

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 964

To provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. ALEXANDER (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Americans Outdoors Act of 2005”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—DISPOSITION OF OUTER CONTINENTAL SHELF  
REVENUES**

Sec. 101. Disposition.

**TITLE II—COASTAL IMPACT ASSISTANCE**

Sec. 201. Coastal Impact Assistance Program.

**TITLE III—LAND AND WATER CONSERVATION FUND**

Sec. 301. Apportionment of amounts available for State purposes.

Sec. 302. State planning.

Sec. 303. Assistance to States for other projects.

Sec. 304. Conversion of property to other use.

Sec. 305. Water rights.

**TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE**

Sec. 401. Purposes.

Sec. 402. Definitions.

Sec. 403. Wildlife Conservation and Restoration Account.

Sec. 404. Apportionment to Indian tribes.

Sec. 405. No effect on prior appropriations.

**TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM**

Sec. 501. Expansion of purpose of Urban Park and Recreation Recovery Act  
of 1978 to include development of new areas and facilities.

Sec. 502. Definitions.

Sec. 503. Eligibility.

Sec. 504. Grants.

Sec. 505. Recovery action programs.

Sec. 506. State action incentives.

Sec. 507. Conversion of recreation property.

Sec. 508. Treatment of transferred amounts.

Sec. 509. Repeal.

1 **TITLE I—DISPOSITION OF**  
2 **OUTER CONTINENTAL SHELF**  
3 **REVENUES**

4 **SEC. 101. DISPOSITION.**

5 Section 9 of the Outer Continental Shelf Lands Act  
6 (43 U.S.C. 1338) is amended to read as follows:

7 **“SEC. 9. DISPOSITION OF REVENUES.**

8 “(a) IN GENERAL.—For each of fiscal years 2006  
9 through 2011, the Secretary of the Treasury shall deposit  
10 in the Treasury of the United States all qualified outer  
11 continental shelf revenues (as defined in section 31(a)).

12 “(b) TRANSFER FOR CONSERVATION ROYALTY EX-  
13 PENDITURES.—For each of fiscal years 2006 through  
14 2011, from amounts deposited for the preceding fiscal  
15 year under subsection (a), the Secretary of the Treasury  
16 shall transfer—

17 “(1) to the Secretary to make payments under  
18 section 31, \$450,000,000;

19 “(2) to the Land and Water Conservation Fund  
20 to provide financial assistance to States under sec-  
21 tion 6 of the Land and Water Conservation Fund  
22 Act of 1965 (16 U.S.C. 4601–8), \$450,000,000;

23 “(3) to the Federal aid to wildlife restoration  
24 fund established under section 3 of the Pittman-  
25 Robertson Wildlife Restoration Act (16 U.S.C.

1 669b) for deposit in the Wildlife Conservation and  
 2 Restoration Account, \$350,000,000; and

3 “(4) to the Secretary to carry out the Urban  
 4 Park and Recreation Recovery Act of 1978 (16  
 5 U.S.C. 2501 et seq.), \$125,000,000.”.

6 **TITLE II—COASTAL IMPACT**  
 7 **ASSISTANCE**

8 **SEC. 201. COASTAL IMPACT ASSISTANCE PROGRAM.**

9 Section 31 of the Outer Continental Shelf Lands Act  
 10 (43 U.S.C. 1356a) is amended to read as follows:

11 **“SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COASTAL POLITICAL SUBDIVISION.—The  
 14 term ‘coastal political subdivision’ means a political  
 15 subdivision of a coastal State any part of which po-  
 16 litical subdivision is—

17 “(A) within the coastal zone (as defined in  
 18 section 304 of the Coastal Zone Management  
 19 Act of 1972 (16 U.S.C. 1453)) of the coastal  
 20 State; and

21 “(B) not more than 200 miles from the ge-  
 22 ographic center of any leased tract.

