with State fish and wildlife  
16 agency personnel or with personnel of other State agencies  
17 pursuant to the Federal Aid in Wildlife Restoration Act  
18 or the Federal Aid in Sport Fish Restoration Act shall  
19 not be subject to the Federal Advisory Committee Act (5  
20 U.S.C. App.). Except for the preceding sentence, the pro-  
21 visions of this title relate solely to wildlife conservation and  
22 restoration programs and shall not be construed to affect  
23 the provisions of the Federal Aid in Wildlife Restoration  
24 Act relating to wildlife restoration projects or the provi-



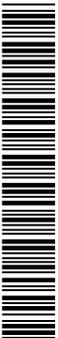
1 sions of the Federal Aid in Sport Fish Restoration Act  
2 relating to fish restoration and management projects.

3 **SEC. 305. EDUCATION.**

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

13 **SEC. 306. PROHIBITION AGAINST DIVERSION.**

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



1 **TITLE IV—URBAN PARK AND**  
2 **RECREATION RECOVERY**  
3 **PROGRAM AMENDMENTS**

4 **SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION**  
5 **RECOVERY ACT OF 1978.**

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

13 **SEC. 402. PURPOSE.**

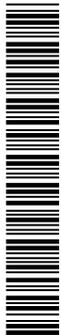
14 The purpose of this title is to provide a dedicated  
15 source of funding to assist local governments in improving  
16 their park and recreation systems.

17 **SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
18 **CONSERVATION AND REINVESTMENT ACT**  
19 **FUND.**

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

22 “TREATMENT OF AMOUNTS TRANSFERRED FROM  
23 CONSERVATION AND REINVESTMENT ACT FUND

24 “SEC. 1013. (a) IN GENERAL.—Amounts transferred  
25 to the Secretary of the Interior under section 5(b)(4) of



1 the Conservation and Reinvestment Act of 2000 in a fiscal  
2 year shall be available to the Secretary, subject to appro-  
3 priations for fiscal years before fiscal year 2006 and with-  
4 out further appropriation for fiscal year 2006 and each  
5 fiscal year thereafter, to carry out this title. Any amount  
6 that has not been paid or obligated by the Secretary before  
7 the end of the second fiscal year beginning after the first  
8 fiscal year in which the amount is available shall be re-  
9 apportioned by the Secretary among grantees under this  
10 title.

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

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

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

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

22 “(c) LIMITATION ON USE FOR GRANT ADMINISTRA-  
23 TION.—The Secretary shall establish a limit on the portion  
24 of any grant under this title that may be used for grant  
25 and program administration.”.



1 **SEC. 404. DEFINITIONS.**

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

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

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

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

9 “(l) ‘development grants’—

10 “(1) subject to subparagraph (2) means  
11 matching capital grants to units of local govern-  
12 ment to cover costs of development and con-  
13 struction on existing or new neighborhood  
14 recreation sites, including indoor and outdoor  
15 recreational areas and facilities, support facili-  
16 ties, and landscaping; and

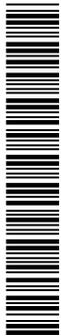
17 “(2) does not include routine maintenance,  
18 and upkeep activities; and

19 “(m) ‘Secretary’ means the Secretary of the In-  
20 terior.”.

21 **SEC. 405. ELIGIBILITY.**

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

24 “(a) Eligibility of general purpose local governments  
25 to compete for assistance under this title shall be based  
26 upon need as determined by the Secretary. Generally, eli-



1 gible general purpose local governments shall include the  
2 following:

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

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

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

13 **SEC. 406. GRANTS.**

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

15 (1) in subsection (a) by redesignating para-  
16 graph (3) as paragraph (4); and

17 (2) by striking so much as precedes subsection  
18 (a)(4) (as so redesignated) and inserting the fol-  
19 lowing:

20 “GRANTS

21 “SEC. 1006. (a)(1) The Secretary may provide 70  
22 percent matching grants for rehabilitation, development,  
23 and innovation purposes to any eligible general purpose  
24 local government upon approval by the Secretary of an ap-  
25 plication submitted by the chief executive of such govern-  
26 ment.



1       “(2) At the discretion of such an applicant, a grant  
2 under this section may be transferred in whole or part to  
3 independent special purpose local governments, private  
4 nonprofit agencies, or county or regional park authorities,  
5 if—

6               “(A) such transfer is consistent with the ap-  
7 proved application for the grant; and

8               “(B) the applicant provides assurance to the  
9 Secretary that the applicant will maintain public  
10 recreation opportunities at assisted areas and facili-  
11 ties owned or managed by the applicant in accord-  
12 ance with section 1010.

13       “(3) Payments may be made only for those rehabilita-  
14 tion, development, or innovation projects that have been  
15 approved by the Secretary. Such payments may be made  
16 from time to time in keeping with the rate of progress  
17 toward completion of a project, on a reimbursable basis.”.

