

106TH CONGRESS
1ST SESSION

H. R. 798

To provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1999

Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. MALONEY of Connecticut, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. DELAHUNT, Mr. LANTOS, Mr. MARKEY, Mr. TIERNEY, Mrs. MINK of Hawaii, Mr. MEEHAN, Mr. STARK, Mr. WAXMAN, Ms. LEE, Ms. WOOLSEY, Mr. SHERMAN, Mr. KILDEE, Mr. BONIOR, Mr. FARR of California, Ms. ESHOO, Mr. PALLONE, Mrs. CHRISTIAN-CHRISTENSEN, Mrs. CAPPs, Mr. INSLEE, Mr. GEPHARDT, Mr. KENNEDY of Rhode Island, Mrs. JONES of Ohio, Mr. RAHALL, Mr. GEJDENSON, Mr. ROTHMAN, Mr. FRANK of Massachusetts, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

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 “Resources 2000 Act”.

1 SEC. 2. TABLE OF CONTENTS.

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings and purpose.
- Sec. 4. Definitions.
- Sec. 5. Reduction in deposits of qualified OCS revenues for any fiscal year for which those revenues are reduced.
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- Sec. 101. Amendment of Land and Water Conservation Fund Act of 1965.
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- Sec. 201. Amendment of Urban Park and Recreation Recovery Act of 1978.
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- Sec. 401. Purpose.
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- Sec. 501. Purpose.
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TITLE VI—LIVING MARINE RESOURCES CONSERVATION,
 RESTORATION, AND MANAGEMENT ASSISTANCE

- Sec. 601. Purpose.
 Sec. 602. Financial assistance to coastal States.
 Sec. 603. Ocean conservation partnerships.
 Sec. 604. Living Marine Resources Conservation Fund; availability of amounts.
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TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE
 CONSERVATION AND RESTORATION

- Sec. 701. Amendments to findings and purposes.
 Sec. 702. Definitions.
 Sec. 703. Conservation plans.
 Sec. 704. Conservation actions in absence of conservation plan.
 Sec. 705. Amendments relating to reimbursement process.
 Sec. 706. Establishment of Native Fish and Wildlife Conservation and Restoration Trust Fund; availability of amounts.

TITLE VIII—ENDANGERED AND THREATENED SPECIES
 RECOVERY

- Sec. 801. Purposes.
 Sec. 802. Endangered and threatened species recovery assistance.
 Sec. 803. Endangered and threatened species recovery agreements.
 Sec. 804. Endangered and Threatened Species Recovery Fund; availability of amounts.
 Sec. 805. Definitions.

1 SEC. 3. FINDINGS AND PURPOSE.

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

3 (1) By establishing the Land and Water Con-
 4 servation Fund in 1965, Congress determined that
 5 revenues generated by extraction of nonrenewable oil
 6 and gas resources on the Outer Continental Shelf
 7 should be dedicated to conservation and preservation
 8 purposes.

9 (2) The Land and Water Conservation Fund
 10 has been used for over three decades to protect and

1 enhance national parks, national forests, national
2 wildlife refuges, and other public lands throughout
3 the Nation. In past years, the Land and Water Con-
4 servation Fund has also provided States with vital
5 resources to assist with acquisition and development
6 of local park and outdoor recreation projects.

7 (3) In 1978, the Congress amended the Land
8 and Water Conservation Fund to authorize
9 \$900,000,000 of annual oil and gas receipts to be
10 used for Federal land acquisition and State recre-
11 ation projects. In recent years, however, the Con-
12 gress has failed to appropriate funds at the author-
13 ized levels to meet Federal land acquisition needs,
14 and has entirely eliminated State recreation funding,
15 leaving an unallocated surplus of over
16 \$12,000,000,000 for fiscal year 1999.

17 (4) To better meet land acquisition needs and
18 address growing public demands for outdoor recre-
19 ation, the Congress should assure that the Land and
20 Water Conservation Fund is used as it was intended
21 to acquire conservation lands and, in partnership
22 with State and local governments, to provide for im-
23 proved parks and outdoor recreational opportunities.

24 (5) The premise of using oil and gas receipts to
25 meet conservation and preservation objectives also

1 underlies the National Historic Preservation Act (16
2 U.S.C. 470 et seq.). Revenues to the Historic Pres-
3 ervation Fund accumulate at a rate of \$150,000,000
4 annually, but because the Congress has failed in re-
5 cent years to appropriate the authorized amounts,
6 the fund has an unallocated surplus of over
7 \$2,000,000,000 for fiscal year 1999. To reduce the
8 growing backlog of preservation needs, the Congress
9 should assure that the Historic Preservation Fund is
10 used as was intended.

11 (6) Building upon the commitment to devote
12 revenues from existing offshore leases to resource
13 protection through the Land and Water Conserva-
14 tion Fund Act of 1965 (16 U.S.C. 4601–4) and the
15 National Historic Preservation Act (16 U.S.C. 470
16 et seq.), the Congress should also dedicate revenues
17 from existing oil and gas leases to meet critical na-
18 tional, State, and local preservation and conservation
19 needs.

20 (7) Suburban sprawl presents a growing threat
21 to open space and farmland in many areas of the
22 Nation, with an estimated loss of 7,000 acres of
23 farmland and open space every day. Financial re-
24 sources and incentives are needed to promote the

1 protection of open space, farmland, ranchland, and
2 forests.

3 (8) National parks, national forests, national
4 wildlife refuges, and other public lands have signifi-
5 cant unmet repair and maintenance needs for trails,
6 campgrounds, and other existing recreational infra-
7 structure, even as outdoor recreation and user de-
8 mands on these resources are increasing.

9 (9) Urban park and recreation needs have been
10 neglected, with resulting increases in crime and
11 other inappropriate activity, in part because the
12 Congress has failed in recent years to provide appro-
13 priations as authorized by the Urban Park and
14 Recreation Recovery Act of 1978 (16 U.S.C. 2501
15 et seq.).

16 (10) Although the Endangered Species Act of
17 1973 (16 U.S.C. 1531 et seq.) has prevented the ex-
18 tinction of many plants and animals, the recovery of
19 most species listed under that Act has been ham-
20 pered by a lack of financial resources and incentives
21 to encourage States and private landowners to con-
22 tribute to the recovery of protected species.

23 (11) Native fish and wildlife populations have
24 declined in many parts of the Nation, and face grow-
25 ing threats from habitat loss and invasive species.

1 Financial resources and incentives are needed for
2 States to improve conservation and management of
3 native species.

4 (12) Ocean and coastal ecosystems are increas-
5 ingly degraded by loss of habitat, pollution, over-
6 fishing, and other threats to the health and produc-
7 tivity of the marine environment. Coastal States
8 should be provided with financial resources and in-
9 centives to better conserve, restore, and manage liv-
10 ing marine resources.

11 (13) The findings of the 1995 National Biologi-
12 cal Survey study entitled “Endangered Ecosystems
13 of the United States: A Preliminary Assessment of
14 Loss and Degradation”, demonstrate the need to es-
15 calate conservation measures that protect our Na-
16 tion’s wildlands and habitats.

17 (b) PURPOSE.—The purpose of this Act is to expand
18 upon the promises of the Land and Water Conservation
19 Act of 1965 (16 U.S.C. 460l–4 et seq.) and the National
20 Historic Preservation Act (16 U.S.C. 470 et seq.) by pro-
21 viding permanent funding for the protection and enhance-
22 ment of the Nations natural, historic, and cultural re-
23 sources by a variety of means, including—

24 (1) the acquisition of conservation lands;

25 (2) improvement of State and urban parks;

1 (3) preservation of open space, farmland,
2 ranchland, and forests;

3 (4) conservation of native fish and wildlife;

4 (5) recovery of endangered species; and

5 (6) restoration of coastal and marine resources.

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

8 (1) COASTLINE.—The term “coastline” has the
9 same meaning that term has in the Submerged
10 Lands Act (43 U.S.C. 1301 et seq.).

11 (2) COASTAL STATE.—The term “coastal
12 State” has the meaning given the term “coastal
13 state” in the Coastal Zone Management Act of 1972
14 (16 U.S.C. 1451 et seq.).

15 (3) LEASED TRACT.—The term “leased tract”
16 means a tract, leased under section 8 of the Outer
17 Continental Shelf Lands Act (43 U.S.C. 1337) for
18 the purpose of drilling for, developing and producing
19 oil and natural gas resources, which is a unit con-
20 sisting of either a block, a portion of a block, a com-
21 bination of blocks or portions of blocks (or both), as
22 specified in the lease, and as depicted on an Outer
23 Continental Shelf Official Protraction Diagram.

1 (4) QUALIFIED OUTER CONTINENTAL SHELF
2 REVENUES.—The term “qualified Outer Continental
3 Shelf revenues”—

4 (A) except as provided in subparagraph

5 (B)—

6 (i) means all moneys received by the
7 United States from each leased tract or
8 portion of a leased tract located in the
9 Western or Central Gulf of Mexico, less
10 such sums as may be credited to States
11 under section 8(g) of the Outer Continen-
12 tal Shelf Lands Act (43 U.S.C. 1337(g))
13 and amounts needed for adjustments and
14 refunds as overpayments for rents, royal-
15 ties, or other purposes; and

16 (ii) includes royalties (including pay-
17 ments for royalty taken in-kind and sold),
18 net profit share payments, and related
19 late-payment interest from natural gas and
20 oil leases issued pursuant to the Outer
21 Continental Shelf Lands Act (43 U.S.C.
22 1331) for such a lease tract or portion;
23 and

24 (B) does not include any moneys received
25 by the United States under—

- 1 (i) any lease issued on or after the
2 date of the enactment of this Act; or
3 (ii) any lease under which no oil or
4 gas production has occurred before Janu-
5 ary 1, 1999.