23 “(2) COASTAL POPULATION.—The term ‘coastal  
 24 population’ means the population, as determined by  
 25 the most recent official data of the Census Bureau,

1 of each political subdivision any part of which lies  
2 within the designated coastal boundary of a State  
3 (as defined in a State’s coastal zone management  
4 program under the Coastal Zone Management Act of  
5 1972 (16 U.S.C. 1451 et seq.)).

6 “(3) COASTAL STATE.—The term ‘coastal  
7 State’ has the meaning given the term in section  
8 304 of the Coastal Zone Management Act of 1972  
9 (16 U.S.C. 1453).

10 “(4) COASTLINE.—The term ‘coastline’ has the  
11 meaning given the term ‘coast line’ in section 2 of  
12 the Submerged Lands Act (43 U.S.C. 1301).

13 “(5) DISTANCE.—The term ‘distance’ means  
14 the minimum great circle distance, measured in stat-  
15 ute miles.

16 “(6) LEASED TRACT.—The term ‘leased tract’  
17 means a tract that is subject to a lease under section  
18 6 or 8 for the purpose of drilling for, developing,  
19 and producing oil or natural gas resources.

20 “(7) LEASING MORATORIA.—The term ‘leasing  
21 moratoria’ means the prohibitions on preleasing,  
22 leasing, and related activities on any geographic area  
23 of the outer Continental Shelf as contained in—

24 “(A) the moratorium statement of the  
25 President on June 12, 1998; or

1           “(B) section 110 of the Department of the  
2 Interior and Related Agencies Appropriations  
3 Act, 2002 (Public Law 107–63; 115 Stat. 438).

4           “(8) POLITICAL SUBDIVISION.—The term ‘polit-  
5 ical subdivision’ means the local political jurisdiction  
6 immediately below the level of State government, in-  
7 cluding counties, parishes, and boroughs.

8           “(9) PRODUCING STATE.—

9           “(A) IN GENERAL.—The term ‘producing  
10 State’ means a coastal State that has a coastal  
11 seaward boundary within 200 miles of the geo-  
12 graphic center of a leased tract within any area  
13 of the outer Continental Shelf.

14           “(B) EXCLUSION.—The term ‘producing  
15 State’ does not include a producing State, a  
16 majority of the coastline of which is subject to  
17 leasing moratoria.

18           “(10) QUALIFIED OUTER CONTINENTAL SHELF  
19 REVENUES.—

20           “(A) IN GENERAL.—The term ‘qualified  
21 Outer Continental Shelf revenues’ means all  
22 amounts received by the United States from  
23 each leased tract or portion of a leased tract—

24           “(i) lying—

1                   “(I) seaward of the zone covered  
2                   by section 8(g); or

3                   “(II) within that zone, but to  
4                   which section 8(g) does not apply; and

5                   “(ii) the geographic center of which  
6                   lies within a distance of 200 miles from  
7                   any part of the coastline of any coastal  
8                   State.

9                   “(B) INCLUSIONS.—The term ‘qualified  
10                   Outer Continental Shelf revenues’ includes  
11                   bonus bids, rents, royalties (including payments  
12                   for royalty taken in kind and sold), net profit  
13                   share payments, and related late-payment inter-  
14                   est from natural gas and oil leases issued under  
15                   this Act.

16                   “(C) EXCLUSION.—The term ‘qualified  
17                   Outer Continental Shelf revenues’ does not in-  
18                   clude any revenues from a leased tract or por-  
19                   tion of a leased tract that is located in a geo-  
20                   graphic area subject to a leasing moratorium on  
21                   January 1, 2005, unless the lease was in pro-  
22                   duction on that date.

23                   “(11) TRANSFERRED AMOUNT.—The term  
24                   ‘transferred amount’ means the amount transferred  
25                   to the Secretary under section 9 to make payments

1 to producing States and coastal political subdivisions  
2 under this section for a fiscal year.