18 **SEC. 407. RECOVERY ACTION PROGRAMS.**

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

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

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



1 **SEC. 408. STATE ACTION INCENTIVES.**

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

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

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

8 “(b) COORDINATION WITH LAND AND WATER CON-  
9 SERVATION FUND ACTIVITIES.—(1) The Secretary and  
10 general purpose local governments are encouraged to co-  
11 ordinate preparation of recovery action programs required  
12 by this title with State Plans or Agendas required under  
13 section 6 of the Land and Water Conservation Fund Act  
14 of 1965, including by allowing flexibility in preparation of  
15 recovery action programs so they may be used to meet  
16 State and local qualifications for local receipt of Land and  
17 Water Conservation Fund grants or State grants for simi-  
18 lar purposes or for other conservation or recreation pur-  
19 poses.

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



1 **SEC. 409. CONVERSION OF RECREATION PROPERTY.**

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

4 “CONVERSION OF RECREATION PROPERTY

5 “SEC. 1010. (a) Before converting any property de-  
6 veloped, acquired, or rehabilitated with amounts provided  
7 under this title to any purpose other than public recreation  
8 purposes, a grantee, through the designated State official,  
9 shall notify the Secretary that no prudent or feasible alter-  
10 native exists.

11 “(b) Subsection (a) shall apply also to the park,  
12 recreation, or conservation area of which the property is  
13 a part.”.

14 **SEC. 410. REPEAL.**

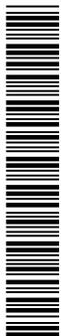
15 Section 1015 (16 U.S.C. 2514) is repealed.

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

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

21 Section 108 of the National Historic Preservation Act  
22 (16 U.S.C. 470h) is amended—

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



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

2 “(b) Amounts transferred to the Secretary under sec-  
3 tion 5(b)(5) of the Conservation and Reinvestment Act of  
4 2000 in a fiscal year shall be deposited into the Fund and  
5 shall be available, subject to appropriations for fiscal years  
6 before fiscal year 2006 and without further appropriation  
7 for fiscal year 2006 and each fiscal year thereafter, to  
8 carry out this Act.

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

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

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

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

23 “In addition to other uses authorized by this Act,  
24 amounts provided to a State under this title may be used  
25 by the State to provide financial assistance to the manage-



1 ment entity for any national heritage area or national her-  
2 itage corridor established under the laws of the United  
3 States, to support cooperative historic preservation plan-  
4 ning and development.”.

5 **TITLE VI—FEDERAL AND INDIAN**  
6 **LANDS RESTORATION**

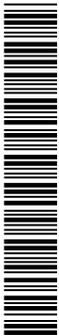
7 **SEC. 601. PURPOSE.**

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

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

16 (a) IN GENERAL.—Amounts transferred to the Sec-  
17 retary of the Interior and the Secretary of Agriculture  
18 under section 5(b)(5) of this Act in a fiscal year shall be  
19 available in that fiscal year, subject to appropriations for  
20 fiscal years before fiscal year 2006 and without further  
21 appropriation for fiscal year 2006 and each fiscal year  
22 thereafter, to carry out this title.

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



1           (1) DEPARTMENT OF THE INTERIOR.—80 per-  
2           cent shall be allocated and available to the Secretary  
3           of the Interior to carry out the purpose of this title  
4           on lands within the National Park System, lands  
5           within the National Wildlife Refuge System, and  
6           public lands administered by the Bureau of Land  
7           Management.

8           (2) DEPARTMENT OF AGRICULTURE.—10 per-  
9           cent shall be allocated and available to the Secretary  
10          of Agriculture to carry out the purpose of this title  
11          on lands within the National Forest System.

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

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

17          (a) IN GENERAL.—Funds made available to carry out  
18          this title shall be used solely for maintenance activities re-  
19          lated to resource protection, or protection of public health  
20          or safety.

21          (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

22                  (1) GRANT AUTHORITY.—The Secretary of the  
23          Interior shall administer a competitive grant pro-  
24          gram for Indian tribes, giving priority to projects  
25          based upon the protection of significant resources,



1 the severity of damages or threats to resources, and  
2 the protection of public health or safety.

3 (2) LIMITATION.—The amount received for a  
4 fiscal year by a single Indian tribe in the form of  
5 grants under this subsection may not exceed 10 per-  
6 cent of the total amount available for that fiscal year  
7 for grants under this subsection.

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

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

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



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

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

5 **SEC. 604. INDIAN TRIBE DEFINED.**

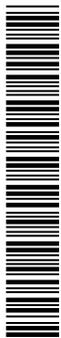
6 In this title, the term “Indian tribe” means an Indian  
7 or Alaska Native tribe, band, nation, pueblo, village, or  
8 community that the Secretary of the Interior recognizes  
9 as an Indian tribe under section 104 of the Federally Rec-  
10 ognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-  
11 1).

