

107TH CONGRESS
1ST SESSION

S. 990

AN ACT

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Wildlife Enhancement Act of 2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Wildlife Conservation and Restoration Account.
- Sec. 104. Apportionment of amounts in the Account.
- Sec. 105. Wildlife conservation and restoration programs.
- Sec. 106. Nonapplicability of Federal Advisory Committee Act.
- Sec. 107. Technical amendments.
- Sec. 108. Effective date.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

- Sec. 201. Purpose.
- Sec. 202. Endangered and threatened species recovery assistance.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

- Sec. 301. Non-Federal land conservation grant program.

TITLE IV—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND

- Sec. 401. Conservation and restoration of shrubland and grassland.

3 **TITLE I—PITTMAN-ROBERTSON**
 4 **WILDLIFE CONSERVATION**
 5 **AND RESTORATION PRO-**
 6 **GRAMS IMPROVEMENT**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Pittman-Robertson
 9 Wildlife Conservation and Restoration Programs Improve-
 10 ment Act”.

1 **SEC. 102. DEFINITIONS.**

2 (a) IN GENERAL.—Section 2 of the Pittman-Robert-
3 son Wildlife Restoration Act (16 U.S.C. 669a) is amended
4 to read as follows:

5 **“SEC. 2. DEFINITIONS.**

6 “In this Act:

7 “(1) ACCOUNT.—The term ‘Account’ means the
8 Wildlife Conservation and Restoration Account es-
9 tablished by section 3(a)(2).

10 “(2) CONSERVATION.—

11 “(A) IN GENERAL.—The term ‘conserva-
12 tion’ means the use of a method or procedure
13 necessary or desirable—

14 “(i) to sustain healthy populations of
15 wildlife; or

16 “(ii) to restore declining populations
17 of wildlife.

18 “(B) INCLUSIONS.—The term ‘conserva-
19 tion’ includes any activity associated with sci-
20 entific resources management, such as—

21 “(i) research;

22 “(ii) census;

23 “(iii) monitoring of populations;

24 “(iv) acquisition, improvement, and
25 management of habitat;

26 “(v) live trapping and transplantation;

1 “(vi) wildlife damage management;

2 “(vii) periodic or total protection of a
3 species or population; and

4 “(viii) the taking of individuals within
5 a wildlife stock or population if permitted
6 by applicable Federal law, State law, or
7 law of the District of Columbia, a terri-
8 tory, or an Indian tribe for the purpose of
9 protecting wildlife in decline.

10 “(3) FUND.—The term ‘fund’ means the Fed-
11 eral aid to wildlife restoration fund established by
12 section 3(a)(1).

13 “(4) INDIAN TRIBE.—The term ‘Indian tribe’
14 has the meaning given the term in section 4 of the
15 Indian Self-Determination and Education Assistance
16 Act (25 U.S.C. 450b).

17 “(5) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of the Interior.

19 “(6) STATE FISH AND GAME DEPARTMENT.—
20 The term ‘State fish and game department’ means
21 any department or division of a department of an-
22 other name, or commission, or 1 or more officials,
23 of a State, the District of Columbia, a territory, or
24 an Indian tribe empowered under the laws of the
25 State, the District of Columbia, the territory, or the

1 Indian tribe, respectively, to exercise the functions
2 ordinarily exercised by a State fish and game de-
3 partment or a State fish and wildlife department.

4 “(7) TERRITORY.—The term ‘territory’ means
5 Puerto Rico, Guam, American Samoa, the Common-
6 wealth of the Northern Mariana Islands, and the
7 Virgin Islands.

8 “(8) WILDLIFE.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), the term ‘wildlife’ means—

11 “(i) any species of wild, free-ranging
12 fauna (excluding fish); and

13 “(ii) any species of fauna (excluding
14 fish) in a captive breeding program the ob-
15 ject of which is to reintroduce individuals
16 of a depleted native species into the pre-
17 viously occupied range of the species.

18 “(B) WILDLIFE CONSERVATION AND RES-
19 TORATION PROGRAM.—For the purposes of each
20 wildlife conservation and restoration program,
21 the term ‘wildlife’ includes fish and native
22 plants.

23 “(9) WILDLIFE-ASSOCIATED RECREATION
24 PROJECT.—The term ‘wildlife-associated recreation
25 project’ means—

1 “(A) a project intended to meet the de-
2 mand for an outdoor activity associated with
3 wildlife, such as hunting, fishing, and wildlife
4 observation and photography;

5 “(B) a project such as construction or res-
6 toration of a wildlife viewing area, observation
7 tower, blind, platform, land or water trail,
8 water access route, area for field trialing, or
9 trail head; and

10 “(C) a project to provide access for a
11 project described in subparagraph (A) or (B).

12 “(10) WILDLIFE CONSERVATION AND RESTORA-
13 TION PROGRAM.—The term ‘wildlife conservation
14 and restoration program’ means a program devel-
15 oped by a State fish and game department and ap-
16 proved by the Secretary under section 12.

17 “(11) WILDLIFE CONSERVATION EDUCATION
18 PROJECT.—The term ‘wildlife conservation education
19 project’ means a project, including public outreach,
20 that is intended to foster responsible natural re-
21 source stewardship.

22 “(12) WILDLIFE-RESTORATION PROJECT.—

23 “(A) IN GENERAL.—The term ‘wildlife-res-
24 toration project’ means a project consisting of
25 the selection, restoration, rehabilitation, or im-

1 provement of an area of land or water (includ-
2 ing a property interest in land or water) that is
3 adaptable as a feeding, resting, or breeding
4 place for wildlife.

5 “(B) INCLUSIONS.—The term ‘wildlife-res-
6 toration project’ includes—

7 “(i) acquisition of an area of land or
8 water described in subparagraph (A) that
9 is suitable or capable of being made suit-
10 able for feeding, resting, or breeding by
11 wildlife;

12 “(ii) restoration or rehabilitation of an
13 area of land or water described in subpara-
14 graph (A) (such as through management
15 of habitat and invasive species);

16 “(iii) construction in an area de-
17 scribed in subparagraph (A) of such works
18 as are necessary to make the area available
19 for feeding, resting, or breeding by wildlife;

20 “(iv) such research into any problem
21 of wildlife management as is necessary for
22 efficient administration of wildlife re-
23 sources; and

1 “(v) such preliminary or incidental ex-
2 penses as are incurred with respect to ac-
3 tivities described in this paragraph.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) The first section, section 3(a)(1), and sec-
6 tion 12 of the Pittman-Robertson Wildlife Restora-
7 tion Act (16 U.S.C. 669, 669b(a)(1), 669i) are
8 amended by striking “Secretary of Agriculture” each
9 place it appears and inserting “Secretary”.

10 (2) The Pittman-Robertson Wildlife Restoration
11 Act (16 U.S.C. 669 et seq.) is amended by striking
12 “Secretary of the Interior” each place it appears and
13 inserting “Secretary”.