3 “(b) PAYMENTS TO PRODUCING STATES AND COAST-  
4 AL POLITICAL SUBDIVISIONS.—

5 “(1) IN GENERAL.—For each of fiscal years  
6 2006 through 2011, the transferred amount shall be  
7 allocated by the Secretary among producing States  
8 and coastal political subdivisions in accordance with  
9 this section.

10 “(2) DISBURSEMENT.—In each fiscal year, the  
11 Secretary shall, without further appropriation, dis-  
12 burse to each producing State for which the Sec-  
13 retary has approved a plan under subsection (c), and  
14 to coastal political subdivisions under paragraph (4),  
15 such funds as are allocated to the producing State  
16 or coastal political subdivision, respectively, under  
17 this section for the fiscal year.

18 “(3) ALLOCATION AMONG PRODUCING  
19 STATES.—

20 “(A) IN GENERAL.—Except as provided in  
21 subparagraph (C) and subject to subparagraph  
22 (D), the transferred amount shall be allocated  
23 to each producing State based on the ratio  
24 that—

1           “(i) the amount of qualified outer  
2 Continental Shelf revenues generated off  
3 the coastline of the producing State; bears  
4 to

5           “(ii) the amount of qualified outer  
6 Continental Shelf revenues generated off  
7 the coastline of all producing States.

8           “(B) AMOUNT OF OUTER CONTINENTAL  
9 SHELF REVENUES.—For purposes of subpara-  
10 graph (A)—

11           “(i) the amount of qualified outer  
12 Continental Shelf revenues for each of fis-  
13 cal years 2006 through 2008 shall be de-  
14 termined using qualified outer Continental  
15 Shelf revenues received for fiscal year  
16 2005; and

17           “(ii) the amount of qualified outer  
18 Continental Shelf revenues for each of fis-  
19 cal years 2009 through 2011 shall be de-  
20 termined using qualified outer Continental  
21 Shelf revenues received for fiscal year  
22 2008.

23           “(C) MULTIPLE PRODUCING STATES.—In  
24 a case in which more than 1 producing State is  
25 located within 200 miles of any portion of a

1 leased tract, the amount allocated to each pro-  
 2 ducing State for the leased tract shall be in-  
 3 versely proportional to the distance between—

4 “(i) the nearest point on the coastline  
 5 of the producing State; and

6 “(ii) the geographic center of the  
 7 leased tract.

8 “(D) MINIMUM ALLOCATION.—The  
 9 amount allocated to a producing State under  
 10 subparagraph (A) shall be at least 1 percent of  
 11 the transferred amount.

12 “(4) PAYMENTS TO COASTAL POLITICAL SUB-  
 13 DIVISIONS.—

14 “(A) IN GENERAL.—The Secretary shall  
 15 pay 35 percent of the amount allocated under  
 16 paragraph (3) to the coastal political subdivi-  
 17 sions in the producing State.

18 “(B) FORMULA.—Of the amount paid by  
 19 the Secretary to coastal political subdivisions  
 20 under subparagraph (A)—

21 “(i) 25 percent shall be allocated to  
 22 each coastal political subdivision in the  
 23 proportion that—

24 “(I) the coastal population of the  
 25 coastal political subdivision; bears to

1                   “(II) the coastal population of all  
2                   coastal political subdivisions in the  
3                   producing State;

4                   “(ii) 25 percent shall be allocated to  
5                   each coastal political subdivision in the  
6                   proportion that—

7                   “(I) the number of miles of  
8                   coastline of the coastal political sub-  
9                   division; bears to

10                   “(II) the number of miles of  
11                   coastline of all coastal political sub-  
12                   divisions in the producing State; and

13                   “(iii) 50 percent shall be allocated in  
14                   amounts that are inversely proportional to  
15                   the respective distances between the points  
16                   in each coastal political subdivision that  
17                   are closest to the geographic center of each  
18                   leased tract, as determined by the Sec-  
19                   retary.

