

105TH CONGRESS
1ST SESSION

S. 1118

To amend the Land and Water Conservation Fund for purposes of establishing a Community Recreation and Conservation Endowment with certain escrowed oil and gas revenues.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Land and Water Conservation Fund for purposes of establishing a Community Recreation and Conservation Endowment with certain escrowed oil and gas revenues.

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 “Community Recreation
5 and Conservation Endowment Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) Congress finds that:

1 (1) The Land and Water Conservation Fund
2 Act of 1965 embodied a visionary concept—that a
3 portion of the proceeds from Outer Continental
4 Shelf mineral leasing revenues and the depletion of
5 a nonrenewable natural resource should result in a
6 legacy of public places accessible for public recre-
7 ation and benefit from resources belongings to all
8 people, of all generations, and the enhancement of
9 the most precious and most renewable natural re-
10 source of any nation, healthy and active citizens.

11 (2) The States and local governments were to
12 occupy a pivotal role in accomplishing the purposes
13 of the Land and Water Conservation Fund Act of
14 1965 and the Act originally provided an equitable
15 portion of funds to the States, and through them, to
16 local governments.

17 (3) However, because of competition for limited
18 federal monies and the need for an annual appro-
19 priation, this original intention has been abandoned
20 and, in recent years, the States have not received an
21 equitable proportion of funds.

22 (4) Nonetheless, with population growth and
23 urban sprawl, the demand for recreation areas and
24 open spaces, at the state and local level, remains a
25 high priority for our citizens.

1 (5) A new vision is called for—a vision that en-
2 compasses a multi-level national network of parks,
3 recreation areas, open space preserves and green-
4 ways that reaches across the country to touch all
5 communities. National parks are not enough; the
6 federal government alone cannot accomplish this. A
7 bold national vision, backed by realistic national
8 funding support, to stimulate state, local and private
9 sector, as well as federal efforts, is the only way to
10 effectively address our ongoing recreation and open
11 space conservation needs.

12 (6) On June 19, 1997, the United States Su-
13 preme Court held in *United States v. Alaska* (No.
14 84 original) that the United States retains title to
15 lands underlying the tidal waters off the State of
16 Alaska's North Slope.

17 (7) As a result of the Supreme Court decision,
18 approximately \$1,600,000,000 in escrowed oil and
19 gas lease sale revenues are to be received by the
20 United States. These funds are double the amount
21 included by the Congressional Budget Office in reve-
22 nue estimates for the concurrent resolution on the
23 budget.

24 (8) By placing these escrowed funds in an in-
25 terest bearing account a permanent source of monies

1 for state and local recreation and conservation ac-
 2 quisition, planning and development can be estab-
 3 lished.

4 (b) PURPOSE.—The purpose of this Act is to revital-
 5 ize state, local and private commitments envisioned in the
 6 Land and Water Conservation Fund Act of 1965 by creat-
 7 ing a new Community Recreation and Conservation En-
 8 dowment with the escrowed oil and gas lease sale revenues
 9 received by the United States pursuant to the Supreme
 10 Court decision in United States v. Alaska to provide fund-
 11 ing for state, local and urban recreation and conservation
 12 needs.

13 **SEC 3. COMMUNITY RECREATION AND CONSERVATION EN-**
 14 **DOWMENT.**

15 Section 6 of the Land and Water Conservation Act
 16 of 1965 (16 U.S.C. 460l–8) is amended by inserting the
 17 following new subsection at the beginning:

18 “(a) COMMUNITY RECREATION AND CONSERVATION
 19 ENDOWMENT.—

20 “(1) SPECIAL ACCOUNT.—Notwithstanding any
 21 other provision of law, all escrowed oil and gas reve-
 22 nues and interest received by the United States pur-
 23 suant to the June 19, 1997 Supreme Court decision
 24 in United States v. Alaska shall be deposited in a
 25 special account in the Treasury of the United States,

1 to be known as the ‘Community Recreation and
 2 Conservation Endowment Account’, for use pursuant
 3 to the provisions of this section.

4 “(2) INVESTMENT OF SPECIAL ACCOUNT.—All
 5 funds deposited as principal in the Community
 6 Recreation and Conservation Endowment Account
 7 shall earn interest in the amount determined by the
 8 Secretary of the Treasury. Such interest shall be
 9 added to the principal of the account and be ex-
 10 pended according to the provisions of this section.