14 (3) Section 3(a)(1) of the Pittman-Robertson
15 Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is
16 amended by striking “(hereinafter referred to as the
17 ‘fund’)”.

18 (4) Section 6(c) of the Pittman-Robertson Wild-
19 life Restoration Act (16 U.S.C. 669e(c)) is amended
20 by striking “established by section 3 of this Act”.

21 (5) Section 11(b) of the Pittman-Robertson
22 Wildlife Restoration Act (16 U.S.C. 669h–2(b)) is
23 amended by striking “wildlife restoration projects”
24 each place it appears and inserting “wildlife-restora-
25 tion projects”.

1 **SEC. 103. WILDLIFE CONSERVATION AND RESTORATION**
2 **ACCOUNT.**

3 (a) IN GENERAL.—Section 3 of the Pittman-Robert-
4 son Wildlife Restoration Act (16 U.S.C. 669b) is
5 amended—

6 (1) by striking “SEC. 3. (a)(1) An” and insert-
7 ing the following:

8 **“SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.**

9 “(a) IN GENERAL.—

10 “(1) FEDERAL AID TO WILDLIFE RESTORATION
11 FUND.—An”;

12 (2) in subsection (a), by striking paragraph (2)
13 and inserting the following:

14 “(2) WILDLIFE CONSERVATION AND RESTORA-
15 TION ACCOUNT.—

16 “(A) ESTABLISHMENT.—There is estab-
17 lished in the fund an account to be known as
18 the ‘Wildlife Conservation and Restoration Ac-
19 count’.

20 “(B) FUNDING.—

21 “(i) IN GENERAL.—There are author-
22 ized to be appropriated to the Account for
23 apportionment to States, the District of
24 Columbia, territories, and Indian tribes in
25 accordance with section 4(d)—

1 “(I) \$50,000,000 for fiscal year
2 2001; and

3 “(II) \$350,000,000 for each of
4 fiscal years 2002 through 2006.

5 “(ii) AVAILABILITY.—Notwithstanding
6 the matter under the heading ‘FEDERAL
7 AID IN WILDLIFE RESTORATION’ under the
8 heading ‘FISH AND WILDLIFE SERVICE’ in
9 title I of chapter VII of the General Approp-
10 riation Act, 1951 (64 Stat. 693), the
11 amount appropriated under clause (i)(II)
12 for each of fiscal years 2002 through 2006
13 shall be available for obligation in that fis-
14 cal year.”; and

15 (3) by striking subsections (c) and (d).

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 3 of the Pittman-Robertson Wildlife
18 Restoration Act (16 U.S.C. 669b) is amended—

19 (A) in the first sentence of subsection

20 (a)(1)—

21 (i) by inserting “(other than the Ac-
22 count)” after “wildlife restoration fund”;

23 and

1 (ii) by inserting before the period at
2 the end the following: “(other than sections
3 4(d) and 12)”; and

4 (B) in subsection (b), by inserting “(other
5 than the Account)” after “the fund” each place
6 it appears.

7 (2) Section 4 of the Pittman-Robertson Wildlife
8 Restoration Act (16 U.S.C. 669e) is amended—

9 (A) in subsection (a)—

10 (i) in paragraph (1)(A)—

11 (I) by inserting “(other than the
12 Account)” after “the fund”; and

13 (II) by inserting “(other than
14 subsection (d) and sections 3(a)(2)
15 and 12)” after “this Act”; and

16 (ii) in paragraph (2)(B), by inserting
17 “from the fund (other than the Account)”
18 before “under this Act”; and

19 (B) in the first sentence of subsection (b),
20 by striking “said fund” and inserting “the fund
21 (other than the Account)”.

22 (3) Section 6 of the Pittman-Robertson Wildlife
23 Restoration Act (16 U.S.C. 669e) is amended—

24 (A) in subsection (a)—

1 (i) in the matter preceding paragraph
2 (1), by inserting “(other than sections 4(d)
3 and 12)” after “this Act”;

4 (ii) in the last sentence of paragraph
5 (1), by striking “this Act from funds ap-
6 portioned under this Act” and inserting
7 “this Act (other than sections 4(d) and 12)
8 from funds apportioned from the fund
9 (other than the Account) under this Act”;

10 (iii) in paragraph (2)—

11 (I) in the first sentence, by in-
12 serting “(other than sections 4(d) and
13 12)” after “this Act”; and

14 (II) in the last sentence, by strik-
15 ing “said fund as represents the share
16 of the United States payable under
17 this Act” and inserting “the fund
18 (other than the Account) as rep-
19 represents the share of the United States
20 payable from the fund (other than the
21 Account) under this Act”; and

22 (iv) in the last paragraph, by inserting
23 “from the fund (other than the Account)”
24 before “under this Act” each place it ap-
25 pears; and

1 (B) in subsection (b), by inserting “(other
2 than sections 4(d) and 12)” after “this Act”
3 each place it appears.

4 (4) Section 8A of the Pittman-Robertson Wild-
5 life Restoration Act (16 U.S.C. 669g–1) is amended
6 in the first sentence by inserting “from the fund
7 (other than the Account)” before “under this Act”.

8 (5) Section 9 of the Pittman-Robertson Wildlife
9 Restoration Act (16 U.S.C. 669h) is amended in
10 subsections (a) and (b)(1) by striking “section
11 4(a)(1)” each place it appears and inserting “sub-
12 sections (a)(1) and (d)(1) of section 4”.

13 (6) Section 10 of the Pittman-Robertson Wild-
14 life Restoration Act (16 U.S.C. 669h–1) is
15 amended—

16 (A) in subsection (a)(1)—

17 (i) by inserting “(other than the Ac-
18 count)” after “the fund”; and

19 (ii) in subparagraph (B), by inserting
20 “but excluding any use authorized solely
21 by section 12” after “target ranges”; and

22 (B) in subsection (c)(2), by inserting be-
23 fore the period at the end the following: “(other
24 than sections 4(d) and 12)”.

1 (7) Section 11(a)(1) of the Pittman-Robertson
2 Wildlife Restoration Act (16 U.S.C. 669h-2(a)(1)) is
3 amended by inserting “(other than the Account)”
4 after “the fund”.

5 **SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.**

6 Section 4 of the Pittman-Robertson Wildlife Restora-
7 tion Act (16 U.S.C. 669e) is amended by striking the sec-
8 ond subsection (e) and subsection (d) and inserting the
9 following:

10 “(d) APPORTIONMENT OF AMOUNTS IN THE AC-
11 COUNT.—

12 “(1) DEDUCTION FOR ADMINISTRATIVE EX-
13 PENSES.—For each fiscal year, the Secretary may
14 deduct, for payment of administrative expenses in-
15 curred by the Secretary in carrying out activities
16 funded from the Account, not more than 3 percent
17 of the total amount of the Account available for ap-
18 portionment for the fiscal year.

