

108TH CONGRESS
2D SESSION

H. R. 4100

To establish a permanent trust fund to get Americans outdoors by providing access to parks and recreation areas in urban and rural communities, preservation of historic places, and promotion of healthy and active lifestyles, and to provide for hunting, angling, and wildlife viewing for the people of the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2004

Mr. GEORGE MILLER of California (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish a permanent trust fund to get Americans outdoors by providing access to parks and recreation areas in urban and rural communities, preservation of historic places, and promotion of healthy and active lifestyles, and to provide for hunting, angling, and wildlife viewing for the people of the United States.

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 “Get Outdoors Act of
5 2004”.

1 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Annual reports.
- Sec. 5. Get Outdoors Act Fund.
- Sec. 6. Limitation on use of available amounts for administration.
- Sec. 7. Recordkeeping requirements.
- Sec. 8. Maintenance of effort and matching funding.
- Sec. 9. Sunset.

TITLE I—ASSISTING COASTAL COMMUNITIES AND RECOVERING FISHERIES

- Sec. 101. Community assistance formula and payments.
- Sec. 102. Coastal state conservation and impact assistance plans.

TITLE II—IMPROVING PUBLIC LANDS AND STRENGTHENING RURAL COMMUNITIES

Subtitle A—Improving Public Lands

- Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
- Sec. 202. Extension of Fund; treatment of amounts transferred from Get Outdoors Act Fund.
- Sec. 203. Availability of amounts.
- Sec. 204. Allocation of fund.
- Sec. 205. Allocation of amounts available for State purposes.

Subtitle B—Strengthening Rural Communities

- Sec. 211. Purpose.
- Sec. 212. Treatment of amounts transferred from Get Outdoors Act Fund.

Subtitle C—Federal and Indian Lands Enhancements

- Sec. 221. Purpose.
- Sec. 222. Treatment of amounts transferred from Get Outdoors Act Fund; allocation.
- Sec. 223. Authorized uses of transferred amounts.
- Sec. 224. Indian tribe defined.

TITLE III—CONSERVING AND RESTORING WILDLIFE

- Sec. 301. Purpose.
- Sec. 302. Technical correction.
- Sec. 303. Treatment of amounts transferred from Get Outdoors Act Fund.
- Sec. 304. Apportionment to Indian tribes.
- Sec. 305. Existing appropriations not affected.

TITLE IV—INVOLVING COMMUNITIES AND SCIENTIFICALLY MANAGING IMPERILED WILDLIFE AND RARE PLANTS

- Sec. 401. Purposes.
- Sec. 402. Treatment of amounts transferred from Get Outdoors Act Fund.

- Sec. 403. Imperiled wildlife and rare plant recovery.
- Sec. 404. Imperiled Wildlife and Rare Plant Recovery Agreements.
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TITLE V—INCREASING PARK AND RECREATION ACCESS

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- Sec. 501. Amendment of Urban Park and Recreation Recovery Act of 1978.
- Sec. 502. Purpose.
- Sec. 503. Treatment of amounts transferred from Get Outdoors Act Fund.
- Sec. 504. Authority to develop new areas and facilities.
- Sec. 505. Definitions.
- Sec. 506. Eligibility.
- Sec. 507. Grants.
- Sec. 508. Recovery action programs.
- Sec. 509. State action incentives.
- Sec. 510. Conversion of recreation property.
- Sec. 511. Repeal.

Subtitle B—Historic Preservation Fund

- Sec. 521. Treatment of amounts transferred from Get Outdoors Act Fund.
- Sec. 522. State use of historic preservation assistance for national heritage areas and corridors.
- Sec. 523. Funding for maritime heritage programs.

TITLE VI—COLLABORATING WITH LOCAL COMMUNITIES AND PROTECTING PRIVATE PROPERTY OWNERS

Subtitle A—U.S. Treasury protections

- Sec. 601. Signs.

Subtitle B—Private Property Rights Protections

- Sec. 611. Protection of private property rights.
- Sec. 612. Use of Federal portion (note—this is specific to title II subtitle A—Federal LWCF).
- Sec. 613. Water rights.

Subtitle C—Local Government Involvement

- Sec. 621. State planning.
- Sec. 622. Assistance to States for other projects.
- Sec. 623. Conversion of property to other use.
- Sec. 624. Requirements for acquisition of lands in Montana with Federal portion.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

- 3 (1) The term “coastal population” means the
- 4 population of all political subdivisions, as determined

1 by the most recent official data of the Census Bu-
2 reau, contained in whole or in part within the des-
3 ignated coastal boundary of a State as defined in a
4 State's coastal zone management program under the
5 Coastal Zone Management Act of 1972 (16 U.S.C.
6 1451 et seq.).

7 (2) The term "coastal political subdivision"
8 means a political subdivision of a coastal State all or
9 part of which political subdivision is within the
10 coastal zone (as defined in section 304 of the Coast-
11 al Zone Management Act of 1972 (16 U.S.C.
12 1453)).

13 (3) The term "coastal State" has the same
14 meaning as provided by section 304 of the Coastal
15 Zone Management Act of 1972 (16 U.S.C. 1453).

16 (4) The term "coastline" has the same meaning
17 that it has in the Submerged Lands Act (43 U.S.C.
18 1301 et seq.).

19 (5) The term "distance" means minimum great
20 circle distance, measured in statute miles.

21 (6) The term "fiscal year" means the Federal
22 Government's accounting period which begins on Oc-
23 tober 1st and ends on September 30th, and is des-
24 ignated by the calendar year in which it ends.

1 (7) The term “Governor” means the highest
2 elected official of a State or of any other political en-
3 tity that is defined as, or treated as, a State under
4 the Land and Water Conservation Fund Act of 1965
5 (16 U.S.C. 460l–4 et seq.), the Pittman-Robertson
6 Wildlife Restoration Act (16 U.S.C. 669 et seq.), the
7 Urban Park and Recreation Recovery Act of 1978
8 (16 U.S.C. 2501 et seq.), or the National Historic
9 Preservation Act (16 U.S.C. 470h et seq.).

10 (8) The term “Indian tribe”—

11 (A) except as provided in subparagraph

12 (B), means any federally recognized Indian
13 tribe; and

14 (B) in the case of Alaska, means only a
15 Native corporation, as that term is defined in
16 section 3 of the Alaska Native Claims Settle-
17 ment Act (43 U.S.C. 1602).

18 (9) The term “leased tract” means a tract,
19 leased under section 6 or 8 of the Outer Continental
20 Shelf Lands Act (43 U.S.C. 1335, 1337) for the
21 purpose of drilling for, developing, and producing oil
22 or natural gas resources, which is a unit consisting
23 of either a block, a portion of a block, a combination
24 of blocks or portions of blocks, or a combination of
25 portions of blocks, as specified in the lease, and as

1 depicted on an Outer Continental Shelf Official Pro-
2 traction Diagram.

3 (10) The term “Outer Continental Shelf”
4 means all submerged lands lying seaward and out-
5 side of the area of lands beneath navigable waters
6 (as defined in section 2(a) of the Submerged Lands
7 Act (43 U.S.C. 1301(a)), and of which the subsoil
8 and seabed appertain to the United States and are
9 subject to its jurisdiction and control.

10 (11) The term “political subdivision” means the
11 local political jurisdiction immediately below the level
12 of State government, including counties, parishes,
13 and boroughs. If State law recognizes an entity of
14 general government that functions in lieu of, and is
15 not within, a county, parish, or borough, the Sec-
16 retary may recognize an area under the jurisdiction
17 of such other entities of general government as a po-
18 litical subdivision for purposes of this Act.

19 (12) The term “producing State” means a
20 State with a coastal seaward boundary within 200
21 miles from the geographic center of a leased tract
22 other than a leased tract or portion of a leased tract
23 that is located in a geographic area subject to a leas-
24 ing moratorium on January 1, 2001 (unless the
25 lease was issued prior to the establishment of the

1 moratorium and was in production on January 1,
2 2001).