12 **TITLE VII—FARMLAND PROTEC-**  
13 **TION PROGRAM AND ENDAN-**  
14 **GERED AND THREATENED**  
15 **SPECIES RECOVERY**

16 **Subtitle A—Farmland Protection**  
17 **Program**

18 **SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AU-**  
19 **THORITIES UNDER FARMLAND PROTECTION**  
20 **PROGRAM.**

21 Section 388 of the Federal Agriculture Improvement  
22 and Reform Act of 1996 (Public Law 104–127; 16 U.S.C.  
23 3830 note) is amended to read as follows:



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

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

10 “(1) permanent conservation easements in such  
11 lands; or

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

15 “(b) CONSERVATION PLAN.—Any highly erodible  
16 land for which a conservation easement or other interest  
17 is purchased using funds made available under this section  
18 shall be subject to the requirements of a conservation plan  
19 that requires, at the option of the Secretary of Agri-  
20 culture, the conversion of the cropland to less intensive  
21 uses.

22 “(c) MAXIMUM FEDERAL SHARE.—The Federal  
23 share of the cost of purchasing a conservation easement  
24 described in subsection (a)(1) may not exceed 50 percent  
25 of the total cost of purchasing the easement.



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

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

4 “(2) A federally recognized Indian tribe.

5 “(3) Any organization that is organized for,  
6 and at all times since its formation has been oper-  
7 ated principally for, one or more of the conservation  
8 purposes specified in clause (i), (ii), or (iii) of sec-  
9 tion 170(h)(4)(A) of the Internal Revenue Code of  
10 1986 and—

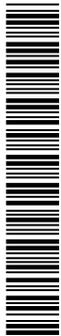
11 “(A) is described in section 501(c)(3) of  
12 the Code;

13 “(B) is exempt from taxation under section  
14 501(a) of the Code; and

15 “(C) is described in paragraph (2) of sec-  
16 tion 509(a) of the Code, or paragraph (3) of  
17 such section, but is controlled by an organiza-  
18 tion described in paragraph (2) of such section.

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

23 “(f) STATE CERTIFICATION.—As a condition of the  
24 receipt by an eligible entity of a grant under subsection  
25 (a)(1), the attorney general of the State in which the con-



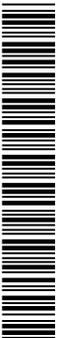
1 servation easement is to be purchased using the grant  
2 funds shall certify that the conservation easement to be  
3 purchased is in a form that is sufficient, under the laws  
4 of the State, to achieve the purposes of the farmland pro-  
5 tection program and the terms and conditions of the  
6 grant.

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

12 **SEC. 702. FUNDING.**

13 (a) AVAILABILITY.—Amounts transferred to the Sec-  
14 retary of Agriculture under section 5(b)(7) of this Act in  
15 a fiscal year shall be available to the Secretary of Agri-  
16 culture, subject to appropriations for fiscal years before  
17 fiscal year 2006 and without further appropriation for fis-  
18 cal year 2006 and each fiscal year thereafter, to carry  
19 out—

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



1           (2) the Forest Legacy Program under section 7  
2           of the Cooperative Forestry Assistance Act of 1978  
3           (16 U.S.C. 2103e).

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

9           **Subtitle B—Endangered and**  
10          **Threatened Species Recovery**

11       **SEC. 711. PURPOSES.**

12       The purposes of this subtitle are the following:

13           (1) To provide a dedicated source of funding to  
14           the United States Fish and Wildlife Service and the  
15           National Marine Fisheries Service for the purpose of  
16           implementing an incentives program to promote the  
17           recovery of endangered species and threatened spe-  
18           cies and the habitat upon which they depend.

19           (2) To promote greater involvement by non-  
20           Federal entities in the recovery of the Nation's en-  
21           dangered species and threatened species and the  
22           habitat upon which they depend.



1 **SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
2 **CONSERVATION AND REINVESTMENT ACT**  
3 **FUND.**

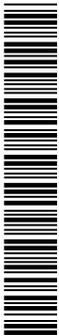
4 Amounts transferred to the Secretary of the Interior  
5 under section 5(b)(8) of this Act in a fiscal year shall be  
6 available to the Secretary of the Interior, subject to appro-  
7 priations for fiscal years before fiscal year 2006 and with-  
8 out further appropriation for fiscal year 2006 and each  
9 fiscal year thereafter, to carry out this subtitle.

10 **SEC. 713. ENDANGERED AND THREATENED SPECIES RE-**  
11 **COVERY ASSISTANCE.**

12 (a) **FINANCIAL ASSISTANCE.**—The Secretary may  
13 use amounts made available under section 712 to provide  
14 financial assistance to any person for development and im-  
15 plementation of Endangered and Threatened Species Re-  
16 covery Agreements entered into by the Secretary under  
17 section 714.

