

106TH CONGRESS  
2D SESSION

# H. R. 701

**[Report No. 106-499, Part I]**

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.

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## 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. McCRERY, 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

FEBRUARY 16, 2000

Additional sponsors: Mr. GILCHREST, Mrs. BONO, Mr. DUNCAN, Mr. LINDER, Mr. TAYLOR of Mississippi, Mr. STUMP, Mr. SANDLIN, Mr. WELDON of Pennsylvania, Mr. TURNER, Mr. GREEN of Wisconsin, Mr. BARCIA, Mr. WHITFIELD, Mr. BENTSEN, Mr. BURR of North Carolina, Mr. CONDIT, Mr. ADERHOLT, Mr. HINOJOSA, Mr. HAYES, Mr. GORDON, Mr. BACHUS, Mr. CRAMER, Mr. DEAL of Georgia, Mr. GONZALEZ, Mr. PICKERING, Mr. LEWIS of Georgia, Mr. FORD, Mrs. CHRISTENSEN, Mr. PICKETT, Mr. WYNN, Mr. RILEY, Mr. TAYLOR of North Carolina, Mr. ISAKSON, Mr. COLLINS, Mr. BISHOP, Mr. EWING, Mr. LUCAS of Kentucky, Mr. LEWIS of Kentucky, Mr. CLYBURN, Mr. ENGLISH, Mr. BARR of Georgia, Mr. MILLER of Florida, Mr. TERRY, Mr. ALLEN, Mr. SPENCE, Mr. CLEMENT, Mr. FLETCHER, Ms. CARSON, Mr. WISE, Mr. UPTON, Mr. PASTOR, Mr. GALLEGLY, Ms. DANNER, Mr. NEY, Mr. FROST, Mr. BOYD, Mr. THOMPSON of Mississippi, Mr. GUTKNECHT, Mr. TRAFICANT, Mr. HYDE, Mr.

ORTIZ, Ms. MCKINNEY, Mrs. MYRICK, Mr. JENKINS, Mr. ETHERIDGE,  
 Mr. LUCAS Oklahoma, Mr. LATOURETTE, Mr. FOLEY, Mr. KIND, Mr.  
 VITTER, Mr. SAWYER, Mr. ACKERMAN, Mr. SKELTON, Mr. MOLLOHAN,  
 Ms. STABENOW, Mr. GREEN of Texas, Mrs. FOWLER, Mr. STRICKLAND,  
 Mr. BOSWELL, Mr. KLINK, Mr. CAMP, Mr. DAVIS of Virginia, Mr. MICA,  
 Mr. OBERSTAR, Mr. BOUCHER, Mr. SHAW, Mr. PHELPS, Mr. SCAR-  
 BOROUGH, Mr. LAHOOD, Mr. CANADY of Florida, Mr. BILIRAKIS, Mr.  
 PORTMAN, Mr. SOUDER, Mr. HANSEN, Mr. GEORGE MILLER of Cali-  
 fornia, Mr. SMITH of New Jersey, Mr. SAXTON, Ms. SANCHEZ, Mr.  
 THUNE, Mr. VENTO, Mr. McDERMOTT, Mr. WEXLER, Mr. GUTIERREZ,  
 Mrs. MORELLA, Mr. UDALL of Colorado, Mr. CLAY, Mr. BLUMENAUER,  
 Mr. DEUTSCH, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. ESHOO,  
 Ms. ROYBAL-ALLARD, Mr. McNULTY, Mr. ENGEL, Mr. DIXON, Mr.  
 DELAHUNT, Ms. PELOSI, Mr. FALEOMAVAEGA, Mrs. CAPPS, Mr. THOMP-  
 SON of California, Mr. HALL of Texas, Mr. PALLONE, Mr. CROWLEY, Mr.  
 HOEFFEL, Mr. UDALL of New Mexico, Ms. WOOLSEY, Ms. HOOLEY of  
 Oregon, Mrs. NAPOLITANO, Mr. ABERCROMBIE, Mr. STARK, Mrs. MEEK  
 of Florida, Mr. MCCOLLUM, Mr. MINGE, Mr. CONYERS, Mr. RAHALL,  
 Mr. MARKEY, Mr. BORSKI, Mr. PETRI, Mr. GEJDENSON, Mr. SMITH of  
 Washington, Mr. DOOLEY of California, Mr. McINNIS, Ms. BALDWIN,  
 Mr. INSLEE, Mr. WU, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mrs.  
 ROUKEMA, Mr. TANCREDO, Mr. SHERWOOD, Mr. KANJORSKI, Mr. FARR  
 of California, Mr. MENENDEZ, Mr. HASTINGS of Florida, Mrs. CLAYTON,  
 Mr. BARRETT of Wisconsin, Mr. MEEHAN, Mr. MATSUI, Mr. SHERMAN,  
 Mr. MARTINEZ, Ms. DEGETTE, Mr. LARSON, Mr. CUMMINGS, Mr.  
 TIERNEY, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. HOLT, Mr.  
 SERRANO, Mr. BALDACCI, Mr. HINCHEY, Mr. OWENS, Mr. ROTHMAN,  
 Mr. MCGOVERN, Mr. CALLAHAN, Mr. CARDIN, Mr. EVANS, Mr. LAZIO,  
 Ms. LOFGREN, Mr. WAXMAN, Ms. WATERS, Mr. FILNER, Mr. CAPUANO,  
 Mr. BONIOR, Mr. NADLER, Mrs. JONES of Ohio, Mr. KUCINICH, Ms.  
 BERKLEY, Mr. BAIRD, Mr. UNDERWOOD, Mr. GILMAN, Mr.  
 BLAGOJEVICH, Mr. KENNEDY of Rhode Island, Mr. FORBES, Mr. SAND-  
 ERS, Mr. MEEKS of New York, Mr. BROWN of Ohio, Mr. KUYKENDALL,  
 Mr. LEACH, Mr. BERMAN, Ms. SLAUGHTER, Mr. BOEHLERT, Mr. McIN-  
 TYRE, Mr. KLECZKA, Mr. GREENWOOD, Mr. CAMPBELL, Mr. DREIER,  
 Mr. BILBRAY, Mr. CUNNINGHAM, Mr. GEKAS, Mr. BRADY of Texas, Mr.  
 MORAN of Virginia, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr.  
 LOBIONDO, Mr. STUPAK, Mr. FRANKS of New Jersey, Mr. EHLERS, Mr.  
 QUINN, Mr. SHUSTER, Ms. SCHAKOWSKY, Mr. WEINER, Mr. LEVIN, Mrs.  
 LOWEY, Mr. DIAZ-BALART, Mr. MOAKLEY, Mrs. BIGGERT, Mr. DAVIS of  
 Illinois, Mr. HORN, Mr. LANTOS, Ms. LEE, Mr. KING, Mr. ANDREWS,  
 Mr. PAYNE, Mr. EVERETT, Mrs. TAUSCHER, Ms. DUNN, Mr. ROMERO-  
 BARCELO, Ms. KILPATRICK, Ms. NORTON, Mr. PACKARD, Mr. METCALF,  
 Mr. BATEMAN, Mr. FRELINGHUYSEN, Mr. HOUGHTON, Mr. WATT of  
 North Carolina, Ms. KAPTUR, Mr. LAFALCE, Ms. RIVERS, Mr. BECERRA,  
 Ms. MILLENDER-McDONALD, Mr. JACKSON of Illinois, Mrs. MCCARTHY  
 of New York, Ms. VELAZQUEZ, Mr. EHRLICH, Mr. REYES, Mr. PEASE,  
 Mr. BACA, Mrs. MALONEY of New York, Mr. BARLETT of Maryland, Mr.  
 DICKS, Ms. DELAURO, and Mr. HEFLEY

FEBRUARY 16, 2000

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

FEBRUARY 16, 2000

Referred to the Committee on Agriculture for a period ending not later than March 17, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X

FEBRUARY 16, 2000

Referred to the Committee on the Budget for a period ending not later than March 31, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X

[For text of introduced bill, see copy of bill as introduced on February 10, 1999]

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## 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       **SEC. 2. TABLE OF CONTENTS.**

7       *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. Budgetary treatment of receipts and disbursements.*
- Sec. 8. Recordkeeping requirements.*
- Sec. 9. Maintenance of effort and matching funding.*
- Sec. 10. Sunset.*
- Sec. 11. Protection of private property rights.*
- Sec. 12. 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 Conservation 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. Authority to develop new areas and facilities.*
- Sec. 405. Definitions.*
- Sec. 406. Eligibility.*
- Sec. 407. Grants.*
- Sec. 408. Recovery action programs.*
- Sec. 409. State action incentives.*

*Sec. 410. Conversion of recreation property.*

*Sec. 411. 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—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY*

*Subtitle A—Conservation Easements*

*Sec. 701. Purpose.*

*Sec. 702. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.*

*Sec. 703. Authorized uses of transferred amounts.*

*Sec. 704. Conservation Easement Program.*

*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 Bureau,*  
 6 *contained in whole or in part within the designated*  
 7 *coastal boundary of a State as defined in a State’s*  
 8 *coastal zone management program under the Coastal*