6 **SEC. 5. REDUCTION IN DEPOSITS OF QUALIFIED OCS REVE-**
7 **NUES FOR ANY FISCAL YEAR FOR WHICH**
8 **THOSE REVENUES ARE REDUCED.**

9 (a) REDUCTION IN DEPOSITS.—The amount of quali-
10 fied Outer Continental Shelf revenues that is otherwise re-
11 quired to be deposited for a limited fiscal year into the
12 Land and Water Conservation Fund, the Historic Preser-
13 vation Fund, or any other fund or account established by
14 this Act (including the amendments made by this Act) is
15 hereby reduced, so that—

16 (1) the ratio that the amount deposited (after
17 the reduction) bears to the amount that would other-
18 wise be deposited, is equal to

19 (2) the ratio that the amount of qualified Outer
20 Continental Shelf Revenues for the fiscal year bears
21 to—

22 (A) \$2,050,000 for fiscal years 2000 and
23 2001;

24 (B) \$2,150,000 for fiscal years 2002,
25 2003, and 2004; and

1 (C) \$2,300,000 for fiscal year 2005 and
2 each fiscal year thereafter.

3 (b) NO REDUCTION IN DEPOSITS OF INTEREST.—
4 Subsection (a) shall not apply to deposits of interest
5 earned from investment of amounts in a fund or other ac-
6 count.

7 (c) LIMITED FISCAL YEAR DEFINED.—In this sec-
8 tion, the term “limited fiscal year” means a fiscal year
9 in which the total amount received by the United States
10 as qualified Outer Continental Shelf revenues is less
11 than—

12 (1) \$2,050,000, for fiscal years 2000 and 2001;

13 (2) \$2,150,000, for fiscal years 2002, 2003,
14 and 2004; and

15 (3) \$2,300,000, for fiscal year 2005 and each
16 fiscal year thereafter.

17 **SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR**
18 **ADMINISTRATION.**

19 Notwithstanding any other provision of law, of
20 amounts made available by this Act (including the amend-
21 ments made by this Act) for a particular activity, not more
22 than 2 percent may be used for administrative expenses
23 of that activity.

1 **SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DIS-**
2 **BURSEMENTS.**

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

6 (1) shall not be counted as new budget author-
7 ity, outlays, receipts, or deficit or surplus for pur-
8 poses of—

9 (A) the budget of the United States Gov-
10 ernment as submitted by the President;

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

14 (C) the Balanced Budget and Emergency
15 Deficit Control Act of 1985; and

16 (2) shall be exempt from any general budget
17 limitation imposed by statute on expenditures and
18 net lending (budget outlays) of the United States
19 Government.

20 **TITLE I—LAND AND WATER CON-**
21 **SERVATION FUND REVITAL-**
22 **IZATION**

23 **SEC. 101. AMENDMENT OF LAND AND WATER CONSERVA-**
24 **TION FUND ACT OF 1965.**

25 Except as otherwise expressly provided, whenever in
26 this title an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of the Land and Water Con-
4 servation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)

5 **SEC. 102. EXTENSION OF PERIOD FOR DEPOSITING**
6 **AMOUNTS INTO FUND.**

7 Section 2 (16 U.S.C. 4601–5) is amended—

8 (1) in the matter preceding subsection (a) by
9 striking “During the period ending September 30,
10 2015, there shall be covered into” and inserting
11 “There shall be deposited into”;

12 (2) in paragraph (c)(1) by striking “through
13 September 30, 2015”; and

14 (3) in paragraph (c)(2)—

15 (A) by striking “shall be credited to the
16 fund” and all that follows through “as amended
17 (43 U.S.C. 1331 et seq.)” and inserting “shall
18 be deposited into the fund, subject to section 5
19 of the Resources 2000 Act, from amounts due
20 and payable to the United States as qualified
21 Outer Continental Shelf revenues (as that term
22 is defined in section 4 of that Act)”;

23 (B) in the proviso by striking “covered”
24 and inserting “deposited”.

1 **SEC. 103. AVAILABILITY OF AMOUNTS.**

2 Section 3 (16 U.S.C. 460l-6) is amended by striking
3 so much as precedes the third sentence and inserting the
4 following:

5 “APPROPRIATIONS

6 “SEC. 3. (a) Of amounts in the fund, up to
7 \$900,000,000 shall be available each fiscal year for obliga-
8 tion or expenditure without further appropriation, and
9 shall remain available until expended.

10 “(b) Moneys made available for obligation or expendi-
11 ture from the fund or from the special account established
12 under section 4(i)(1) may be obligated or expended only
13 as provided in this Act.

14 “(c) The Secretary of the Treasury shall invest mon-
15 eys in the fund that are excess to expenditures in public
16 debt securities with maturities suitable to the needs of the
17 fund, as determined by the Secretary of the Treasury, and
18 bearing interest at rates determined by the Secretary of
19 the Treasury, taking into consideration current market
20 yields on outstanding marketable obligations of the United
21 States of comparable maturity. Interest earned on such
22 investments shall be deposited into the fund.”.

23 **SEC. 104. ALLOCATION AND USE OF FUND.**

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

1 **“SEC. 5. ALLOCATION AND USE OF FUNDS.**

2 “(a) IN GENERAL.—Of the amounts made available
3 for each fiscal year by this Act—

4 “(1) 50 percent shall be available for Federal
5 purposes (in this section referred to as the ‘Federal
6 portion’); and

7 “(2) 50 percent shall be available for grants to
8 States.

9 “(b) USE OF FEDERAL PORTION.—The President
10 shall, in the annual budget submitted by the President for
11 each fiscal year, specify the purposes for which the Fed-
12 eral portion of the fund is to be used by the Secretary
13 of the Interior and the Secretary of Agriculture. Such
14 funds shall be used by the Secretary concerned for the
15 purposes specified by the President in such budget sub-
16 mission unless the Congress, in an Act making appropria-
17 tions for the Department of the Interior and related agen-
18 cies for such fiscal year, specifies that any part of such
19 Federal portion shall be used by the Secretary concerned
20 for other Federal purposes as authorized by this Act.

21 “(c) FEDERAL PRIORITY LIST.—(1) For purposes of
22 the budget submission of the President for each fiscal
23 year, the President shall require the Secretary of the Inte-
24 rior and the Secretary of Agriculture to prepare Federal
25 priority lists for expenditure of the Federal portion.

1 “(2) The Secretaries shall prepare the lists in con-
2 sultation with the head of each affected bureau or agency,
3 taking into account the best professional judgment regard-
4 ing the land acquisition priorities and policies of each bu-
5 reau or agency.

6 “(3) In preparing the priority lists, the Secretaries
7 shall consider—

8 “(A) the potential adverse impacts which might
9 result if a particular acquisition is not undertaken;

10 “(B) the availability of land appraisal and other
11 information necessary to complete an acquisition in
12 a timely manner; and

13 “(C) such other factors as the Secretaries con-
14 sider appropriate.”.

15 **SEC. 105. EXPANSION OF STATE ASSISTANCE PURPOSES.**

16 Section 6(a) (16 U.S.C. 4601–8) is amended by strik-
17 ing “outdoor recreation:”.

18 **SEC. 106. ALLOCATION OF AMOUNTS AVAILABLE FOR**
19 **STATE PURPOSES.**

20 Section 6(b) (16 U.S.C. 4601–8) is amended to read
21 as follows:

22 “(b) DISTRIBUTION AMONG THE STATES.—(1) Sums
23 made available from the fund each fiscal year for State
24 purposes shall be apportioned among the several States
25 by the Secretary, in accordance with this subsection. The

1 determination of the apportionment by the Secretary shall
2 be final.

3 “(2) Two-thirds of the sums made available from the
4 fund each fiscal year for State purposes shall be distrib-
5 uted by the Secretary using criteria developed by the Sec-
6 retary under the following formula:

7 “(A) 30 percent shall be distributed equally
8 among the several States.

9 “(B) 70 percent shall be distributed on the
10 basis of the ratio which the population of each State
11 bears to the total population of all States.

12 “(3) One-third of the sums made available from the
13 fund each fiscal year for State purposes shall be distrib-
14 uted among the several States by the Secretary under a
15 competitive grant program, subject to such criteria as the
16 Secretary determines necessary to further the purposes of
17 the Act.

18 “(4) The total allocation to an individual State under
19 paragraphs (2) and (3) for a fiscal year shall not exceed
20 10 percent of the total amount allocated to the several
21 States under this subsection for that fiscal year.

22 “(5) The Secretary shall notify each State of its ap-
23 portionment, and the amounts thereof shall be available
24 thereafter to the State for planning, acquisition, or devel-
25 opment projects as hereafter described. Any amount of

1 any apportionment that has not been paid or obligated by
2 the Secretary during the fiscal year in which such notifica-
3 tion is given and the two fiscal years thereafter shall be
4 reapportioned by the Secretary in accordance with para-
5 graph (3), without regard to the 10 percent limitation to
6 an individual State specified in paragraph (4).