11 “(3) EXPENDITURE OF SPECIAL ACCOUNT.—In-
 12 terest on the Community Recreation and Conserva-
 13 tion Endowment Account shall be available without
 14 further appropriation at the beginning of each fiscal
 15 year for expenditure by the Secretary of the Interior
 16 (hereinafter referred to as the ‘Secretary’) for pur-
 17 poses of providing monies to the states according to
 18 the provisions of this section.”.

19 **SEC. 4. GENERAL AUTHORITY.**

20 Section 6 of the Land and Water Conservation Fund
 21 Act of 1965 (16 U.S.C. 460l–8) is amended—

22 (1) by redesignating subsections (a) through (h)
 23 as subsections (b) through (i) respectively;

24 (2) by striking the first sentence of subsection
 25 (b) (as so redesignated) and replacing with “The

1 Secretary is authorized to provide financial assist-
 2 ance to the States from interest earned on the Com-
 3 munity Recreation and Conservation Endowment.”;
 4 and

5 (3) by adding the following new sentence at the
 6 end of subsection (b) (as so redesignated): “Absent
 7 some compelling and annually documented reason to
 8 the contrary acceptable to the Secretary, each State
 9 (other than an area treated as a State under section
 10 6(c)(6)) shall make available as grants to local gov-
 11 ernments and other qualified recipients, at least one-
 12 half of the average annual State apportionment, or
 13 an equivalent amount made available from other
 14 sources.”.

15 **SEC. 5. APPORTIONMENT.**

16 Section 6(c) of the Land and Water Conservation
 17 Fund (16 U.S.C. 460l–8(c)) (as so redesignated) is
 18 amended—

19 (1) by striking the first sentence of subsection
 20 (c) and paragraphs (1), (2), and (3) and inserting
 21 the following:

22 “(c) APPORTIONMENT AMONG STATES; NOTIFICA-
 23 TION.—Interest earned on the Community Recreation and
 24 Conservation Endowment shall be apportioned annually
 25 among the several States by the Secretary, whose deter-

1 mination shall be final, in accordance with the following
 2 formula:

3 “(1) Sixty percent shall be apportioned equally
 4 among the several States.

5 “(2) Twenty percent shall be apportioned on
 6 the basis of the proportion which the population of
 7 each State bears to the total population of the
 8 United States.

9 “(3) Twenty percent shall be apportioned on
 10 the basis of the urban population in each State (as
 11 defined by Metropolitan Statistical Areas).

12 “(4) The total allocation to an individual State
 13 under paragraphs (1) through (3) shall not exceed
 14 10 percent of the total amount allocated to the sev-
 15 eral States in any one year.”; and

16 (2) by redesignating paragraphs (4) and (5) of
 17 subsection (c) (as so redesignated) as paragraphs
 18 (5) and (6) respectively.

19 **SEC. 6. FUNDS FOR INDIAN TRIBES.**

20 Section 6(c)(6) of the Land and Water Conservation
 21 Fund Act of 1965 (16 U.S.C. 460l–8(c)(6)) (as so redesi-
 22 gnated) is amended—

23 (1) by inserting “(A)” after “(6)”; and

24 (2) by adding at the end the following new sub-
 25 paragraph:

1 “(B) For the purposes of paragraph (1), all
2 federally recognized Indian tribes and Alaska Native
3 Village Corporations (as defined in section 3(j) of
4 the Alaska Native Claims Settlement Act (43 U.S.C.
5 1602(j)) shall be treated collectively as one State,
6 and shall receive shares of the apportionment under
7 paragraph (1) in accordance with a competitive
8 grant program established by the Secretary by rule.
9 Such rule shall ensure that in each fiscal year no
10 single tribe or Village Corporation receives more
11 than 10 percent of the total amount made available
12 to all tribes and Village Corporations pursuant to
13 the apportionment under paragraph (1). Funds re-
14 ceived by an Indian tribe or Village Corporation
15 under this subparagraph may be expended only for
16 the purposes specified in paragraphs (1) and (3) of
17 subsection (b). Receipt in any given year of an ap-
18 portionment under this section shall not prevent an
19 Indian tribe or Village Corporation from receiving
20 grants for other purposes under than regular appor-
21 tionment of the State in which it is located.”.

22 **SEC. 7. CONFORMING AMENDMENTS.**

23 Section 5 of the Land and Water Conservation Act
24 of 1965 (16 U.S.C. 460l–7) is amended by striking “Not

- 1 less than 40 per centum of such appropriations shall be
- 2 available for Federal purposes.”.