19 “(2) APPORTIONMENT TO DISTRICT OF COLUM-
20 BIA, TERRITORIES, AND INDIAN TRIBES.—

21 “(A) IN GENERAL.—For each fiscal year,
22 after making the deduction under paragraph
23 (1), the Secretary shall apportion from the
24 amount in the Account remaining available for
25 apportionment—

1 “(i) to each of the District of Colum-
2 bia and the Commonwealth of Puerto Rico,
3 a sum equal to not more than $\frac{1}{2}$ of 1 per-
4 cent of that remaining amount;

5 “(ii) to each of Guam, American
6 Samoa, the Commonwealth of the North-
7 ern Mariana Islands, and the Virgin Is-
8 lands, a sum equal to not more than $\frac{1}{4}$ of
9 1 percent of that remaining amount; and

10 “(iii) to Indian tribes, a sum equal to
11 not more than $2\frac{1}{4}$ percent of that remain-
12 ing amount, of which, subject to subpara-
13 graph (B)—

14 “(I) $\frac{1}{3}$ shall be apportioned
15 among Indian tribes based on the
16 ratio that the trust land area of each
17 Indian tribe bears to the total trust
18 land area of all Indian tribes; and

19 “(II) $\frac{2}{3}$ shall be apportioned
20 among Indian tribes based on the
21 ratio that the population of each In-
22 dian tribe bears to the total popu-
23 lation of all Indian tribes.

24 “(B) MAXIMUM APPORTIONMENT FOR
25 EACH INDIAN TRIBE.—For each fiscal year, the

1 amounts apportioned under subparagraph
2 (A)(iii) shall be adjusted proportionately so that
3 no Indian tribe is apportioned a sum that is
4 more than 5 percent of the amount available for
5 apportionment under subparagraph (A)(iii) for
6 the fiscal year.

7 “(3) APPORTIONMENT TO STATES.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), for each fiscal year, after making
10 the deduction under paragraph (1) and the ap-
11 portionment under paragraph (2), the Secretary
12 shall apportion the amount in the Account re-
13 maining available for apportionment among
14 States in the following manner:

15 “(i) $\frac{1}{3}$ based on the ratio that the
16 area of each State bears to the total area
17 of all States.

18 “(ii) $\frac{2}{3}$ based on the ratio that the
19 population of each State bears to the total
20 population of all States.

21 “(B) MINIMUM AND MAXIMUM APPORTION-
22 MENTS.—For each fiscal year, the amounts ap-
23 portioned under this paragraph shall be ad-
24 justed proportionately so that no State is ap-
25 portioned a sum that is—

1 “(i) less than 1 percent of the amount
2 available for apportionment under this
3 paragraph for the fiscal year; or

4 “(ii) more than 5 percent of that
5 amount.

6 “(4) USE.—

7 “(A) IN GENERAL.—Apportionments under
8 paragraphs (2) and (3)—

9 “(i) shall supplement, but not sup-
10 plant, funds available to States, the Dis-
11 trict of Columbia, territories, and Indian
12 tribes—

13 “(I) from the fund; or

14 “(II) from the Sport Fish Res-
15 toration Account established by sec-
16 tion 9504(a) of the Internal Revenue
17 Code of 1986; and

18 “(ii) shall be used to address the
19 unmet needs for wildlife (including species
20 that are not hunted or fished, and giving
21 priority to species that are in decline), and
22 the habitats on which the wildlife depend,
23 for projects authorized to be carried out as
24 part of wildlife conservation and restora-

1 tion programs in accordance with section
2 12.

3 “(B) PROHIBITION ON DIVERSION.—A
4 State, the District of Columbia, a territory, or
5 an Indian tribe shall not be eligible to receive
6 an apportionment under paragraph (2) or (3) if
7 the Secretary determines that the State, the
8 District of Columbia, the territory, or the In-
9 dian tribe respectively, diverts funds from any
10 source of revenue (including interest, dividends,
11 and other income earned on the revenue) avail-
12 able to the State, the District of Columbia, the
13 territory, or the Indian tribe after January 1,
14 2000, for conservation of wildlife for any pur-
15 pose other than the administration of the State
16 fish and game department in carrying out wild-
17 life conservation activities.

18 “(5) PERIOD OF AVAILABILITY OF APPORTION-
19 MENTS.—Notwithstanding section 3(a)(1), for each
20 fiscal year, the apportionment to a State, the Dis-
21 trict of Columbia, a territory, or an Indian tribe
22 from the Account under this subsection shall remain
23 available for obligation until the end of the second
24 following fiscal year.”.

1 **SEC. 105. WILDLIFE CONSERVATION AND RESTORATION**
2 **PROGRAMS.**

3 (a) IN GENERAL.—The Pittman-Robertson Wildlife
4 Restoration Act is amended—

5 (1) by redesignating sections 12 and 13 (16
6 U.S.C. 669i, 669 note) as sections 13 and 15, re-
7 spectively; and

8 (2) by inserting after section 11 (16 U.S.C.
9 669h-2) the following:

10 **“SEC. 12. WILDLIFE CONSERVATION AND RESTORATION**
11 **PROGRAMS.**

12 “(a) DEFINITION OF STATE.—In this section, the
13 term ‘State’ means a State, the District of Columbia, a
14 territory, and an Indian tribe.

15 “(b) WILDLIFE CONSERVATION AND RESTORATION
16 PROGRAMS.—

17 “(1) IN GENERAL.—A State, acting through the
18 State fish and game department, may apply to the
19 Secretary—

20 “(A) for approval of a wildlife conservation
21 and restoration program; and

22 “(B) to receive funds from the apporportion-
23 ment to the State under section 4(d) to develop
24 and implement the wildlife conservation and
25 restoration program.

1 “(2) APPLICATION CONTENTS.—As part of an
2 application under paragraph (1), a State shall pro-
3 vide documentation demonstrating that the wildlife
4 conservation and restoration program of the State
5 includes—

6 “(A) provisions vesting in the State fish
7 and game department overall responsibility and
8 accountability for the wildlife conservation and
9 restoration program of the State;

10 “(B) provisions to identify which species in
11 the State are in greatest need of conservation;
12 and

13 “(C) provisions for the development, imple-
14 mentation, and maintenance, under the wildlife
15 conservation and restoration program, of—

16 “(i) wildlife conservation projects—

17 “(I) that expand and support
18 other wildlife programs; and

19 “(II) that are selected giving ap-
20 propriate consideration to all species
21 of wildlife in accordance with sub-
22 section (c);

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

1 “(iii) wildlife conservation education
2 projects.

3 “(3) PUBLIC PARTICIPATION.—A State shall
4 provide an opportunity for public participation in the
5 development, implementation, and revision of the
6 wildlife conservation and restoration program of the
7 State and projects carried out under the wildlife con-
8 servation and restoration program.

9 “(4) APPROVAL FOR FUNDING.—If the Sec-
10 retary finds that the application submitted by a
11 State meets the requirements of paragraph (2), the
12 Secretary shall approve the wildlife conservation and
13 restoration program of the State.