1     *Zone Management Act (16 U.S.C. 1451 and fol-*  
2     *lowing).*

3             (2) *The term “coastal political subdivision”*  
4     *means a political subdivision of a coastal State all or*  
5     *part of which political subdivision is within the*  
6     *coastal zone (as defined in section 304 of the Coastal*  
7     *Zone Management Act (16 U.S.C. 1453)).*

8             (3) *The term “coastal State” has the same mean-*  
9     *ing as provided by section 304 of the Coastal Zone*  
10    *Management Act (16 U.S.C. 1453)).*

11            (4) *The term “coastline” has the same meaning*  
12    *that it has in the Submerged Lands Act (43 U.S.C.*  
13    *1301 and following).*

14            (5) *The term “distance” means minimum great*  
15    *circle distance, measured in statute miles.*

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

20            (7) *The term “Governor” means the highest elect-*  
21    *ed official of a State or of any other political entity*  
22    *that is defined as, or treated as, a State under the*  
23    *Land and Water Conservation Fund Act of 1965 (16*  
24    *U.S.C. 460l–4 and following), the Act of September 2,*  
25    *1937 (16 U.S.C. 669 and following), commonly re-*

1        *ferred to as the Federal Aid in Wildlife Restoration*  
2        *Act or the Pittman-Robertson Act, the Urban Park*  
3        *and Recreation Recovery Act of 1978 (16 U.S.C. 2501*  
4        *and following), the National Historic Preservation*  
5        *Act (16 U.S.C. 470h and following), or the Federal*  
6        *Agriculture Improvement and Reform Act of 1996*  
7        *(Public Law 104–127; 16 U.S.C. 3830 note).*

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

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

24              (10) *The term “political subdivision” means the*  
25              *local political jurisdiction immediately below the level*

1        *of State government, including counties, parishes, and*  
2        *boroughs. If State law recognizes an entity of general*  
3        *government that functions in lieu of, and is not with-*  
4        *in, a county, parish, or borough, the Secretary may*  
5        *recognize an area under the jurisdiction of such other*  
6        *entities of general government as a political subdivi-*  
7        *sion for purposes of this title.*

8                *(11) The term “producing State” means a State*  
9        *with a coastal seaward boundary within 200 miles*  
10        *from the geographic center of a leased tract other than*  
11        *a leased tract or portion of a leased tract that is lo-*  
12        *cated in a geographic area subject to a leasing mora-*  
13        *torium on January 1, 1999 (unless the lease was*  
14        *issued prior to the establishment of the moratorium*  
15        *and was in production on January 1, 1999).*

16                *(12) The term “qualified Outer Continental Shelf*  
17        *revenues” means (except as otherwise provided in this*  
18        *paragraph) all moneys received by the United States*  
19        *from each leased tract or portion of a leased tract*  
20        *lying seaward of the zone defined and governed by*  
21        *section 8(g) of the Outer Continental Shelf Lands Act*  
22        *(43 U.S.C. 1337(g)), or lying within such zone but to*  
23        *which section 8(g) does not apply, the geographic cen-*  
24        *ter of which lies within a distance of 200 miles from*  
25        *any part of the coastline of any coastal State, includ-*

1        *ing bonus bids, rents, royalties (including payments*  
2        *for royalty taken in kind and sold), net profit share*  
3        *payments, and related late-payment interest from*  
4        *natural gas and oil leases issued pursuant to the*  
5        *Outer Continental Shelf Lands Act. Such term does*  
6        *not include any revenues from a leased tract or por-*  
7        *tion of a leased tract that is located in a geographic*  
8        *area subject to a leasing moratorium on January 1,*  
9        *1999, unless the lease was issued prior to the estab-*  
10       *lishment of the moratorium and was in production on*  
11       *January 1, 1999.*

12                *(13) The term “Secretary” means the Secretary*  
13        *of the Interior or the Secretary’s designee, except as*  
14        *otherwise specifically provided.*

15                *(14) The term “Fund” means the Conservation*  
16        *and Reinvestment Act Fund established under section*  
17        *5.*

18        **SEC. 4. ANNUAL REPORTS.**

19                *(a) STATE REPORTS.—On June 15 of each year, each*  
20        *Governor receiving moneys from the Fund shall account for*  
21        *all moneys so received for the previous fiscal year in a writ-*  
22        *ten report to the Secretary of the Interior or the Secretary*  
23        *of Agriculture, as appropriate. The report shall include, in*  
24        *accordance with regulations prescribed by the Secretaries,*  
25        *a description of all projects and activities receiving funds*

1 *under this Act. In order to avoid duplication, such report*  
2 *may incorporate by reference any other reports required to*  
3 *be submitted under other provisions of law to the Secretary*  
4 *concerned by the Governor regarding any portion of such*  
5 *moneys.*

6 (b) *REPORT TO CONGRESS.*—*On January 1 of each*  
7 *year the Secretary of the Interior, in consultation with the*  
8 *Secretary of Agriculture, shall submit an annual report to*  
9 *the Congress documenting all moneys expended by the Sec-*  
10 *retary of the Interior and the Secretary of Agriculture from*  
11 *the Fund during the previous fiscal year and summarizing*  
12 *the contents of the Governors' reports submitted to the Sec-*  
13 *retaries under subsection (a).*

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

15 (a) *ESTABLISHMENT OF FUND.*—*There is established*  
16 *in the Treasury of the United States a fund which shall*  
17 *be known as the “Conservation and Reinvestment Act*  
18 *Fund”.* *In each fiscal year after the fiscal year 2000, the*  
19 *Secretary of the Treasury shall deposit into the Fund the*  
20 *following amounts:*

21 (1) *OCS REVENUES.*—*An amount in each such*  
22 *fiscal year from qualified Outer Continental Shelf*  
23 *revenues equal to the difference between*  
24 *\$2,825,000,000 and the amounts deposited in the*  
25 *Fund under paragraph (2), notwithstanding section 9*

1       *of the Outer Continental Shelf Lands Act (43 U.S.C.*  
2       *1338).*

3               (2) *AMOUNTS NOT DISBURSED.—All allocated*  
4       *but undisbursed amounts returned to the Fund under*  
5       *section 101(a)(2).*

6               (3) *INTEREST.—All interest earned under sub-*  
7       *section (d) that is not made available under para-*  
8       *graph (2) or (4) of that subsection.*

9               (b) *TRANSFER FOR EXPENDITURE.—In each fiscal*  
10       *year after the fiscal year 2001, the Secretary of the Treas-*  
11       *ury shall transfer amounts deposited into the Fund as fol-*  
12       *lows:*

13               (1) *\$1,000,000,000 to the Secretary of the Inte-*  
14       *rior for purposes of making payments to coastal*  
15       *States under title I of this Act.*

16               (2) *To the Land and Water Conservation Fund*  
17       *for expenditure as provided in section 3(a) of the*  
18       *Land and Water Conservation Fund Act of 1965 (16*  
19       *U.S.C. 460l–6(a)) such amounts as are necessary to*  
20       *make the income of the fund \$900,000,000 in each*  
21       *such fiscal year.*

22               (3) *\$350,000,000 to the Federal aid to wildlife*  
23       *restoration fund established under section 3 of the*  
24       *Federal Aid in Wildlife Restoration Act (16 U.S.C.*  
25       *669b).*

1           (4) \$125,000,000 to the Secretary of the Interior  
2           to carry out the Urban Park and Recreation Recovery  
3           Act of 1978 (16 U.S.C. 2501 and following).

4           (5) \$100,000,000 to the Secretary of the Interior  
5           to carry out the National Historic Preservation Act  
6           (16 U.S.C. 470 and following).

7           (6) \$200,000,000 to the Secretary of the Interior  
8           and the Secretary of Agriculture to carry out title VI  
9           of this Act.

10          (7) \$150,000,000 to the Secretary of the Interior  
11          to carry out title VII of this Act with (A)  
12          \$100,000,000 of such amount transferred to the Sec-  
13          retary of the Interior for purposes of subtitle A of title  
14          VII and (B) \$50,000,000 of such amount transferred  
15          to the Secretary of the Interior for purposes of subtitle  
16          B of title VII.

17          (c) *SHORTFALL.*—If amounts deposited into the Fund  
18          in any fiscal year after the fiscal year 2000 are less than  
19          \$2,825,000,000, the amounts transferred under paragraphs  
20          (1) through (7) of subsection (b) for that fiscal year shall  
21          each be reduced proportionately.

