

106TH CONGRESS
1ST SESSION

H. R. 701

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. JOHN, Mr. BAKER, Mr. RANGEL, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. ROGERS, Mr. TANNER, Mr. LIVINGSTON, Mr. LAMPSON, Mr. MCCREERY, Mr. TOWNS, Mr. GOSS, Mr. KILDEE, Mr. NORWOOD, Mr. SHOWS, Mr. HILLIARD, Mr. SESSIONS, Mr. LUTHER, Mr. ROEMER, Ms. MCCARTHY of Missouri, Mr. WEYGAND, Mr. WELLER, Mr. WATKINS, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. COOKSEY, Mr. HOLDEN, Mr. BASS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Mrs. BONO, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to

meet the outdoor conservation and recreation needs of the American people, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Conservation and Rein-
5 vestment Act of 1999”.

6 **TITLE I—OUTER CONTINENTAL**
7 **SHELF IMPACT ASSISTANCE**

8 **SEC. 101. FINDINGS.**

9 The Congress finds and declares that—

10 (1) the Nation owns valuable mineral assets
11 that are located both onshore and on the Federal
12 Outer Continental Shelf and the policy of the Fed-
13 eral Government is to develop those resources for
14 the benefit of the Nation, under certain restrictions
15 that are designed to prevent environmental damage
16 and other adverse impacts;

17 (2) development of these resources of the Na-
18 tion is accompanied by unavoidable environmental
19 impacts and public service impacts in the States that
20 host this development whether the development oc-
21 curs onshore or on the Federal Outer Continental
22 Shelf;

23 (3) the Federal Government has a responsibility
24 to assist States that host the development of Federal

1 mineral assets to mitigate adverse environmental
2 and public service impacts incurred due to that de-
3 velopment;

4 (4) the Federal Government discharges its re-
5 sponsibility to States that host onshore Federal min-
6 eral development by sharing 50 percent of the reve-
7 nue derived from the mineral development with the
8 host State pursuant to section 35 of the Mineral
9 Leasing Act;

10 (5) today Federal mineral development is occur-
11 ring as far as 200 miles offshore and occurs off the
12 coasts of only 6 States and section 8(g) of the Outer
13 Continental Shelf Lands Act does not adequately
14 compensate these States for the onshore impacts of
15 the offshore Federal mineral development;

16 (6) Federal Outer Continental Shelf mineral de-
17 velopment is an important and secure source of our
18 Nation's supply of oil and natural gas;

19 (7) the Outer Continental Shelf Advisory Com-
20 mittee of the Department of the Interior, consisting
21 of representatives of coastal States, recommended in
22 October 1997, that Federal mineral revenue derived
23 from the entire Outer Continental Shelf be shared
24 with all coastal States and territories to mitigate on-

1 shore impacts from Federal offshore mineral devel-
2 opment and for other environmental mitigation;

3 (8) Federal mineral assets are a nonrenewable,
4 capital asset of the Nation; the production and sale
5 of this asset produces revenue to the Nation that is
6 also a capital asset of the Nation; thus, a portion of
7 the revenue derived from the production and sale of
8 Federal minerals should be reinvested in the Nation
9 through environmental mitigation and public service
10 improvements; and

11 (9) it is fair to share a portion of the revenue
12 derived from Federal Outer Continental Shelf pro-
13 duction with the impacted States; and an emphasis
14 on where this production takes place should not be
15 construed as incentive for development.

16 **SEC. 102. DEFINITIONS.**

17 For purposes of this title:

18 (1) The term “allocable share” means, for a
19 coastal State, that portion of revenue that is allo-
20 cated to that coastal State under section 103(e). For
21 an eligible political subdivision of a coastal State,
22 such term means that portion of revenue that is allo-
23 cated to that political subdivision under section
24 103(e).

1 (2) The term “coastal population” means the
2 population of all political subdivisions, as determined
3 by the most recent official data of the Census Bu-
4 reau, contained in whole or in part within the des-
5 ignated coastal boundary of a State as defined in a
6 State’s coastal zone management program under the
7 Coastal Zone Management Act (16 U.S.C. 1455).

8 (3) The term “coastal State” means any State
9 of the United States bordering on the Atlantic
10 Ocean, the Pacific Ocean, the Arctic Ocean, the Ber-
11 ing Sea, the Gulf of Mexico, or any of the Great
12 Lakes, Puerto Rico, Guam, American Samoa, the
13 Virgin Islands, and the Commonwealth of the North-
14 ern Mariana Islands.

15 (4) The term “coastline” has the same meaning
16 that it has in the Submerged Lands Act (43 U.S.C.
17 1301 et seq.).

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

20 (6) The term “eligible political subdivision”
21 means a political subdivision of a coastal State
22 which political subdivision has a seaward boundary
23 that lies within a distance of 200 miles from the ge-
24 ographic center of any leased tract. The Secretary
25 shall annually provide a list of all eligible political

1 subdivisions of each coastal State to the Governor of
2 such State.

3 (7) The term “fiscal year” means the Federal
4 Government’s accounting period which begins on Oc-
5 tober 1st and ends on September 30th, and is des-
6 ignated by the calendar year in which it ends.

7 (8) The term “Governor” means the highest
8 elected official of a coastal State.

9 (9) The term “leased tract” means a tract,
10 leased under section 8 of the Outer Continental
11 Shelf Lands Act (43 U.S.C. 1337) for the purpose
12 of drilling for, developing and producing oil and nat-
13 ural gas resources, which is a unit consisting of ei-
14 ther a block, a portion of a block, a combination of
15 blocks and/or portions of blocks, as specified in the
16 lease, and as depicted on an Outer Continental Shelf
17 Official Protraction Diagram.

18 (10) The term “Outer Continental Shelf”
19 means all submerged lands lying seaward and out-
20 side of the area of “lands beneath navigable waters”
21 as defined in section 2(a) of the Submerged Lands
22 Act (43 U.S.C. 1301(a)), and of which the subsoil
23 and seabed appertain to the United States and are
24 subject to its jurisdiction and control.