20                   “(C) EXCEPTION FOR THE STATE OF LOU-  
21                   ISIANA.—For the purposes of subparagraph  
22                   (B)(ii), the coastline for coastal political sub-  
23                   divisions in the State of Louisiana without a  
24                   coastline shall be the average length of the

1 coastline of all other coastal political subdivi-  
2 sions in the State of Louisiana.

3 “(D) EXCEPTION FOR THE STATE OF  
4 ALASKA.—For the purposes of carrying out  
5 subparagraph (B)(iii) in the State of Alaska,  
6 the amounts allocated shall be divided equally  
7 among the 2 coastal political subdivisions that  
8 are closest to the geographic center of a leased  
9 tract.

10 “(E) EXCLUSION OF CERTAIN LEASED  
11 TRACTS.—For purposes of subparagraph  
12 (B)(iii), a leased tract or portion of a leased  
13 tract shall be excluded if the tract or portion of  
14 a leased tract is located in a geographic area  
15 subject to a leasing moratorium on January 1,  
16 2005, unless the lease was in production on  
17 that date.

18 “(5) NO APPROVED PLAN.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (B) and except as provided in subpara-  
21 graph (C), in a case in which any amount allo-  
22 cated to a producing State or coastal political  
23 subdivision under paragraph (3) or (4) is not  
24 disbursed because the producing State does not  
25 have in effect a plan that has been approved by

1 the Secretary under subsection (c), the Sec-  
2 retary shall allocate the undisbursed amount  
3 equally among all other producing States.

4 “(B) RETENTION OF ALLOCATION.—The  
5 Secretary shall hold in escrow an undisbursed  
6 amount described in subparagraph (A) until  
7 such date as the final appeal regarding the dis-  
8 approval of a plan submitted under subsection  
9 (c) is decided.

10 “(C) WAIVER.—The Secretary may waive  
11 subparagraph (A) with respect to an allocated  
12 share of a producing State and hold the allo-  
13 cable share in escrow if the Secretary deter-  
14 mines that the producing State is making a  
15 good faith effort to develop and submit, or up-  
16 date, a plan in accordance with subsection (c).

17 “(c) COASTAL IMPACT ASSISTANCE PLAN.—

18 “(1) SUBMISSION OF STATE PLANS.—

19 “(A) IN GENERAL.—Not later than July 1,  
20 2008, the Governor of a producing State shall  
21 submit to the Secretary a coastal impact assist-  
22 ance plan.

23 “(B) PUBLIC PARTICIPATION.—In carrying  
24 out subparagraph (A), the Governor shall solicit

1 local input and provide for public participation  
2 in the development of the plan.

3 “(2) APPROVAL.—

4 “(A) IN GENERAL.—The Secretary shall  
5 approve a plan of a producing State submitted  
6 under paragraph (1) before disbursing any  
7 amount to the producing State, or to a coastal  
8 political subdivision located in the producing  
9 State, under this section.

10 “(B) COMPONENTS.—The Secretary shall  
11 approve a plan submitted under paragraph (1)  
12 if—

13 “(i) the Secretary determines that the  
14 plan is consistent with the uses described  
15 in subsection (d); and

16 “(ii) the plan contains—

17 “(I) the name of the State agen-  
18 cy that will have the authority to rep-  
19 resent and act on behalf of the pro-  
20 ducing State in dealing with the Sec-  
21 retary for purposes of this section;

22 “(II) a program for the imple-  
23 mentation of the plan that describes  
24 how the amounts provided under this

1 section to the producing State will be  
2 used;

3 “(III) for each coastal political  
4 subdivision that receives an amount  
5 under this section—

6 “(aa) the name of a contact  
7 person; and

8 “(bb) a description of how  
9 the coastal political subdivision  
10 will use amounts provided under  
11 this section;

12 “(IV) a certification by the Gov-  
13 ernor that ample opportunity has been  
14 provided for public participation in  
15 the development and revision of the  
16 plan; and

17 “(V) a description of measures  
18 that will be taken to determine the  
19 availability of assistance from other  
20 relevant Federal resources and pro-  
21 grams.