22          (d) *INTEREST.*—

23                 (1) *IN GENERAL.*—The Secretary of the Treasury  
24                 shall invest moneys in the Fund in public debt securi-  
25                 ties with maturities suitable to the needs of the Fund,

1       *as determined by the Secretary of the Treasury, and*  
2       *bearing interest at rates determined by the Secretary*  
3       *of the Treasury, taking into consideration current*  
4       *market yields on outstanding marketable obligations*  
5       *of the United States of comparable maturity.*

6               (2) *USE OF INTEREST.—Except as provided in*  
7       *paragraphs (3) and (4), interest earned on such mon-*  
8       *eys shall be available, without further appropriation,*  
9       *for obligation or expenditure under—*

10                       (A) *chapter 69 of title 31 of the United*  
11                       *States Code (relating to PILT), and*

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

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

20               (3) *CEILING ON EXPENDITURES OF INTEREST.—*  
21       *Amounts made available under paragraph (2) in each*  
22       *fiscal year shall not exceed the lesser of the following:*

23                       (A) *\$200,000,000.*

24                       (B) *The total amount authorized and ap-*  
25                       *propriated for that fiscal year under other provi-*



1 *bition contained in section 4(c)(3) of the Federal Aid in*  
2 *Wildlife Restoration Act (as amended by this Act).*

3 **SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DIS-**  
4 **BURSEMENTS.**

5 *Notwithstanding any other provision of law, the re-*  
6 *ceipts and disbursements of funds under this Act and the*  
7 *amendments made by this Act—*

8 *(1) shall not be counted as new budget authority,*  
9 *outlays, receipts, or deficit or surplus for purposes*  
10 *of—*

11 *(A) the budget of the United States Govern-*  
12 *ment as submitted by the President;*

13 *(B) the congressional budget (including al-*  
14 *locations of budget authority and outlays pro-*  
15 *vided therein); or*

16 *(C) the Balanced Budget and Emergency*  
17 *Deficit Control Act of 1985; and*

18 *(2) shall be exempt from any general budget lim-*  
19 *itation imposed by statute on expenditures and net*  
20 *lending (budget outlays) of the United States Govern-*  
21 *ment.*

22 **SEC. 8. RECORDKEEPING REQUIREMENTS.**

23 *The Secretary of the Interior in consultation with the*  
24 *Secretary of Agriculture shall establish such rules regarding*  
25 *recordkeeping by State and local governments and the au-*

1 *ding of expenditures made by State and local governments*  
2 *from funds made available under this Act as may be nec-*  
3 *essary. Such rules shall be in addition to other requirements*  
4 *established regarding recordkeeping and the auditing of*  
5 *such expenditures under other authority of law.*

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

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

24 *(b) EXCEPTION.—The Secretary may provide funding*  
25 *under this Act to a State or local government not meeting*

1 *the requirements of subsection (a) if the Secretary deter-*  
2 *mines that a reduction in expenditures is attributable to*  
3 *a non-selective reduction in the expenditures in the pro-*  
4 *grams of all Executive branch agencies of the State or local*  
5 *government.*

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

12 **SEC. 10. SUNSET.**

13       *This Act, including the amendments made by this Act,*  
14 *shall have no force or effect after September 30, 2015.*

15 **SEC. 11. PROTECTION OF PRIVATE PROPERTY RIGHTS.**

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

20       (b) *REGULATION.—Federal agencies, using funds ap-*  
21 *propriated by this Act, may not apply any regulation on*  
22 *any lands until the lands or water, or an interest therein,*  
23 *is acquired, unless authorized to do so by another Act of*  
24 *Congress.*

1 **SEC. 12. 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 assist-*  
6 *ance shall include on any sign otherwise installed at that*  
7 *site at or near an entrance or public use focal point, a state-*  
8 *ment that the existence or development of the site (or both),*  
9 *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 (a),*  
12 *and shall prescribe standards and guidelines for such signs.*

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

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

16       (a) *IMPACT ASSISTANCE PAYMENTS TO STATES.*—

17               (1) *GRANT PROGRAM.*—*Amounts transferred to*  
18 *the Secretary of the Interior from the Conservation*  
19 *and Reinvestment Act Fund under section 5(b)(1) of*  
20 *this Act for purposes of making payments to coastal*  
21 *States under this title in any fiscal year shall be allo-*  
22 *cated by the Secretary of the Interior among coastal*  
23 *States as provided in this section in each such fiscal*  
24 *year. In each such fiscal year, the Secretary of the In-*  
25 *terior shall, without further appropriation, disburse*  
26 *such allocated funds to those coastal States for which*

1       *the Secretary has approved a Coastal State Conserva-*  
2       *tion and Impact Assistance Plan as required by this*  
3       *title. Payments for all projects shall be made by the*  
4       *Secretary to the Governor of the State or to the State*  
5       *official or agency designated by the Governor or by*  
6       *State law as having authority and responsibility to*  
7       *accept and to administer funds paid hereunder. No*  
8       *payment shall be made to any State until the State*  
9       *has agreed to provide such reports to the Secretary,*  
10      *in such form and containing such information, as*  
11      *may be reasonably necessary to enable the Secretary*  
12      *to perform his duties under this title, and provide*  
13      *such fiscal control and fund accounting procedures as*  
14      *may be necessary to assure proper disbursement and*  
15      *accounting for Federal revenues paid to the State*  
16      *under this title.*

17               (2) *FAILURE TO HAVE PLAN APPROVED.—At the*  
18      *end of each fiscal year, the Secretary shall return to*  
19      *the Conservation and Reinvestment Act Fund any*  
20      *amount that the Secretary allocated, but did not dis-*  
21      *burse, in that fiscal year to a coastal State that does*  
22      *not have an approved plan under this title before the*  
23      *end of the fiscal year in which such grant is allocated,*  
24      *except that the Secretary shall hold in escrow until*  
25      *the final resolution of the appeal any amount allo-*

1 *cated, but not disbursed, to a coastal State that has*  
2 *appealed the disapproval of a plan submitted under*  
3 *this title.*

4 *(b) ALLOCATION AMONG COASTAL STATES.—*

5 *(1) ALLOCABLE SHARE FOR EACH STATE.—For*  
6 *each coastal State, the Secretary shall determine the*  
7 *State’s allocable share of the total amount of the reve-*  
8 *nuces transferred from the Fund under section 5(b)(1)*  
9 *for each fiscal year using the following weighted for-*  
10 *mula:*

11 *(A) 50 percent of such revenues shall be al-*  
12 *located among the coastal States as provided in*  
13 *paragraph (2).*

14 *(B) 25 percent of such revenues shall be al-*  
15 *located to each coastal State based on the ratio*  
16 *of each State’s shoreline miles to the shoreline*  
17 *miles of all coastal States.*

18 *(C) 25 percent of such revenues shall be al-*  
19 *located to each coastal State based on the ratio*  
20 *of each State’s coastal population to the coastal*  
21 *population of all coastal States.*

22 *(2) OFFSHORE OUTER CONTINENTAL SHELF*  
23 *SHARE.—If any portion of a producing State lies*  
24 *within a distance of 200 miles from the geographic*  
25 *center of any leased tract, the Secretary of the Inte-*

1        *rior shall determine such State's allocable share under*  
2        *paragraph (1)(A) based on the formula set forth in*  
3        *this paragraph. Such State share shall be calculated*  
4        *as of the date of the enactment of this Act for the first*  
5        *5-fiscal year period during which funds are disbursed*  
6        *under this title and recalculated on the anniversary*  
7        *of such date each fifth year thereafter for each suc-*  
8        *ceeding 5-fiscal year period. Each such State's allo-*  
9        *cable share of the revenues disbursed under paragraph*  
10       *(1)(A) shall be inversely proportional to the distance*  
11       *between the nearest point on the coastline of such*  
12       *State and the geographic center of each leased tract*  
13       *or portion of the leased tract (to the nearest whole*  
14       *mile) that is within 200 miles of that coastline, as de-*  
15       *termined by the Secretary for the 5-year period con-*  
16       *cerned. In applying this paragraph a leased tract or*  
17       *portion of a leased tract shall be excluded if the tract*  
18       *or portion is located in a geographic area subject to*  
19       *a leasing moratorium on January 1, 1999, unless the*  
20       *lease was issued prior to the establishment of the mor-*  
21       *atorium and was in production on January 1, 1999.*

22                (3) *MINIMUM STATE SHARE.—*

23                        (A) *IN GENERAL.—The allocable share of*  
24                        *revenues determined by the Secretary under this*  
25                        *subsection for each coastal State with an ap-*

1           proved coastal management program (as defined  
2           by the Coastal Zone Management Act (16 U.S.C.  
3           1451)), or which is making satisfactory progress  
4           toward one, shall not be less in any fiscal year  
5           than 0.50 percent of the total amount of the reve-  
6           nues transferred by the Secretary of the Treasury  
7           to the Secretary of the Interior for purposes of  
8           this title for that fiscal year under subsection  
9           (a). For any other coastal State the allocable  
10          share of such revenues shall not be less than 0.25  
11          percent of such revenues.