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

10 (12) The term “qualified Outer Continental
11 Shelf revenues” means all moneys received by the
12 United States from each leased tract or portion of
13 a leased tract lying seaward of the zone defined and
14 governed by section 8(g) of the Outer Continental
15 Shelf Lands Act (43 U.S.C. 1337(g)), or lying with-
16 in such zone but to which section 8(g) does not
17 apply, the geographic center of which lies within a
18 distance of 200 miles from any part of the coastline
19 of any coastal State, including bonus bids, rents,
20 royalties (including payments for royalty taken in
21 kind and sold), net profit share payments, and relat-
22 ed late-payment interest from natural gas and oil
23 leases issued pursuant to the Outer Continental
24 Shelf Lands Act.

1 (13) The term “Secretary” means the Secretary
2 of the Interior or the Secretary’s designee.

3 (14) The term “the Fund” means the Outer
4 Continental Shelf Impact Assistance Fund estab-
5 lished under section 103(a).

6 **SEC. 103. IMPACT ASSISTANCE FORMULA AND PAYMENTS.**

7 (a) ESTABLISHMENT OF FUND.—(1) There is estab-
8 lished in the Treasury of the United States a fund which
9 shall be known as the “Outer Continental Shelf Impact
10 Assistance Fund”. The Secretary shall deposit in the
11 Fund in this section 27 percent of the qualified Outer
12 Continental Shelf revenues.

13 (2) No revenues shall be placed in the Fund from
14 a leased tract or portion of a leased tract that is located
15 in a geographic area subject to a leasing moratorium on
16 January 1, 1999, unless the lease was issued prior to the
17 establishment of the moratorium and was in production
18 on January 1, 1999.

19 (3) The Secretary of the Treasury shall invest mon-
20 eys in the Fund that are excess to expenditures at the
21 written request of the Secretary, in public debt securities
22 with maturities suitable to the needs of the Fund, as de-
23 termined by the Secretary, and bearing interest at rates
24 determined by the Secretary of the Treasury, taking into
25 consideration current market yields on outstanding mar-

1 ketable obligations of the United States of comparable ma-
2 turity. All interest earned on such moneys shall be avail-
3 able, without further appropriation, for obligation or ex-
4 penditure under chapter 69 of title 31 of the United States
5 Code (relating to PILT) or under section 401 of the Act
6 of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).

7 (b) PAYMENT TO STATES.—Notwithstanding section
8 9 of the Outer Continental Shelf Lands Act (43 U.S.C.
9 1338), the Secretary shall, without further appropriation,
10 make payments in each fiscal year to coastal States and
11 to eligible political subdivisions equal to the amount depos-
12 ited in the Fund for the prior fiscal year (reduced by any
13 refunds paid under section 106(b) and not including any
14 interest earned as provided in subsection (a)(3)). Such
15 payments shall be allocated among the coastal States and
16 eligible political subdivisions as provided in this section.

17 (c) DETERMINATION OF STATES' ALLOCABLE
18 SHARES.—

19 (1) ALLOCABLE SHARE FOR EACH STATE.—For
20 each coastal State, the Secretary shall determine the
21 State's allocable share of the total amount of the
22 revenues deposited in the Fund for each fiscal year
23 using the following weighted formula:

1 (A) 50 percent of such revenues shall be
2 allocated to each State as provided in para-
3 graph (2).

4 (B) 25 percent of such revenues shall be
5 allocated to each State based on the ratio of
6 each State's shoreline miles to the shoreline
7 miles of all coastal States.

8 (C) 25 percent of such revenues shall be
9 allocated to each State based on the ratio of
10 each State's coastal population to the coastal
11 population of all coastal States.

12 (2) OFFSHORE OUTER CONTINENTAL SHELF
13 PRODUCTION SHARE.—If any portion of a coastal
14 State lies within a distance of 200 miles from the
15 geographic center of any leased tract, such State
16 shall receive part of its allocable share under para-
17 graph (1)(A) based on the Outer Continental Shelf
18 oil and gas production offshore of such State. Such
19 part of its allocable share shall be inversely propor-
20 tional to the distance between the nearest point on
21 the coastline of such State and the geographic center
22 of each leased tract or portion of the leased tract (to
23 the nearest whole mile), as determined by the Sec-
24 retary. In applying this paragraph a leased tract or
25 portion of a leased tract shall be excluded if the

1 tract or portion is located in a geographic area sub-
2 ject to a leasing moratorium on January 1, 1999,
3 unless the lease was issued prior to the establish-
4 ment of the moratorium and was in production on
5 January 1, 1999.

6 (3) MINIMUM STATE SHARE.—

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

19 (B) RECOMPUTATION.—Where one or
20 more coastal States' allocable shares, as com-
21 puted under paragraph (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 deposited in the fund is allocated to
2 all coastal States. The reduction shall be di-
3 vided pro rata among such other coastal States.

4 (d) PAYMENTS TO STATE.—50 percent of each
5 State’s allocable share, as determined under subsection
6 (c), shall be paid to the State, except that in the case of
7 a coastal State in which there is no eligible political sub-
8 division, 100 percent of the State’s allocable share, as de-
9 termined under subsection (c), shall be paid to the State.

10 (e) PAYMENTS TO POLITICAL SUBDIVISIONS.—50
11 percent of each State’s allocable share, as determined
12 under subsection (c), shall be paid to the eligible political
13 subdivisions in such State. Such payments shall be allo-
14 cated among the eligible political subdivisions of the State
15 according to ratios that are inversely proportional to the
16 distance between the nearest point on the seaward bound-
17 ary of each such eligible political subdivision and the geo-
18 graphic center of each leased tract or portion of the leased
19 tract (to the nearest whole mile), as determined by the
20 Secretary.

21 (f) TIME OF PAYMENT.—(1) Payments to coastal
22 States and eligible political subdivisions under this section
23 shall be made not later than December 31 of each year
24 from revenues received during the immediately preceding

1 fiscal year. Payment shall not commence before the date
2 12 months following the date of enactment of this Act.

3 (2) Any amount in the Fund not paid to coastal
4 States and eligible political subdivisions under this section
5 in any fiscal year shall be disposed of according to the
6 law otherwise applicable to receipts from leases on the
7 Outer Continental Shelf.

8 **SEC. 104. USES OF FUNDS.**

9 Funds received pursuant to this title shall be used
10 by the coastal States and eligible political subdivisions for
11 the following projects and activities:

12 (1) Air quality, water quality, fish and wildlife
13 (including cooperative or contract research on ma-
14 rine fish), wetlands, or other coastal and estuarine
15 resources.