7 “(6)(A) For the purposes of paragraph (2)(A)—

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

10 “(ii) Puerto Rico, the United States Virgin Is-
11 lands, Guam, and American Samoa—

12 “(I) shall be treated collectively as one
13 State; and

14 “(II) shall each be allocated an equal share
15 of any amount distributed to them pursuant to
16 clause (i).

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

20 **SEC. 107. STATE PLANNING.**

21 Section 6(d) (16 U.S.C. 4601–8(d)) is amended to
22 read as follows:

23 “(d) STATE PLAN.—(1)(A) A State plan shall be re-
24 quired prior to the consideration by the Secretary of finan-
25 cial assistance for acquisition or development projects. In

1 order to reduce costly repetitive planning efforts, a State
2 may use for such plan a current State comprehensive out-
3 door recreation plan, a State recreation plan, or a State
4 action agenda under criteria developed by the Secretary
5 if, in the judgment of the Secretary, the plan used encom-
6 passes and promotes the purposes of this Act. No plan
7 shall be approved for a State unless the Governor of the
8 State certifies that ample opportunity for public participa-
9 tion in development and revision of the plan has been ac-
10 corded. The Secretary shall develop, in consultation with
11 others, criteria for public participation, and such criteria
12 shall constitute the basis for certification by the Governor.

13 “(B) The plan or agenda shall contain—

14 “(i) the name of the State agency that will have
15 the authority to represent and act for the State in
16 dealing with the Secretary for purposes of this Act;

17 “(ii) an evaluation of the demand for and sup-
18 ply of outdoor conservation and recreation resources
19 and facilities in the State;

20 “(iii) a program for the implementation of the
21 plan or agenda; and

22 “(iv) such other necessary information as may
23 be determined by the Secretary.

24 “(C) The plan or agenda shall take into account rel-
25 evant Federal resources and programs and be correlated

1 so far as practicable with other State, regional, and local
2 plans.

3 “(2) The Secretary may provide financial assistance
4 to any State for the preparation of a State plan under
5 subsection (d)(1) when such plan is not otherwise available
6 or for the maintenance of such a plan.”.

7 **SEC. 108. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

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

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

12 (2) in subsection (e)(2) by inserting before the
13 period at the end the following: “or to enhance pub-
14 lic safety.”.

15 **SEC. 109. CONVERSION OF PROPERTY TO OTHER USE.**

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

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

19 (2) by striking the second sentence and insert-
20 ing the following:

21 “(B)(i) The Secretary shall approve such conversion
22 only if the State demonstrates that no prudent or feasible
23 alternative exists.

24 “(ii) Clause (i) shall not apply to property that is no
25 longer viable as an outdoor conservation or recreation fa-

1 cility due to changes in demographics, or that must be
 2 abandoned because of environmental contamination which
 3 endangers public health and safety.

4 “(C)(i) The Secretary may not approve such conver-
 5 sion unless the conversion satisfies any conditions the Sec-
 6 retary considers necessary to assure the substitution of
 7 other conservation and recreation properties of at least
 8 equal market value and reasonable equivalent usefulness
 9 and location and which are in accord with the existing
 10 State Plan for conservation and recreation.

11 “(ii) For purposes of clause (i), wetland areas and
 12 interests therein, as identified in a plan referred to in that
 13 clause and proposed to be acquired as suitable replace-
 14 ment property within the same State, that is otherwise
 15 acceptable to the Secretary shall be considered to be of
 16 reasonably equivalent usefulness with the property pro-
 17 posed for conversion.”.

18 **TITLE II—URBAN PARK AND**
 19 **RECREATION RECOVERY**
 20 **PROGRAM AMENDMENTS**

21 **SEC. 201. AMENDMENT OF URBAN PARK AND RECREATION**
 22 **RECOVERY ACT OF 1978.**

23 Except as otherwise expressly provided, whenever in
 24 this title an amendment or repeal is expressed in terms
 25 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
2 section or other provision of the Urban Park and Recre-
3 ation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

4 **SEC. 202. PURPOSES.**

5 The purpose of this title is to provide a dedicated
6 source of funding to assist local governments in improving
7 their park and recreation systems.

8 **SEC. 203. AUTHORITY TO DEVELOP NEW AREAS AND FA-**
9 **CILITIES.**

10 Section 1003 (16 U.S.C. 2502) is amended by insert-
11 ing “development of new recreation areas and facilities,
12 including the acquisition of lands for such development,”
13 after “rehabilitation of critically needed recreation areas,
14 facilities,”.

15 **SEC. 204. DEFINITIONS.**

16 Section 1004 (16 U.S.C. 2503) is amended—

17 (1) in paragraph (j) by striking “and” after the
18 semicolon;

19 (2) in paragraph (k) by striking the period at
20 the end and inserting a semicolon; and

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

22 “(l) ‘development grants’—

23 “(1) means matching capital grants to
24 units of local government to cover costs of de-
25 velopment, land acquisition, and construction

1 on existing or new neighborhood recreation
2 sites, including indoor and outdoor recreational
3 areas and facilities, and support facilities; and

4 “(2) does not include landscaping, routine
5 maintenance, and upkeep activities;

6 “(m) ‘qualified Outer Continental Shelf reve-
7 nues’ has the meaning given that term in section 4
8 of the Resources 2000 Act; and

9 “(n) ‘Secretary’ means the Secretary of the In-
10 terior.”.

11 **SEC. 205. ELIGIBILITY.**

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

14 “(a) Eligibility of general purpose local governments
15 to compete for assistance under this title shall be based
16 upon need as determined by the Secretary. Generally, eli-
17 gible general purpose local governments shall include the
18 following:

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

22 “(2) Any other city or town within such a Met-
23 ropolitan Statistical Area, that has a total popu-
24 lation of 50,000 or more as determined by the most
25 recent Census.

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

4 **SEC. 206. GRANTS.**

5 Section 1006 (16 U.S.C. 2505) is amended by strik-
6 ing so much as precedes subsection (a)(3) and inserting
7 the following:

8 “SEC. 1006. (a)(1) The Secretary may provide 70
9 percent matching grants for rehabilitation, development,
10 and innovation purposes to any eligible general purpose
11 local government upon approval by the Secretary of an ap-
12 plication submitted by the chief executive of such govern-
13 ment.

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

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

21 “(B) the applicant provides assurance to the
22 Secretary that the applicant will maintain public
23 recreation opportunities at assisted areas and facili-
24 ties owned or managed by the applicant in accord-
25 ance with section 1010.

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

6 **SEC. 207. RECOVERY ACTION PROGRAMS.**

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

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

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

13 **SEC. 208. STATE ACTION INCENTIVES.**

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

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

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

20 “(b) COORDINATION WITH LAND AND WATER CON-
21 SERVATION FUND ACTIVITIES.—(1) The Secretary and
22 general purpose local governments are encouraged to co-
23 ordinate preparation of recovery action programs required
24 by this title with State plans required under section 6 of
25 the Land and Water Conservation Fund Act of 1965, in-

1 cluding by allowing flexibility in preparation of recovery
2 action programs so they may be used to meet State and
3 local qualifications for local receipt of Land and Water
4 Conservation Fund grants or State grants for similar pur-
5 poses or for other conservation or recreation purposes.

6 (2) The Secretary shall encourage States to consider
7 the findings, priorities, strategies, and schedules included
8 in the recovery action programs of their urban localities
9 in preparation and updating of State plans in accordance
10 with the public coordination and citizen consultation re-
11 quirements of subsection 6(d) of the Land and Water Con-
12 servation Fund Act of 1965.”.

13 **SEC. 209. CONVERSION OF RECREATION PROPERTY.**

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

16 “CONVERSION OF RECREATION PROPERTY

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

21 “(2) Paragraph (1) shall apply to—

22 “(A) property developed with amounts provided
23 under this title; and

24 “(B) the park, recreation, or conservation area
25 of which the property is a part.

1 “(b)(1) The Secretary shall approve such conversion
2 only if the grantee demonstrates no prudent or feasible
3 alternative exists.

4 “(2) Paragraph (1) shall apply to property that is
5 no longer a viable recreation facility due to changes in de-
6 mographics or that must be abandoned because of environ-
7 mental contamination which endangers public health or
8 safety.

9 “(c) Any conversion must satisfy any conditions the
10 Secretary considers necessary to assure substitution of
11 other recreation property that is—

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

14 “(2) in accord with the current recreation re-
15 covery action plan of the grantee.”.

16 **SEC. 210. AVAILABILITY OF AMOUNTS.**

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

19 “APPROPRIATIONS

20 “SEC. 1013. (a) IN GENERAL.—

21 “(1) ESTABLISHMENT OF FUND.—There is es-
22 tablished in the Treasury of the United States a
23 fund that shall be known as the ‘Urban Park and
24 Recreation Recovery Fund’ (in this section referred
25 to as the ‘Fund’). The Fund shall consist of such
26 amounts as are deposited into the Fund under this

1 subsection. Amounts in the fund shall only be used
2 to carry out this title.

3 “(2) DEPOSITS.—Subject to section 5 of the
4 Resources 2000 Act, from amounts received by the
5 United States as qualified Outer Continental Shelf
6 revenues there shall be deposited into the fund
7 \$100,000,000 each fiscal year.

8 “(3) AVAILABILITY.—Of amounts in the fund,
9 up to \$100,000,000 shall be available each fiscal
10 year without further appropriation, and shall remain
11 available until expended.