3 (13) The term “qualified Outer Continental
4 Shelf revenues” means (except as otherwise provided
5 in this paragraph) all moneys received by the United
6 States from each leased tract or portion of a leased
7 tract lying seaward of the zone defined and governed
8 by section 8(g) of the Outer Continental Shelf Lands
9 Act (43 U.S.C. 1337(g)), or lying within such zone
10 but to which section 8(g) does not apply, the geo-
11 graphic center of which lies within a distance of 200
12 miles from any part of the coastline of any coastal
13 State, including bonus bids, rents, royalties (includ-
14 ing payments for royalty taken in kind and sold),
15 net profit share payments, and related late-payment
16 interest from natural gas and oil leases issued pur-
17 suant to the Outer Continental Shelf Lands Act.
18 Such term does not include any revenues from a
19 leased tract or portion of a leased tract that is lo-
20 cated in a geographic area subject to a leasing mora-
21 torium on January 1, 2001, unless the lease was
22 issued prior to the establishment of the moratorium
23 and was in production on January 1, 2001.

1 (14) The term “Secretary” means the Secretary
2 of the Interior or the Secretary’s designee, except as
3 otherwise specifically provided.

4 (15) The term “Fund” means the Get Outdoors
5 Act Fund established under section 5.

6 **SEC. 4. ANNUAL REPORTS.**

7 (a) STATE REPORTS.—On June 15 of each year, each
8 Governor receiving moneys from the Fund shall account
9 for all moneys so received for the previous fiscal year in
10 a written report to the Secretary of the Interior. The re-
11 port shall include, in accordance with regulations pre-
12 scribed by the Secretary, a description of all projects and
13 activities receiving funds under this Act. In order to avoid
14 duplication, such report may incorporate by reference any
15 other reports required to be submitted under other provi-
16 sions of law to the Secretary by the Governor regarding
17 any portion of such moneys.

18 (b) REPORT TO CONGRESS.—On January 1 of each
19 year the Secretary of the Interior shall submit an annual
20 report to the Congress documenting all moneys expended
21 by the Secretary of the Interior from the Fund during the
22 previous fiscal year and summarizing the contents of the
23 Governors’ reports submitted to the Secretary under sub-
24 section (a).

1 **SEC. 5. GET OUTDOORS ACT FUND.**

2 (a) ESTABLISHMENT OF FUND.—There is estab-
3 lished in the Treasury of the United States a fund which
4 shall be known as the “Get Outdoors Act Fund”. In each
5 fiscal year after the fiscal year 2004, the Secretary of the
6 Treasury shall deposit into the Fund the following
7 amounts:

8 (1) OCS REVENUES.—An amount in each such
9 fiscal year from qualified Outer Continental Shelf
10 revenues equal to the difference between
11 \$3,125,000,000 and the amounts deposited in the
12 Fund under paragraphs (2) and (3), notwith-
13 standing section 9 of the Outer Continental Shelf
14 Lands Act (43 U.S.C. 1338).

15 (2) AMOUNTS NOT DISBURSED.—All allocated
16 but undisbursed amounts returned to the Fund
17 under section 101(a)(2).

18 (3) INTEREST.—All interest earned under sub-
19 section (d).

20 (b) TRANSFER FOR EXPENDITURE.—In each fiscal
21 year after the fiscal year 2005, the Secretary of the Treas-
22 ury shall transfer amounts deposited into the Fund as fol-
23 lows:

24 (1) \$1,000,000,000 to the Secretary of the In-
25 terior for purposes of making payments to coastal
26 States under title I of this Act.

1 (2) To the Land and Water Conservation Fund
2 for expenditure as provided in section 3(a) of the
3 Land and Water Conservation Fund Act of 1965
4 (16 U.S.C. 460l–6(a)), as amended by subtitle A of
5 title II of this Act, such amounts as are necessary
6 to make the income of the fund \$900,000,000 in
7 each such fiscal year.

8 (3) \$350,000,000 to the Federal aid to wildlife
9 restoration fund established under section 3 of the
10 Pittman-Robertson Wildlife Restoration Act (16
11 U.S.C. 669b), as amended by title III of this Act.

12 (4) \$125,000,000 to the Secretary of the Inte-
13 rior to carry out the Urban Park and Recreation Re-
14 covery Act of 1978 (16 U.S.C. 2501 et seq.), as
15 amended by subtitle A of title V of this Act.

16 (5) \$160,000,000 to the Secretary of the Inte-
17 rior for historic preservation purposes, of which—

18 (A) \$150,000,000 shall be used to carry
19 out the National Historic Preservation Act (16
20 U.S.C. 470 et seq.), as amended by subtitle B
21 of title V of this Act; and

22 (B) \$10,000,000 shall be used to carry out
23 the National Maritime Heritage Act of 1994
24 (16 U.S.C. 5401 et seq.), as amended by that
25 subtitle.

1 (6) \$200,000,000 to the Secretary of the Inte-
2 rior and the Secretary of Agriculture to carry out
3 subtitle C of title II of this Act.

4 (7) \$50,000,000 to the Secretary of the Interior
5 to develop and implement Imperiled Wildlife and
6 Rare Plant Recovery Agreements under title IV of
7 this Act.

8 (8) \$350,000,000 to the Secretary of the Inte-
9 rior to carry out subtitle B of title II of this Act.

10 (c) SHORTFALL.—If amounts referred to in para-
11 graphs (1) through (3) of subsection (a) in any fiscal year
12 after the fiscal year 2004 are less than \$3,125,000,000,
13 the amounts transferred under paragraphs (1) through (8)
14 of subsection (b) for that fiscal year shall each be reduced
15 proportionately.

16 (d) INTEREST.—The Secretary of the Treasury shall
17 invest moneys in the Fund (including interest), and in any
18 fund or account to which moneys are transferred pursuant
19 to subsection (b) of this section, in public debt securities
20 with maturities suitable to the needs of the Fund, as de-
21 termined by the Secretary of the Treasury, and bearing
22 interest at rates determined by the Secretary of the Treas-
23 ury, taking into consideration current market yields on
24 outstanding marketable obligations of the United States
25 of comparable maturity. Such invested moneys shall re-

1 main invested until needed to meet requirements for dis-
2 bursement for the programs financed under this Act.

3 (e) REFUNDS.—In those instances where through ju-
4 dicial decision, administrative review, arbitration, or other
5 means there are royalty refunds owed to entities gener-
6 ating revenues under this title, refunds shall be paid by
7 the Secretary of the Treasury from amounts available in
8 the Fund to the extent that such refunds are attributable
9 to qualified Outer Continental Shelf revenues deposited in
10 the Fund under this Act.

11 (f) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL
12 APPROPRIATIONS FOR NATIONAL PARK SERVICE.—
13 Amounts made available by this Act are intended by the
14 Congress to supplement, and not detract from, annual ap-
15 propriations for the National Park Service.

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

18 Notwithstanding any other provision of law, of
19 amounts made available by this Act (including the amend-
20 ments made by this Act) for a particular activity, not more
21 than 2 percent may be used for administrative expenses
22 of that activity. Nothing in this section shall affect section
23 4(c)(3) of the Pittman-Robertson Wildlife Restoration Act
24 (16 U.S.C. 669c(c)(3)).

1 **SEC. 7. RECORDKEEPING REQUIREMENTS.**

2 The Secretary of the Interior in consultation with the
3 Secretary of Agriculture shall establish such rules regard-
4 ing recordkeeping by State and local governments and the
5 auditing of expenditures made by State and local govern-
6 ments from funds made available under this Act as may
7 be necessary. Such rules shall be in addition to other re-
8 quirements established regarding recordkeeping and the
9 auditing of such expenditures under other authority of
10 law.

11 **SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUND-**
12 **ING.**

13 (a) IN GENERAL.—It is the intent of the Congress
14 in this Act that States not use this Act as an opportunity
15 to reduce State or local resources for the programs funded
16 by this Act. Except as provided in subsection (b), no State
17 or local government shall receive any funds under this Act
18 during any fiscal year when its expenditures of non-Fed-
19 eral funds for recurrent expenditures for programs for
20 which funding is provided under this Act will be less than
21 its expenditures were for such programs during the pre-
22 ceding fiscal year. No State or local government shall re-
23 ceive funding under this Act with respect to a program
24 unless the Secretary is satisfied that such a grant will be
25 so used to supplement and, to the extent practicable, in-

1 crease the level of State, local, or other non-Federal funds
2 available for such program.

3 (b) EXCEPTION.—The Secretary may provide fund-
4 ing under this Act to a State or local government not
5 meeting the requirements of subsection (a) if the Sec-
6 retary determines that a reduction in expenditures—

7 (1) is attributable to a nonselective reduction in
8 expenditures for the programs of all executive
9 branch agencies of the State or local government; or
10 (2) is a result of reductions in State or local
11 revenue as a result of a downturn in the economy.