16 (2) Other activities of such State or political
17 subdivision, authorized by the Coastal Zone Manage-
18 ment Act of 1972 (16 U.S.C. 1451 et seq.), the pro-
19 visions of subtitle B of title IV of the Oil Pollution
20 Act of 1990 (104 Stat. 523), or the Federal Water
21 Pollution Control Act (33 U.S.C. 1251 et seq.).

22 (3) Administrative and planning costs of com-
23 plying with the provisions of this subtitle. Up to one
24 percent of the amounts made available to any State

1 in any fiscal year under this title may be used for
2 purposes of administrative costs.

3 (4) Uses related to the Outer Continental Shelf
4 Lands Act.

5 (5) Mitigating impacts of Outer Continental
6 Shelf activities including onshore infrastructure and
7 public service needs.

8 **SEC. 105. OBLIGATIONS OF STATES AND ELIGIBLE POLITI-**
9 **CAL SUBDIVISIONS.**

10 (a) STATE PLANS.—Within 1 year after the date of
11 enactment of this Act, the Governor of every State eligible
12 to receive moneys from the Fund shall develop a State
13 plan for the use of such moneys and shall certify the plan
14 to the Secretary. The plan shall be developed with public
15 participation and shall include the plan for the use of such
16 funds by every political subdivision of the State eligible
17 to receive moneys from the Fund. The Governor shall cer-
18 tify to the Secretary that the plan was developed with pub-
19 lic participation and in accordance with all applicable
20 State laws. The Governor shall amend the plan, as nec-
21 essary, with public participation, but not less than every
22 5 years.

23 (b) PROJECT SUBMISSION.—Prior to receiving funds
24 pursuant to this title for any fiscal year, an eligible politi-
25 cal subdivision shall submit to the Governor of the State

1 in which it is located a plan setting forth the projects and
2 activities for which the eligible political subdivision pro-
3 poses to expend such funds. Such plan shall state the
4 amounts proposed to be expended for each project or activ-
5 ity during the upcoming fiscal year.

6 (c) PROJECT APPROVAL.—Prior to the payment of
7 funds pursuant to this title to any eligible political subdivi-
8 sion for any fiscal year, the Governor must approve the
9 plan submitted by the eligible political subdivision pursu-
10 ant to subsection (b) and notify the Secretary of such ap-
11 proval. State approval of any such plan shall be consistent
12 with all applicable State and Federal law. In the event
13 the Governor disapproves any such plan, the funds that
14 would otherwise be paid to the eligible political subdivision
15 shall be placed in escrow by the Secretary pending modi-
16 fication and approval of such plan, at which time such
17 funds together with interest thereon shall be paid to the
18 eligible political subdivision. Any eligible political subdivi-
19 sion that fails to receive approval from the Governor of
20 such plan may appeal to the Secretary and the Secretary
21 may approve or disapprove such plan based on the eligible
22 uses set forth in section 104.

23 (d) CERTIFICATION.—Not later than 60 days after
24 the end of the fiscal year, any eligible political subdivision

1 receiving funds under this title shall certify to the
2 Governor—

3 (1) the amount of such funds expended by the
4 political subdivision during the previous fiscal year;

5 (2) the amounts expended on each project or
6 activity;

7 (3) a general description of how the funds were
8 expended; and

9 (4) the status of each project or activity.

10 The certification under paragraph (4) shall include a cer-
11 tification that a project or activity is consistent with the
12 State plan developed under subsection (a).

13 **SEC. 106. ANNUAL REPORT; REFUNDS.**

14 (a) REPORT.—On June 15 of each year, the Governor
15 of each State receiving moneys from the Fund under this
16 title shall account for all moneys so received for the pre-
17 vious fiscal year in a written report to the Secretary and
18 the Congress. The report shall include a description of all
19 projects and activities receiving funds under this title, in-
20 cluding all information required under section 105(c).

21 (b) REFUNDS.—In those instances where through ju-
22 dicial decision, administrative review, arbitration, or other
23 means there are royalty refunds owed to entities generat-
24 ing revenues under this title, 27 percent of such refunds
25 shall be paid from amounts available in the Fund.

1 **TITLE II—STATE, LOCAL, AND**
2 **URBAN CONSERVATION AND**
3 **RECREATION**

4 **SEC. 201. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The Land and Water Conservation Fund
7 Act of 1965 embodied a concept that a portion of
8 the proceeds from Outer Continental Shelf mineral
9 leasing revenues and the depletion of a nonrenewable
10 natural resource should result in a legacy of places
11 accessible to the public for conservation and public
12 recreation and benefit from resources belonging to
13 all people, of all generations, and the enhancement
14 of the most precious and most renewable natural re-
15 source of any nation, healthy and active citizens.

16 (2) The States and local governments were to
17 occupy a pivotal role in accomplishing the purposes
18 of the Land and Water Conservation Act of 1965
19 and the Act originally provided an equitable portion
20 of funds to the States, and through them, to local
21 governments.

22 (3) Because of competition for funding and the
23 limited availability of Federal moneys, the original
24 intention of the Land and Water Conservation Fund
25 Act of 1965 has been abandoned and, in recent

1 years, States have not received an equitable propor-
2 tion of direct funding.

3 (4) With population growth and urban sprawl,
4 the demand for conservation and recreation areas at
5 the State and local level, including urban localities,
6 remains a high priority.

7 (5) There has been an increasing need for Fed-
8 eral moneys to be made available for Federal pur-
9 poses under the Land and Water Conservation Fund
10 Act of 1965, with lands identified as important for
11 Federal acquisition not being acquired for several
12 years due to insufficient funds.

13 (b) PURPOSE.—The purpose of this title is to com-
14 plement State, local, and private commitments envisioned
15 in the Land and Water Conservation Fund Act of 1965
16 and the Urban Park and Recreation Recovery Act of 1978
17 by providing grants for State, local, and urban conserva-
18 tion and recreation needs, and to provide a secure source
19 of Federal purposes under the Land and Water Conserva-
20 tion Fund Act of 1965.