14 “(5) PAYMENT OF FEDERAL SHARE.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (D), after the Secretary approves a wild-
17 life conservation and restoration program of a
18 State, the Secretary may use the apportionment
19 to the State under section 4(d) to pay the Fed-
20 eral share of—

21 “(i) the cost of implementation of the
22 wildlife conservation and restoration pro-
23 gram; and

24 “(ii) the cost of development, imple-
25 mentation, and maintenance of each

1 project that is part of the wildlife conserva-
2 tion and restoration program.

3 “(B) FEDERAL SHARE.—The Federal
4 share shall not exceed 75 percent.

5 “(C) TIMING OF PAYMENTS.—Under such
6 regulations as the Secretary may promulgate,
7 the Secretary—

8 “(i) shall make payments to a State
9 under subparagraph (A) during the course
10 of a project; and

11 “(ii) may advance funds to pay the
12 Federal share of the costs described in
13 subparagraph (A).

14 “(D) MAXIMUM AMOUNT FOR CERTAIN AC-
15 TIVITIES.—

16 “(i) IN GENERAL.—Notwithstanding
17 section 8(a), except as provided in clause
18 (ii), for each fiscal year, not more than 10
19 percent of the apportionment to a State
20 under section 4(d) for the wildlife con-
21 servation and restoration program of the
22 State may be used for each of the following
23 activities:

24 “(I) Law enforcement activities.

1 “(II) Wildlife-associated recre-
2 ation projects.

3 “(ii) EXCEPTION.—For any fiscal
4 year, the limitation under clause (i) shall
5 not apply to law enforcement activities or
6 wildlife-associated recreation projects in a
7 State if the State demonstrates to the sat-
8 isfaction of the Secretary that law enforce-
9 ment activities or wildlife-associated recre-
10 ation projects, respectively, have a signifi-
11 cant impact on high priority conservation
12 activities.

13 “(6) METHOD OF IMPLEMENTATION OF
14 PROJECTS.—A State may implement a project that
15 is part of the wildlife conservation and restoration
16 program of the State through—

17 “(A) a grant made by the State to, or a
18 contract entered into by the State with—

19 “(i) any Federal, State, or local agen-
20 cy (including an agency that gathers, eval-
21 uates, and disseminates information on
22 wildlife and wildlife habitats);

23 “(ii) an Indian tribe;

1 “(iii) a wildlife conservation organiza-
2 tion, sportsmen’s organization, land trust,
3 or other nonprofit organization; or

4 “(iv) an outdoor recreation or con-
5 servation education entity; and

6 “(B) any other method determined appro-
7 priate by the State.

8 “(c) WILDLIFE CONSERVATION STRATEGY.—

9 “(1) IN GENERAL.—Not later than 5 years
10 after the date of the initial apportionment to a State
11 under section 4(d), to be eligible to continue to re-
12 ceive funds from the apportionment to the State
13 under section 4(d), the State shall, as part of the
14 wildlife conservation and restoration program of the
15 State, develop and implement a wildlife conservation
16 strategy that is based on the best available and ap-
17 propriate scientific information.

18 “(2) REQUIRED ELEMENTS.—A wildlife con-
19 servation strategy shall—

20 “(A) use such information on the distribu-
21 tion and abundance of species of wildlife as is
22 indicative of the diversity and health of the
23 wildlife of the State, including such information
24 on species with low populations and declining

1 numbers of individuals as the State fish and
2 game department determines to be appropriate;

3 “(B) identify the extent and condition of
4 wildlife habitats and community types essential
5 to conservation of the species of wildlife of the
6 State identified using information described in
7 subparagraph (A);

8 “(C)(i) identify the problems that may ad-
9 versely affect—

10 “(I) the species identified using infor-
11 mation described in subparagraph (A); and

12 “(II) the habitats of the species iden-
13 tified under subparagraph (B); and

14 “(ii) provide for high priority research and
15 surveys to identify factors that may assist in
16 the restoration and more effective conservation
17 of—

18 “(I) the species identified using infor-
19 mation described in subparagraph (A); and

20 “(II) the habitats of the species iden-
21 tified under subparagraph (B);

22 “(D)(i) describe which actions should be
23 taken to conserve—

24 “(I) the species identified using infor-
25 mation described in subparagraph (A); and

1 “(II) the habitats of the species iden-
2 tified under subparagraph (B); and

3 “(ii) establish priorities for implementing
4 those actions; and

5 “(E) provide for—

6 “(i) periodic monitoring of—

7 “(I) the species identified using
8 information described in subpara-
9 graph (A);

10 “(II) the habitats of the species
11 identified under subparagraph (B);
12 and

13 “(III) the effectiveness of the
14 conservation actions described under
15 subparagraph (D); and

16 “(ii) adaptation of conservation ac-
17 tions as appropriate to respond to new in-
18 formation or changing conditions.

19 “(3) PUBLIC PARTICIPATION IN DEVELOPMENT
20 OF STRATEGY.—A State shall provide an oppor-
21 tunity for public participation in the development
22 and implementation of the wildlife conservation
23 strategy of the State.

24 “(4) REVIEW AND REVISION.—Not less often
25 than once every 7 years, a State shall review the

1 wildlife conservation strategy of the State and make
2 any appropriate revisions.

3 “(5) COORDINATION.—During the development,
4 implementation, review, and revision of the wildlife
5 conservation strategy of the State, a State shall pro-
6 vide for coordination between—

7 “(A) the State fish and game department;
8 and

9 “(B) Federal, State, and local agencies
10 and Indian tribes that—

11 “(i) manage significant areas of land
12 or water within the State; or

13 “(ii) administer programs that signifi-
14 cantly affect the conservation of—

15 “(I) the species identified using
16 information described in paragraph
17 (2)(A); or

18 “(II) the habitats of the species
19 identified under paragraph (2)(B).

20 “(6) EFFECT OF FAILURE TO DEVELOP OR
21 CARRY OUT WILDLIFE CONSERVATION STRATEGY.—

22 “(A) IN GENERAL.—If, in any fiscal year,
23 a State fails to develop, implement, obtain the
24 approval of the Secretary for, review, or revise
25 a wildlife conservation strategy as required

1 under this subsection, the apportionment to the
2 State under section 4(d) for the following fiscal
3 year shall be reapportioned in accordance with
4 section 4(d) to States that carry out those ac-
5 tivities as required under this subsection.

6 “(B) CORRECTION OF DEFICIENCIES.—If a
7 State whose apportionment for a fiscal year is
8 reapportioned under subparagraph (A) subse-
9 quently carries out the activities described in
10 that subparagraph as required under this sub-
11 section, the State shall be eligible to receive an
12 apportionment under section 4(d) for the fiscal
13 year following the fiscal year of the reapportion-
14 ment.

15 “(d) USE OF FUNDS FOR NEW AND EXISTING PRO-
16 GRAMS AND PROJECTS.—Funds made available from the
17 Account to carry out activities under this section may be
18 used—

19 “(1) to carry out new programs and projects;

20 and

21 “(2) to enhance existing programs and projects.