12           (B) *RECOMPUTATION.*—Where one or more  
13          coastal States' allocable shares, as computed  
14          under paragraphs (1) and (2), are increased by  
15          any amount under this paragraph, the allocable  
16          share for all other coastal States shall be recom-  
17          puted and reduced by the same amount so that  
18          not more than 100 percent of the amount trans-  
19          ferred by the Secretary of the Treasury to the  
20          Secretary of the Interior for purposes of this title  
21          for that fiscal year under section 5(b)(1) is allo-  
22          cated to all coastal States. The reduction shall be  
23          divided *pro rata* among such other coastal  
24          States.

1           (c) *PAYMENTS TO POLITICAL SUBDIVISIONS.*—*In the*  
2 *case of a producing State, the Governor of the State shall*  
3 *pay 50 percent of the State’s allocable share, as determined*  
4 *under subsection (b), to the coastal political subdivisions*  
5 *in such State. Such payments shall be allocated among such*  
6 *coastal political subdivisions of the State according to an*  
7 *allocation formula analogous to the allocation formula used*  
8 *in subsection (b) to allocate revenues among the coastal*  
9 *States, except that a coastal political subdivision in the*  
10 *State of California that has a coastal shoreline, that is not*  
11 *within 200 miles of the geographic center of a leased tract*  
12 *or portion of a leased tract, and in which there is located*  
13 *one or more oil refineries shall be eligible for that portion*  
14 *of the allocation described in subsection (b)(1)(A) and (b)(2)*  
15 *in the same manner as if that political subdivision were*  
16 *located within a distance of 50 miles from the geographic*  
17 *center of any leased tract.*

18           (d) *TIME OF PAYMENT.*—*Payments to coastal States*  
19 *and coastal political subdivisions under this section shall*  
20 *be made not later than December 31 of each year from reve-*  
21  *nues received during the immediately preceding fiscal year.*

22 **SEC. 102. COASTAL STATE CONSERVATION AND IMPACT AS-**  
23 **SISTANCE PLANS.**

24           (a) *DEVELOPMENT AND SUBMISSION OF STATE*  
25 *PLANS.*—*Each coastal State seeking to receive grants under*

1 *this title shall prepare, and submit to the Secretary, a*  
2 *Statewide Coastal State Conservation and Impact Assist-*  
3 *ance Plan. In the case of a producing State, the Governor*  
4 *shall incorporate the plans of the coastal political subdivi-*  
5 *sions into the Statewide plan for transmittal to the Sec-*  
6 *retary. The Governor shall solicit local input and shall pro-*  
7 *vide for public participation in the development of the*  
8 *Statewide plan. The plan shall be submitted to the Sec-*  
9 *retary by April 1 of the calendar year after the calendar*  
10 *year in which this Act is enacted.*

11 *(b) APPROVAL OR DISAPPROVAL.—*

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

20 *(A) The name of the State agency that will*  
21 *have the authority to represent and act for the*  
22 *State in dealing with the Secretary for purposes*  
23 *of this title.*

24 *(B) A program for the implementation of*  
25 *the plan which, for producing States, includes a*

1           *description of how funds will be used to address*  
2           *the impacts of oil and gas production from the*  
3           *Outer Continental Shelf.*

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

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

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

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

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

3       (c) *AUTHORIZED USES OF STATE GRANT FUNDING.—*

4       *The funds provided under this title to a coastal State and*  
5       *for coastal political subdivisions are authorized to be used*  
6       *only for one or more of the following purposes:*

7               (1) *Data collection, including but not limited to*  
8       *fishery or marine mammal stock surveys in State wa-*  
9       *ters or both, cooperative State, interstate, and Federal*  
10       *fishery or marine mammal stock surveys or both, co-*  
11       *operative initiatives with university and private enti-*  
12       *ties for fishery and marine mammal surveys, activi-*  
13       *ties related to marine mammal and fishery inter-*  
14       *actions, and other coastal living marine resources*  
15       *surveys.*

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

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

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

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

24               (6) *Coordination and preparation of cooperative*  
25       *fishery conservation and management plans between*

1       *States including the development and implementation*  
2       *of population surveys, assessments and monitoring*  
3       *plans, and the preparation and implementation of*  
4       *State fishery management plans developed by inter-*  
5       *state marine fishery commissions.*

6               *(7) Preparation and implementation of State*  
7       *fishery or marine mammal management plans that*  
8       *comply with bilateral or multilateral international*  
9       *fishery or marine mammal conservation and manage-*  
10       *ment agreements or both.*

11              *(8) Coastal and ocean observations necessary to*  
12       *develop and implement real time tide and current*  
13       *measurement systems.*

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

17              *(10) Mitigating marine and coastal impacts of*  
18       *Outer Continental Shelf activities including impacts*  
19       *on onshore infrastructure.*

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

23        *(d) COMPLIANCE WITH AUTHORIZED USES.—Based*  
24        *on the annual reports submitted under section 4 of this Act*  
25        *and on audits conducted by the Secretary under section 8,*

1 *the Secretary shall review the expenditures made by each*  
 2 *State and coastal political subdivision from funds made*  
 3 *available under this title. If the Secretary determines that*  
 4 *any expenditure made by a State or coastal political sub-*  
 5 *division of a State from such funds is not consistent with*  
 6 *the authorized uses set forth in subsection (c), the Secretary*  
 7 *shall not make any further grants under this title to that*  
 8 *State until the funds used for such expenditure have been*  
 9 *repaid to the Conservation and Reinvestment Act Fund.*

10 **TITLE II—LAND AND WATER**  
 11 **CONSERVATION FUND REVI-**  
 12 **TALIZATION**

13 **SEC. 201. AMENDMENT OF LAND AND WATER CONSERVA-**  
 14 **TION FUND ACT OF 1965.**

15 *Except as otherwise expressly provided, whenever in*  
 16 *this title an amendment or repeal is expressed in terms of*  
 17 *an amendment to, or repeal of, a section or other provision,*  
 18 *the reference shall be considered to be made to a section or*  
 19 *other provision of the Land and Water Conservation Fund*  
 20 *Act of 1965 (16 U.S.C. 460l–4 and following).*

21 **SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS**  
 22 **TRANSFERRED FROM CONSERVATION AND**  
 23 **REINVESTMENT ACT FUND.**

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



1 **SEC. 204. ALLOCATION OF FUND.**

2 *Section 5 (16 U.S.C. 460l-7) is amended to read as*  
3 *follows:*

4 *“ALLOCATION OF FUNDS*

5 *“SEC. 5. Of the amounts made available for each fiscal*  
6 *year to carry out this Act—*

7 *“(1) 50 percent shall be available for Federal*  
8 *purposes (in this Act referred to as the ‘Federal por-*  
9 *tion’); and*

10 *“(2) 50 percent shall be available for grants to*  
11 *States.”.*

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

13 *Section 7 (16 U.S.C. 460l-9) is amended by adding*  
14 *at the end the following:*

15 *“(d) USE OF FEDERAL PORTION.—*

16 *“(1) APPROVAL BY CONGRESS REQUIRED.—The*  
17 *Federal portion (as that term is defined in section*  
18 *5(1)) may not be obligated or expended by the Sec-*  
19 *retary of the Interior or the Secretary of Agriculture*  
20 *for any acquisition except those specifically referred*  
21 *to, and approved by the Congress, in an Act making*  
22 *appropriations for the Department of the Interior or*  
23 *the Department of Agriculture, respectively.*

24 *“(2) WILLING SELLER REQUIREMENT.—The Fed-*  
25 *eral portion may not be used to acquire any property*  
26 *unless—*

1           “(A) *the owner of the property concurs in*  
2           *the acquisition; or*

3           “(B) *acquisition of that property is specifi-*  
4           *cally approved by an Act of Congress.*

5           “(e) *LIST OF PROPOSED FEDERAL ACQUISITIONS.—*

6           “(1) *RESTRICTION ON USE.—The Federal por-*  
7           *tion for a fiscal year may not be obligated or ex-*  
8           *pended to acquire any interest in lands or water un-*  
9           *less the lands or water were included in a list of ac-*  
10           *quisitions that is approved by the Congress. This list*  
11           *shall include an inventory of surplus lands under the*  
12           *administrative jurisdiction of the Secretary of the In-*  
13           *terior and the Secretary of Agriculture for which*  
14           *there is no demonstrated compelling program need.*

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

1           “(B) *In preparing each list, the Secretary*  
2     *shall—*

3           “(i) *seek to consolidate Federal landholdings*  
4     *in States with checkerboard Federal land owner-*  
5     *ship patterns;*

6           “(ii) *consider the use of equal value land ex-*  
7     *changes, where feasible and suitable, as an alter-*  
8     *native means of land acquisition;*

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

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

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

21          “(3) *INFORMATION REGARDING PROPOSED AC-*  
22    *QUISITIONS.—Each list shall include, for each pro-*  
23    *posed acquisition included in the list—*

24           “(A) *citation of the statutory authority for*  
25    *the acquisition, if such authority exists; and*