21 **SEC. 202. FUNDING FOR STATE, LOCAL, AND URBAN CON-**
22 **SERVATION AND RECREATION.**

23 (a) REVENUES.—Section 2 of the Land and Water
24 Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)(1))
25 is amended by redesignating paragraph (1) of subsection

1 (c) as subsection (d) and by amending subsection (e) to
2 read as follows:

3 “(c) OUTER CONTINENTAL SHELF REVENUES.—(1)
4 23 percent of the qualified Outer Continental Shelf reve-
5 nues (as defined in section 102 of the Conservation and
6 Reinvestment Act of 1999) shall also be credited to a sepa-
7 rate account in the Land and Water Conservation Fund
8 in the Treasury in each fiscal year through September 30,
9 2015. Revenues covered into the fund under this sub-
10 section shall be available, without further appropriation,
11 in the next succeeding fiscal year to carry out this Act.
12 To the extent that such revenues in a fiscal year exceed
13 \$900,000,000, such excess shall be available, without fur-
14 ther appropriation, in the next succeeding fiscal year for
15 obligation or expenditure under chapter 69 of title 31 of
16 the United States Code (relating to PILT) or under sec-
17 tion 401 of the Act of June 15, 1935 (49 Stat. 383; 16
18 U.S.C. 715s).

19 “(2) The Secretary of the Treasury shall invest mon-
20 eys in the separate account that are excess to expenditures
21 at the written request of the Secretary, in public debt se-
22 curities with maturities suitable to the needs of the Fund,
23 as determined by the Secretary, and bearing interest at
24 rates determined by the Secretary of the Treasury, taking
25 into consideration current market yields on outstanding

1 marketable obligations of the United States of comparable
2 maturity. All interest earned on such moneys shall be
3 available, without further appropriation, for obligation or
4 expenditure under chapter 69 of title 31 of the United
5 States Code (relating to PILT) or under section 401 of
6 the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C.
7 715s).”.

8 (b) CONFORMING AMENDMENT.—Section 3 of the
9 Land and Water Conservation Fund Act of 1965 (16
10 U.S.C. 4601–6) is amended by striking “Moneys” and in-
11 serting “Except as provided under section 2(c), moneys”.

12 (c) ALLOCATION OF FUNDS.—Section 5 of the Land
13 and Water Conservation Fund Act of 1965 (16 U.S.C.
14 4601–7) is amended as follows:

15 (1) By striking “ALLOCATION” and inserting
16 “(a) IN GENERAL” after “SEC 5.”.

17 (2) By striking the second sentence and all that
18 follows down through the period at the end thereof.

19 (3) By adding at the end the following new sub-
20 section at the end:

21 “(b) ALLOCATION.—Amounts available in the fund
22 under section 2(c)(1) of this Act (16 U.S.C. 4601–5(c)(1))
23 for obligation or expenditure may be obligated or expended
24 only as follows—

1 “(1) 42 percent shall be available for Federal
2 purposes, 25 percent of which shall be made avail-
3 able to the Secretary of Agriculture for the acquisi-
4 tion of lands, waters, or interests in land or water
5 solely within the exterior boundaries of areas of the
6 National Forest System or any other land manage-
7 ment unit established by Act of Congress and man-
8 aged by the Secretary of Agriculture (notwithstand-
9 ing the first proviso of section 7(1)), and 75 percent
10 of which shall be available to the Secretary of the
11 Interior for the acquisition of lands, waters, or inter-
12 ests in land or water solely within the exterior
13 boundaries of areas of the National Park System,
14 National Wildlife Refuge System, or any other land
15 management unit established by Act of Congress
16 and managed by the Secretary of the Interior. At
17 least $\frac{2}{3}$ of the moneys available under this subpara-
18 graph for Federal purposes shall be spent east of the
19 100th meridian. Up to one percent of the amounts
20 made available in any fiscal year under this para-
21 graph may be used for administration. No moneys
22 available under this paragraph for Federal purposes
23 shall be used for condemnation of any interest in
24 property.

1 “(2) 42 percent shall be available for financial
2 assistance to the States under section 6 of this Act
3 (16 U.S.C. 4601–8) distributed according to the fol-
4 lowing allocation formula:

5 “(A) 60 percent shall be apportioned
6 equally among the States.

7 “(B) 20 percent shall be apportioned on
8 the basis of the ratio which the population of
9 each State bears to the total population of all
10 States.

11 “(C) 20 percent shall be apportioned on
12 the basis of the ratio which the acreage of each
13 State bears to the total acreage of all States.

14 Up to one percent of the amounts made available in
15 any fiscal year under this paragraph may be used
16 for administration.

17 “(3) 16 percent shall be available to local gov-
18 ernments through the Urban Parks and Recreation
19 Recovery Program (16 U.S.C. 2501–2514) of the
20 Department of the Interior. Up to one percent of the
21 amounts made available in any fiscal year under this
22 paragraph may be used for administration.”.

23 (d) TRIBES AND ALASKA NATIVE VILLAGE COR-
24 PORATIONS.—Section 6(b)(5) of the Land and Water Con-

1 servation Fund Act of 1965 (16 U.S.C. 4601–8(b)(5)) is
2 amended as follows:

3 (1) By inserting “(A)” after “(5)”.

4 (2) By adding at the end the following new sub-
5 paragraph:

6 “(B) For the purposes of paragraph (1),
7 all federally recognized Indian tribes and Alas-
8 ka Native Village Corporations (as defined in
9 section 3(j) of the Alaska Native Claims Settle-
10 ment Act (43 U.S.C. 1602(j)) shall be treated
11 collectively as 1 State, and shall receive shares
12 of the apportionment under paragraph (1) in
13 accordance with a competitive grant program
14 established by the Secretary by rule. Such rule
15 shall ensure that in each fiscal year no single
16 tribe or Village Corporation receives more than
17 10 percent of the total amount made available
18 to all tribes and Village Corporations pursuant
19 to the apportionment under paragraph (1).
20 Funds received by an Indian tribe or Village
21 Corporation under this subparagraph may be
22 expended only for the purposes specified in
23 paragraphs (1) and (3) of subsection (b).”.

24 (e) LOCAL ALLOCATION.—Section 6(b) of the Land
25 and Water Conservation Fund Act of 1965 (16 U.S.C.

1 4601–8(b)) is amended by adding the following new para-
2 graph at the end:

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

11 (f) MATCH.—Subsection 6(c) of the Land and Water
12 Conservation Fund Act of 1965 (16 U.S.C. 4601–8(c)) is
13 amended to read as follows:

14 “(c) MATCHING REQUIREMENTS.—Payments to any
15 State shall cover not more than 50 percent of the cost
16 of outdoor conservation and recreation planning, acquisi-
17 tion, or development projects that are undertaken by the
18 State.”.