22 “(e) PRIORITY FOR FUNDING.—In using funds made
23 available from the Account to carry out activities under
24 this section, a State shall give priority to species that are
25 in greatest need of conservation—

1 “(1) as evidenced by—

2 “(A) a low population and declining num-
3 bers of individuals;

4 “(B) a current threat or reasonably antici-
5 pated threat to the habitat of the species; or

6 “(C) any other similar indicator of need of
7 conservation; or

8 “(2) as identified in the wildlife conservation
9 strategy of the State under subsection (c).

10 “(f) **LIMITATION ON USE OF FUNDS FOR WILDLIFE**
11 **CONSERVATION EDUCATION PROJECTS.**—Funds made
12 available from the Account to carry out wildlife conserva-
13 tion education projects shall not be used to fund, in whole
14 or in part, any activity that promotes or encourages oppo-
15 sition to the regulated hunting or trapping of wildlife.”.

16 (b) **CONFORMING AMENDMENT.**—Section 8(a) of the
17 Pittman-Robertson Wildlife Restoration Act (16 U.S.C.
18 669g) is amended by striking the last sentence.

19 **SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
20 **MITTEE ACT.**

21 (a) **PITTMAN-ROBERTSON WILDLIFE RESTORATION**
22 **ACT.**—The Pittman-Robertson Wildlife Restoration Act
23 (as amended by section 105(a)(1)) is amended by insert-
24 ing after section 13 the following:

1 **“SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 2 **MITTEE ACT.**

3 “Coordination with State fish and game department
 4 personnel or with personnel of any other agency of a State,
 5 the District of Columbia, a territory, or an Indian tribe
 6 under this Act shall not be subject to the Federal Advisory
 7 Committee Act (5 U.S.C. App.).”.

8 (b) DINGELL-JOHNSON SPORT FISH RESTORATION
 9 ACT.—The Dingell-Johnson Sport Fish Restoration Act
 10 is amended—

11 (1) by redesignating section 15 (16 U.S.C. 777
 12 note) as section 16; and

13 (2) by inserting after section 14 (16 U.S.C.
 14 777m) the following:

15 **“SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 16 **MITTEE ACT.**

17 “Coordination with State fish and game department
 18 personnel or with personnel of any other State agency
 19 under this Act shall not be subject to the Federal Advisory
 20 Committee Act (5 U.S.C. App.).”.

21 **SEC. 107. TECHNICAL AMENDMENTS.**

22 (a) The first section of the Pittman-Robertson Wild-
 23 life Restoration Act (16 U.S.C. 669) is amended by strik-
 24 ing “That the” and inserting the following:

1 **“SECTION 1. COOPERATION OF SECRETARY OF THE INTE-**
2 **RIOR WITH STATES.**

3 “The”.

4 (b) Section 5 of the Pittman-Robertson Wildlife Res-
5 toration Act (16 U.S.C. 669d) is amended by striking
6 “SEC. 5.” and inserting the following:

7 **“SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR AP-**
8 **PORTIONED.”.**

9 (c) Section 6 of the Pittman-Robertson Wildlife Res-
10 toration Act (16 U.S.C. 669e) is amended by striking
11 “SEC. 6.” and inserting the following:

12 **“SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND**
13 **PROJECTS.”.**

14 (d) Section 7 of the Pittman-Robertson Wildlife Res-
15 toration Act (16 U.S.C. 669f) is amended by striking
16 “SEC. 7.” and inserting the following:

17 **“SEC. 7. PAYMENT OF FUNDS TO STATES.”.**

18 (e) Section 8 of the Pittman-Robertson Wildlife Res-
19 toration Act (16 U.S.C. 669g) is amended by striking
20 “SEC. 8.” and inserting the following:

21 **“SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF**
22 **HUNTER SAFETY PROGRAMS AND PUBLIC**
23 **TARGET RANGES.”.**

24 (f) Section 8A of the Pittman-Robertson Wildlife
25 Restoration Act (16 U.S.C. 669g–1) is amended by strik-
26 ing “SEC. 8A.” and inserting the following:

1 **“SEC. 8A. APPORTIONMENTS TO TERRITORIES.”.**

2 (g) Section 13 of the Pittman-Robertson Wildlife
3 Restoration Act (as redesignated by section 105(a)(1)) is
4 amended by striking “SEC. 13.” and inserting the fol-
5 lowing:

6 **“SEC. 13. RULES AND REGULATIONS.”.**

7 **SEC. 108. EFFECTIVE DATE.**

8 This title takes effect on October 1, 2001.

9 **TITLE II—ENDANGERED AND**
10 **THREATENED SPECIES RE-**
11 **COVERY**

12 **SEC. 201. PURPOSE.**

13 The purpose of this title is to promote involvement
14 by non-Federal entities in the recovery of—

15 (1)(A) the endangered species of the United
16 States;

17 (B) the threatened species of the United States;
18 and

19 (C) the species of the United States that may
20 become endangered species or threatened species if
21 conservation actions are not taken to conserve and
22 protect the species; and

23 (2) the habitats on which the species depend.

1 **SEC. 202. ENDANGERED AND THREATENED SPECIES RE-**
 2 **COVERY ASSISTANCE.**

3 (a) IN GENERAL.—Section 13 of the Endangered
 4 Species Act of 1973 (87 Stat. 902) is amended to read
 5 as follows:

6 **“SEC. 13. ENDANGERED AND THREATENED SPECIES RE-**
 7 **COVERY ASSISTANCE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CONSERVATION ENTITY.—

10 “(A) IN GENERAL.—The term ‘conserva-
 11 tion entity’ means a nonprofit entity that en-
 12 gages in activities to conserve or protect fish,
 13 wildlife, or plants, or habitats for fish, wildlife,
 14 or plants.

15 “(B) INCLUSIONS.—The term ‘conserva-
 16 tion entity’ includes—

17 “(i) a sportsmen’s organization;

18 “(ii) an environmental organization;

19 and

20 “(iii) a land trust.

21 “(2) FARM OR RANCH.—The term ‘farm or
 22 ranch’ means an activity with respect to which not
 23 less than \$1,000 in income is derived from agricul-
 24 tural production within a census year.

25 “(3) PERSON.—The term ‘person’ includes a
 26 conservation entity.

1 “(4) SMALL LANDOWNER.—The term ‘small
2 landowner’ means—

3 “(A) an individual who owns land in a
4 State that—

5 “(i) is used as a farm or ranch; and

6 “(ii) has an acreage of not more than
7 the greater of—

8 “(I) 50 percent of the average
9 acreage of a farm or ranch in the
10 State; or

11 “(II) 160 acres of land; and

12 “(B) an individual who owns land that—

13 “(i) is not used as a farm or ranch;
14 and

15 “(ii) has an acreage of not more than
16 160 acres.

17 “(5) SPECIES AT RISK.—The term ‘species at
18 risk’ means a species that may become an endan-
19 gered species or a threatened species if conservation
20 actions are not taken to conserve and protect the
21 species.