12 “(4) INVESTMENT OF EXCESS AMOUNTS.—The
13 Secretary of the Treasury shall invest moneys in the
14 Fund that are excess to expenditures in public debt
15 securities with maturities suitable to the needs of
16 the Fund, as determined by the Secretary of the
17 Treasury, and bearing interest at rates determined
18 by the Secretary of the Treasury, taking into consid-
19 eration current market yields on outstanding mar-
20 ketable obligations of the United States of com-
21 parable maturity. Interest earned on such invest-
22 ments shall be deposited into the Fund.

23 “(b) LIMITATIONS ON ANNUAL GRANTS.—Of
24 amounts available to the Secretary each fiscal year under
25 this section—

1 “(1) not more than 3 percent may be used for
2 grants for the development of local park and recre-
3 ation recovery action programs pursuant to sections
4 1007(a) and 1007(c);

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

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

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

14 **SEC. 211. REPEAL.**

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

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

18 **SEC. 301. AVAILABILITY OF AMOUNTS.**

19 Section 108 of the National Historic Preservation Act
20 (16 U.S.C. 470h) is amended—

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

22 (2) in subsection (a) (as designated by para-
23 graph (1) of this section) by striking “There shall be
24 covered into such fund” and all that follows through
25 “(43 U.S.C. 338),” and inserting “Subject to section

1 5 of the Resources 2000 Act, there shall be depos-
2 ited into such fund \$150,000,000 for each fiscal
3 year after fiscal year 1998 from revenues due and
4 payable to the United States as qualified Outer Con-
5 tinental Shelf revenues (as that term is defined in
6 section 4 of that Act),”.

7 (3) by striking the third sentence of subsection
8 (a) (as so designated) and all that follows through
9 the end of the subsection and inserting “Such mon-
10 eys shall be used only to carry out the purposes of
11 this Act.”; and

12 (4) by adding at the end the following:

13 “(b)(1) Of amounts in the fund, up to \$150,000,000
14 shall be available each fiscal year after September 30,
15 1999, for obligation or expenditure without further appro-
16 priation to carry out the purposes of this Act, and shall
17 remain available until expended.

18 “(2) At least $\frac{1}{2}$ of the funds obligated or expended
19 each fiscal year under this section shall be used in accord-
20 ance with this Act for preservation projects on historic
21 properties. In making such funds available, the Secretary
22 shall give priority to the preservation of endangered his-
23 toric properties.

24 “(c) The Secretary of the Treasury shall invest mon-
25 eys in the fund that are excess to expenditures in public

1 debt securities with maturities suitable to the needs of the
2 fund, as determined by the Secretary of the Treasury, and
3 bearing interest at rates determined by the Secretary of
4 the Treasury, taking into consideration current market
5 yields on outstanding marketable obligations of the United
6 States of comparable maturity. Interest earned on such
7 investments shall be deposited into the fund.”.

8 **TITLE IV—FARMLAND, RANCH-**
9 **LAND, OPEN SPACE, AND**
10 **FORESTLAND PROTECTION**

11 **SEC. 401. PURPOSE.**

12 The purpose of this title is to provide a dedicated
13 source of funding to the Secretary of Agriculture and the
14 Secretary of the Interior for programs to provide matching
15 grants to certain eligible entities to facilitate the purchase
16 of conservation easements on farmland, ranchland, open
17 space, and forestland in order to—

- 18 (1) protect the ability of these lands to continue
19 in productive sustainable agricultural use; and
20 (2) prevent the loss of their value to the public
21 as open space because of nonagricultural develop-
22 ment.

1 **SEC. 402. FARMLAND, RANGLAND, OPEN SPACE, AND**
2 **FORESTLAND PROTECTION FUND; AVAIL-**
3 **ABILITY OF AMOUNTS.**

4 (a) ESTABLISHMENT OF FUND.—There is estab-
5 lished in the Treasury of the United States a fund that
6 shall be known as the “Farmland, Ranchland, Open
7 Space, and Forestland Protection Fund” (in this title re-
8 ferred to as the “Fund”). Subject to section 5 of this Act,
9 there shall be deposited into the Fund \$150,000,000 of
10 qualified Outer Continental Shelf revenues received by the
11 United States each fiscal year.

12 (b) AVAILABILITY.—Amounts in the Fund shall be
13 available as provided in section 403, without further ap-
14 propriation, and shall remain available until expended.

15 (c) INVESTMENT OF EXCESS AMOUNTS.—The Sec-
16 retary of the Treasury shall invest moneys in the Fund
17 that are excess to expenditures in public debt securities
18 with maturities suitable to the needs of the Fund, as de-
19 termined by the Secretary of the Treasury, and bearing
20 interest at rates determined by the Secretary of the Treas-
21 ury, taking into consideration current market yields on
22 outstanding marketable obligations of the United States
23 of comparable maturity. Interest earned on such invest-
24 ments shall be deposited into the Fund.

1 **SEC. 403. AUTHORIZED USES OF FARMLAND, RANGLAND,**
2 **OPEN SPACE, AND FORESTLAND PROTEC-**
3 **TION FUND.**

4 (a) **FARMLAND PROTECTION PROGRAM.**—The Sec-
5 retary of Agriculture may use up to \$50,000,000 annually
6 from the Farmland, Ranchland, Open Space, and
7 Forestland Protection Fund for the Farmland Protection
8 Program established under section 388 of the Federal Ag-
9 riculture Improvement and Reform Act of 1996 (Public
10 Law 104–127; 16 U.S.C. 3830 note), as amended by sec-
11 tion 404.

12 (b) **RANGLAND PROTECTION PROGRAM.**—The Sec-
13 retary of the Interior may use up to \$50,000,000 annually
14 from the Fund for the Ranchland Protection Program es-
15 tablished by section 405.

16 (c) **FOREST LEGACY PROGRAM.**—The Secretary of
17 Agriculture may use up to \$50,000,000 annually from the
18 Fund for the Forest Legacy Program established by sec-
19 tion 7 of the Cooperative Forestry Assistance Act of 1978
20 (16 U.S.C. 2103c).

21 **SEC. 404. FARMLAND PROTECTION PROGRAM.**

22 (a) **EXPANSION OF EXISTING PROGRAM.**—Section
23 388 of the Federal Agriculture Improvement and Reform
24 Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note)
25 is amended to read as follows:

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

2 “(a) GRANTS AUTHORIZED; PURPOSE.—The Sec-
3 retary of Agriculture shall establish and carry out a pro-
4 gram, to be known as the ‘Farmland Protection Program’,
5 under which the Secretary shall provide grants to eligible
6 entities described in subsection (c) to provide the Federal
7 share of the cost of purchasing permanent conservation
8 easements in land with prime, unique, or other productive
9 soil for the purpose of protecting the continued use of the
10 land as farmland or open space by limiting nonagricultural
11 uses of the land.

12 “(b) FEDERAL SHARE.—The Federal share of the
13 cost of purchasing a conservation easement described in
14 subsection (a) may not exceed 50 percent of the total cost
15 of purchasing the easement.

16 “(c) ELIGIBLE ENTITY DEFINED.—In this section,
17 the term ‘eligible entity’ means—

18 “(1) an agency of a State or local government;

19 “(2) a federally recognized Indian tribe; or

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

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

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

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

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

13 “(e) STATE CERTIFICATION.—As a condition of the
14 receipt by an eligible entity of a grant under subsection
15 (a), the attorney general of the State in which the con-
16 servation easement is to be purchased using the grant
17 funds shall certify that the conservation easement to be
18 purchased is in a form that is sufficient, under the laws
19 of the State, to achieve the conservation purpose of the
20 Farmland Protection Program and the terms and condi-
21 tions of the grant.

22 “(f) CONSERVATION PLAN.—Any land for which a
23 conservation easement is purchased under this section
24 shall be subject to the requirements of a conservation plan

1 to the extent that the plan does not negate or adversely
2 affect the restrictions contained in the easement.

3 “(g) TECHNICAL ASSISTANCE.—The Secretary of Ag-
4 riculture may not use more than 10 percent of the amount
5 that is made available for any fiscal year under this pro-
6 gram to provide technical assistance to carry out this sec-
7 tion.”.

8 (b) EFFECT ON EXISTING EASEMENTS.—The
9 amendment made by subsection (a) shall not affect the
10 validity or terms of conservation easements and other in-
11 terests in lands purchased under section 388 of the Fed-
12 eral Agriculture Improvement and Reform Act of 1996
13 (Public Law 104–127; 16 U.S.C. 3830 note) before the
14 date of the enactment of this Act.

15 **SEC. 405. RANGLAND PROTECTION PROGRAM.**

16 (a) GRANTS AUTHORIZED; PURPOSE.—The Sec-
17 retary of Interior shall establish and carry out a program,
18 to be known as the “Ranchland Protection Program”,
19 under which the Secretary shall provide grants to eligible
20 entities described in subsection (c) to provide the Federal
21 share of the cost of purchasing permanent conservation
22 easements on ranchland, which is in danger of conversion
23 to nonagricultural uses, for the purpose of protecting the
24 continued use of the land as ranchland or open space.

1 (b) FEDERAL SHARE.—The Federal share of the cost
2 of purchasing a conservation easement described in sub-
3 section (a) may not exceed 50 percent of the total cost
4 of purchasing the easement.