19 (g) STATE ACTION AGENDA.—(1) Section 6(d) of the
20 Land and Water Conservation Fund Act of 1965 (16
21 U.S.C. 4601–8(d)) is amended to read as follows:

22 “(d) STATE ACTION AGENDA REQUIRED.—Each
23 State may define its own priorities and criteria for selec-
24 tion of outdoor conservation and recreation acquisition
25 and development projects eligible for grants under this Act

1 so long as it provides for public involvement in this process
2 and publishes an accurate and current State Action Agen-
3 da for Community Conservation and Recreation (in this
4 Act referred to as the ‘State Action Agenda’) indicating
5 the needs it has identified and the priorities and criteria
6 it has established. In order to assess its needs and estab-
7 lish its overall priorities, each State, in partnership with
8 its local governments and Federal agencies, and in con-
9 sultation with its citizens, shall develop, within 5 years
10 after the enactment of the Conservation and Reinvestment
11 Act of 1999, a State Action Agenda that meets the follow-
12 ing requirements:

13 “(1) The agenda must be strategic, originating
14 in broad-based and long-term needs, but focused on
15 actions that can be funded over the next 4 years.

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

21 State Action Agendas shall take into account all providers
22 of conservation and recreation lands within each State, in-
23 cluding Federal, regional, and local government resources
24 and shall be correlated whenever possible with other State,
25 regional, and local plans for parks, recreation, open space,

1 and wetlands conservation. Recovery action programs de-
2 veloped by urban localities under section 1007 of the
3 Urban Park and Recreation Recovery Act of 1978 shall
4 be used by a State as a guide to the conclusions, priorities,
5 and action schedules contained in State Action Agenda.
6 Each State shall assure that any requirements for local
7 outdoor conservation and recreation planning, promul-
8 gated as conditions for grants, minimize redundancy of
9 local efforts by allowing, wherever possible, use of the find-
10 ings, priorities, and implementation schedules of recovery
11 action programs to meet such requirements.”.

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

19 (h) STATE PLANS.—Subsection 6(e) of Land and
20 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–
21 8(e)) is amended as follows:

22 (1) By striking “State comprehensive plan” at
23 the end of the first paragraph and inserting “State
24 Action Agenda”.

1 (2) By striking “State comprehensive plan” in
2 paragraph (1) and inserting “State Action Agenda”.

3 (3) By striking “but not including incidental
4 costs related to acquisition” at the end of paragraph
5 (1).

6 (i) CONVERSION.—Paragraph (3) of section 6(f) of
7 the Land and Water Conservation Fund Act of 1965 (16
8 U.S.C. 4601–8(f)(3)) is amended by striking the second
9 sentence and inserting: “The Secretary shall approve such
10 conversion only if the State demonstrates no prudent or
11 feasible alternative exists with the exception of those prop-
12 erties that no longer meet the criteria within the State
13 Action Agenda as an outdoor conservation and recreation
14 facility due to changes in demographics or that must be
15 abandoned because of environmental contamination which
16 endangers public health and safety. Any conversion must
17 satisfy such conditions as the Secretary deems necessary
18 to assure the substitution of other conservation and recre-
19 ation properties of at least equal fair market value and
20 reasonably equivalent usefulness and location and which
21 are consistent with the existing State Action Agenda; ex-
22 cept that wetland areas and interests therein as identified
23 in the wetlands provisions of the action agenda and pro-
24 posed to be acquired as suitable replacement property
25 within that same State that is otherwise acceptable to the

1 Secretary shall be considered to be of reasonably equiva-
 2 lent usefulness with the property proposed for conver-
 3 sion.”.

4 (j) COST LIMITATIONS.—Section 7 of the Land and
 5 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–
 6 9) is amended by adding the following at the end thereof:

7 “(d) MAXIMUM FEDERAL COST PER PROJECT.—No
 8 expenditure shall be made to acquire, construct, operate,
 9 or maintain any project under this section, the total Fed-
 10 eral cost of which exceeds \$1,000,000 unless the funds
 11 for such project have been specifically authorized by a sub-
 12 sequently enacted law.”.

13 **SEC. 203. URBAN PARK AND RECREATION RECOVERY ACT**
 14 **OF 1978 AMENDMENTS.**

15 (a) GRANTS.—Section 1004 of the Urban Park and
 16 Recreation Recovery Act (16 U.S.C. 2503) is amended by
 17 redesignating subsections (d), (e), and (f) as subsections
 18 (f), (g), and (h) respectively, and by inserting the following
 19 after subsection (c):

20 “(d) ‘development grants’ means matching capital
 21 grants to local units of government to cover costs of devel-
 22 opment and construction on existing or new neighborhood
 23 recreation sites, including indoor and outdoor recreation
 24 facilities, support facilities, and landscaping, but excluding
 25 routine maintenance and upkeep activities;

1 “(e) ‘acquisition grants’ means matching capital
2 grants to local units of government to cover the direct and
3 incidental costs of purchasing new park land to be perma-
4 nently dedicated and made accessible for public recreation
5 use;”.

6 (b) ELIGIBILITY.—Section 1005(a) of the Urban
7 Park and Recreation Recovery Act (16 U.S.C. 2504) is
8 amended to read as follows:

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

13 “(1) All central cities of Metropolitan, Primary
14 or Consolidated Statistical Areas as currently de-
15 fined by the census.

16 “(2) All political subdivisions of a State in-
17 cluded in Metropolitan, Primary or Consolidated
18 Statistical Areas as currently defined by the census.

19 “(3) Any other city, town, or village within a
20 Metropolitan Statistical Area with a total population
21 of 50,000 or more in the census of 1970, 1980, or
22 subsequent updates.

23 “(4) Any other political subdivision of a State
24 with a total population of 250,000 or more in the
25 census of 1970, 1980, or subsequent updates.”.

1 (c) MATCHING GRANTS.—Subsection 1006(a) of the
2 Urban Park and Recreation Recovery Act (16 U.S.C.
3 2505(a)) is amended by striking all through paragraph (3)
4 and inserting the following:

5 “SEC. 1006. (a) The Secretary is authorized to pro-
6 vide 70 percent matching grants for rehabilitation, innova-
7 tion, development, or acquisition to any eligible general
8 purpose unit of local government upon approval by the
9 Secretary of applications for such purpose by the chief ex-
10 ecutive of such a government.