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

3           “(f) NOTIFICATION TO AFFECTED AREAS RE-  
4 QUIRED.—The Federal portion for a fiscal year may not  
5 be used to acquire any interest in land unless the Secretary  
6 administering the acquisition, by not later than 30 days  
7 after the date the Secretaries submit the list under sub-  
8 section (e) for the fiscal year, provides notice of the proposed  
9 acquisition—

10                   “(1) in writing to each Member of and each Del-  
11                   egate and Resident Commissioner to the Congress  
12                   elected to represent any area in which is located—

13                   “(A) the land; or

14                   “(B) any part of any federally designated  
15                   unit that includes the land;

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

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

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

1           “(g) *COMPLIANCE WITH REQUIREMENTS UNDER FED-*  
2 *ERAL LAWS.*—

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

6           “(A) *All actions required under Federal law*  
7 *with respect to the acquisition have been com-*  
8 *plied with.*

9           “(B) *A copy of each final environmental*  
10 *impact statement or environmental assessment*  
11 *required by law, and a summary of all public*  
12 *comments regarding the acquisition that have*  
13 *been received by the agency making the acquisi-*  
14 *tion, are submitted to the Committee on Re-*  
15 *sources of the House of Representatives, the Com-*  
16 *mittee on Energy and Natural Resources of the*  
17 *Senate, and the Committees on Appropriations*  
18 *of the House of Representatives and of the*  
19 *Senate.*

20           “(C) *A notice of the availability of such*  
21 *statement or assessment and of such summary is*  
22 *provided to—*

23           “(i) *each Member of and each Delegate*  
24 *and Resident Commissioner to the Congress*

1           *elected to represent the area in which the*  
2           *land is located;*

3           “(ii) *the Governor of the State in*  
4           *which the land is located; and*

5           “(iii) *each State political subdivision*  
6           *having jurisdiction over the land.*

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

10 **SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE**  
11 **PURPOSES.**

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

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

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

21                   “(A) *30 percent shall be apportioned equal-*  
22 *ly among the several States; and*

23                   “(B) *70 percent shall be apportioned so that*  
24 *the ratio that the amount apportioned to each*  
25 *State under this subparagraph bears to the total*

1           *amount apportioned under this subparagraph*  
2           *for the fiscal year is equal to the ratio that the*  
3           *population of the State bears to the total popu-*  
4           *lation of all States.*

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

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

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

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

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

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

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

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

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

10                  “(C) For the purposes of paragraph (1), all federally  
11 recognized Indian tribes and Native Corporations (as de-  
12 fined in section 3 of the Alaska Native Claims Settlement  
13 Act (43 U.S.C. 1602)), shall be eligible to receive shares of  
14 the apportionment under paragraph (1) in accordance with  
15 a competitive grant program established by the Secretary  
16 by rule. The total apportionment available to such tribes  
17 and Native Corporations shall be equivalent to the amount  
18 available to a single State. No single tribe or Native Cor-  
19 poration shall receive a grant that constitutes more than  
20 10 percent of the total amount made available to all tribes  
21 and Native Corporations pursuant to the apportionment  
22 under paragraph (1). Funds received by a tribe or Native  
23 Corporation under this subparagraph may be expended  
24 only for the purposes specified in paragraphs (1) and (3)  
25 of subsection (a).”.

1       (c) *LOCAL ALLOCATION.*—Section 6(b) (16 U.S.C.  
2 460l–8(b)) is amended by adding at the end the following:

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

10 **SEC. 207. STATE PLANNING.**

11       (a) *STATE ACTION AGENDA REQUIRED.*—

12               (1) *IN GENERAL.*—Section 6(d) (16 U.S.C. 460l–  
13 8(d)) is amended to read as follows:

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

1 *its citizens, shall develop, within 5 years after the enact-*  
2 *ment of the Conservation and Reinvestment Act of 1999,*  
3 *a State Action Agenda that meets the following require-*  
4 *ments:*

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

8           “(B) *The agenda must be updated at least once*  
9 *every 4 years and certified by the Governor that the*  
10 *State Action Agenda conclusions and proposed ac-*  
11 *tions have been considered in an active public in-*  
12 *volvement process.*

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

1 *by allowing, wherever possible, use of the findings, prior-*  
 2 *ities, and implementation schedules of recovery action pro-*  
 3 *grams to meet such requirements.”.*

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

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

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

17           (2) *In paragraph (1) by striking “comprehensive*  
 18 *plan” and inserting “State Action Agenda”.*

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

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

21           (1) *in subsection (e)(1) by striking “, but not in-*  
 22 *cluding incidental costs relating to acquisition”;* and

23           (2) *in subsection (e)(2) by inserting before the*  
 24 *period at the end the following: “or to enhance public*  
 25 *safety within a designated park or recreation area”.*

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

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

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

4 *(2) by striking the second sentence and inserting*

5 *the following:*

6 *“(B) The Secretary shall approve such conversion only*  
7 *if the State demonstrates no prudent or feasible alternative*  
8 *exists with the exception of those properties that no longer*  
9 *meet the criteria within the State Plan or Agenda as an*  
10 *outdoor conservation and recreation facility due to changes*  
11 *in demographics or that must be abandoned because of envi-*  
12 *ronmental contamination which endangers public health*  
13 *and safety. Any conversion must satisfy such conditions as*  
14 *the Secretary deems necessary to assure the substitution of*  
15 *other conservation and recreation properties of at least*  
16 *equal fair market value and reasonably equivalent useful-*  
17 *ness and location and which are consistent with the existing*  
18 *State Plan or Agenda; except that wetland areas and inter-*  
19 *ests therein as identified in the wetlands provisions of the*  
20 *action agenda and proposed to be acquired as suitable re-*  
21 *placement property within that same State that is otherwise*  
22 *acceptable to the Secretary shall be considered to be of rea-*  
23 *sonably equivalent usefulness with the property proposed for*  
24 *conversion.”.*

25 **SEC. 210. WATER RIGHTS.**

26 *Title I is amended by adding at the end the following:*

1                                   “WATER RIGHTS

2           “SEC. 14. *Nothing in this title—*

3                   “(1) *invalidates or preempts State or Federal*  
4                   *water law or an interstate compact governing water;*

5                   “(2) *alters the rights of any State to any appro-*  
6                   *priated share of the waters of any body of surface or*  
7                   *ground water, whether determined by past or future*  
8                   *interstate compacts or by past or future legislative or*  
9                   *final judicial allocations;*

10                   “(3) *preempts or modifies any Federal or State*  
11                   *law, or interstate compact, dealing with water quality*  
12                   *or disposal; or*

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

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

18   **SEC. 301. 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 wild-*  
23                   *life and associated habitats, including species that are*  
24                   *not hunted or fished, to fulfill unmet needs of wildlife*

1       *within the States in recognition of the primary role*  
2       *of the States to conserve all wildlife;*

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

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

13            (4) *to encourage State fish and wildlife agencies*  
14       *to provide for public involvement in the process of de-*  
15       *velopment and implementation of a wildlife conserva-*  
16       *tion and restoration program.*

17 **SEC. 302. DEFINITIONS.**

18        (a) *REFERENCE TO LAW.*—*In this title, the term “Fed-*  
19       *eral Aid in Wildlife Restoration Act” means the Act of Sep-*  
20       *tember 2, 1937 (16 U.S.C. 669 and following), commonly*  
21       *referred to as the Federal Aid in Wildlife Restoration Act*  
22       *or the Pittman-Robertson Act.*

23        (b) *WILDLIFE CONSERVATION AND RESTORATION PRO-*  
24        *GRAM.*—*Section 2 of the Federal Aid in Wildlife Restora-*  
25        *tion Act (16 U.S.C. 669a) is amended by inserting after*

1 “shall be construed” the first place it appears the following:  
2 “to include the wildlife conservation and restoration pro-  
3 gram and”.