5 (c) ELIGIBLE ENTITY DEFINED.—In this section, the
6 term “eligible entity” means—

7 (1) an agency of a State or local government;

8 (2) a federally recognized Indian tribe; or

9 (3) any organization that is organized for, and
10 at all times since its formation has been operated
11 principally for, one or more of the conservation pur-
12 poses specified in clause (i), (ii), or (iii) of section
13 170(h)(4)(A) of the Internal Revenue Code of 1986
14 and—

15 (A) is described in section 501(c)(3) of the
16 Code;

17 (B) is exempt from taxation under section
18 501(a) of the Code; and

19 (C) is described in paragraph (2) of section
20 509(a) of the Code, or paragraph (3) of such
21 section, but is controlled by an organization de-
22 scribed in paragraph (2) of such section.

23 (d) TITLE; ENFORCEMENT.—Any eligible entity may
24 hold title to a conservation easement described in sub-

1 section (a) and enforce the conservation requirements of
2 the easement.

3 (e) STATE CERTIFICATION.—As a condition of the re-
4 ceipt by an eligible entity of a grant under subsection (a),
5 the attorney general of the State in which the conservation
6 easement is to be purchased using the grant funds shall
7 certify that the conservation easement to be purchased is
8 in a form that is sufficient, under the laws of the State,
9 to achieve the conservation purpose of the Ranchland Pro-
10 tection Program and the terms and conditions of the
11 grant.

12 (f) CONSERVATION PLAN.—Any land for which a
13 conservation easement is purchased under this section
14 shall be subject to the requirements of a conservation plan
15 to the extent that the plan does not negate or adversely
16 affect the restrictions contained in the easement.

17 (g) RANCHLAND DEFINED.—In this section, the term
18 “ranchland” means private or tribally owned rangeland,
19 pastureland, grazed forest land, and hay land.

20 (h) TECHNICAL ASSISTANCE.—The Secretary of the
21 Interior may not use more than 10 percent of the amount
22 that is made available for any fiscal year under this pro-
23 gram to provide technical assistance to carry out this sec-
24 tion.

1 **TITLE V—FEDERAL AND INDIAN**
2 **LANDS RESTORATION FUND**

3 **SEC. 501. PURPOSE.**

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

9 **SEC. 502. FEDERAL AND INDIAN LANDS RESTORATION**
10 **FUND; AVAILABILITY OF AMOUNTS; ALLOCA-**
11 **TION.**

12 (a) ESTABLISHMENT OF FUND.—There is estab-
13 lished in the Treasury of the United States a fund that
14 shall be known as the “Federal and Indian Lands Restora-
15 tion Fund”. Subject to section 5 of this Act, there shall
16 be deposited into the fund \$250,000,000 of qualified
17 Outer Continental Shelf revenues received by the United
18 States each fiscal year. Amounts in the fund shall only
19 be used to carry out the purpose of this title.

20 (b) AVAILABILITY.—Of amounts in the fund, up to
21 \$250,000,000 shall be available each fiscal year without
22 further appropriation, and shall remain available until ex-
23 pended.

24 (c) ALLOCATION.—Amounts made available under
25 this section shall be allocated as follows:

1 (1) DEPARTMENT OF THE INTERIOR.—60 per-
2 cent shall be available to the Secretary of the Inte-
3 rior to carry out the purpose of this title on lands
4 within the National Park System, National Wildlife
5 Refuge System, and public lands administered by
6 the Bureau of Land Management.

7 (2) DEPARTMENT OF AGRICULTURE.—30 per-
8 cent shall be available to the Secretary of Agri-
9 culture to carry out the purpose of this title on lands
10 within the National Forest System.

11 (3) INDIAN TRIBES.—10 percent shall be avail-
12 able to the Secretary of the Interior for competitive
13 grants to qualified Indian tribes under section
14 503(b).

15 (d) INVESTMENT OF EXCESS AMOUNTS.—The Sec-
16 retary of the Treasury shall invest moneys in the fund that
17 are excess to expenditures in public debt securities with
18 maturities suitable to the needs of the fund, as determined
19 by the Secretary of the Treasury, and bearing interest at
20 rates determined by the Secretary of the Treasury, taking
21 into consideration current market yields on outstanding
22 marketable obligations of the United States of comparable
23 maturity. Interest earned on such investments shall be de-
24 posited into the fund.

1 **SEC. 503. AUTHORIZED USES OF FUND.**

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

7 (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

8 (1) GRANT AUTHORITY.—The Secretary of the
9 Interior shall administer a competitive grant pro-
10 gram for Indian tribes, using such criteria as may
11 be developed by the Secretary to achieve the purpose
12 of this title.

13 (2) LIMITATION.—The amount received for a
14 fiscal year by a single Indian tribe in the form of
15 grants under this subsection may not exceed 10 per-
16 cent of the total amount provided to all Indian tribes
17 for that fiscal year in the form of such grants.

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

25 (d) COMPLIANCE WITH APPLICABLE PLANS.—Any
26 project carried out on Federal lands with amounts pro-

1 vided under this title shall be carried out in accordance
2 with all management plans that apply under Federal law
3 to the lands.

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

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

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

13 **SEC. 504. INDIAN TRIBE DEFINED.**

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

1 **TITLE VI—LIVING MARINE RE-**
2 **SOURCES CONSERVATION,**
3 **RESTORATION, AND MANAGE-**
4 **MENT ASSISTANCE**

5 **SEC. 601. PURPOSE.**

6 The purpose of this title is to provide a dedicated
7 source of funding for a coordinated program to—

8 (1) preserve biological diversity and natural as-
9 semblages of living marine resources, and their habi-
10 tat; and

11 (2) provide financial assistance to the coastal
12 States, private citizens, and nongovernmental enti-
13 ties for the conservation, restoration, and manage-
14 ment of living marine resources and their habitat.

15 **SEC. 602. FINANCIAL ASSISTANCE TO COASTAL STATES.**

16 (a) **AUTHORIZATION OF ASSISTANCE.—**

17 (1) **IN GENERAL.—**The Secretary may use
18 amounts allocated to an eligible coastal State under
19 subsection (b) to reimburse the State for costs de-
20 scribed in paragraph (3) that are incurred by the
21 State.

22 (2) **ELIGIBLE COASTAL STATES.—**A coastal
23 State shall be an eligible coastal State under para-
24 graph (1) if—

1 (A) the State has a Living Marine Re-
2 sources Conservation Plan that is approved
3 under subsection (d); or

4 (B) the Secretary determines that the
5 State is making sufficient progress toward com-
6 pletion of such a plan.

7 (3) COSTS ELIGIBLE FOR REIMBURSEMENT.—
8 The costs referred to in paragraph (1) are the fol-
9 lowing:

10 (A) The costs of developing a Living Ma-
11 rine Resources Conservation Plan pursuant to
12 subsection (d), as follows:

13 (i) Not to exceed 90 of such costs in-
14 curred in each of the first three fiscal
15 years that begin after the date of the en-
16 actment of this Act.

17 (ii) Not to exceed 75 percent of such
18 costs incurred in each of the fourth and
19 fifth fiscal years that begin after the date
20 of the enactment of this Act.

21 (iii) Not to exceed 75 percent of such
22 costs incurred in the sixth or seventh year
23 that begins after the date of the enactment
24 of this Act (or both), upon a showing by
25 the State of a need for that assistance for

1 that year and a finding by the Secretary
2 that the plan is likely to be completed
3 within that 2-fiscal-year period.

4 (B) Not to exceed 75 percent of the costs
5 of implementing and revising an approved con-
6 servation plan.

7 (C) Not to exceed 90 percent of imple-
8 menting conservation actions under an ap-
9 proved conservation plan that are undertaken—

10 (i) in cooperation with one or more
11 other coastal States; or

12 (ii) in coordination with Federal ac-
13 tions for the conservation, restoration, or
14 management of living marine resources.—

15 (4) EMERGENCY FUNDING.—Notwithstanding
16 paragraph (1), the Secretary may reimburse a coast-
17 al State for 100 percent of the cost of conservation
18 actions on a showing of need by the State and if
19 those actions—

20 (A) are substantial in character and de-
21 sign;

22 (B) meet such of the requirements of sub-
23 section (d) as may be appropriate; and

24 (C) are considered by the Secretary to be
25 necessary to fulfill the purpose of this title.

1 (5) IN-KIND CONTRIBUTIONS; LIMITATION ON
2 INCLUDED COSTS.—(A) In computing the costs in-
3 curred by any State during any fiscal year for pur-
4 poses of paragraphs (1) and (4), the Secretary, sub-
5 ject to subparagraph (B), shall take into account, in
6 addition to each outlay by the State, the value of in-
7 kind contributions (including real and personal prop-
8 erty and services) received and applied by the State
9 during the year for activities for which the costs are
10 computed.

11 (B) In computing the costs incurred by any
12 State during any fiscal year for purposes of para-
13 graphs (1) and (4)—

14 (i) the Secretary shall not include costs
15 paid by the State using Federal moneys re-
16 ceived and applied by the State, directly or indi-
17 rectly, for the activities for which the costs are
18 computed; and

19 (ii) the Secretary shall not include in-kind
20 contributions in excess of 50 percent of the
21 amount of reimbursement paid to the State
22 under this subsection for the fiscal year.

23 (C) For purposes of subparagraph (A), in-kind
24 contributions may be in the form of, but are not re-
25 quired to be limited to, personal services rendered by

1 volunteers in carrying out surveys, censuses, and
2 other scientific studies regarding living marine re-
3 sources. The Secretary shall by regulation
4 establish—

5 (i) the training, experience, and other
6 qualifications which such volunteers must have
7 in order for their services to be considered as
8 in-kind contributions; and

9 (ii) the standards under which the Sec-
10 retary will determine the value of in-kind con-
11 tributions and real and personal property for
12 purposes of subparagraph (A).