22 “(3) AMENDMENT.—Any amendment to a plan  
23 submitted under paragraph (1) shall be—

24 “(A) developed in accordance with this  
25 subsection; and

1           “(B) submitted to the Secretary for ap-  
2           proval or disapproval under paragraph (4).

3           “(4) PROCEDURE.—

4           “(A) IN GENERAL.—Except as provided in  
5           subparagraph (B), not later than 90 days after  
6           the date on which a plan or amendment to a  
7           plan is submitted under paragraph (1) or (3),  
8           the Secretary shall approve or disapprove the  
9           plan or amendment.

10           “(B) EXCEPTION.—For fiscal year 2006,  
11           the Secretary shall approve or disapprove a  
12           plan submitted under paragraph (1) not later  
13           than December 31, 2006.

14           “(d) AUTHORIZED USES.—

15           “(1) IN GENERAL.—A producing State or coast-  
16           al political subdivision shall use all amounts received  
17           under this section, including any amount deposited  
18           in a trust fund that is administered by the State or  
19           coastal political subdivision and dedicated to uses  
20           consistent with this section, in accordance with all  
21           applicable Federal and State law, only for 1 or more  
22           of the following purposes:

23           “(A) Projects and activities for the con-  
24           servation, protection, or restoration of coastal  
25           areas, including wetland.

1           “(B) Mitigation of damage to fish, wildlife,  
2           or natural resources.

3           “(C) Planning assistance and the adminis-  
4           trative costs of complying with this section.

5           “(D) Implementation of a federally-ap-  
6           proved marine, coastal, or comprehensive con-  
7           servation management plan.

8           “(E) Mitigation of the impact of outer  
9           Continental Shelf activities through funding of  
10          onshore infrastructure projects and public serv-  
11          ice needs.

12          “(2) COMPLIANCE WITH AUTHORIZED USES.—  
13          If the Secretary determines that any expenditure  
14          made by a producing State or coastal political sub-  
15          division is not consistent with this subsection, the  
16          Secretary shall not disburse any additional amount  
17          under this section to the producing State or the  
18          coastal political subdivision until such time as all  
19          amounts obligated for unauthorized uses have been  
20          repaid or reobligated for authorized uses.”.

1       **TITLE III—LAND AND WATER**  
 2               **CONSERVATION FUND**

3       **SEC. 301. APPORTIONMENT OF AMOUNTS AVAILABLE FOR**  
 4               **STATE PURPOSES.**

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

7                       (1) in the second sentence of subsection (a), by  
 8               inserting “(including facility rehabilitation, but ex-  
 9               cluding facility maintenance)” after “(3) develop-  
 10              ment”; and

11                      (2) by striking subsection (b) and inserting the  
 12              following:

13              “(b) APPORTIONMENT AMONG THE STATES.—

14                      “(1) DEFINITION OF STATE.—

15                              “(A) IN GENERAL.—Except as provided in  
 16                      subparagraph (B), in this subsection, the term  
 17                      ‘State’ means—

18                                      “(i) each of the States of the United  
 19                              States;

20                                      “(ii) the District of Columbia;

21                                      “(iii) the Commonwealth of Puerto  
 22                              Rico;

23                                      “(iv) the Commonwealth of the North-  
 24                              ern Mariana Islands;

25                                      “(v) the United States Virgin Islands;

1 “(vi) Guam; and

2 “(vii) American Samoa.

3 “(B) LIMITATION.—For the purposes of  
4 paragraph (3), the States referred to in clauses  
5 (iii) through (vii) of subparagraph (A)—

6 “(i) shall be treated collectively as 1  
7 State; and

8 “(ii) shall each receive an apportion-  
9 ment under that paragraph based on the  
10 ratio that—

11 “(I) the population of the State;  
12 bears to

13 “(II) the population of all the  
14 States referred to in clauses (iii)  
15 through (vii) of subparagraph (A).