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

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

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

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

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

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

8 *“(2) There is established in the Federal aid to wildlife*  
9 *restoration fund a subaccount to be known as the ‘wildlife*  
10 *conservation and restoration account’. Amounts transferred*  
11 *to the fund for a fiscal year under section 5(b)(3) of the*  
12 *Conservation and Reinvestment Act of 1999 shall be depos-*  
13 *ited in the subaccount and shall be available without further*  
14 *appropriation, in each fiscal year, for apportionment in*  
15 *accordance with this Act to carry out State wildlife con-*  
16 *servation and restoration programs.”; and*

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

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

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

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

13               “(A) *the fourth succeeding fiscal year, in the case*  
14 *of amounts transferred in any of the first 10 fiscal*  
15 *years beginning after the date of enactment of the*  
16 *Conservation and Reinvestment Act of 1999; or*

17               “(B) *the second succeeding fiscal year, in the*  
18 *case of amounts transferred in a fiscal year beginning*  
19 *after the 10-fiscal-year period referred to in subpara-*  
20 *graph (A).*

21       “(2) *Any amount apportioned to a State under this*  
22 *subsection that is unexpended or unobligated at the end of*  
23 *the period during which it is available under paragraph*  
24 *(1) shall be reapportioned to all States during the suc-*  
25 *ceeding fiscal year.”.*

1 **SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED**  
2 **FROM CONSERVATION AND REINVESTMENT**  
3 **ACT FUND.**

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

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

12 “(A) *To the District of Columbia and to the*  
13 *Commonwealth of Puerto Rico, each a sum equal to*  
14 *not more than 1/2 of 1 percent thereof.*

15 “(B) *To Guam, American Samoa, the Virgin Is-*  
16 *lands, and the Commonwealth of the Northern Mar-*  
17 *iana Islands, each a sum equal to not more than 1/6*  
18 *of 1 percent thereof.*

19 “(2)(A) *The Secretary of the Interior, after making the*  
20 *apportionment under paragraph (1), shall apportion the re-*  
21 *mainder of the amount transferred to the fund from the*  
22 *Conservation and Reinvestment Act Fund for each fiscal*  
23 *year among the States in the following manner:*

24 “(i) *1/3 of which is based on the ratio to which*  
25 *the land area of such State bears to the total land*  
26 *area of all such States.*

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

4           “(B) The amounts apportioned under this paragraph  
5           shall be adjusted equitably so that no such State shall be  
6           apportioned a sum which is less than  $\frac{1}{2}$  of 1 percent of  
7           the amount available for apportionment under this para-  
8           graph for any fiscal year or more than 5 percent of such  
9           amount.

10          “(3) Amounts transferred to the fund from the Con-  
11          servation and Reinvestment Act Fund shall not be available  
12          for any expenses incurred in the administration and execu-  
13          tion of programs carried out with such amounts.

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

20                 “(A) provisions vesting in the fish and wildlife  
21                 department of the State overall responsibility and ac-  
22                 countability for the program;

23                 “(B) provisions for the development and imple-  
24                 mentation of—

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

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

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

9           “(C) provisions to ensure public participation in  
10          the development, revision, and implementation of  
11          projects and programs required under this paragraph.

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

15          “(3) If the Secretary finds that the comprehensive plan  
16          submitted by a State complies with paragraph (1), the Sec-  
17          retary shall approve the wildlife conservation and restora-  
18          tion program of the State and set aside from the apportion-  
19          ment to the State made pursuant to subsection (c) an  
20          amount that shall not exceed 75 percent of the estimated  
21          cost of developing and implementing the program.

22          “(4)(A) Except as provided in subparagraph (B), after  
23          the Secretary approves a State’s wildlife conservation and  
24          restoration program, the Secretary may make payments on  
25          a project that is a segment of the State’s wildlife conserva-

1 *tion and restoration program as the project progresses. Such*  
2 *payments, including previous payments on the project, if*  
3 *any, shall not be more than the United States pro rata*  
4 *share of such project. The Secretary, under such regulations*  
5 *as he may prescribe, may advance funds representing the*  
6 *United States pro rata share of a project that is a segment*  
7 *of a wildlife conservation and restoration program, includ-*  
8 *ing funds to develop such program.*

9       “(B) *Not more than 10 percent of the amounts appor-*  
10 *tioned to each State under this section for a State’s wildlife*  
11 *conservation and restoration program may be used for wild-*  
12 *life-associated recreation.*

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

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

1 *sions of the Federal Aid in Wildlife Restoration Act relating*  
2 *to wildlife restoration projects or the provisions of the Fed-*  
3 *eral Aid in Sport Fish Restoration Act relating to fish res-*  
4 *toration and management projects.*

5 **SEC. 305. EDUCATION.**

6 *Section 8(a) of the Federal Aid in Wildlife Restoration*  
7 *Act (16 U.S.C. 669g(a)) is amended by adding the following*  
8 *at the end thereof: “Funds available from the amount trans-*  
9 *ferred to the fund from the Conservation and Reinvestment*  
10 *Act Fund may be used for a wildlife conservation education*  
11 *program, except that no such funds may be used for edu-*  
12 *cation efforts, projects, or programs that promote or encour-*  
13 *age opposition to the regulated taking of wildlife.”.*

14 **SEC. 306. PROHIBITION AGAINST DIVERSION.**

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

1 **TITLE IV—URBAN PARK AND**  
 2 **RECREATION RECOVERY PRO-**  
 3 **GRAM 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 of*  
 8 *an amendment to, or repeal of, a section or other provision,*  
 9 *the reference shall be considered to be made to a section or*  
 10 *other provision of the Urban Park and Recreation Recovery*  
 11 *Act of 1978 (16 U.S.C. 2501 and following).*

12 **SEC. 402. PURPOSE.**

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

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

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

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

23 *“SEC. 1013. (a) IN GENERAL.—Amounts transferred*  
 24 *to the Secretary of the Interior under section 5(b)(4) of the*  
 25 *Conservation and Reinvestment Act of 1999 in a fiscal year*

1 *shall be available to the Secretary without further appro-*  
2 *priation to carry out this title. Any amount that has not*  
3 *been paid or obligated by the Secretary before the end of*  
4 *the second fiscal year beginning after the first fiscal year*  
5 *in which the amount is available shall be reapportioned by*  
6 *the Secretary among grantees under this title.*

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

9 “(1) *not more than 3 percent may be used for*  
10 *grants for the development of local park and recre-*  
11 *ation recovery action programs pursuant to sections*  
12 *1007(a) and 1007(c);*

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

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

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

22 **SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILI-**  
23 **TIES.**

24 *Section 1003 (16 U.S.C. 2502) is amended by insert-*  
25 *ing “development of new recreation areas and facilities, in-*

1 *cluding the acquisition of lands for such development,” after*  
2 *“rehabilitation of critically needed recreation areas, facili-*  
3 *ties,”.*

4 **SEC. 405. DEFINITIONS.**

5 *Section 1004 (16 U.S.C. 2503) is amended as follows:*

6 *(1) In paragraph (j) by striking “and” after the*  
7 *semicolon.*

8 *(2) In paragraph (k) by striking the period at*  
9 *the end and inserting a semicolon.*

10 *(3) By adding at the end the following:*

11 *“(l) ‘development grants’—*

12 *“(1) subject to subparagraph (2) means*  
13 *matching capital grants to units of local govern-*  
14 *ment to cover costs of development, land acquisi-*  
15 *tion, and construction on existing or new neigh-*  
16 *borhood recreation sites, including indoor and*  
17 *outdoor recreational areas and facilities, support*  
18 *facilities, and landscaping; and*

19 *“(2) does not include routine maintenance,*  
20 *and upkeep activities; and*

21 *“(m) ‘Secretary’ means the Secretary of the Inte-*  
22 *rior.”.*

23 **SEC. 406. ELIGIBILITY.**

24 *Section 1005(a) (16 U.S.C. 2504(a)) is amended to*  
25 *read as follows:*

1       “(a) *Eligibility of general purpose local governments*  
2 *to compete for assistance under this title shall be based upon*  
3 *need as determined by the Secretary. Generally, eligible gen-*  
4 *eral purpose local governments shall include the following:*

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

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

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

15 **SEC. 407. GRANTS.**

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

17               (1) *in subsection (a) by redesignating paragraph*  
18 *(3) as paragraph (4); and*

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

22   “GRANTS

23               “SEC. 1006. (a)(1) *The Secretary may provide 70 per-*  
24 *cent matching grants for rehabilitation, development, and*  
25 *innovation purposes to any eligible general purpose local*

1 *government upon approval by the Secretary of an applica-*  
2 *tion submitted by the chief executive of such government.*

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

8               “(A) *such transfer is consistent with the ap-*  
9 *proved application for the grant; and*

10              “(B) *the applicant provides assurance to the Sec-*  
11 *retary that the applicant will maintain public recre-*  
12 *ation opportunities at assisted areas and facilities*  
13 *owned or managed by the applicant in accordance*  
14 *with section 1010.*

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

20 **SEC. 408. RECOVERY ACTION PROGRAMS.**

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

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

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

3 **SEC. 409. STATE ACTION INCENTIVES.**

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

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

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

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

21          “(2) The Secretary shall encourage States to consider  
22          the findings, priorities, strategies, and schedules included  
23          in the recovery action programs of their urban localities  
24          in preparation and updating of State plans in accordance  
25          with the public coordination and citizen consultation re-

1 *quirements of subsection 6(d) of the Land and Water Con-*  
2 *servation Fund Act of 1965.”.*

3 **SEC. 410. CONVERSION OF RECREATION PROPERTY.**

4 *Section 1010 (16 U.S.C. 2509) is amended to read as*  
5 *follows:*

6 *“CONVERSION OF RECREATION PROPERTY*

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

11 *“(2) Paragraph (1) shall apply to—*

12 *“(A) property developed with amounts provided*  
13 *under this title; and*

14 *“(B) the park, recreation, or conservation area of*  
15 *which the property is a part.*

16 *“(b)(1) The Secretary shall approve such conversion*  
17 *only if the grantee demonstrates no prudent or feasible al-*  
18 *ternative exists.*

19 *“(2) Paragraph (1) shall apply to property that is no*  
20 *longer a viable recreation facility due to changes in demo-*  
21 *graphics or that must be abandoned because of environ-*  
22 *mental contamination which endangers public health or*  
23 *safety.*

24 *“(c) Any conversion must satisfy any conditions the*  
25 *Secretary considers necessary to assure substitution of other*  
26 *recreation property that is—*

1           “(1) of at least equal fair market value, or rea-  
2           sonably equivalent usefulness and location; and

3           “(2) in accord with the current recreation recov-  
4           ery action plan of the grantee.”.