11 “(1) At the discretion of such applicants, and
12 if consistent with an approved application, rehabili-
13 tation, innovation, development, or acquisition
14 grants may be transferred in whole or in part to
15 independent special purpose local governments, pri-
16 vate nonprofit agencies or political subdivisions or
17 regional park authorities; except that such general
18 purpose units of local government shall provide as-
19 surance to the Secretary that they will maintain
20 public recreation opportunities at assisted areas and
21 facilities owned or managed by them in accordance
22 with section 1010 of this Act.

23 “(2) Payments may be made only for those re-
24 habilitation, innovation, development, or acquisition
25 projects which have been approved by the Secretary.

1 Such payments may be made from time-to-time in
2 keeping with the rate of progress toward completion
3 of a project, on a reimbursable basis.”.

4 (d) COORDINATION.—Section 1008 of the Urban
5 Park and Recreation Recovery Act (16 U.S.C. 2507) is
6 amended by striking the last sentence and inserting the
7 following: “The Secretary and general purpose local gov-
8 ernments are encouraged to coordinate preparation of re-
9 covery action programs required by this title with State
10 Action Agendas for Community Conservation and Recre-
11 ation required by section 6 of the Land and Water Con-
12 servation Fund Act of 1965, including the allowance of
13 flexibility in local preparation of recovery action programs
14 so that they may be used to meet State or local qualifica-
15 tions for local receipt of Land and Water Conservation
16 Fund grants or State grants for similar purposes or for
17 other conservation or recreation purposes. The Secretary
18 shall also encourage States to consider the findings, prior-
19 ities, strategies, and schedules included in the recovery ac-
20 tion programs of their urban localities in preparation and
21 updating of the State Action Agendas for Conservation
22 and Recreation, in accordance with the public coordination
23 and citizen consultation requirements of subsection 6(d)
24 of the Land and Water Conservation Fund Act of 1965.”

1 (e) CONVERSION.—Section 1010 of the Urban Park
2 and Recreation Recovery Act (16 U.S.C. 2509) is amend-
3 ed by striking the first sentence and inserting the follow-
4 ing: “No property acquired or improved or developed
5 under this title shall, without the approval of the Sec-
6 retary, be converted to other than public recreation uses.
7 The Secretary shall approve such conversion only if the
8 grantee demonstrates no prudent or feasible alternative
9 exists (with the exception of those properties that are no
10 longer a viable recreation facility due to changes in demo-
11 graphics or must be abandoned because of environmental
12 contamination which endanger public health and safety).
13 Any conversion must satisfy any conditions the Secretary
14 deems necessary to assure the substitution of other con-
15 servation and recreation properties of at least equal mar-
16 ket value and reasonably equivalent usefulness and loca-
17 tion and which are in accord with the current conservation
18 and recreation recovery action program.”.

19 (f) REPEAL.—Section 1014 of the Urban Park and
20 Recreation Recovery Act (16 U.S.C. 2513) is repealed.

21 **SEC. 204. OTHER RIGHTS PRESERVED.**

22 Nothing in this title shall be construed to limit any
23 right to compensation that exists under the Constitution
24 or other laws.

1 **SEC. 205. HABITAT RESERVE PROGRAM.**

2 (a) ESTABLISHMENT OF HABITAT RESERVE PRO-
3 GRAM.—There is hereby established within the Depart-
4 ment of the Interior a Habitat Reserve Program (HRP)
5 to be administered by the Secretary of the Interior in asso-
6 ciation with the applicable State fish and wildlife depart-
7 ment in the State where the affected land is located. The
8 Secretary shall enter into partnership agreements with the
9 State fish and wildlife department and owners and opera-
10 tors of lands suitable for enrollment on a voluntary basis,
11 under which the owners and operators manage the land
12 for the protection and enhancement of protected species
13 in exchange for incentive payments. Where the operator
14 of such land is not the owner, both the owner and the
15 operator must enter into the agreement.

16 (b) ELIGIBLE LANDS.—Lands eligible for enrollment
17 in the HRP shall be privately owned lands that have been
18 designated by the State agency as being necessary to pre-
19 serve the existence of 1 or more species listed pursuant
20 to the Endangered Species Act whose owners and opera-
21 tors have voluntarily entered into partnership agreements
22 with the Secretary and the State agency, and which have
23 been accepted for enrollment in accordance with this sec-
24 tion.

25 (c) LIMITATIONS ON LANDS ELIGIBLE FOR ENROLL-
26 MENT.—(1) The Secretary and State agency shall not

1 place under contract more than 25 percent of the land
2 or water in any one county at any one time, except to
3 the extent that the State agency determines, after public
4 comment, that doing so would not adversely affect the
5 local economy of the county.

6 (2) No contract shall be entered into under this sec-
7 tion concerning land with respect to which ownership has
8 changed in the 3-year period preceding the first year of
9 the contract if such land was acquired in order to qualify
10 for this program.

11 (d) CONTRACT REQUIREMENTS.—(1) Each contract
12 entered into under this section shall obligate the owner
13 and operator of the land to implement the plan agreed
14 to for not less than 5 years.

15 (2) The Secretary shall make available as grants to
16 the State agency the funds specified in this title for the
17 purposes of entering into landowner agreements as set
18 forth in this title.

19 (e) MANAGEMENT PLANS.—The plan referred to in
20 subsection (a)(1) above shall set forth the management
21 practices to be carried out by the owner and/or operator
22 of the habitat for the protection and enhancement of the
23 habitat and the species.

24 (f) DURATION.—Contracts entered into hereunder
25 shall be for a duration of 5 years, until land ownership

1 is transferred, or until the land ceases to be included with-
2 in designated critical habitat of the species, whichever is
3 shorter.

4 (g) PAYMENTS.—(1) The State agency shall establish
5 an equitable method for determining the annual payments
6 under this section, including through the submission of
7 bids in such manner as the Secretary may prescribe.

8 (2) The Secretary shall pay the cost of establishing
9 management measures and practices required pursuant to
10 the approved management plan.