16 “(2) DEDUCTION FOR ADMINISTRATIVE EX-  
17 PENSES.—For each fiscal year, the Secretary may  
18 deduct, for payment of administrative expenses in-  
19 curred by the Secretary in carrying out this section,  
20 not more than 1 percent of the amounts made avail-  
21 able for financial assistance to States for the fiscal  
22 year under this Act.

23 “(3) APPORTIONMENT.—

24 “(A) IN GENERAL.—Not later than 60  
25 days after the end of the fiscal year, the Sec-

1           retary shall apportion among the States the  
2           amounts remaining after making the deduction  
3           under paragraph (2).

4           “(B) FORMULA.—Subject to paragraph  
5           (5), of the amounts described in subparagraph  
6           (A) for each fiscal year—

7                   “(i) 60 percent shall be apportioned  
8                   equally among the States; and

9                   “(ii) 40 percent shall be apportioned  
10                  among the States based on the ratio  
11                  that—

12                           “(I) the population of each State  
13                           (as reported in the most recent decen-  
14                           nial census); bears to

15                           “(II) the population of all of the  
16                           States (as reported in the most recent  
17                           decennial census).

18           “(4) LIMITATION.—For any fiscal year, the  
19           total apportionment to any 1 State under paragraph  
20           (3) shall not exceed 10 percent of the total amount  
21           apportioned to all States for the fiscal year.

22           “(5) STATE NOTIFICATION.—The Secretary  
23           shall notify each State of the amount apportioned to  
24           the State under paragraph (3).

25           “(6) USE OF FUNDS.—

1           “(A) IN GENERAL.—Amounts apportioned  
2 to a State under paragraph (3) may be used for  
3 planning, acquisition, or development projects  
4 in accordance with this Act.

5           “(B) LIMITATION.—Amounts apportioned  
6 to a State under paragraph (3) shall not be  
7 used for condemnation of land.

8           “(7) REAPPORTIONMENT.—

9           “(A) IN GENERAL.—Any portion of an ap-  
10 portionment to a State under this subsection  
11 that has not been paid or obligated by the Sec-  
12 retary by the end of the second fiscal year that  
13 begins after the date on which notification is  
14 provided to the State under paragraph (5) shall  
15 be reapportioned by the Secretary in accordance  
16 with paragraph (3).

17           “(B) LIMITATION.—A reapportionment  
18 under this paragraph shall be made without re-  
19 gard to the limitation described in paragraph  
20 (4).

21           “(8) APPORTIONMENT TO INDIAN TRIBES.—

22           “(A) DEFINITION.—In this paragraph, the  
23 term ‘Indian tribe’—

24                   “(i) in the case of the State of Alaska,  
25 means a Native corporation (as defined in

1 section 3 of the Alaska Native Claims Set-  
2 tlement Act (43 U.S.C. 1602)); and

3 “(ii) in the case of any other State,  
4 has the meaning given the term in section  
5 4 of the Indian Self-Determination and  
6 Education Assistance Act (25 U.S.C.  
7 450b).

8 “(B) APPORTIONMENT.—For the purposes  
9 of paragraph (3), each Indian tribe shall be eli-  
10 gible to receive a share of the amount available  
11 under paragraph (3) in accordance with a com-  
12 petitive grant program established by the Sec-  
13 retary.

14 “(C) TOTAL APPORTIONMENT.—The total  
15 apportionment available to Indian tribes under  
16 subparagraph (B) shall be equal to the amount  
17 available to a single State under paragraph (3).

18 “(D) AMOUNT OF GRANT.—For any fiscal  
19 year, the grant to any 1 Indian tribe under this  
20 paragraph shall not exceed 10 percent of the  
21 total amount made available to Indian tribes  
22 under paragraph (3).

23 “(E) USE OF FUNDS.—Funds received by  
24 an Indian tribe under this paragraph may be

1           used for the purposes specified in paragraphs  
2           (1) and (3) of subsection (a).