5 **SEC. 411. REPEAL.**

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

7                                   **TITLE V—HISTORIC**  
8                                   **PRESERVATION FUND**

9 **SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
10                                   **CONSERVATION AND REINVESTMENT ACT**  
11                                   **FUND.**

12           Section 108 of the National Historic Preservation Act  
13 (16 U.S.C. 470h) is amended—

14                   (1) by inserting “(a)” before the first sentence;

15                   (2) in subsection (a) (as designated by para-  
16           graph (1) of this section) by striking all after the first  
17           sentence; and

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

19           “(b) Amounts transferred to the Secretary under sec-  
20           tion 5(b)(5) of the Conservation and Reinvestment Act of  
21           1999 in a fiscal year shall be deposited into the Fund and  
22           shall be available without further appropriation, in that fis-  
23           cal year, to carry out this Act.

24           “(c) At least  $\frac{1}{2}$  of the funds obligated or expended each  
25           fiscal year under this Act shall be used in accordance with

1 *this Act for preservation projects on historic properties. In*  
2 *making such funds available, the Secretary shall give pri-*  
3 *ority to the preservation of endangered historic properties.”.*

4 **SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSIST-**  
5 **ANCE FOR NATIONAL HERITAGE AREAS AND**  
6 **CORRIDORS.**

7 *Title I of the National Historic Preservation Act (16*  
8 *U.S.C. 470a and following) is amended by adding at the*  
9 *end the following:*

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

12 *“In addition to other uses authorized by this Act,*  
13 *amounts provided to a State under this title may be used*  
14 *by the State to provide financial assistance to the manage-*  
15 *ment entity for any national heritage area or national her-*  
16 *itage corridor established under the laws of the United*  
17 *States, to support cooperative historic preservation plan-*  
18 *ning and development.”.*

19 **TITLE VI—FEDERAL AND INDIAN**  
20 **LANDS RESTORATION**

21 **SEC. 601. PURPOSE.**

22 *The purpose of this title is to provide a dedicated*  
23 *source of funding for a coordinated program on Federal and*  
24 *Indian lands to restore degraded lands, protect resources*

1 *that are threatened with degradation, and protect public*  
2 *health and safety.*

3 **SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
4 **CONSERVATION AND REINVESTMENT ACT**  
5 **FUND; ALLOCATION.**

6 (a) *IN GENERAL.*—*Amounts transferred to the Sec-*  
7 *retary of the Interior and the Secretary of Agriculture*  
8 *under section 5(b)(6) of this Act in a fiscal year shall be*  
9 *available without further appropriation, in that fiscal year,*  
10 *to carry out this title.*

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

13 (1) *DEPARTMENT OF THE INTERIOR.*—*60 percent*  
14 *shall be allocated and available to the Secretary of the*  
15 *Interior to carry out the purpose of this title on lands*  
16 *within the National Park System, lands within the*  
17 *National Wildlife Refuge System, and public lands*  
18 *administered by the Bureau of Land Management.*

19 (2) *DEPARTMENT OF AGRICULTURE.*—*30 percent*  
20 *shall be allocated and available to the Secretary of*  
21 *Agriculture to carry out the purpose of this title on*  
22 *lands within the National Forest System.*

23 (3) *INDIAN TRIBES.*—*10 percent shall be allo-*  
24 *cated and available to the Secretary of the Interior for*

1        *competitive grants to qualified Indian tribes under*  
2        *section 603(b).*

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

4        *(a) IN GENERAL.—Funds made available to carry out*  
5        *this title shall be used solely for restoration of degraded*  
6        *lands, resource protection, maintenance activities related to*  
7        *resource protection, or protection of public health or safety.*

8        *(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—*

9                *(1) GRANT AUTHORITY.—The Secretary of the*  
10        *Interior shall administer a competitive grant pro-*  
11        *gram for Indian tribes, giving priority to projects*  
12        *based upon the protection of significant resources, the*  
13        *severity of damages or threats to resources, and the*  
14        *protection of public health or safety.*

15                *(2) LIMITATION.—The amount received for a fis-*  
16        *cal year by a single Indian tribe in the form of*  
17        *grants under this subsection may not exceed 10 per-*  
18        *cent of the total amount available for that fiscal year*  
19        *for grants under this subsection.*

20                *(c) PRIORITY LIST.—The Secretary of the Interior and*  
21        *the Secretary of Agriculture shall each establish priority*  
22        *lists for the use of funds available under this title. Each*  
23        *list shall give priority to projects based upon the protection*  
24        *of significant resources, the severity of damages or threats*  
25        *to resources, and the protection of public health or safety.*

1       (d) *COMPLIANCE WITH APPLICABLE PLANS.*—Any  
2 *project carried out on Federal lands with amounts provided*  
3 *under this title shall be carried out in accordance with all*  
4 *management plans that apply under Federal law to the*  
5 *lands.*

6       (e) *TRACKING RESULTS.*—Not later than the end of the  
7 *first full fiscal year for which funds are available under*  
8 *this title, the Secretary of the Interior and the Secretary*  
9 *of Agriculture shall jointly establish a coordinated program*  
10 *for—*

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

13               (2) *determining the extent to which demonstrable*  
14 *results are being achieved by those activities.*

15 **SEC. 604. INDIAN TRIBE DEFINED.**

16       *In this title, the term “Indian tribe” means an Indian*  
17 *or Alaska Native tribe, band, nation, pueblo, village, or*  
18 *community that the Secretary of the Interior recognizes as*  
19 *an Indian tribe under section 104 of the Federally Recog-*  
20 *nized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).*

1 **TITLE VII—CONSERVATION**  
2 **EASEMENTS AND ENDAN-**  
3 **GERED AND THREATENED**  
4 **SPECIES RECOVERY**  
5 **Subtitle A—Conservation**  
6 **Easements**

7 **SEC. 701. PURPOSE.**

8 *The purpose of this subtitle is to provide a dedicated*  
9 *source of funding to the Secretary of the Interior for pro-*  
10 *grams to provide matching grants to certain eligible entities*  
11 *to facilitate the purchase of permanent conservation ease-*  
12 *ments in order to—*

13 *(1) protect the ability of these lands to maintain*  
14 *their traditional uses; and*

15 *(2) prevent the loss of their value to the public*  
16 *because of development that is inconsistent with their*  
17 *traditional uses.*

18 **SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
19 **CONSERVATION AND REINVESTMENT ACT**  
20 **FUND.**

21 *Amounts transferred to the Secretary of the Interior*  
22 *under section 5(b)(7)(A) in a fiscal year shall be available*  
23 *to the Secretary of the Interior without further appropria-*  
24 *tion, in that fiscal year, to carry out this subtitle.*

1 **SEC. 703. AUTHORIZED USES OF TRANSFERRED AMOUNTS.**

2 *The Secretary of the Interior may use the amounts*  
3 *available under section 702 for the Conservation Easement*  
4 *Program established by section 704.*

5 **SEC. 704. CONSERVATION EASEMENT PROGRAM.**

6 *(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary*  
7 *the Interior shall establish and carry out a program, to be*  
8 *known as the “Conservation Easement Program”, under*  
9 *which the Secretary shall provide grants to eligible entities*  
10 *described in subsection (c) to provide the Federal share of*  
11 *the cost of purchasing permanent conservation easements in*  
12 *land with prime, unique, or other productive uses.*

13 *(b) FEDERAL SHARE.—The Federal share of the cost*  
14 *of purchasing a conservation easement described in sub-*  
15 *section (a) may not exceed 50 percent of the total cost of*  
16 *purchasing the easement.*

17 *(c) ELIGIBLE ENTITY DEFINED.—In this section, the*  
18 *term “eligible entity” means any of the following:*

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

20 *(2) A federally recognized Indian tribe.*

21 *(3) Any organization that is organized for, and*  
22 *at all times since its formation has been operated*  
23 *principally for, one or more of the conservation pur-*  
24 *poses specified in clause (i), (ii), or (iii) of section*  
25 *170(h)(4)(A) of the Internal Revenue Code of 1986*  
26 *and—*

1           (A) is described in section 501(c)(3) of the  
2           Code;

3           (B) is exempt from taxation under section  
4           501(a) of the Code; and

5           (C) is described in paragraph (2) of section  
6           509(a) of the Code, or paragraph (3) of such sec-  
7           tion, but is controlled by an organization de-  
8           scribed in paragraph (2) of such section.