12 (c) USE OF FUND TO MEET MATCHING REQUIRE-
13 MENTS.—All funds received by a State or local govern-
14 ment under this Act shall be treated as Federal funds for
15 purposes of compliance with any provision in effect under
16 any other law requiring that non-Federal funds be used
17 to provide a portion of the funding for any program or
18 project.

19 **SEC. 9. SUNSET.**

20 This Act, including the amendments made by this
21 Act, shall have no force or effect after September 30,
22 2024.

1 **TITLE I—ASSISTING COASTAL**
2 **COMMUNITIES AND RECOV-**
3 **ERING FISHERIES**

4 **SEC. 101. COMMUNITY ASSISTANCE FORMULA AND PAY-**
5 **MENTS.**

6 (a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

7 (1) GRANT PROGRAM.—Amounts transferred to
8 the Secretary of the Interior from the Get Outdoors
9 Act Fund under section 5(b)(1) of this Act for pur-
10 poses of making payments to coastal States under
11 this title in any fiscal year shall be allocated by the
12 Secretary of the Interior among coastal States as
13 provided in this section in each such fiscal year. In
14 each such fiscal year, the Secretary of the Interior
15 shall, without further appropriation, disburse such
16 allocated funds to those coastal States for which the
17 Secretary has approved a Coastal State Conservation
18 and Impact Assistance Plan as required by this title.
19 Payments for all projects shall be made by the Sec-
20 retary to the Governor of the State or to the State
21 official or agency designated by the Governor or by
22 State law as having authority and responsibility to
23 accept and to administer funds paid hereunder. No
24 payment shall be made to any State until the State
25 has agreed to provide such reports to the Secretary,

1 in such form and containing such information, as
2 may be reasonably necessary to enable the Secretary
3 to perform his duties under this title, and provide
4 such fiscal control and fund accounting procedures
5 as may be necessary to assure proper disbursement
6 and accounting for Federal revenues paid to the
7 State under this title.

8 (2) FAILURE TO HAVE PLAN APPROVED.—At
9 the end of each fiscal year, the Secretary shall re-
10 turn to the Get Outdoors Act Fund any amount that
11 the Secretary allocated, but did not disburse, in that
12 fiscal year to a coastal State that does not have an
13 approved plan under this title before the end of the
14 fiscal year in which such grant is allocated, except
15 that the Secretary shall hold in escrow until the final
16 resolution of the appeal any amount allocated, but
17 not disbursed, to a coastal State that has appealed
18 the disapproval of a plan submitted under this title.

19 (b) ALLOCATION AMONG COASTAL STATES.—

20 (1) ALLOCABLE SHARE FOR EACH STATE.—For
21 each coastal State, the Secretary shall determine the
22 State's allocable share of the total amount of the
23 revenues transferred from the Fund under section
24 5(b)(1) for each fiscal year using the following
25 weighted formula:

1 (A) Fifty percent of such revenues shall be
2 allocated among the coastal States as provided
3 in paragraph (2).

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

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

12 (2) OFFSHORE OUTER CONTINENTAL SHELF
13 SHARE.—If any portion of a producing State lies
14 within a distance of 200 miles from the geographic
15 center of any leased tract with qualified Outer Con-
16 tinental Shelf revenues, the Secretary of the Interior
17 shall determine such State's allocable share under
18 paragraph (1)(A) based on the formula set forth in
19 this paragraph. Such State share shall be calculated
20 as of the date of the enactment of this Act. Each
21 such State's allocable share of the revenues dis-
22 bursed under paragraph (1)(A) shall be based on
23 qualified Outer Continental Shelf revenues from
24 each leased tract or portion of a leased tract the ge-
25 ographic center of which is within a distance (to the

1 nearest whole mile) of 200 miles from the coastline
2 of the State and shall be inversely proportional to
3 the distance between the nearest point on the coast-
4 line of such State and the geographic center of each
5 such leased tract or portion, as determined by the
6 Secretary. In applying this paragraph a leased tract
7 or portion of a leased tract shall be excluded if the
8 tract or portion is located in a geographic area sub-
9 ject to a leasing moratorium on January 1, 2001,
10 unless the lease was issued prior to the establish-
11 ment of the moratorium and was in production on
12 January 1, 2001.

13 (3) MINIMUM STATE SHARE.—

14 (A) IN GENERAL.—The allocable share of
15 revenues determined by the Secretary under
16 this subsection for each coastal State with a
17 management program approved by the Sec-
18 retary of Commerce under the Coastal Zone
19 Management Act of 1972 (16 U.S.C. 1451 et
20 seq.), or which is making satisfactory progress
21 toward one, shall not be less in any fiscal year
22 than 0.50 percent of the total amount of the
23 revenues transferred by the Secretary of the
24 Treasury to the Secretary of the Interior for
25 purposes of this title for that fiscal year under

1 subsection (a). For any other coastal State the
2 allocable share of such revenues shall not be
3 less than 0.25 percent of such revenues.

4 (B) RECOMPUTATION.—Where one or
5 more coastal States' allocable shares, as com-
6 puted under paragraphs (1) and (2), are in-
7 creased by any amount under this paragraph,
8 the allocable share for all other coastal States
9 shall be recomputed and reduced by the same
10 amount so that not more than 100 percent of
11 the amount transferred by the Secretary of the
12 Treasury to the Secretary of the Interior for
13 purposes of this title for that fiscal year under
14 section 5(b)(1) is allocated to all coastal States.
15 The reduction shall be divided pro rata among
16 such other coastal States.

17 (c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the
18 case of a producing State, the Governor of the State shall
19 pay 50 percent of the State's allocable share, as deter-
20 mined under subsection (b), to the coastal political sub-
21 divisions in such State. Such payments shall be allocated
22 among such coastal political subdivisions of the State ac-
23 cording to an allocation formula analogous to the alloca-
24 tion formula used in subsection (b) to allocate revenues
25 among the coastal States, except that a coastal political

1 subdivision in the State of California that has a coastal
2 shoreline, that is not within 200 miles of the geographic
3 center of a leased tract or portion of a leased tract, and
4 in which there is located one or more oil refineries shall
5 be eligible for that portion of the allocation described in
6 subsection (b)(1)(A) and (b)(2) in the same manner as
7 if that political subdivision were located within a distance
8 of 50 miles from the geographic center of the closest
9 leased tract with qualified Outer Continental Shelf reve-
10 nues.

11 (d) TIME OF PAYMENT.—Payments to coastal States
12 and coastal political subdivisions under this section shall
13 be made not later than December 31 of each year from
14 revenues received during the immediately preceding fiscal
15 year.

16 **SEC. 102. COASTAL STATE CONSERVATION AND IMPACT AS-**
17 **SISTANCE PLANS.**

18 (a) DEVELOPMENT AND SUBMISSION OF STATE
19 PLANS.—Each coastal State seeking to receive grants
20 under this title shall prepare, and submit to the Secretary,
21 a Statewide Coastal State Conservation and Impact As-
22 sistance Plan. In the case of a producing State, the Gov-
23 ernor shall incorporate the plans of the coastal political
24 subdivisions into the Statewide plan for transmittal to the
25 Secretary. The Governor shall solicit local input and shall

1 provide for public participation in the development of the
2 Statewide plan. The plan shall be submitted to the Sec-
3 retary by April 1 of the calendar year after the calendar
4 year in which this Act is enacted.

5 (b) APPROVAL OR DISAPPROVAL.—

6 (1) IN GENERAL.—Approval of a Statewide
7 plan under subsection (a) is required prior to dis-
8 bursement of funds under this title by the Secretary.
9 The Secretary shall approve the Statewide plan if
10 the Secretary determines, in consultation with the
11 Secretary of Commerce, that the plan is consistent
12 with the uses set forth in subsection (c) and if the
13 plan contains each of the following:

14 (A) The name of the State agency that will
15 have the authority to represent and act for the
16 State in dealing with the Secretary for purposes
17 of this title.

18 (B) A program for the implementation of
19 the plan which shall include (i) a description of
20 how the plan will address environmental con-
21 cerns, (ii) for producing States, a description of
22 how funds will be used to address the impacts
23 of oil and gas production from the Outer Conti-
24 nental Shelf, and (iii) a description of how the
25 State will evaluate the effectiveness of the plan.

1 (C) Certification by the Governor that
2 ample opportunity has been accorded for public
3 participation in the development and revision of
4 the plan.