13 (D) Any valuation determination made by the
14 Secretary for purposes of this paragraph shall be
15 final and conclusive.

16 (b) ALLOCATION OF FUNDS.—

17 (1) IN GENERAL.—The Secretary shall allocate
18 among all coastal States the funds available each fis-
19 cal year under section 604(b), as follows:

20 (A) A portion equal to $\frac{2}{3}$ of the funds
21 shall be allocated by allocating to each coastal
22 State an amount that bears the same ratio to
23 that portion as the coastal population of the
24 State bears to the total coastal population of all
25 coastal States.

1 (B) A portion equal to $\frac{1}{3}$ of the funds
2 shall be allocated by allocating to each coastal
3 State an amount that bears the same ratio to
4 that portion as the shoreline miles of the State
5 bears to the shoreline miles of all coastal
6 States.

7 (2) MINIMUM AND MAXIMUM ALLOCATIONS.—
8 Notwithstanding paragraph (1), the total amount al-
9 located to a coastal State under subparagraphs (A)
10 and (B) of paragraph (1) for a fiscal year shall be
11 not less than $\frac{1}{2}$ of one percent, and not more than
12 10 percent, of the total amount of funds available
13 under section 604(b) for the fiscal year.

14 (c) AVAILABILITY OF FUNDS TO STATES.—

15 (1) IN GENERAL.—Amounts allocated to a
16 coastal State under this section for a fiscal year
17 shall be available for expenditure by the State in ac-
18 cordance with this section without further appropria-
19 tion, and shall remain available for expenditure for
20 the subsequent fiscal year.

21 (2) REVERSION.—(A) Except as provided in
22 subparagraph (B), amounts allocated under sub-
23 section (b)(1) to a coastal State for a fiscal year
24 that are not expended before the end of the subse-
25 quent fiscal year shall, upon the expiration of the

1 subsequent fiscal year, revert to the Fund and re-
2 main available for reallocation under subsection (b).

3 (B) Subparagraph (A) shall not apply to
4 amounts that are otherwise subject to reallocation
5 under this paragraph if the Secretary certifies in
6 writing that the purposes of this title would be bet-
7 ter served if the amounts remained available for use
8 by the coastal State.

9 (C) Amounts that remain available to a coastal
10 State pursuant to a certification under subpara-
11 graph (B) may remain available for a period speci-
12 fied by the Secretary in the certification, which shall
13 not exceed 2 fiscal years.

14 (d) APPROVAL OF COASTAL STATE LIVING MARINE
15 RESOURCES CONSERVATION PLANS.—

16 (1) SUBMISSION.—A coastal State that seeks fi-
17 nancial assistance under this section shall submit to
18 the Secretary, in such manner as the Secretary shall
19 by regulation prescribe, an application that contains
20 a proposed Living Marine Resources Conservation
21 Plan.

22 (2) REVIEW AND APPROVAL.—As soon as is
23 practicable, but no later than 180 days, after the
24 date on which a coastal State submits (or resubmits
25 in the case of a prior disapproval) an application for

1 the approval of a proposed Living Marine Resources
2 Conservation Plan, the Secretary shall—

3 (A) approve the plan, if the Secretary de-
4 termines that the plan—

5 (i) fulfills the purpose of this title;

6 (ii) is substantial in character and de-
7 sign; and

8 (iii) meets the requirements set forth
9 in subsection (e); or

10 (B) if the proposed plan does not meet the
11 criteria set forth in subparagraph (A), dis-
12 approve the conservation plan and provide the
13 coastal State—

14 (i) a written statement of the reasons
15 for disapproval;

16 (ii) an opportunity to consult with the
17 Secretary regarding deficiencies in the plan
18 and the modifications required for ap-
19 proval; and

20 (iii) an opportunity to revise and re-
21 submit the plan.

22 (e) LIVING MARINE RESOURCES CONSERVATION

23 PLANS.—The Secretary may not approve an Living Ma-

24 rine Resources Conservation Plan proposed by a coastal

25 State unless the Secretary determines that the plan—

1 (1) promotes balanced and diverse assemblages
2 of living marine resources;

3 (2) provides for the vesting in a designated
4 State agency the overall responsibility for the devel-
5 opment and revision of the plan;

6 (3) provides for an inventory of the living ma-
7 rine resources that are within the waters of the
8 State and are of value to the public for ecological,
9 economic, cultural, recreational, scientific, edu-
10 cational, and esthetic benefits;

11 (4) with respect to species inventoried under
12 paragraph (3) (in this subsection referred to as
13 “plan species”), provides for—

14 (A) determination of the size, range, and
15 distribution of their populations; and

16 (B) identification of the extent, condition,
17 and location of their habitats;

18 (5) provides for identification of any significant
19 factors which may adversely affect the plan species
20 and their habitats;

21 (6) provides for determination and implementa-
22 tion of the actions that should be taken to conserve,
23 restore, and manage the plan species and their habi-
24 tats;

1 (7) provides for establishment of priorities for
2 implementing conservation actions determined under
3 paragraph (6);

4 (8) provides for the monitoring, on a regular
5 basis, of the plan species and the effectiveness of the
6 conservation actions determined under paragraph
7 (6);

8 (9) provides for review and, if appropriate, revi-
9 sion of the plan, at intervals of not more than 3
10 years;

11 (10) ensures that the public is given oppor-
12 tunity to make its views known and considered dur-
13 ing the development, revision, and implementation of
14 the plan;

15 (11) identifies and establishes mechanisms for
16 coordinating conservation, restoration, and manage-
17 ment actions under the plan with appropriate Fed-
18 eral and interstate bodies with responsibility for liv-
19 ing marine resources management and conservation;
20 and

21 (12) provides for consultation by the State
22 agency designated under paragraph (2), as appro-
23 priate, with Federal and State agencies, interstate
24 bodies, nongovernmental entities, and the private
25 sector during the development, revision, and imple-

1 mentation of the plan, in order to minimize duplica-
2 tion of effort and to ensure that the best informa-
3 tion is available to all parties.

4 **SEC. 603. OCEAN CONSERVATION PARTNERSHIPS.**

5 (a) IN GENERAL.—The Secretary may use amounts
6 available under section 604(b) to make grants for the con-
7 servation, restoration, or management of living marine re-
8 sources.

9 (b) ELIGIBILITY AND APPLICATION.—Any person
10 may apply to the Secretary for a grant under this section,
11 in such manner as the Secretary shall by regulation pre-
12 scribe.

13 (c) REVIEW PROCESS.—Not later than 6 months
14 after receiving an application for a grant under this sec-
15 tion, the Secretary shall—

16 (1) request written comments on the project
17 proposal contained in the application from each
18 State or territory of the United States, and from
19 each Regional Fishery Management Council estab-
20 lished under the Magnuson-Stevens Fishery Con-
21 servation and Management Act (16 U.S.C. 1801 et
22 seq.), having jurisdiction over any area in which the
23 project is proposed to be carried out;

1 (2) provide for the merit-based peer review of
2 the project proposal and require standardized docu-
3 mentation of that peer review;

4 (3) after reviewing any written comments and
5 recommendations received under subsection (c)(1),
6 and based on such comments and recommendations
7 and peer review, approve or disapprove the proposal;
8 and

9 (4) provide written notification of that approval
10 or disapproval to the applicant.

11 (d) CRITERIA FOR APPROVAL.—The Secretary may
12 approve a proposal for a grant under this section only if
13 the Secretary determines that the proposed project—

14 (1) fulfills the purposes of this title;

15 (2) is substantial in character and design; and

16 (3) provide for the long-term conservation, res-
17 toration, or management of living marine resources.

18 (e) PRIORITY CONSIDERATION.—In approving and
19 disapproving proposals under this section, the Secretary
20 shall give priority to funding proposed projects that, in
21 addition to satisfying the criteria of subsection (d), will—

22 (1) establish or enhance existing cooperation
23 and coordination between the public and private sec-
24 tors;

1 (2) assist in achieving the objectives of a Na-
2 tional Estuary, National Marine Sanctuary, National
3 Estuarine Research, Reserve, or other marine pro-
4 tected area established under Federal or State law;
5 or

6 (3) assist in the conservation and enhancement
7 of essential fish habitat pursuant to the Magnuson
8 Fishery Conservation and Management Act (16
9 U.S.C. 1801 et seq.).

10 (f) LIMITATION ON AMOUNT OF GRANTS.—The
11 amount provided to a private person in a fiscal year in
12 the form of a grant under this section may not exceed
13 2 percent of the total amount available for the fiscal year
14 for such grants.

15 (g) TERMS AND CONDITIONS OF GRANTS.—The Sec-
16 retary shall require that each grantee under this section
17 shall conform with such record-keeping requirements, re-
18 porting requirements, and other terms and conditions as
19 the Secretary shall by regulation prescribe.

20 **SEC. 604. LIVING MARINE RESOURCES CONSERVATION**
21 **FUND; AVAILABILITY OF AMOUNTS.**

22 (a) ESTABLISHMENT OF FUND.—

23 (1) IN GENERAL.—There is established in the
24 Treasury of the United States a fund which shall be

1 known as the “Living Marine Resources Conserva-
2 tion Fund”.