22 “(6) SPECIES RECOVERY AGREEMENT.—The
23 term ‘species recovery agreement’ means an endan-
24 gered and threatened species recovery agreement en-
25 tered into under subsection (c).

1 “(b) ENDANGERED AND THREATENED SPECIES RE-
2 COVERY ASSISTANCE.—

3 “(1) FINANCIAL ASSISTANCE.—The Secretary
4 may provide financial assistance to any person for
5 development and implementation of an endangered
6 and threatened species recovery agreement entered
7 into by the Secretary and the person under sub-
8 section (c).

9 “(2) PRIORITY.—In providing financial assist-
10 ance under this subsection, the Secretary shall give
11 priority to the development and implementation of
12 species recovery agreements that—

13 “(A) implement actions identified under
14 recovery plans approved by the Secretary under
15 section 4(f);

16 “(B) have the greatest potential for con-
17 tributing to the recovery of endangered species,
18 threatened species, or species at risk;

19 “(C) benefit multiple endangered species,
20 threatened species, or species at risk;

21 “(D) carry out activities specified in State
22 or local conservation plans; or

23 “(E) are proposed by small landowners.

24 “(3) PROHIBITION ON ASSISTANCE FOR RE-
25 QUIRED ACTIVITIES.—The Secretary shall not pro-

1 vide financial assistance under this subsection for
2 any activity that is required—

3 “(A) by a permit issued under section
4 10(a)(1)(B);

5 “(B) by an incidental taking statement
6 provided under section 7(b)(4) (other than an
7 incidental taking statement with respect to a
8 species recovery agreement entered into by the
9 Secretary under subsection (c)); or

10 “(C) under another provision of this Act,
11 any other Federal law, or any State law.

12 “(4) PAYMENTS UNDER OTHER PROGRAMS.—

13 “(A) OTHER PAYMENTS NOT AFFECTED.—
14 Financial assistance provided to a person under
15 this subsection shall be in addition to, and shall
16 not affect, the total amount of payments that
17 the person is eligible to receive under—

18 “(i) the conservation reserve program
19 established under subchapter B of chapter
20 1 of subtitle D of title XII of the Food Se-
21 curity Act of 1985 (16 U.S.C. 3831 et
22 seq.);

23 “(ii) the wetlands reserve program es-
24 tablished under subchapter C of that chap-
25 ter (16 U.S.C. 3837 et seq.);

1 “(iii) the environmental quality incen-
2 tives program established under chapter 4
3 of subtitle D of title XII of the Food Secu-
4 rity Act of 1985 (16 U.S.C. 3839aa et
5 seq.); or

6 “(iv) the Wildlife Habitat Incentive
7 Program established under section 387 of
8 the Federal Agriculture Improvement and
9 Reform Act of 1996 (16 U.S.C. 3836a).

10 “(B) LIMITATION.—A person shall not re-
11 ceive financial assistance under a species recov-
12 ery agreement for any activity for which the
13 person receives a payment under a program re-
14 ferred to in subparagraph (A) unless the species
15 recovery agreement imposes on the person a fi-
16 nancial or management obligation in addition to
17 the obligations of the person under that pro-
18 gram.

19 “(c) ENDANGERED AND THREATENED SPECIES RE-
20 COVERY AGREEMENTS.—

21 “(1) IN GENERAL.—In accordance with this
22 subsection, the Secretary may enter into endangered
23 and threatened species recovery agreements.

1 “(2) REQUIRED TERMS.—The Secretary shall
2 include in each species recovery agreement with a
3 person provisions that—

4 “(A) require the person—

5 “(i) to carry out on real property
6 owned or leased by the person, or on Fed-
7 eral or State land, activities (such as ac-
8 tivities that, consistent with applicable
9 State water law (including regulations),
10 make water available for endangered spe-
11 cies, threatened species, or species at risk)
12 that—

13 “(I) are not required by Federal
14 or State law; and

15 “(II) contribute to the recovery
16 of an endangered species, threatened
17 species, or species at risk; or

18 “(ii) to refrain from carrying out on
19 real property owned or leased by the per-
20 son otherwise lawful activities that would
21 inhibit the recovery of an endangered spe-
22 cies, threatened species, or species at risk,
23 such as refraining from carrying out activi-
24 ties that, consistent with applicable State
25 water law (including regulations), directly

1 reduce the availability of water for such a
2 species;

3 “(B) describe the real property referred to
4 in clauses (i) and (ii) of subparagraph (A);

5 “(C) specify species recovery goals for the
6 species recovery agreement, and activities for
7 attaining the goals;

8 “(D)(i) require the person to make demon-
9 strable progress in accomplishing the species re-
10 covery goals; and

11 “(ii) specify a schedule for implementation
12 of the species recovery agreement;

13 “(E) specify actions to be taken by the
14 Secretary or the person to monitor the effective-
15 ness of the species recovery agreement in at-
16 taining the species recovery goals;

17 “(F) require the person to notify the Sec-
18 retary if any right or obligation of the person
19 under the species recovery agreement is as-
20 signed to any other person;

21 “(G) require the person to notify the Sec-
22 retary if any term of the species recovery agree-
23 ment is breached;

24 “(H) specify the date on which the species
25 recovery agreement takes effect and the period

1 of time during which the species recovery agree-
2 ment shall remain in effect;

3 “(I) schedule the disbursement of financial
4 assistance provided under subsection (b) for im-
5 plementation of the species recovery agreement,
6 on an annual or other basis during the period
7 in which the species recovery agreement is in
8 effect, based on the schedule for implementation
9 required under subparagraph (D)(ii); and

10 “(J) provide that the Secretary shall, sub-
11 ject to paragraph (4)(C), terminate the species
12 recovery agreement if the person fails to carry
13 out the species recovery agreement.

14 “(3) REVIEW AND APPROVAL OF PROPOSED
15 SPECIES RECOVERY AGREEMENTS.—On submission
16 by any person of a proposed species recovery agree-
17 ment under this subsection, the Secretary shall—

18 “(A) review the proposed species recovery
19 agreement and determine whether the species
20 recovery agreement—

21 “(i) complies with this subsection; and

22 “(ii) will contribute to the recovery of
23 each endangered species, threatened spe-
24 cies, or species at risk that is the subject

1 of the proposed species recovery agree-
2 ment;

3 “(B) propose to the person any additional
4 provisions that are necessary for the species re-
5 covery agreement to comply with this sub-
6 section; and

7 “(C) if the Secretary determines that the
8 species recovery agreement complies with this
9 subsection, enter into the species recovery
10 agreement with the person.

11 “(4) MONITORING OF IMPLEMENTATION OF
12 SPECIES RECOVERY AGREEMENTS.—The Secretary
13 shall—

14 “(A) periodically monitor the implementa-
15 tion of each species recovery agreement;

16 “(B) based on the information obtained
17 from the monitoring, annually or otherwise dis-
18 burse financial assistance under this section to
19 implement the species recovery agreement as
20 the Secretary determines to be appropriate
21 under the species recovery agreement; and

22 “(C) if the Secretary determines that the
23 person is not making demonstrable progress in
24 accomplishing the species recovery goals speci-
25 fied under paragraph (2)(C)—

1 “(i) propose 1 or more modifications
2 to the species recovery agreement that are
3 necessary to accomplish the species recov-
4 ery goals; or

5 “(ii) terminate the species recovery
6 agreement.