11 (3) Any payments received by an owner or operator
12 under this section shall be in addition to, and shall not
13 affect, the total amount of payments that the owner or
14 operator is otherwise eligible to receive under this section,
15 or any other program administered by the Secretary or
16 any other Federal department or agency.

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

19 **SEC. 301. FINDINGS.**

20 The Congress finds and declares that—

21 (1) a diverse array of species of fish and wild-
22 life is of significant value to the Nation for many
23 reasons: aesthetic, ecological, educational, cultural,
24 recreational, economic, and scientific;

1 (2) it should be the objective of the United
2 States to retain for present and future generations
3 the opportunity to observe, understand, and appre-
4 ciate a wide variety of wildlife;

5 (3) millions of citizens participate in outdoor
6 recreation through hunting, fishing, and wildlife ob-
7 servation, all of which have significant value to the
8 citizens who engage in these activities;

9 (4) providing sufficient and properly maintained
10 wildlife-associated recreational opportunities is im-
11 portant to enhancing public appreciation of a diver-
12 sity of wildlife and the habitats upon which they de-
13 pend;

14 (5) lands and waters which contain species clas-
15 sified neither as game nor identified as endangered
16 or threatened also provide opportunities for wildlife-
17 associated recreation and education such as hunting
18 and fishing permitted by applicable State or Federal
19 law;

20 (6) hunters and anglers have for more than 60
21 years willingly paid user fees in the form of Federal
22 excise taxes on hunting and fishing equipment to
23 support wildlife diversity and abundance, through
24 enactment of the Federal Aid in Wildlife Restoration
25 Act (commonly referred to as the Pittman-Robertson

1 Act) and the Federal Aid in Sport Fish Restoration
2 Act (commonly referred to as the Dingell-Johnson/
3 Wallop-Breaux Act);

4 (7) State programs, adequately funded to con-
5 serve a broad array of wildlife in an individual State
6 and conducted in coordination with Federal, State,
7 tribal, and private landowners and interested organi-
8 zations, would continue to serve as a vital link in an
9 effort to restore game and nongame wildlife, and the
10 essential elements of such programs should include
11 conservation measures which manage for a diverse
12 variety of populations of wildlife; and

13 (8) it is proper for Congress to bolster and ex-
14 tend this highly successful program to aid game and
15 nongame wildlife in supporting the health and diver-
16 sity of habitat, as well as providing funds for con-
17 servation education.

18 **SEC. 302. PURPOSES.**

19 The purposes of this title are—

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

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

3 (2) to assure sound conservation policies
4 through the development, revision and implementa-
5 tion of wildlife-associated recreation and wildlife-as-
6 sociated education and wildlife conservation law en-
7 forcement;

8 (3) to encourage State fish and wildlife agencies
9 to participate with the Federal Government, other
10 State agencies, wildlife conservation organizations,
11 and outdoor recreation and conservation interests
12 through cooperative planning and implementation of
13 this title; and

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

18 **SEC. 303. DEFINITIONS.**

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

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

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

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

9 (d) CONSERVATION.—Section 2 of the Federal Aid in
10 Wildlife Restoration Act (16 U.S.C. 669a) is amended by
11 striking the period at the end thereof, substituting a semi-
12 colon, and adding the following: “the term ‘conservation’
13 shall be construed to mean the use of methods and proce-
14 dures necessary or desirable to sustain healthy populations
15 of wildlife including all activities associated with scientific
16 resources management such as research, census, monitor-
17 ing of populations, acquisition, improvement and manage-
18 ment of habitat, live trapping and transplantation, wildlife
19 damage management, and periodic or total protection of
20 a species or population as well as the taking of individuals
21 within wildlife stock or population if permitted by applica-
22 ble State and Federal law; the term ‘wildlife conservation
23 and restoration program’ means a program developed by
24 a State fish and wildlife department that the Secretary
25 determines meets the criteria in section 6(d), the projects

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

22 (e) 10 PERCENT.—Subsection 3(a) of the Federal
23 Aid in Wildlife Restoration Act (16 U.S.C. 669b(a)) is
24 amended in the first sentence by—

1 (1) inserting “(1)” after “(beginning with the
2 fiscal year 1975)”; and

3 (2) inserting after “Internal Revenue Code of
4 1954” the following: “, and (2) from 10 percent of
5 the qualified Outer Continental Shelf revenues, as
6 defined in section 102 of the Conservation and Rein-
7 vestment Act of 1999,”.

8 **SEC. 304. SUBACCOUNT AND REFUNDS.**

9 Section 3 of the Federal Aid in Wildlife Restoration
10 Act (16 U.S.C. 669b) is amended by adding at the end
11 the following new subsections:

12 “(c) A subaccount shall be established in the Federal
13 aid to wildlife restoration fund in the Treasury to be
14 known as the ‘wildlife conservation and restoration ac-
15 count’ and the credits to such account shall be equal to
16 the 10 percent of Outer Continental Shelf revenues re-
17 ferred to in subsection (a)(2). Amounts credited to such
18 account (other than interest) shall be invested by the Sec-
19 retary of the Treasury as set forth in subsection (b) and
20 shall be made available without further appropriation, in
21 the next succeeding fiscal year, for apportionment to carry
22 out State wildlife conservation and restoration programs.
23 All interest on such amounts shall be available, without
24 further appropriation, for obligation or expenditure for

1 purposes of the North American Wetlands Conservation
2 Act of 1989 (16 U.S.C. 4401 and following).

3 “(d) Funds covered into the wildlife conservation and
4 restoration account shall supplement, but not replace, ex-
5 isting funds available to the States from the sport fish
6 restoration and wildlife restoration accounts and shall be
7 used for the development, revision, and implementation of
8 wildlife conservation and restoration programs and should
9 be used to address the unmet needs for a diverse array
10 of wildlife and associated habitats, including species that
11 are not hunted or fished, for wildlife conservation, wildlife
12 conservation education, and wildlife-associated recreation
13 projects; provided such funds may be used for new pro-
14 grams and projects as well as to enhance existing pro-
15 grams and projects.

16 “(e) Notwithstanding subsections (a) and (b) of this
17 section, with respect to the wildlife conservation and res-
18 toration account so much of the appropriation apportioned
19 to any State for any fiscal year as remains unexpended
20 at the close thereof is authorized to be made available for
21 expenditure in that State until the close of the fourth suc-
22 ceeding fiscal year. Any amount apportioned to any State
23 under this subsection that is unexpended or unobligated
24 at the end of the period during which it is available for

1 expenditure on any project is authorized to be reappor-
2 tioned to all States during the succeeding fiscal year.