3 (2) CONTENTS.—The Fund shall consist of—

4 (A) amounts deposited into the Fund
5 under this section; and

6 (B) amounts that revert to the Fund under
7 section 602(c)(2).

8 (3) DEPOSIT OF OCS REVENUES.—Subject to
9 section 5 of this Act, from amounts received by the
10 United States as qualified Outer Continental Shelf
11 revenues each fiscal year, there shall be deposited
12 into the Fund the following:

13 (A) For each of fiscal years 2000 and
14 2001, \$100,000,000.

15 (B) For each of fiscal years 2002, 2003,
16 and 2004, \$200,000,000.

17 (C) For each of fiscal year 2005 and each
18 fiscal year thereafter, \$300,000,000.

19 (b) AVAILABILITY OF AMOUNTS.—

20 (1) IN GENERAL.—Of amounts in the Fund, up
21 to the amount stated for a fiscal year in paragraph
22 (3) shall be available to the Secretary for that fiscal
23 year without further appropriation to carry out this
24 title, and shall remain available until expended.

1 (2) USE.—Of the amounts expended under this
2 subsection for a fiscal year—

3 (A) $\frac{2}{3}$ shall be used by the Secretary for
4 providing financial assistance to coastal States
5 under section 602; and

6 (B) $\frac{1}{3}$ shall be used by the Secretary for
7 grants under section 603.

8 (c) INVESTMENT OF EXCESS AMOUNTS.—The Sec-
9 retary of the Treasury shall invest moneys in the Fund
10 that are excess to expenditures in public debt securities
11 with maturities suitable to the needs of the Fund, as de-
12 termined by the Secretary of the Treasury, and bearing
13 interest at rates determined by the Secretary of the Treas-
14 ury, taking into consideration current market yields on
15 outstanding marketable obligations of the United States
16 of comparable maturity. Interest earned on such invest-
17 ments shall be deposited into the Fund.

18 **SEC. 605. DEFINITIONS.**

19 In this title:

20 (1) COASTAL POPULATION.—The term “coastal
21 population” means the population of all political
22 subdivisions, as determined by the most recent offi-
23 cial data of the Census Bureau, contained in whole
24 or in part within the designated coastal boundary of
25 a State as defined in a State’s coastal zone manage-

1 ment program under the Coastal Zone Management
2 Act of 1972 (16 U.S.C. 1451 et seq.).

3 (2) FUND.—The term “Fund” means the Liv-
4 ing Marine Resources Conservation Fund established
5 by section 604.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of Commerce.

8 (4) LIVING MARINE RESOURCES.—The term
9 “living marine resources” means indigenous fin fish,
10 anadromous fish, mollusks, crustaceans, and all
11 other forms of marine animal and plant life, includ-
12 ing marine mammals and birds, that inhabit marine
13 or brackish waters of the United States during all
14 or part of their life cycle.

15 **TITLE VII—FUNDING FOR STATE**
16 **NATIVE FISH AND WILDLIFE**
17 **CONSERVATION AND RES-**
18 **TORATION**

19 **SEC. 701. AMENDMENTS TO FINDINGS AND PURPOSES.**

20 (a) FINDINGS.—Section 2(a) of the Fish and Wildlife
21 Conservation Act of 1980 (16 U.S.C. 2901(a)) is
22 amended—

23 (1) in paragraph (1) by striking “Fish and
24 wildlife” and inserting “Native fish and wildlife”;

25 (2) in paragraph (2)—

1 (A) by striking “fish and wildlife, particu-
2 larly nongame fish and wildlife” and inserting
3 “native fish and wildlife, particularly nongame
4 species”; and

5 (B) by striking “maintaining fish and wild-
6 life” and inserting “maintaining biological di-
7 versity”;

8 (3) in paragraph (3) by striking “fish and wild-
9 life” and inserting “native fish and wildlife”;

10 (4) in paragraph (4) by striking “nongame fish
11 and wildlife” and inserting “native fish and wild-
12 life”; and

13 (5) in paragraph (5) by striking “fish and wild-
14 life” and all that follows through the end of the sen-
15 tence and inserting “native fish and wildlife.”.

16 (b) PURPOSES.—Section 2(b) of the Fish and Wild-
17 life Conservation Act of 1980 (16 U.S.C. 2901(b)) is
18 amended—

19 (1) by striking “nongame fish and wildlife”
20 each place it appears and inserting “native fish and
21 wildlife”;

22 (2) by redesignating paragraphs (1) and (2) as
23 paragraphs (2) and (3), respectively, and inserting
24 before paragraph (2) (as so redesignated) the follow-
25 ing:

1 “(1) to preserve biological diversity by main-
2 taining natural assemblages of native fish and wild-
3 life;”; and

4 (3) in paragraph (2), as redesignated, by insert-
5 ing after “States” the following: “(and through the
6 States to local governments where appropriate)”.

7 **SEC. 702. DEFINITIONS.**

8 Section 3 of the Fish and Wildlife Conservation Act
9 of 1980 (16 U.S.C. 2902) is amended—

10 (1) in paragraph (2) by striking “fish and wild-
11 life” and inserting “native fish and wildlife”;

12 (2) in paragraph (3)—

13 (A) by striking “fish and wildlife” and in-
14 serting “native fish and wildlife”; and

15 (B) by striking “development” and insert-
16 ing “and restoration”;

17 (3) in paragraph (4) by striking “fish and wild-
18 life” and inserting “native fish and wildlife”;

19 (4) by amending paragraph (5) to read as fol-
20 lows:

21 “(5) The term ‘native fish and wildlife’—

22 “(A) subject to subparagraph (B), means a
23 fish, animal, or plant species that—

1 “(i) historically occurred or currently
2 occurs in an ecosystem, other than as a re-
3 sult of an introduction; and

4 “(ii) lives in an unconfined state; and

5 “(B) does not include any population of a
6 domesticated species that has reverted to a feral
7 existence.

8 Any determination by the Secretary that a species is
9 or is not a species of native fish and wildlife for pur-
10 poses of this Act shall be final.”;

11 (5) by striking paragraph (6) and redesignating
12 paragraphs (7) and (8) as paragraphs (6) and (7),
13 respectively; and

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

15 “(8) The term ‘Native Wildlife Fund’ means
16 the Native Fish and Wildlife Conservation and Res-
17 toration Fund established by section 11.

18 “(9) The term ‘qualified Outer Continental
19 Shelf revenues’ has the meaning given that term in
20 section 4 of the Resources 2000 Act.”.

21 **SEC. 703. CONSERVATION PLANS.**

22 Section 4 of the Fish and Wildlife Conservation Act
23 of 1980 (16 U.S.C. 2903) is amended—

24 (1) by redesignating paragraphs (1) through
25 (10) in order as paragraphs (2) through (11);

1 (2) by inserting before paragraph (2) (as so re-
2 designated) the following:

3 “(1) promote balanced and diverse assemblages
4 of native fish and wildlife;”;

5 (3) in paragraph (3) (as so redesignated) by
6 striking “nongame” and all that follows through
7 “appropriate,” and inserting “native fish and wild-
8 life”;

9 (4) in paragraph (4) (as so redesignated) by
10 striking “(2)” and inserting “(3)”;

11 (5) in paragraph (5) (as so redesignated) by
12 striking “problems” and inserting “factors”; and

13 (6) in paragraphs (7) and (8) (as so redesign-
14 ated) by striking “(5)” and inserting “(6)”.

15 **SEC. 704. CONSERVATION ACTIONS IN ABSENCE OF CON-**
16 **SERVATION PLAN.**

17 (a) IN GENERAL.—Section 5 of the Fish and Wildlife
18 Conservation Act of 1980 (16 U.S.C. 2904) is amended—

19 (1) in the section heading by striking
20 “**NONGAME**”;

21 (2) by striking subsection (c), and redesignating
22 subsection (d) as subsection (c); and

23 (3) in subsection (c) (as so redesignated) by—

24 (A) in the subsection heading, by striking
25 “**NONGAME**”;

1 (B) striking “nongame fish and wildlife”
2 and inserting “native fish and wildlife”; and

3 (C) striking “and” after the semicolon at
4 the end of paragraph (1), striking the period at
5 the end of paragraph (2) and inserting “; and”,
6 and adding at the end the following:

7 “(3) are consistent with the purposes of this
8 Act.”.

9 (b) CONFORMING AMENDMENTS.—Section 6 of the
10 Fish and Wildlife Conservation Act of 1980 (16 U.S.C.
11 2905) is amended by striking “section 5(c) and (d)” each
12 place it appears and inserting “section 5(c)”.