9           (d) *TITLE; ENFORCEMENT.*—Any eligible entity may  
10          hold title to a conservation easement described in subsection  
11          (a) and enforce the conservation requirements of the ease-  
12          ment.

13          (e) *STATE CERTIFICATION.*—As a condition of the re-  
14          ceipt by an eligible entity of a grant under subsection (a),  
15          the attorney general of the State in which the conservation  
16          easement is to be purchased using the grant funds shall cer-  
17          tify that the conservation easement to be purchased is in  
18          a form that is sufficient, under the laws of the State, to  
19          achieve the conservation purpose of the Conservation Ease-  
20          ment Program and the terms and conditions of the grant.

21          (f) *CONSERVATION PLAN.*—Any land for which a con-  
22          servation easement is purchased under this section shall be  
23          subject to the requirements of a conservation plan to the  
24          extent that the plan does not negate or adversely affect the  
25          restrictions contained in the easement.

1           (g) *TECHNICAL ASSISTANCE.*—*The Secretary of the In-*  
2 *terior may not use more than 10 percent of the amount*  
3 *that is made available for any fiscal year under this pro-*  
4 *gram to provide technical assistance to carry out this sec-*  
5 *tion.*

6           ***Subtitle B—Endangered and***  
7           ***Threatened Species Recovery***

8           ***SEC. 711. PURPOSES.***

9           *The purposes of this subtitle are the following:*

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

16           (2) *To promote greater involvement by non-Fed-*  
17 *eral entities in the recovery of the Nation’s endan-*  
18 *gered species and threatened species and the habitat*  
19 *upon which they depend.*

20           ***SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM***  
21                           ***CONSERVATION AND REINVESTMENT ACT***  
22                           ***FUND.***

23           *Amounts transferred to the Secretary of the Interior*  
24 *under section 5(b)(7)(B) of this Act in a fiscal year shall*

1 *be available to the Secretary of the Interior without further*  
2 *appropriation, in that fiscal year, to carry out this subtitle.*

3 **SEC. 713. ENDANGERED AND THREATENED SPECIES RECOV-**  
4 **ERY ASSISTANCE.**

5 (a) *FINANCIAL ASSISTANCE.*—*The Secretary may use*  
6 *amounts made available under section 712 to provide fi-*  
7 *nancial assistance to any person for development and im-*  
8 *plementation of Endangered and Threatened Species Recov-*  
9 *ery Agreements entered into by the Secretary under section*  
10 *714.*

11 (b) *PRIORITY.*—*In providing assistance under this sec-*  
12 *tion, the Secretary shall give priority to the development*  
13 *and implementation of species recovery agreements that—*

14 (1) *implement actions identified under recovery*  
15 *plans approved by the Secretary under section 4(f) of*  
16 *the Endangered Species Act of 1973 (16 U.S.C.*  
17 *1533(f));*

18 (2) *have the greatest potential for contributing to*  
19 *the recovery of an endangered or threatened species;*  
20 *and*

21 (3) *to the extent practicable, require use of the*  
22 *assistance—*

23 (A) *on land owned by a small landowner;*  
24 *or*

1                   (B) on a family farm by the owner or oper-  
2                   ator of the family farm.

3           (c) *PROHIBITION ON ASSISTANCE FOR REQUIRED AC-*  
4 *TIVITIES.*—*The Secretary may not provide financial assist-*  
5 *ance under this section for any action that is required by*  
6 *a permit issued under section 10(a)(1)(B) of the Endan-*  
7 *gered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an*  
8 *incidental take statement issued under section 7 of that Act*  
9 *(16 U.S.C. 1536), or that is otherwise required under that*  
10 *Act or any other Federal law.*

11           (d) *PAYMENTS UNDER OTHER PROGRAMS.*—

12                   (1) *OTHER PAYMENTS NOT AFFECTED.*—*Finan-*  
13 *cial assistance provided to a person under this section*  
14 *shall be in addition to, and shall not affect, the total*  
15 *amount of payments that the person is otherwise eli-*  
16 *gible to receive under the conservation reserve pro-*  
17 *gram established under subchapter B of chapter 1 of*  
18 *subtitle D of title XII of the Food Security Act of*  
19 *1985 (16 U.S.C. 3831 and following), the wetlands re-*  
20 *serve program established under subchapter C of that*  
21 *chapter (16 U.S.C. 3837 and following), or the Wild-*  
22 *life Habitat Incentives Program established under sec-*  
23 *tion 387 of the Federal Agriculture Improvement and*  
24 *Reform Act of 1996 (16 U.S.C. 3836a).*

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

10 **SEC. 714. ENDANGERED AND THREATENED SPECIES RECOV-**  
11 **ERY AGREEMENTS.**

12           (a) *IN GENERAL.*—The Secretary may enter into En-  
13           dangered and Threatened Species Recovery Agreements for  
14           purposes of this subtitle in accordance with this section.

15           (b) *REQUIRED TERMS.*—The Secretary shall include  
16           in each species recovery agreement provisions that—

17                   (1) require the person—

18                           (A) to carry out on real property owned or  
19                           leased by the person activities not otherwise re-  
20                           quired by law that contribute to the recovery of  
21                           an endangered or threatened species;

22                           (B) to refrain from carrying out on real  
23                           property owned or leased by the person otherwise  
24                           lawful activities that would inhibit the recovery  
25                           of an endangered or threatened species; or

1           (C) to do any combination of subpara-  
2           graphs (A) and (B);

3           (2) describe the real property referred to in para-  
4           graph (1)(A) and (B) (as applicable);

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

7           (4) require the person to make measurable  
8           progress each year in achieving those goals, including  
9           a schedule for implementation of the agreement;

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

13          (6) require the person to notify the Secretary  
14          if—

15               (A) any right or obligation of the person  
16               under the agreement is assigned to any other  
17               person; or

18               (B) any term of the agreement is breached  
19               by the person or any other person to whom is as-  
20               signed a right or obligation of the person under  
21               the agreement;

22          (7) specify the date on which the agreement takes  
23          effect and the period of time during which the agree-  
24          ment shall remain in effect;

1           (8) provide that the agreement shall not be in ef-  
2       fect on and after any date on which the Secretary  
3       publishes a certification by the Secretary that the per-  
4       son has not complied with the agreement; and

5           (9) allocate financial assistance provided under  
6       this subtitle for implementation of the agreement, on  
7       an annual or other basis during the period the agree-  
8       ment is in effect based on the schedule for implemen-  
9       tation required under paragraph (4).

10       (c) *REVIEW AND APPROVAL OF PROPOSED AGREE-*  
11 *MENTS.*—Upon submission by any person of a proposed  
12 *species recovery agreement under this section, the*  
13 *Secretary—*

14           (1) shall review the proposed agreement and de-  
15       termine whether it complies with the requirements of  
16       this section and will contribute to the recovery of en-  
17       dangered or threatened species that are the subject of  
18       the proposed agreement;

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

22           (3) if the Secretary determines that the agree-  
23       ment complies with the requirements of this section,  
24       shall approve and enter with the person into the  
25       agreement.

1           (d) *MONITORING IMPLEMENTATION OF AGREE-*  
2 *MENTS.—The Secretary shall—*

3                   (1) *periodically monitor the implementation of*  
4 *each species recovery agreement entered into by the*  
5 *Secretary under this section; and*

6                   (2) *based on the information obtained from that*  
7 *monitoring, annually or otherwise disburse financial*  
8 *assistance under this subtitle to implement the agree-*  
9 *ment as the Secretary determines is appropriate*  
10 *under the terms of the agreement.*

11 **SEC. 715. DEFINITIONS.**

12 *In this subtitle:*

13                   (1) *ENDANGERED OR THREATENED SPECIES.—*  
14 *The term “endangered or threatened species” means*  
15 *any species that is listed as an endangered species or*  
16 *threatened species under section 4 of the Endangered*  
17 *Species Act of 1973 (16 U.S.C. 1533).*

18                   (2) *FAMILY FARM.—The term “family farm”*  
19 *means a farm that—*

20                           (A) *produces agricultural commodities for*  
21 *sale in such quantities so as to be recognized in*  
22 *the community as a farm and not as a rural res-*  
23 *idence;*

24                           (B) *produces enough income, including off-*  
25 *farm employment, to pay family and farm oper-*

1            *ating expenses, pay debts, and maintain the*  
2            *property;*

3            *(C) is managed by the operator;*

4            *(D) has a substantial amount of labor pro-*  
5            *vided by the operator and the operator's family;*  
6            *and*

7            *(E) uses seasonal labor only during peak*  
8            *periods, and uses no more than a reasonable*  
9            *amount of full-time hired labor.*

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

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

17           *(5) SPECIES RECOVERY AGREEMENT.—The term*  
18           *“species recovery agreement” means an Endangered*  
19           *and Threatened Species Recovery Agreement entered*  
20           *into by the Secretary under section 714.*

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