18 (b) **PRIORITY.**—In providing assistance under this  
19 section, the Secretary shall give priority to the develop-  
20 ment and implementation of species recovery agreements  
21 that—

22 (1) implement actions identified under recovery  
23 plans approved by the Secretary under section 4(f)  
24 of the Endangered Species Act of 1973 (16 U.S.C.  
25 1533(f));



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

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

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

14          (d) PAYMENTS UNDER OTHER PROGRAMS.—

15                (1) OTHER PAYMENTS NOT AFFECTED.—Finan-  
16                cial assistance provided to a person under this sec-  
17                tion shall be in addition to, and shall not affect, the  
18                total amount of payments that the person is other-  
19                wise eligible to receive under the conservation re-  
20                serve program established under subchapter B of  
21                chapter 1 of subtitle D of title XII of the Food Se-  
22                curity Act of 1985 (16 U.S.C. 3831 and following),  
23                the wetlands reserve program established under sub-  
24                chapter C of that chapter (16 U.S.C. 3837 and fol-  
25                lowing), or the Wildlife Habitat Incentives Program



1 established under section 387 of the Federal Agri-  
2 culture Improvement and Reform Act of 1996 (16  
3 U.S.C. 3836a).

4 (2) LIMITATION.—A person may not receive fi-  
5 nancial assistance under this section to carry out ac-  
6 tivities under a species recovery agreement in addi-  
7 tion to payments under the programs referred to in  
8 paragraph (1) made for the same activities, if the  
9 terms of the species recovery agreement do not re-  
10 quire financial or management obligations by the  
11 person in addition to any such obligations of the  
12 person under such programs.

13 **SEC. 714. ENDANGERED AND THREATENED SPECIES RE-**  
14 **COVERY AGREEMENTS.**

15 (a) IN GENERAL.—The Secretary may enter into En-  
16 dangered and Threatened Species Recovery Agreements  
17 for purposes of this subtitle in accordance with this sec-  
18 tion.

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

21 (1) require the person—

22 (A) to carry out on real property owned or  
23 leased by the person activities not otherwise re-  
24 quired by law that contribute to the recovery of  
25 an endangered or threatened species;



1 (B) to refrain from carrying out on real  
2 property owned or leased by the person other-  
3 wise lawful activities that would inhibit the re-  
4 covery of an endangered or threatened species;  
5 or

6 (C) to do any combination of subpara-  
7 graphs (A) and (B);

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

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

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

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

18 (6) require the person to notify the Secretary  
19 if—

20 (A) any right or obligation of the person  
21 under the agreement is assigned to any other  
22 person; or

23 (B) any term of the agreement is breached  
24 by the person or any other person to whom is



1 assigned a right or obligation of the person  
2 under the agreement;

3 (7) specify the date on which the agreement  
4 takes effect and the period of time during which the  
5 agreement shall remain in effect;

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

10 (9) allocate financial assistance provided under  
11 this subtitle for implementation of the agreement, on  
12 an annual or other basis during the period the  
13 agreement is in effect based on the schedule for im-  
14 plementation required under paragraph (4).

15 (c) REVIEW AND APPROVAL OF PROPOSED AGREE-  
16 MENTS.—Upon submission by any person of a proposed  
17 species recovery agreement under this section, the  
18 Secretary—

19 (1) shall review the proposed agreement and de-  
20 termine whether it complies with the requirements of  
21 this section and will contribute to the recovery of en-  
22 dangered or threatened species that are the subject  
23 of the proposed agreement;



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

4 (3) if the Secretary determines that the agree-  
5 ment complies with the requirements of this section,  
6 shall approve and enter with the person into the  
7 agreement.

8 (d) MONITORING IMPLEMENTATION OF AGREE-  
9 MENTS.—The Secretary shall—

10 (1) periodically monitor the implementation of  
11 each species recovery agreement entered into by the  
12 Secretary under this section; and

13 (2) based on the information obtained from  
14 that monitoring, annually or otherwise disburse fi-  
15 nancial assistance under this subtitle to implement  
16 the agreement as the Secretary determines is appro-  
17 priate under the terms of the agreement.

18 **SEC. 715. DEFINITIONS.**

19 In this subtitle:

20 (1) ENDANGERED OR THREATENED SPECIES.—

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



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

5           (3) SMALL LANDOWNER.—The term “small  
6           landowner” means an individual who owns 50 acres  
7           or fewer of land.

8           (4) SPECIES RECOVERY AGREEMENT.—The  
9           term “species recovery agreement” means an En-  
10          dangered and Threatened Species Recovery Agree-  
11          ment entered into by the Secretary under section  
12          714.