13 **SEC. 705. AMENDMENTS RELATING TO REIMBURSEMENT**
14 **PROCESS.**

15 Section 6 of the Fish and Wildlife Conservation Act
16 of 1980 (16 U.S.C. 2905) is amended—

17 (1) in the section heading by striking
18 “**NONGAME**”;

19 (2) in subsection (a)(3) by striking “nongame
20 fish and wildlife”;

21 (3) in subsection (d) by striking “appropriated”
22 and inserting “available”;

23 (4) in subsection (e)(2)—

24 (A) in subparagraph (A) by striking
25 “1991” and inserting “2010”;

1 (B) in subparagraph (B)—

2 (i) by striking “1986” and inserting
3 “2005”;

4 (ii) by striking “section 5(d)” and in-
5 sserting “section 5(c)”;

6 (iii) by striking “nongame fish and
7 wildlife” and inserting “conservation”; and

8 (iv) by adding “or” after the semi-
9 colon;

10 (C) by striking subparagraphs (C), (D),
11 and (E);

12 (D) by redesignating subparagraph (F) as
13 subparagraph (C);

14 (E) in subparagraph (C) (as so redesign-
15 ated) by striking “nongame fish and wildlife”
16 and inserting “native fish and wildlife”; and

17 (F) in subparagraph (C)(ii) (as so redesign-
18 ated) by striking “10 percent” and inserting
19 “50 percent”;

20 (5) in subsection (e)(3)—

21 (A) in subparagraph (A) by striking
22 “1982, 1983, and 1984” and inserting “2001,
23 2002, and 2003”;

24 (B) in subparagraph (B) by striking
25 “nongame fish and wildlife”; and

1 (C) by amending subparagraph (D) to read
2 as follows:

3 “(D) after September 30, 2010, may not
4 exceed 75 percent of the cost of implementing
5 and revising the plan during the fiscal year.”;
6 and

7 (6) in subsection (e)(4)—

8 (A) in subparagraph (A) by striking
9 “nongame fish and wildlife”; and

10 (B) in subparagraph (B) by striking “fish
11 and wildlife” and inserting “native fish and
12 wildlife”.

13 **SEC. 706. ESTABLISHMENT OF NATIVE FISH AND WILDLIFE**
14 **CONSERVATION AND RESTORATION TRUST**
15 **FUND; AVAILABILITY OF AMOUNTS.**

16 (a) ESTABLISHMENT OF FUND.—Section 11 of the
17 Fish and Wildlife Conservation Act of 1980 (16 U.S.C.
18 2910) is amended to read as follows:

19 **“SEC. 11. NATIVE FISH AND WILDLIFE CONSERVATION AND**
20 **RESTORATION FUND.**

21 “(a) ESTABLISHMENT OF FUND.—(1) There is estab-
22 lished in the Treasury of the United States a fund which
23 shall be known as the ‘Native Fish and Wildlife Conserva-
24 tion and Restoration Fund’. The Native Fish and Wildlife

1 Conservation Fund shall consist of amounts deposited into
2 the Fund under this subsection.

3 “(2) Subject to section 5 of the Resources 2000 Act,
4 from amounts received by the United States as qualified
5 Outer Continental Shelf revenues each fiscal year, there
6 shall be deposited into the Fund the following amounts:

7 “(A) For each of fiscal years 2000 and 2001,
8 \$100,000,000.

9 “(B) For each of fiscal years 2002, 2003, and
10 2004, \$200,000,000.

11 “(C) For fiscal year 2005 and each fiscal year
12 thereafter, \$350,000,000.

13 “(3) The Secretary of the Treasury shall invest mon-
14 eys in the Fund that are excess to expenditures in public
15 debt securities with maturities suitable to the needs of the
16 Fund, as determined by the Secretary of the Treasury,
17 and bearing interest at rates determined by the Secretary
18 of the Treasury, taking into consideration current market
19 yields on outstanding marketable obligations of the United
20 States of comparable maturity. Interest earned on such
21 investments shall be deposited into the Fund.

22 “(b) AVAILABILITY FOR REIMBURSEMENT TO
23 STATES.—Of amounts in the Native Wildlife Fund—

24 “(1) up to the amount stated in subsection
25 (a)(2) for a fiscal year shall be available to the Sec-

1 retary of the Interior for that fiscal year, without
2 further appropriation, to reimburse States under
3 section 6 in accordance with the terms and condi-
4 tions that apply under sections 7 and 8; and

5 “(2) shall remain available until expended.”.

6 (b) CONFORMING AMENDMENTS.—Section 8 of the
7 Fish and Wildlife Conservation Act of 1980 (16 U.S.C.
8 2907) is amended—

9 (1) in subsection (a) by striking “appropriated”
10 and inserting “available”; and

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1)
13 by striking “appropriated” and inserting “avail-
14 able”; and

15 (B) in paragraph (1)—

16 (i) by striking “8 percent” and insert-
17 ing “2 percent”; and

18 (ii) by striking “the purposes for
19 which so appropriated” and inserting “the
20 purposes for which the amount is avail-
21 able”.

1 **TITLE VIII—ENDANGERED AND**
2 **THREATENED SPECIES RE-**
3 **COVERY**

4 **SEC. 801. PURPOSES.**

5 The purposes of this title are the following:

6 (1) To provide a dedicated source of funding to
7 the Fish and Wildlife Service and the National Ma-
8 rine Fisheries Service for the purpose of implement-
9 ing an incentives program to promote the recovery
10 of endangered species and threatened species and
11 the habitat upon which they depend.

12 (2) To promote greater involvement by non-
13 Federal entities in the recovery of the Nation's en-
14 dangered species and threatened species and the
15 habitat upon which they depend.

16 **SEC. 802. ENDANGERED AND THREATENED SPECIES RE-**
17 **COVERY ASSISTANCE.**

18 (a) **FINANCIAL ASSISTANCE.**—The Secretary may
19 use amounts in the Endangered and Threatened Species
20 Recovery Fund established by section 804 to provide fi-
21 nancial assistance to any person for development and im-
22 plementation of Endangered and Threatened Species Re-
23 covery Agreements entered into by the Secretary under
24 section 804.

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

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

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

11 (3) to the extent practicable, require use of the
12 assistance—

13 (A) on land owned by a small landowner;

14 or

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

17 (c) PROHIBITION ON ASSISTANCE FOR REQUIRED
18 ACTIVITIES.—The Secretary may not provide financial as-
19 sistance under this section for any action that is required
20 by a permit issued under the Endangered Species Act of
21 1973 (16 U.S.C. 1531 et seq.) or that is otherwise re-
22 quired under that Act or any other Federal law.

23 (d) PAYMENTS UNDER OTHER PROGRAMS.—

24 (1) OTHER PAYMENTS NOT AFFECTED.—Finan-
25 cial assistance provided to a person under this sec-

1 tion shall be in addition to, and shall not affect, the
2 total amount of payments that the person is other-
3 wise eligible to receive under the conservation re-
4 serve program established under subchapter B of
5 chapter 1 of subtitle D of title XII of the Food Se-
6 curity Act of 1985 (16 U.S.C. 3831 et seq.), the
7 wetlands reserve program established under sub-
8 chapter C of that chapter (16 U.S.C. 3837 et seq.),
9 or the Wildlife Habitat Incentives Program estab-
10 lished under section 387 of the Federal Agriculture
11 Improvement and Reform Act of 1996 (16 U.S.C.
12 3836a).

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

1 **SEC. 803. ENDANGERED AND THREATENED SPECIES RE-**
2 **COVERY AGREEMENTS.**

3 (a) IN GENERAL.—The Secretary may enter into En-
4 dangered and Threatened Species Recovery Agreements
5 for purposes of this title in accordance with this section.

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

8 (1) require the person—

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

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

18 (C) to do any combination of subpara-
19 graphs (A) and (B);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **SEC. 804. ENDANGERED AND THREATENED SPECIES RE-**
4 **COVERY FUND; AVAILABILITY OF AMOUNTS.**

5 (a) ESTABLISHMENT OF FUND.—

6 (1) ESTABLISHMENT.—There is established in
7 the Treasury of the United States a fund that shall
8 be known as the “Endangered and Threatened Spe-
9 cies Recovery Fund”. The Fund shall consist of such
10 amounts as are deposited into the Fund under this
11 section.

12 (2) DEPOSITS.—Subject to section 5 of this
13 Act, from amounts received by the United States as
14 qualified Outer Continental Shelf revenues there
15 shall be deposited into the Fund \$100,000,000 each
16 fiscal year.

17 (b) AVAILABILITY.—Of amounts in the Fund up to
18 \$100,000,000 shall be available to the Secretary each fis-
19 cal year, without further appropriation, for providing fi-
20 nancial assistance under section 802, and shall remain
21 available until expended.

22 (c) INVESTMENT OF EXCESS AMOUNTS.—The Sec-
23 retary of the Treasury shall invest moneys in the Fund
24 that are excess to expenditures in public debt securities
25 with maturities suitable to the needs of the Fund, as de-

1 terminated by the Secretary of the Treasury, and bearing
2 interest at rates determined by the Secretary of the Treas-
3 ury, taking into consideration current market yields on
4 outstanding marketable obligations of the United States
5 of comparable maturity. Interest earned on such invest-
6 ments shall be deposited into the Fund.

7 **SEC. 805. DEFINITIONS.**

8 In this title:

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

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

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

16 (A) produces agricultural commodities for
17 sale in such quantities so as to be recognized in
18 the community as a farm and not as a rural
19 residence;

20 (B) produces enough income, including off-
21 farm employment, to pay family and farm oper-
22 ating expenses, pay debts, and maintain the
23 property;

24 (C) is managed by the operator;

1 (D) has a substantial amount of labor pro-
2 vided by the operator and the operator's family;
3 and

4 (E) uses seasonal labor only during peak
5 periods, and uses no more than a reasonable
6 amount of full-time hired labor.

7 (3) FUND.—The term “Fund” means the En-
8 dangered and Threatened Species Recovery Fund es-
9 tablished by section 804.

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

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

17 (6) SPECIES RECOVERY AGREEMENT.—The
18 term “species recovery agreement” means an En-
19 dangered and Threatened Species Recovery Agree-
20 ment entered into by the Secretary under section
21 803.

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