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

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

17 (3) AMENDMENT OR REVISION.—Any amend-
18 ment to or revision of the plan shall be prepared in
19 accordance with the requirements of this subsection
20 and shall be submitted to the Secretary for approval
21 or disapproval. Any such amendment or revision
22 shall take effect only for fiscal years after the fiscal
23 year in which the amendment or revision is approved
24 by the Secretary.

1 (c) AUTHORIZED USES OF STATE GRANT FUND-
2 ING.—The funds provided under this title to a coastal
3 State and for coastal political subdivisions are authorized
4 to be used in compliance with Federal and State law only
5 for one or more of the following purposes:

6 (1) Data collection, including but not limited to
7 fishery or marine mammal stock surveys in State
8 waters or both, cooperative State, interstate, and
9 Federal fishery or marine mammal stock surveys or
10 both, cooperative initiatives with university and pri-
11 vate entities for fishery and marine mammal sur-
12 veys, activities related to marine mammal and fish-
13 ery interactions, and other coastal living marine re-
14 sources surveys.

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

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

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

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

23 (6) Coordination and preparation of cooperative
24 fishery conservation and management plans between
25 States, including the development and implementa-

1 tion of population surveys, assessments and moni-
2 toring plans, and the preparation and implementa-
3 tion of State fishery management plans developed by
4 interstate marine fishery commissions.

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

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

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

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

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

22 (d) COMPLIANCE WITH AUTHORIZED USES.—Based
23 on the annual reports submitted under section 4 and on
24 audits conducted by the Secretary under section 7, the
25 Secretary shall review the expenditures made by each

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

9 **TITLE II—IMPROVING PUBLIC**
 10 **LANDS AND STRENGTHENING**
 11 **RURAL COMMUNITIES**
 12 **Subtitle A—Improving Public**
 13 **Lands**

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

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

22 **SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS**
 23 **TRANSFERRED FROM GET OUTDOORS ACT**
 24 **FUND.**

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

1 “(c) AMOUNTS TRANSFERRED FROM GET OUT-
 2 DOORS ACT FUND.—In addition to the sum of the reve-
 3 nues and collections estimated by the Secretary of the In-
 4 terior to be covered into the fund pursuant to subsections
 5 (a) and (b) of this section, there shall be covered into the
 6 fund all amounts transferred to the fund under section
 7 5(b)(2) of the Get Outdoors Act.”.

8 **SEC. 203. AVAILABILITY OF AMOUNTS.**

9 Section 3 (16 U.S.C. 4601–6) is amended to read as
 10 follows:

11 “APPROPRIATIONS

12 “SEC. 3. (a) IN GENERAL.—There are authorized to
 13 be appropriated to the Secretary from the fund to carry
 14 out this Act not more than \$900,000,000 in any fiscal
 15 year after the fiscal year 2005. Amounts transferred to
 16 the fund from the Get Outdoors Act Fund and amounts
 17 covered into the fund under subsections (a) and (b) of sec-
 18 tion 2 shall be available to the Secretary in fiscal years
 19 after the fiscal year 2005 without further appropriation
 20 to carry out this Act.

21 “(b) OBLIGATION AND EXPENDITURE OF AVAILABLE
 22 AMOUNTS.—Amounts available for obligation or expendi-
 23 ture from the fund or from the special account established
 24 under section 4(i)(1) may be obligated or expended only
 25 as provided in this Act.”.

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

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

4 “ALLOCATION OF FUNDS

5 “SEC. 5. Of the amounts made available for each fis-
6 cal year to carry out this Act—

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

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

12 **SEC. 205. ALLOCATION OF AMOUNTS AVAILABLE FOR**
13 **STATE PURPOSES.**

14 (a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l–
15 8(b)) is amended to read as follows:

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

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

23 “(A) 30 percent shall be apportioned equally
24 among the several States; and

25 “(B) 70 percent shall be apportioned so that
26 the ratio that the amount apportioned to each State

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

5 No amount may be apportioned under this paragraph to
6 any State (in this subsection referred to as an ‘unfunded
7 State’) that has not established a dedicated State land ac-
8 quisition fund that is funded through the State’s budget
9 process. The amount that would have been apportioned
10 to any such unfunded State under this paragraph shall
11 be reapportioned to other States in accordance with sub-
12 paragraphs (A) and (B).

13 “(3) The total allocation to an individual State for
14 a fiscal year under paragraph (2) shall not exceed 10 per-
15 cent of the total amount allocated to the several States
16 under paragraph (2) for that fiscal year.

17 “(4) The Secretary shall notify each State of its ap-
18 portionment, and the amounts thereof shall be available
19 thereafter to the State for planning, acquisition, or devel-
20 opment projects as hereafter described. Any amount of
21 any apportionment under this subsection that has not
22 been paid or obligated by the Secretary during the fiscal
23 year in which such notification is given and the two fiscal
24 years thereafter shall be reapportioned by the Secretary
25 in accordance with paragraph (2), but without regard to

1 the 10 percent limitation to an individual State specified
2 in paragraph (3).

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

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

6 “(ii) Puerto Rico, the Virgin Islands, Guam,
7 and American Samoa—

8 “(I) shall be treated collectively as one
9 State; and

10 “(II) shall each be allocated an equal share
11 of any amount distributed to them pursuant to
12 clause (i).

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

16 (b) TRIBES AND ALASKA NATIVE CORPORATIONS.—
17 Section 6(b)(5) (16 U.S.C. 460l–8(b)(5)) is further
18 amended by adding at the end the following new subpara-
19 graph:

20 “(C) For the purposes of paragraph (1), all fed-
21 erally recognized Indian tribes, or in the case of
22 Alaska, Native Corporations (as defined in section 3
23 of the Alaska Native Claims Settlement Act (43
24 U.S.C. 1602)), shall be eligible to receive shares of
25 the apportionment under paragraph (1) in accord-

1 ance with a competitive grant program established
2 by the Secretary by rule. The total apportionment
3 available to such tribes, or in the case of Alaska,
4 Native Corporations, shall be equivalent to the
5 amount available to a single State. No single tribe,
6 nor in the case of Alaska, Native Corporation, shall
7 receive a grant that constitutes more than 10 per-
8 cent of the total amount made available to all tribes
9 and Alaska, Native Corporations, pursuant to the
10 apportionment under paragraph (1). Funds received
11 by a tribe, or in the case of Alaska, Native Corpora-
12 tion, under this subparagraph may be expended only
13 for the purposes specified in paragraphs (1) and (3)
14 of subsection (a).”.

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

17 “(6) Absent some compelling and annually doc-
18 umented reason to the contrary acceptable to the
19 Secretary of the Interior, each State (other than an
20 area treated as a State under paragraph (5)) shall
21 make available as grants to local governments, at
22 least 50 percent of the annual State apportionment,
23 or an equivalent amount made available from other
24 sources.”.

1 (d) STATE PROJECTS OF REGIONAL OR NATIONAL
2 SIGNIFICANCE.—Section 6(b) (16 U.S.C. 460l–8(b)) is
3 amended by adding the following at the end:

4 “(7)(A) Any amounts available in addition to
5 those amounts made available under section 5 of the
6 Get Outdoors Act in a fiscal year shall be available
7 without further appropriation to the Secretary of the
8 Interior to be distributed among the several States
9 under a competitive grant program for State
10 projects as authorized under section 6(e)(1) of na-
11 tional or regional significance involving one or more
12 States.

13 “(B) The Secretary shall award grants only to
14 projects that would conserve open space and either
15 conserve wildlife habitat, protect water quality, or
16 otherwise enhance the environment, or that would
17 protect areas that have historic or cultural value.
18 The Secretary shall give preference to projects that
19 would be most likely to have the greatest benefit to
20 the environment regionally or nationally and would
21 maintain or enhance recreational opportunities.”.

1 **Subtitle B—Strengthening Rural**
2 **Communities**

3 **SEC. 211. PURPOSE.**

4 The purpose of this subtitle is to ensure adequate
5 funding for—

6 (1) payments for entitlement land under chap-
7 ter 69 of title 31, United States Code (relating to
8 payments in lieu of taxes); and

9 (2) payments under section 401 of the Act of
10 June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (re-
11 lating to refuge revenue sharing).

12 **SEC. 212. TREATMENT OF AMOUNTS TRANSFERRED FROM**
13 **GET OUTDOORS ACT FUND.**

14 (a) IN GENERAL.—Amounts transferred to the Sec-
15 retary of the Interior under section 5(b)(8) of the Get
16 Outdoors Act in a fiscal year shall be available to the Sec-
17 retary without further appropriation for payments in ac-
18 cordance with this section.