3 “(f) In those instances where through judicial deci-
4 sion, administrative review, arbitration, or other means
5 there are royalty refunds owed to entities generating reve-
6 nues available for purposes of this Act, 10 percent of such
7 refunds shall be paid from amounts available under sub-
8 section (a)(2).”.

9 **SEC. 305. ALLOCATION OF SUBACCOUNT RECEIPTS.**

10 Section 4 of the Federal Aid in Wildlife Restoration
11 Act (16 U.S.C. 669c) is amended by adding the following
12 new subsection:

13 “(c)(1) Notwithstanding subsection (a), so much, not
14 to exceed one percent, of the revenues covered into the
15 wildlife conservation and restoration account in each fiscal
16 year as the Secretary of the Interior may estimate to be
17 necessary for expenses in the administration and execution
18 of programs carried out under the wildlife conservation
19 and restoration account shall be deducted for that pur-
20 pose, and such sum shall be available, without further ap-
21 propriation, for such purposes in the next succeeding fiscal
22 year, and within 60 days after the close of such fiscal year
23 the Secretary of the Interior shall apportion such part
24 thereof as remains unexpended, if any, on the same basis

1 and in the same manner as is provided under paragraphs
2 (2) and (3).

3 “(2) The Secretary of the Interior, after making the
4 deduction under paragraph (1), shall make the following
5 apportionment from the amount remaining in the wildlife
6 conservation and restoration account:

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

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

14 “(3) The Secretary of the Interior, after making the
15 deduction under paragraph (1) and the apportionment
16 under paragraph (2), shall apportion the remaining
17 amount in the wildlife conservation and restoration ac-
18 count for each year among the States in the following
19 manner:

20 “(A) $\frac{1}{3}$ of which is based on the ratio to which
21 the land area of such State bears to the total land
22 area of all such States; and

23 “(B) $\frac{2}{3}$ of which is based on the ratio to which
24 the population of such State bears to the total popu-
25 lation of all such States;

1 The amounts apportioned under this paragraph shall be
2 adjusted equitably so that no such State shall be appor-
3 tioned a sum which is less than $\frac{1}{2}$ of 1 percent of the
4 amount available for apportionment under this paragraph
5 for any fiscal year or more than 5 percent of such
6 amount.”.

7 “(d) WILDLIFE CONSERVATION AND RESTORATION
8 PROGRAMS.—Any State, through its fish and wildlife de-
9 partment, may apply to the Secretary for approval of a
10 wildlife conservation and restoration program or for funds
11 to develop a program, which shall—

12 “(1) contain provision for vesting in the fish
13 and wildlife department of overall responsibility and
14 accountability for development and implementation
15 of the program;

16 “(2) contain provision for development and im-
17 plementation of—

18 “(A) wildlife conservation projects which
19 expand and support existing wildlife programs
20 to meet the needs of a diverse array of wildlife
21 species,

22 “(B) wildlife-associated recreation projects,
23 and

24 “(C) wildlife conservation education
25 projects; and

1 “(3) contain provision for public participation
2 in the development, revision, and implementation of
3 projects and programs stipulated in paragraph (2) of
4 this subsection.

5 If the Secretary of the Interior finds that an application
6 for such program contains the elements specified in para-
7 graphs (1) and (2), the Secretary shall approve such appli-
8 cation and set aside from the apportionment to the State
9 made pursuant to section 4(c) an amount that shall not
10 exceed 90 percent of the estimated cost of developing and
11 implementing segments of the program for the first 5 fis-
12 cal years following enactment of this subsection and not
13 to exceed 75 percent thereafter. Not more than 10 percent
14 of the amounts apportioned to each State from this sub-
15 account for the State’s wildlife conservation and restora-
16 tion program may be used for law enforcement. Following
17 approval, the Secretary may make payments on a project
18 that is a segment of the State’s wildlife conservation and
19 restoration program as the project progresses but such
20 payments, including previous payments on the project, if
21 any, shall not be more than the United States pro rata
22 share of such project. The Secretary, under such regula-
23 tions as he may prescribe, may advance funds representing
24 the United States pro rata share of a project that is a
25 segment of a wildlife conservation and restoration pro-

1 gram, including funds to develop such program. For pur-
2 poses of this subsection, the term ‘State’ shall include the
3 District of Columbia, the Commonwealth of Puerto Rico,
4 the United States Virgin Islands, Guam, American
5 Samoa, and the Commonwealth of the Northern Mariana
6 Islands.”.

7 (b) FACA.—Coordination with State fish and wildlife
8 agency personnel or with personnel of other State agencies
9 pursuant to the Federal Aid in Wildlife Restoration Act
10 or the Federal Aid in Sport Fish Restoration Act shall
11 not be subject to the Federal Advisory Committee Act (5
12 U.S.C. App.) Except for the preceding sentence, the provi-
13 sions of this title relate solely to wildlife conservation and
14 restoration programs as defined in this title and shall not
15 be construed to affect the provisions of the Federal Aid
16 in Wildlife Restoration Act relating to wildlife restoration
17 projects or the provisions of the Federal Aid in Sport Fish
18 Restoration Act relating to fish restoration and manage-
19 ment projects.

20 **SEC. 306. LAW ENFORCEMENT AND EDUCATION.**

21 The third sentence of subsection (a) of section 8 of
22 the Federal Aid in Wildlife Restoration Act (16 U.S.C.
23 669g) is amended by inserting before the period at the
24 end thereof: “, except that funds available from this sub-

1 account for a State wildlife conservation and restoration
2 program may be used for law enforcement and education”.

3 **SEC. 307. PROHIBITION AGAINST DIVERSION.**

4 No designated State agency shall be eligible to receive
5 matching funds under this title if sources of revenue avail-
6 able to it after January 1, 1999, for conservation of wild-
7 life are diverted for any purpose other than the adminis-
8 tration of the designated State agency, it being the inten-
9 tion of Congress that funds available to States under this
10 title be added to revenues from existing State sources and
11 not serve as a substitute for revenues from such sources.
12 Such revenues shall include interest, dividends, or other
13 income earned on the forgoing.

○