7 “(5) LIMITATION WITH RESPECT TO FEDERAL
8 OR STATE LAND.—The Secretary may enter into a
9 species recovery agreement with a person with re-
10 spect to Federal or State land only if the United
11 States or the State, respectively, is a party to the
12 species recovery agreement.

13 “(d) ALLOCATION OF FUNDS.—Of the amounts made
14 available to carry out this section for a fiscal year—

15 “(1) $\frac{1}{3}$ shall be made available to provide fi-
16 nancial assistance for development and implementa-
17 tion of species recovery agreements by small land-
18 owners, subject to subparagraphs (A) through (D) of
19 subsection (b)(2);

20 “(2) $\frac{1}{3}$ shall be made available to provide fi-
21 nancial assistance for development and implementa-
22 tion of species recovery agreements on public land,
23 subject to subparagraphs (A) through (D) of sub-
24 section (b)(2); and

1 “(3) $\frac{1}{3}$ shall be made available to provide fi-
2 nancial assistance for development and implementa-
3 tion of species recovery agreements, subject to sub-
4 section (b)(2).

5 “(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—
6 Of the amounts made available to carry out this section
7 for a fiscal year, not more than 3 percent may be used
8 to pay administrative expenses incurred in carrying out
9 this section.”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 15 of the Endangered Species Act of 1973 (16 U.S.C.
12 1542) is amended by adding at the end the following:

13 “(d) ENDANGERED AND THREATENED SPECIES RE-
14 COVERY ASSISTANCE.—There is authorized to be appro-
15 priated to carry out section 13 \$150,000,000 for each of
16 fiscal years 2002 through 2006.”.

17 (c) CONFORMING AMENDMENT.—The table of con-
18 tents in the first section of the Endangered Species Act
19 of 1973 (16 U.S.C. prec. 1531) is amended by striking
20 the item relating to section 13 and inserting the following:

 “Sec. 13. Endangered and threatened species recovery assistance.”.

1 **TITLE III—NON-FEDERAL LAND**
2 **CONSERVATION GRANT PRO-**
3 **GRAM**

4 **SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PRO-**
5 **GRAM.**

6 (a) *IN GENERAL.*—*The Partnerships for Wildlife Act*
7 *(16 U.S.C. 3741 et seq.)* is amended by adding at the end
8 *the following:*

9 **“SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT**
10 **PROGRAM.**

11 “(a) **ESTABLISHMENT.**—In consultation with appro-
12 priate State, regional, and other units of government, the
13 Secretary shall establish a competitive grant program, to
14 be known as the ‘Non-Federal Land Conservation Grant
15 Program’ (referred to in this section as the ‘program’),
16 to make grants to States or groups of States to pay the
17 Federal share determined under subsection (c)(4) of the
18 costs of conservation of non-Federal land or water of re-
19 gional or national significance.

20 “(b) **RANKING CRITERIA.**—In selecting among appli-
21 cations for grants for projects under the program, the Sec-
22 retary shall—

23 “(1) rank projects according the extent to
24 which a proposed project will protect watersheds and

1 important scenic, cultural, recreational, fish, wildlife,
2 and other ecological resources; and

3 “(2) subject to paragraph (1), give preference
4 to proposed projects—

5 “(A) that seek to protect ecosystems;

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

8 “(C) with respect to which there has been
9 public participation in the development of the
10 project proposal;

11 “(D) that are supported by communities
12 and individuals that are located in the imme-
13 diate vicinity of the proposed project or that
14 would be directly affected by the proposed
15 project; or

16 “(E) that the State considers to be a State
17 priority.

18 “(c) GRANTS TO STATES.—

19 “(1) NOTICE OF DEADLINE FOR APPLICA-
20 TIONS.—The Secretary shall give reasonable advance
21 notice of each deadline for submission of applica-
22 tions for grants under the program by publication of
23 a notice in the Federal Register.

24 “(2) SUBMISSION OF APPLICATIONS.—

1 “(A) IN GENERAL.—A State or group of
2 States may submit to the Secretary an applica-
3 tion for a grant under the program.

4 “(B) REQUIRED CONTENTS OF APPLICA-
5 TIONS.—Each application shall include—

6 “(i) a detailed description of each pro-
7 posed project;

8 “(ii) a detailed analysis of project
9 costs, including costs associated with—

10 “(I) planning;

11 “(II) administration;

12 “(III) property acquisition; and

13 “(IV) property management;

14 “(iii) a statement describing how the
15 project is of regional or national signifi-
16 cance; and

17 “(iv) a plan for stewardship of any
18 land or water, or interest in land or water,
19 to be acquired under the project.

20 “(3) SELECTION OF GRANT RECIPIENTS.—Not
21 later than 90 days after the date of receipt of an ap-
22 plication, the Secretary shall—

23 “(A) review the application; and

1 “(B)(i) notify the State or group of States
2 of the decision of the Secretary on the applica-
3 tion; and

4 “(ii) if the application is denied, provide an
5 explanation of the reasons for the denial.

6 “(4) COST SHARING.—The Federal share of the
7 costs of a project under the program shall be—

8 “(A) in the case of a project to acquire an
9 interest in land or water that is not a perma-
10 nent conservation easement, not more than 50
11 percent of the costs of the project;

12 “(B) in the case of a project to acquire a
13 permanent conservation easement, not more
14 than 70 percent of the costs of the project; and

15 “(C) in the case of a project involving 2 or
16 more States, not more than 75 percent of the
17 costs of the project.

18 “(5) EFFECT OF INSUFFICIENCY OF FUNDS.—
19 If the Secretary determines that there are insuffi-
20 cient funds available to make grants with respect to
21 all applications that meet the requirements of this
22 subsection, the Secretary shall give priority to those
23 projects that best meet the ranking criteria estab-
24 lished under subsection (b).

1 “(6) GRANTS TO STATE OF NEW HAMPSHIRE.—
2 Notwithstanding subsection (b) and paragraphs (3)
3 and (5), the Secretary shall make grants under the
4 program to the State of New Hampshire to pay the
5 Federal share determined under paragraph (4) of
6 the costs of acquiring conservation easements with
7 respect to land or water located in northern New
8 Hampshire and sold by International Paper to the
9 Trust for Public Land.

10 “(d) REPORT.—Not later than 60 days after the end
11 of each fiscal year, the Secretary shall submit to the Com-
12 mittee on Environment and Public Works of the Senate
13 and the Committee on Resources of the House of Rep-
14 resentatives a report describing the grants made under
15 this section, including an analysis of how projects were
16 ranked under subsection (b).