19 (b) ALLOCATION.—Of the amounts referred to in
20 subsection (a)—

21 (1) \$320,000,000 shall be used each fiscal year
22 only for payments under chapter 69 of title 31,
23 United States Code (relating to payments in lieu of
24 taxes); and

1 (2) \$30,000,000 shall be used each fiscal year
 2 only for payments under section 401 of the Act of
 3 June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (re-
 4 lating to refuge revenue sharing).

5 (c) SHORTFALL.—If amounts transferred under
 6 paragraphs (1) through (8) of section 5(b) for a fiscal year
 7 have been reduced under section 5(c), the amounts set
 8 forth in subsection (b) of this section shall each be reduced
 9 proportionately.

10 **Subtitle C—Federal and Indian** 11 **Lands Enhancements**

12 **SEC. 221. PURPOSE.**

13 The purpose of this subtitle is to provide a dedicated
 14 source of funding for a coordinated program on Federal
 15 and Indian lands to restore degraded lands, protect re-
 16 sources that are threatened with degradation, and protect
 17 public health and safety.

18 **SEC. 222. TREATMENT OF AMOUNTS TRANSFERRED FROM** 19 **GET OUTDOORS ACT FUND; ALLOCATION.**

20 (a) IN GENERAL.—Amounts transferred to the Sec-
 21 retary of the Interior and the Secretary of Agriculture
 22 under section 5(b)(6) of this Act in a fiscal year shall be
 23 available without further appropriation to carry out this
 24 subtitle.

1 (b) ALLOCATION.—Amounts referred to in subsection
 2 (a) shall be allocated and available as follows:

3 (1) DEPARTMENT OF THE INTERIOR.—Seventy
 4 percent shall be allocated and available to the Sec-
 5 retary of the Interior to carry out the purpose of
 6 this subtitle on lands within the National Park Sys-
 7 tem, lands within the National Wildlife Refuge Sys-
 8 tem, and public lands administered by the Bureau of
 9 Land Management. A priority shall be given to ad-
 10 dress National Park Service needs.

11 (2) DEPARTMENT OF AGRICULTURE.—Twenty
 12 percent shall be allocated and available to the Sec-
 13 retary of Agriculture to carry out the purpose of this
 14 subtitle on lands within the National Forest System.

15 (3) INDIAN TRIBES.—Ten percent shall be allo-
 16 cated and available to the Secretary of the Interior
 17 for competitive grants to qualified Indian tribes
 18 under section 223(b).

19 **SEC. 223. AUTHORIZED USES OF TRANSFERRED AMOUNTS.**

20 (a) IN GENERAL.—Funds made available to carry out
 21 this subtitle shall be used solely for restoration of de-
 22 graded lands, resource protection, maintenance activities
 23 related to resource protection, or protection of public
 24 health or safety.

25 (b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

1 (1) GRANT AUTHORITY.—The Secretary of the
2 Interior shall administer a competitive grant pro-
3 gram for Indian tribes, giving priority to projects
4 based upon the protection of significant resources,
5 the severity of damages or threats to resources, and
6 the protection of public health or safety.

7 (2) LIMITATION.—The amount received for a
8 fiscal year by a single Indian tribe in the form of
9 grants under this subsection may not exceed 10 per-
10 cent of the total amount available for that fiscal year
11 for grants under this subsection.

12 (c) PRIORITY LIST.—The Secretary of the Interior
13 and the Secretary of Agriculture shall each establish pri-
14 ority lists for the use of funds available under this subtitle.
15 Each list shall give priority to projects based upon the pro-
16 tection of significant resources, the severity of damages
17 or threats to resources, and the protection of public health
18 or safety.

19 (d) COMPLIANCE WITH APPLICABLE PLANS.—Any
20 project carried out on Federal lands with amounts pro-
21 vided under this subtitle shall be carried out in accordance
22 with all management plans that apply under Federal law
23 to the lands.

24 (e) TRACKING RESULTS.—Not later than the end of
25 the first full fiscal year for which funds are available under

1 this subtitle, the Secretary of the Interior and the Sec-
 2 retary of Agriculture shall jointly establish a coordinated
 3 program for—

4 (1) tracking the progress of activities carried
 5 out with amounts made available by this subtitle;
 6 and

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

9 **SEC. 224. INDIAN TRIBE DEFINED.**

10 In this subtitle, the term “Indian tribe”—

11 (1) except as provided in paragraph (2), means
 12 any federally recognized Indian tribe; and

13 (2) in the case of Alaska, means only a Native
 14 corporation, as that term is defined in section 3 of
 15 the Alaska Native Claims Settlement Act (43 U.S.C.
 16 1602).

17 **TITLE III—CONSERVING AND**
 18 **RESTORING WILDLIFE**

19 **SEC. 301. PURPOSE.**

20 The purpose of this title is to ensure adequate fund-
 21 ing of the Wildlife Conservation and Restoration Planning
 22 program established under the amendments to the Pitt-
 23 man-Robertson Wildlife Restoration Act (16 U.S.C. 669
 24 et seq.) enacted by H.R. 5548 as introduced in the 106th
 25 Congress and enacted, by reference, by Public Law 106–

1 553, and to promote greater hunting, angling, and wildlife
2 viewing opportunities.

3 **SEC. 302. TECHNICAL CORRECTION.**

4 (a) CORRECTION OF SUBSECTION DESIGNATION.—
5 Section 4 of the Pittman-Robertson Wildlife Restoration
6 Act (16 U.S.C. 669c) is amended by redesignating the
7 first subsection (c) (relating to revenues from pistols, re-
8 volvers, bows, and arrows) as subsection (e) and moving
9 such subsection so as to appear after subsection (d) of
10 that section.

11 (b) CONFORMING AMENDMENTS.—Such Act is fur-
12 ther amended—

13 (1) in section 4(b) (16 U.S.C. 669c(b)) by
14 striking “subsection (c)” and inserting “subsection
15 (e)”;

16 (2) in section 8(b) (16 U.S.C. 669g(b)) by
17 striking “section 4(c)” and inserting “section 4(e)”;
18 and

19 (3) in section 10 (16 U.S.C. 669h–1) by strik-
20 ing “section 4(c)” each place it appears and insert-
21 ing “section 4(e)”.

1 **SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM**
2 **GET OUTDOORS ACT FUND.**

3 Section 3(a)(2) of the Pittman-Robertson Wildlife
4 Restoration Act (16 U.S.C. 669b(a)(2)) is amended to
5 read as follows:

6 “(2) There is established in the Federal aid to
7 wildlife restoration fund a subaccount to be known
8 as the ‘wildlife conservation and restoration ac-
9 count’. Amounts transferred to the fund for a fiscal
10 year under section 5(b)(3) of the Get Outdoors Act
11 shall be deposited in the subaccount and shall be
12 available without further appropriation, in each fis-
13 cal year, for apportionment in accordance with this
14 Act to carry out State wildlife conservation and res-
15 toration programs.”.

16 **SEC. 304. APPORTIONMENT TO INDIAN TRIBES.**

17 (a) IN GENERAL.—Section 4(c)(1) of the Pittman-
18 Robertson Wildlife Restoration Act (16 U.S.C. 669c(c)(1))
19 is amended—

20 (1) in the matter preceding subparagraph (A)
21 by striking “from” and inserting “from amounts
22 available each fiscal year from”; and

23 (2) by adding at the end the following:

24 “(C) To Indian tribes, a sum equal to not
25 more than 2¼ percent thereof, of which—

1 “(i) $\frac{1}{3}$ shall be allocated based on the
 2 ratio to which the trust land area of each
 3 Indian tribe bears to the total trust land
 4 area of all Indian tribes; and

5 “(ii) $\frac{2}{3}$ shall be allocated based on
 6 the ratio to which the population of each
 7 Indian tribe bears to the total population
 8 of all Indian tribes;

9 except that no Indian tribe shall receive more
 10 than 5 percent of the total amount made avail-
 11 able in a fiscal year to Indian tribes under this
 12 subsection.”.

13 (b) TREATMENT OF APPORTIONMENTS TO INDIAN
 14 TRIBES.—Section 4 of such Act (16 U.S.C. 669c) is
 15 amended by adding at the end the following:

16 “(e) TREATMENT OF APPORTIONMENTS TO INDIAN
 17 TRIBES.—For purposes of the treatment under this Act
 18 of amounts apportioned to Indian tribes under subsection
 19 (c)(1)(C), the term ‘State’ includes an Indian tribe.”.

20 (c) INDIAN TRIBE DEFINED.—Section 2 of such Act
 21 (16 U.S.C. 669a) is amended—

22 (1) by redesignating paragraphs (2) through
 23 (8) in order as paragraphs (3) through (9); and

24 (2) by inserting after paragraph (1) the fol-
 25 lowing:

1 “(2) The term ‘Indian tribe’—

2 “(A) except as provided in subparagraph
3 (B), means any federally recognized Indian
4 tribe; and

5 “(B) in the case of Alaska, means only a
6 Native corporation, as that term is defined in
7 section 3 of the Alaska Native Claims Settle-
8 ment Act (43 U.S.C. 1602);”.

9 (d) CONFORMING AMENDMENTS.—Such Act is
10 amended—

11 (1) in section 3(c)(2) (16 U.S.C. 669b(c)(2)) by
12 striking “or an Indian tribe”; and

13 (2) in section 4(d)(5) (16 U.S.C. 669c(d)(5))—

14 (A) by striking “and the Commonwealth”
15 and inserting “the Commonwealth”; and

16 (B) by inserting before the period the fol-
17 lowing: “, and, except for purposes of sub-
18 section (c)(2), each Indian tribe”.

19 **SEC. 305. EXISTING APPROPRIATIONS NOT AFFECTED.**

20 Nothing in this title shall apply to or otherwise affect
21 the availability or use of amounts appropriated before the
22 date of the enactment of this Act. Such amounts may be
23 expended as if this Act and the amendments made by this
24 Act were not enacted.

1 **TITLE IV—INVOLVING COMMU-**
2 **NITIES AND SCIENTIFICALLY**
3 **MANAGING IMPERILED WILD-**
4 **LIFE AND RARE PLANTS**

5 **SEC. 401. PURPOSES.**

6 The purposes of this title are the following:

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

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

17 **SEC. 402. TREATMENT OF AMOUNTS TRANSFERRED FROM**
18 **GET OUTDOORS ACT FUND.**

19 Amounts transferred to the Secretary of the Interior
20 under section 5(b)(7) of this Act in a fiscal year shall be
21 available to the Secretary of the Interior without further
22 appropriation to carry out this title.

1 **SEC. 403. IMPERILED WILDLIFE AND RARE PLANT RECOV-**
2 **ERY.**

3 (a) FINANCIAL ASSISTANCE.—The Secretary may
4 use amounts made available under section 702 to provide
5 financial assistance to any person for development and im-
6 plementation of Imperiled Wildlife and Rare Plant Recov-
7 ery Agreements entered into by the Secretary under sec-
8 tion 404.

9 (b) PRIORITY.—In providing assistance under this
10 section, the Secretary shall give priority to the develop-
11 ment and implementation of species recovery agreements
12 that—

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

17 (2) have the greatest potential for contributing
18 to the recovery of an endangered or threatened spe-
19 cies; and

20 (3) to the extent practicable, require use of the
21 assistance on land owned by a small landowner.

22 (c) PROHIBITION ON ASSISTANCE FOR REQUIRED
23 ACTIVITIES.—The Secretary may not provide financial as-
24 sistance under this section for any action that is required
25 by a permit issued under section 10(a)(1)(B) of the En-
26 dangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B))

1 or an incidental take statement issued under section 7 of
2 that Act (16 U.S.C. 1536), or that is otherwise required
3 under that Act or any other Federal law.

4 (d) PAYMENTS UNDER OTHER PROGRAMS.—

5 (1) OTHER PAYMENTS NOT AFFECTED.—Finan-
6 cial assistance provided to a person under this sec-
7 tion shall be in addition to, and shall not affect, the
8 total amount of payments that the person is other-
9 wise eligible to receive under the Conservation Re-
10 serve program established under subchapter B of
11 chapter 1 of subtitle D of title XII of the Food Se-
12 curity Act of 1985 (16 U.S.C. 3831 et seq.), the
13 Wetlands Reserve Program established under sub-
14 chapter C of that chapter (16 U.S.C. 3837 et seq.),
15 or the Wildlife Habitat Incentives Program estab-
16 lished under section 387 of the Federal Agriculture
17 Improvement and Reform Act of 1996 (16 U.S.C.
18 3836a).

19 (2) LIMITATION.—A person may not receive fi-
20 nancial assistance under this section to carry out ac-
21 tivities under a species recovery agreement in addi-
22 tion to payments under the programs referred to in
23 paragraph (1) made for the same activities, if the
24 terms of the species recovery agreement do not re-
25 quire financial or management obligations by the

1 person in addition to any such obligations of the
2 person under such programs.

3 **SEC. 404. IMPERILED WILDLIFE AND RARE PLANT RECOV-**
4 **ERY AGREEMENTS.**

5 (a) IN GENERAL.—The Secretary may enter into Im-
6 periled Wildlife and Rare Plant Recovery Agreements for
7 purposes of this title in accordance with this section.

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

10 (1) require the person—

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

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

20 (C) to do any combination of subpara-
21 graphs (A) and (B);

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

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

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

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

7 (6) require the person to notify the Secretary
8 if—

9 (A) any right or obligation of the person
10 under the agreement is assigned to any other
11 person; or

12 (B) any term of the agreement is breached
13 by the person or any other person to whom is
14 assigned a right or obligation of the person
15 under the agreement;

16 (7) specify the date on which the agreement
17 takes effect and the period of time during which the
18 agreement shall remain in effect;

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

23 (9) allocate financial assistance provided under
24 this title for implementation of the agreement, on an
25 annual or other basis during the period the agree-

1 ment is in effect based on the schedule for imple-
2 mentation required under paragraph (4).

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

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

12 (2) shall propose to the person any additional
13 provisions necessary for the agreement to comply
14 with this section; and

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

19 (d) MONITORING IMPLEMENTATION OF AGREE-
20 MENTS.—The Secretary shall—

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

24 (2) based on the information obtained from
25 that monitoring, annually or otherwise disburse fi-

1 nancial assistance under this title to implement the
2 agreement as the Secretary determines is appro-
3 priate under the terms of the agreement.

4 **SEC. 405. DEFINITIONS.**

5 In this title:

6 (1) IMPERILED WILDLIFE OR RARE PLANT SPE-
7 CIES.—The term “imperiled wildlife or rare plant
8 species” means any species that is listed as an en-
9 dangered species or threatened species under section
10 4 of the Endangered Species Act of 1973 (16 U.S.C.
11 1533).

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

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

19 (4) SPECIES RECOVERY AGREEMENT.—The
20 term “species recovery agreement” means an Imper-
21 illed Wildlife and Rare Plant Recovery Agreement
22 entered into by the Secretary under section 404.

**TITLE V—INCREASING PARK
AND RECREATION ACCESS
Subtitle A—Urban Parks and
Recreation**

**SEC. 501. AMENDMENT OF URBAN PARK AND RECREATION
RECOVERY ACT OF 1978.**

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

SEC. 502. PURPOSE.

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

**SEC. 503. TREATMENT OF AMOUNTS TRANSFERRED FROM
GET OUTDOORS ACT FUND.**

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

“TREATMENT OF AMOUNTS TRANSFERRED FROM GET
OUTDOORS ACT FUND

“SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Get Outdoors Act in a fiscal year shall be available

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

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

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

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

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

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

22 **SEC. 504. AUTHORITY TO DEVELOP NEW AREAS AND FA-**
23 **CILITIES.**

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

1 including the acquisition of lands for such development,”
2 after “rehabilitation of critically needed recreation areas,
3 facilities,”.