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated—

19 “(1) to carry out this section (other than sub-
20 section (c)(6)) \$50,000,000 for each of fiscal years
21 2002 through 2006; and

22 “(2) to carry out subsection (c)(6) \$9,000,000
23 for the period of fiscal years 2002 and 2003.”.

24 (b) CONFORMING AMENDMENT.—Section 7105(g)(2)
25 of the Partnerships for Wildlife Act (16 U.S.C.

1 3744(g)(2)) is amended by striking “this chapter” and in-
 2 serting “this section”.

3 **TITLE IV—CONSERVATION AND**
 4 **RESTORATION OF**
 5 **SHRUBLAND AND GRASSLAND**

6 **SEC. 401. CONSERVATION AND RESTORATION OF**
 7 **SHRUBLAND AND GRASSLAND.**

8 The Partnerships for Wildlife Act (16 U.S.C. 3741
 9 et seq.) (as amended by section 301(a)) is amended by
 10 adding at the end the following:

11 **“SEC. 7107. CONSERVATION AND RESTORATION OF**
 12 **SHRUBLAND AND GRASSLAND.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) CONSERVATION ACTIVITY.—The term ‘con-
 15 servation activity’ means—

16 “(A) a project or activity to reduce erosion;

17 “(B) a prescribed burn;

18 “(C) the restoration of riparian habitat;

19 “(D) the control or elimination of invasive
 20 or exotic species;

21 “(E) the reestablishment of native grasses;

22 and

23 “(F) any other project or activity that re-
 24 stores or enhances habitat for endangered spe-
 25 cies, threatened species, or species at risk.

1 “(2) CONSERVATION AGREEMENT.—The term
2 ‘conservation agreement’ means an agreement en-
3 tered into under subsection (c).

4 “(3) CONSERVATION ENTITY.—

5 “(A) IN GENERAL.—The term ‘conserva-
6 tion entity’ means a nonprofit entity that en-
7 gages in activities to conserve or protect fish,
8 wildlife, or plants, or habitats for fish, wildlife,
9 or plants.

10 “(B) INCLUSIONS.—The term ‘conserva-
11 tion entity’ includes—

12 “(i) a sportsmen’s organization;

13 “(ii) an environmental organization;

14 and

15 “(iii) a land trust.

16 “(4) COVERED LAND.—The term ‘covered land’
17 means public or private—

18 “(A) natural grassland or shrubland that
19 serves as habitat for endangered species, threat-
20 ened species, or species at risk, as determined
21 by the Secretary; or

22 “(B) other land that—

23 “(i) is located in an area that has
24 been historically dominated by natural
25 grassland or shrubland; and

1 “(ii) if restored to natural grassland
2 or shrubland, would have the potential to
3 serve as habitat for endangered species,
4 threatened species, or species at risk, as
5 determined by the Secretary.

6 “(5) ENDANGERED SPECIES.—The term ‘en-
7 dangered species’ has the meaning given the term in
8 section 3 of the Endangered Species Act of 1973 (16
9 U.S.C. 1532).

10 “(6) PERMIT HOLDER.—The term ‘permit hold-
11 er’ means an individual who holds a grazing permit
12 for covered land that is the subject of a conservation
13 agreement.

14 “(7) PROGRAM.—The term ‘program’ means
15 the conservation assistance program established
16 under subsection (b).

17 “(8) SPECIES AT RISK.—The term ‘species at
18 risk’ means a species that may become an endan-
19 gered species or a threatened species if conservation
20 actions are not taken to conserve and protect the
21 species.

22 “(9) THREATENED SPECIES.—The term
23 ‘threatened species’ has the meaning given the term
24 in section 3 of the Endangered Species Act of 1973
25 (16 U.S.C. 1532).

1 “(b) ESTABLISHMENT OF PROGRAM.—As soon as
2 practicable after the date of enactment of this section, the
3 Secretary shall establish a conservation assistance pro-
4 gram to encourage the conservation and restoration of cov-
5 ered land.

6 “(c) CONSERVATION AGREEMENTS.—

7 “(1) IN GENERAL.—In carrying out the pro-
8 gram, the Secretary shall enter into a conservation
9 agreement with a landowner, permit holder, or con-
10 servation entity with respect to covered land under
11 which—

12 “(A) the Secretary shall award a grant to
13 the landowner, permit holder, or conservation
14 entity; and

15 “(B) the landowner, permit holder, or con-
16 servation entity shall use the grant to carry out
17 1 or more conservation activities on the covered
18 land that is the subject of the conservation
19 agreement.

20 “(2) PERMITTED ACTIVITIES.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), a conservation agreement may per-
23 mit on the covered land subject to the conserva-
24 tion agreement—

1 “(i) operation of a managed grazing
2 system;

3 “(ii) haying or mowing (except during
4 the nesting season for birds);

5 “(iii) fire rehabilitation; and

6 “(iv) the construction of fire breaks
7 and fences.

8 “(B) LIMITATION.—An activity described
9 in subparagraph (A) may be permitted only if
10 the activity contributes to maintaining the via-
11 bility of natural grass and shrub plant commu-
12 nities on the covered land subject to the con-
13 servation agreement.

14 “(d) PAYMENTS UNDER OTHER PROGRAMS.—

15 “(1) OTHER PAYMENTS NOT AFFECTED.—A
16 grant awarded to a landowner, permit holder, or
17 conservation entity under this section shall be in ad-
18 dition to, and shall not affect, the total amount of
19 payments that the landowner, permit holder, or con-
20 servation entity is eligible to receive under—

21 “(A) the conservation reserve program es-
22 tablished under subchapter B of chapter 1 of
23 subtitle D of title XII of the Food Security Act
24 of 1985 (16 U.S.C. 3831 et seq.);

1 “(B) the wetlands reserve program estab-
2 lished under subchapter C of that chapter (16
3 U.S.C. 3837 et seq.);

4 “(C) the environmental quality incentives
5 program established under chapter 4 of subtitle
6 D of title XII of the Food Security Act of 1985
7 (16 U.S.C. 3839aa et seq.); or

8 “(D) the Wildlife Habitat Incentive Pro-
9 gram established under section 387 of the Fed-
10 eral Agriculture Improvement and Reform Act
11 of 1996 (16 U.S.C. 3836a).

12 “(2) LIMITATION.—A landowner, permit holder,
13 or conservation entity shall not receive a grant under
14 a conservation agreement for any activity for which
15 the landowner, permit holder, or conservation entity
16 receives a payment under a program referred to in
17 paragraph (1) unless the conservation agreement im-
18 poses on the landowner, permit holder, or conserva-
19 tion entity a financial or management obligation in
20 addition to the obligations of the landowner, permit
21 holder, or conservation entity under that program.

22 “(e) PROHIBITION ON ASSISTANCE FOR REQUIRED
23 ACTIVITIES.—The Secretary shall not award a grant
24 under this section for any activity that is required under
25 Federal or State law.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$50,000,000 for each of fiscal years 2002 through 2006.”.

 Passed the Senate December 20 (legislative day, December 18), 2001.

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

S. 990

AN ACT

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.