4 **SEC. 505. DEFINITIONS.**

5 Section 1004 (16 U.S.C. 2503) is amended as fol-
6 lows:

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

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

11 (3) By adding at the end the following:

12 “(l) ‘development grants’—

13 “(1) subject to subparagraph (2) means match-
14 ing capital grants to units of local government to
15 cover costs of development, land acquisition, and
16 construction on existing or new neighborhood recre-
17 ation sites, including indoor and outdoor recreational
18 areas and facilities, support facilities, and land-
19 scaping; and

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

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

1 **SEC. 506. ELIGIBILITY.**

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

4 “(a) Eligibility of general purpose local governments
5 to compete for assistance under this title shall be based
6 upon need as determined by the Secretary. Generally, eli-
7 gible general purpose local governments shall include the
8 following:

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

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

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

19 **SEC. 507. GRANTS.**

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

21 (1) in subsection (a) by redesignating para-
22 graph (3) as paragraph (4); and

23 (2) by striking so much as precedes subsection
24 (a)(4) (as so redesignated) and inserting the fol-
25 lowing:

“GRANTS

1
2 “SEC. 1006. (a)(1) The Secretary may provide 70
3 percent matching grants for rehabilitation, development,
4 acquisition, and innovation purposes to any eligible gen-
5 eral purpose local government upon approval by the Sec-
6 retary of an application submitted by the chief executive
7 of such government.

8 “(2) At the discretion of such an applicant, a grant
9 under this section may be transferred in whole or part to
10 independent special purpose local governments, private
11 nonprofit agencies, or county or regional park authorities,
12 if—

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

15 “(B) the applicant provides assurance to the
16 Secretary that the applicant will maintain public
17 recreation opportunities at assisted areas and facili-
18 ties in accordance with section 1010.

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

24 **SEC. 508. RECOVERY ACTION PROGRAMS.**

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

1 (1) in subsection (a) in the first sentence by in-
2 serting “development,” after “commitments to ongoing
3 planning,”; and

4 (2) in subsection (a)(2) by inserting “development and” after “adequate planning for”.

6 **SEC. 509. STATE ACTION INCENTIVES.**

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

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

10 (2) by striking the last sentence of subsection
11 (a) (as designated by paragraph (1) of this section)
12 and inserting the following:

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

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

8 **SEC. 510. CONVERSION OF RECREATION PROPERTY.**

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

11 “CONVERSION OF RECREATION PROPERTY

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

16 “(2) Paragraph (1) shall apply to—

17 “(A) property developed with amounts provided
 18 under this title; and

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

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

24 “(2) Paragraph (1) shall apply to property that is
 25 no longer a viable recreation facility due to changes in de-
 26 mographics or that must be abandoned because of environ-

1 mental contamination which endangers public health or
2 safety.

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

6 “(1) of at least equal fair market value, and
7 reasonably equivalent usefulness and location; and

8 “(2) in accord with the current recreation re-
9 covery action program of the grantee.”.

10 **SEC. 511. REPEAL.**

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

12 **Subtitle B—Historic Preservation**
13 **Fund**

14 **SEC. 521. TREATMENT OF AMOUNTS TRANSFERRED FROM**
15 **GET OUTDOORS ACT FUND.**

16 Section 108 of the National Historic Preservation Act
17 (16 U.S.C. 470h) is amended—

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

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

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

23 “(b) Amounts transferred to the Secretary under sec-
24 tion 5(b)(5)(A) of the Get Outdoors Act in a fiscal year
25 shall be deposited into the Fund and shall be available

1 without further appropriation only to provide grants and
 2 other financial and technical assistance under this Act to
 3 States, Indian tribes, local governments, and other non-
 4 Federal governmental entities.

5 “(c) At least one-half of the funds obligated or ex-
 6 pended each fiscal year under this Act shall be used in
 7 accordance with this Act for preservation projects on his-
 8 toric properties. In making such funds available, the Sec-
 9 retary shall give priority to the preservation of endangered
 10 historic properties.”.

11 **SEC. 522. STATE USE OF HISTORIC PRESERVATION ASSIST-**
 12 **ANCE FOR NATIONAL HERITAGE AREAS AND**
 13 **CORRIDORS.**

14 Title I of the National Historic Preservation Act (16
 15 U.S.C. 470a et seq.) is amended by adding at the end the
 16 following:

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

19 “In addition to other uses authorized by this Act,
 20 amounts provided to a State under this title may be used
 21 by the State to provide financial assistance to the manage-
 22 ment entity for any national heritage area or national her-
 23 itage corridor established under the laws of the United
 24 States, to support cooperative historic preservation plan-
 25 ning and development.”.

1 **SEC. 523. FUNDING FOR MARITIME HERITAGE PROGRAMS.**

2 Section 6 of the National Maritime Heritage Act of
3 1994 (16 U.S.C. 5405) is amended—

4 (1) by redesignating subsection (d) as sub-
5 section (e), and by inserting after subsection (c) the
6 following:

7 “(d) AVAILABILITY OF FUNDS FROM GET OUTDOORS
8 ACT FUND.—Amounts transferred to the Secretary under
9 section 5(b)(5)(B) of the Get Outdoors Act shall be avail-
10 able until expended and without further appropriation to
11 carry out the Program as provided in subsection (b).”; and

12 (2) in subsection (b), by striking “subsection
13 (a)(1)(C)” each place it appears and inserting “this
14 section”.

15 **TITLE VI—COLLABORATING**
16 **WITH LOCAL COMMUNITIES**
17 **AND PROTECTING PRIVATE**
18 **PROPERTY OWNERS**

19 **Subtitle A—U.S. Treasury**
20 **Protections**

21 **SEC. 601. SIGNS.**

22 (a) IN GENERAL.—The Secretary shall require, as a
23 condition of any financial assistance provided with
24 amounts made available by this Act, that the person that
25 owns or administers any site that benefits from such as-
26 sistance shall include on any sign otherwise installed at

1 that site at or near an entrance or public use focal point,
 2 a statement that the existence or development of the site
 3 (or both), as appropriate, is a product of such assistance.

4 (b) STANDARDS.—The Secretary shall provide for the
 5 design of standardized signs for purposes of subsection
 6 (a), and shall prescribe standards and guidelines for such
 7 signs.

8 **Subtitle B—Private Property** 9 **Rights Protections**

10 **SEC. 611. PROTECTION OF PRIVATE PROPERTY RIGHTS.**

11 (a) SAVINGS CLAUSE.—Nothing in the Act shall au-
 12 thorize that private property be taken for public use, with-
 13 out just compensation as provided by the 5th and 14th
 14 amendments to the United States Constitution.

15 (b) REGULATION.—Federal agencies, using funds ap-
 16 propriated by this Act, may not apply any regulation on
 17 any lands or water until the lands or water, or an interest
 18 therein, is acquired, unless authorized to do so by another
 19 Act of Congress.

20 **SEC. 612. USE OF FEDERAL PORTION (NOTE—THIS IS SPE-** 21 **CIFIC TO TITLE II SUBTITLE A—FEDERAL** 22 **LWCF).**

23 Section 7 of the Land and Water Conservation Fund
 24 Act of 1965 (16 U.S.C. 460l–9) is amended by adding
 25 at the end the following:

1 “(d) USE OF FEDERAL PORTION.—

2 “(1) APPROVAL BY CONGRESS REQUIRED.—The
3 Federal portion (as that term is defined in section
4 5(1)) may not be obligated or expended by the Sec-
5 retary of the Interior or the Secretary of Agriculture
6 for any acquisition except those specifically referred
7 to, and approved by the Congress.

8 “(2) WILLING SELLER REQUIREMENT.—The
9 Federal portion may not be used to acquire any
10 property unless—

11 “(A) the owner of the property concurs in
12 the acquisition; or

13 “(B) acquisition of that property is specifi-
14 cally approved by an Act of Congress.

15 “(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

16 “(1) RESTRICTION ON USE.—The Federal por-
17 tion for a fiscal year may not be obligated or ex-
18 pended to acquire any interest in lands or water un-
19 less the lands or water were included in a list of ac-
20 quisitions that is approved by the Congress.

21 “(2) TRANSMISSION OF LIST.—(A) The Sec-
22 retary of the Interior and the Secretary of Agri-
23 culture shall jointly transmit to the appropriate au-
24 thorizing and appropriations committees of the
25 House of Representatives and the Senate for each

1 fiscal year, by no later than the submission of the
2 budget for the fiscal year under section 1105 of title
3 31, United States Code, a list of the acquisitions of
4 interests in lands and water proposed to be made
5 with the Federal portion for the fiscal year.

6 “(B) In preparing each list under subparagraph
7 (A), the Secretary shall—

8 “(i) seek to consolidate Federal land-
9 holdings in States with checkerboard Federal
10 land ownership patterns;

11 “(ii) consider the use of equal value land
12 exchanges, where feasible and suitable, as an al-
13 ternative means of land acquisition;

14 “(iii) consider the use of permanent con-
15 servation easements, where feasible and suit-
16 able, as an alternative means of acquisition;

17 “(iv) identify those properties that are pro-
18 posed to be acquired from willing sellers and
19 specify any for which adverse condemnation is
20 requested; and

21 “(v) establish priorities based on such fac-
22 tors as important or special resource attributes,
23 threats to resource integrity, timely availability,
24 owner hardship, cost escalation, public recre-
25 ation use values, and similar considerations.

1 “(C) The Secretary of the Interior and the Sec-
2 retary of Agriculture shall each—

3 “(i) transmit, with the list transmitted
4 under subparagraph (A), a separate list of
5 those lands under the administrative jurisdic-
6 tion of the Secretary that have been identified
7 in applicable land management plans as surplus
8 and eligible for disposal as provided for by law;
9 and

10 “(ii) update each list to be transmitted
11 under clause (i) as land management plans are
12 amended or revised.

13 “(3) INFORMATION REGARDING PROPOSED AC-
14 QUISITIONS.—Each list under paragraph (2)(A)
15 shall include, for each proposed acquisition included
16 in the list—

17 “(A) citation of the statutory authority for
18 the acquisition, if such authority exists; and

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

21 “(f) NOTIFICATION TO AFFECTED AREAS RE-
22 QUIRED.—The Federal portion for a fiscal year may not
23 be used to acquire any interest in land unless the Sec-
24 retary administering the acquisition, by not later than 30
25 days after the date the Secretaries submit the list under

1 subsection (e)(2)(A) for the fiscal year, provides notice of
2 the proposed acquisition—

3 “(1) in writing to each Member of and each
4 Delegate and Resident Commissioner to the Con-
5 gress elected to represent any area in which is lo-
6 cated—

7 “(A) the land; or

8 “(B) any part of any federally designated
9 unit that includes the land;

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

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

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

19 “(g) COMPLIANCE WITH REQUIREMENTS UNDER
20 FEDERAL LAWS.—

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

1 “(A) All actions required under Federal
2 law with respect to the acquisition have been
3 complied with.

4 “(B) A copy of each final environmental
5 impact statement or environmental assessment
6 required by law, and a summary of all public
7 comments regarding the acquisition that have
8 been received by the agency making the acquisi-
9 tion, are submitted to the Committee on Re-
10 sources of the House of Representatives, the
11 Committee on Energy and Natural Resources of
12 the Senate, and the Committees on Appropria-
13 tions of the House of Representatives and of
14 the Senate.

15 “(C) A notice of the availability of such
16 statement or assessment and of such summary
17 is provided to—

18 “(i) each Member of and each Dele-
19 gate and Resident Commissioner to the
20 Congress elected to represent the area in
21 which the land is located;

22 “(ii) the Governor of the State in
23 which the land is located; and

24 “(iii) each State political subdivision
25 having jurisdiction over the land.

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

4 **SEC. 613. WATER RIGHTS.**

5 Title I of the Land and Water Conservation Fund
 6 Act of 1965 is amended by adding at the end the fol-
 7 lowing:

8 “WATER RIGHTS

9 “SEC. 14. Nothing in this title—

10 “(1) invalidates or preempts State or Federal
 11 water law or an interstate compact governing water;

12 “(2) alters the rights of any State to any ap-
 13 propriated share of the waters of any body of sur-
 14 face or ground water, whether determined by past or
 15 future interstate compacts or by past or future legis-
 16 lative or final judicial allocations;

17 “(3) preempts or modifies any Federal or State
 18 law, or interstate compact, dealing with water qual-
 19 ity or disposal; or

20 “(4) confers on any non-Federal entity the abil-
 21 ity to exercise any Federal right to the waters of any
 22 stream or to any ground water resource.”.

23 **Subtitle C—Local Government**
 24 **Involvement**

25 **SEC. 621. STATE PLANNING.**

26 (a) STATE ACTION AGENDA REQUIRED.—

1 (1) IN GENERAL.—Section 6(d) of the Land
2 and Water Conservation Fund Act of 1965 (16
3 U.S.C. 460l–8(d)) is amended to read as follows:

4 “(d) STATE ACTION AGENDA REQUIRED.—(1) Each
5 State may define its own priorities and criteria for selec-
6 tion of outdoor conservation and recreation acquisition
7 and development projects eligible for grants under this
8 Act, so long as the priorities and criteria defined by the
9 State are consistent with the purposes of this Act, the
10 State provides for public involvement in this process, and
11 the State publishes an accurate and current State Action
12 Agenda for Community Conservation and Recreation (in
13 this Act referred to as the ‘State Action Agenda’) indi-
14 cating the needs it has identified and the priorities and
15 criteria it has established. In order to assess its needs and
16 establish its overall priorities, each State, in partnership
17 with its local governments and Federal agencies, and in
18 consultation with its citizens, shall develop, within 5 years
19 after the date of the enactment of the Get Outdoors Act
20 of 2004, a State Action Agenda that meets the following
21 requirements:

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

1 “(B) The agenda must be updated at least once
2 every 5 years and certified by the Governor that the
3 agenda conclusions and proposed actions have been
4 considered in an active public involvement process.

5 “(2) State Action Agendas shall take into account all
6 providers of conservation and recreation lands within each
7 State, including Federal, regional, and local government
8 resources, and shall be correlated whenever possible with
9 other State, regional, and local plans for parks, recreation,
10 open space, and wetlands conservation. Recovery action
11 programs developed by urban localities under section 1007
12 of the Urban Park and Recreation Recovery Act of 1978
13 shall be used by a State as a guide to the conclusions,
14 priorities, and action schedules contained in a State Action
15 Agenda. Each State shall assure that any requirements
16 for local outdoor conservation and recreation planning,
17 promulgated as conditions for grants, minimize redun-
18 dancy of local efforts by allowing, wherever possible, use
19 of the findings, priorities, and implementation schedules
20 of recovery action programs to meet such requirements.”.

21 (2) EXISTING STATE PLANS.—A comprehensive
22 State Plan developed by any State under section
23 6(d) of the Land and Water Conservation Fund Act
24 of 1965 before the date that is 5 years after the
25 date of the enactment of this Act shall remain in ef-

1 fect in that State until a State Action Agenda has
 2 been adopted pursuant to the amendment made by
 3 this subsection, but no later than 5 years after the
 4 date of the enactment of this Act.

5 (b) MISCELLANEOUS.—Section 6(e) of the Land and
 6 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
 7 8(e)) is amended as follows:

8 (1) In the matter preceding paragraph (1) by
 9 striking “State comprehensive plan” and inserting
 10 “State Action Agenda”.

11 (2) In paragraph (1) by striking “comprehen-
 12 sive plan” and inserting “State Action Agenda”.

13 **SEC. 622. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

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

16 (1) in subsection (e)(1) by striking “, but not
 17 including incidental costs relating to acquisition”;
 18 and

19 (2) in subsection (e)(2) by inserting before the
 20 period at the end the following: “or to enhance pub-
 21 lic safety within a designated park or recreation
 22 area”.

23 **SEC. 623. CONVERSION OF PROPERTY TO OTHER USE.**

24 Section 6(f)(3) of the Land and Water Conservation
 25 Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)) is amended—

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

3 (2) by striking the second sentence and insert-
4 ing the following:

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

1 considered to be of reasonably equivalent use-
 2 fulness with the property proposed for conver-
 3 sion.”.

4 **SEC. 624. REQUIREMENTS FOR ACQUISITION OF LANDS IN**
 5 **MONTANA WITH FEDERAL PORTION.**

6 Section 7 of the Land and Water Conservation Fund
 7 Act of 1965 (16 U.S.C. 460l–9) is further amended by
 8 adding at the end the following:

9 “(h) REQUIREMENTS FOR ACQUISITION OF LANDS IN
 10 MONTANA.—The Secretary of the Interior and the Sec-
 11 retary of Agriculture shall jointly develop and issue a plan
 12 for acquisition and disposal of lands in the State of Mon-
 13 tana that will result in consolidation of forest reserves cre-
 14 ated from the public domain and private inholdings within
 15 those reserves. The plan shall be designed to ensure that—

16 “(1) acquisitions of lands with the Federal por-
 17 tion consolidate Federal ownership of lands in Mon-
 18 tana under the administrative jurisdiction of the De-
 19 partment of the Interior and the Forest Service; and

20 “(2) any increase in the total acreage of lands
 21 in Montana under those administrative jurisdictions
 22 that results from acquisitions of lands with the Fed-
 23 eral portion is de minimis.”.

○