3           “(9) LOCAL ALLOCATION.—Unless the State  
4           demonstrates on an annual basis to the satisfaction  
5           of the Secretary that there is a compelling reason  
6           not to provide grants under this paragraph, each  
7           State (other than the District of Columbia) shall  
8           make available, as grants to political subdivisions of  
9           the State, not less than 25 percent of the annual  
10          State apportionment under this subsection, or an  
11          equivalent amount made available from other  
12          sources.”.

13 **SEC. 302. STATE PLANNING.**

14          (a) IN GENERAL.—Section 6 of the Land and Water  
15          Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is  
16          amended by striking subsection (d) and inserting the fol-  
17          lowing:

18          “(d) SELECTION CRITERIA; STATE ACTION AGEN-  
19          DA.—

20                 “(1) SELECTION CRITERIA.—Each State may  
21                 develop priorities and criteria for selection of out-  
22                 door conservation and recreation acquisition and de-  
23                 velopment projects eligible for grants under this Act,  
24                 if—

1           “(A) the priorities and criteria developed  
2 by the State are consistent with this Act;

3           “(B) the State provides for public partici-  
4 pation in the development of the priorities and  
5 criteria; and

6           “(C) the State develops a State action  
7 agenda (referred to in this section as a ‘State  
8 action agenda’) that includes the priorities and  
9 criteria established under this paragraph.

10       “(2) STATE ACTION AGENDA.—

11           “(A) IN GENERAL.—Not later than 5 years  
12 after the date of enactment of this subpara-  
13 graph, the State, in partnership with political  
14 subdivisions of the State and Federal agencies  
15 and in consultation with the public, shall de-  
16 velop a State action agenda.

17           “(B) REQUIRED ELEMENTS.—A State ac-  
18 tion agenda shall—

19           “(i) include strategies to address  
20 broad-based and long-term needs while fo-  
21 cusing on actions that can be funded dur-  
22 ing the 5-year period covered by the State  
23 action agenda;

24           “(ii) take into account all providers of  
25 conservation and recreation land in each

1 State, including Federal, regional, and  
2 local government resources;

3 “(iii) include the name of the State  
4 agency that will have authority to rep-  
5 resent and act for the State in dealing with  
6 the Secretary for the purposes of this Act;

7 “(iv) describe the priorities and cri-  
8 teria for selection of outdoor recreation  
9 and conservation acquisition and develop-  
10 ment projects; and

11 “(v) include a certification by the  
12 Governor of the State that ample oppor-  
13 tunity for public participation has been  
14 provided in the development of the State  
15 action agenda.

16 “(C) UPDATE.—Each State action agenda  
17 shall be updated at least once every 5 years.

18 “(D) CERTIFICATION.—The Governor shall  
19 certify that the public has participated in the  
20 development of the State action agenda.

21 “(E) COORDINATION WITH OTHER  
22 PLANS.—

23 “(i) IN GENERAL.—The State action  
24 agenda shall be coordinated, to the max-  
25 imum extent practicable, with other State,

1 regional, and local plans for parks, recre-  
2 ation, open space, fish and wildlife, and  
3 wetland and other habitat conservation.

4 “(ii) RECOVERY ACTION PROGRAMS.—

5 “(I) IN GENERAL.—The State  
6 shall use recovery action programs de-  
7 veloped by urban local governments  
8 under section 1007 of the Urban Park  
9 and Recreation Recovery Act of 1978  
10 (16 U.S.C. 2506) as a guide to the  
11 conclusions, priorities, and action  
12 schedules contained in the State ac-  
13 tion agenda.

14 “(II) REQUIREMENTS FOR LOCAL  
15 PLANNING.—To minimize the redun-  
16 dancy of local outdoor conservation  
17 and recreation efforts, each State  
18 shall provide that, to the maximum  
19 extent practicable, the findings, prior-  
20 ities, and implementation schedules of  
21 recovery action programs may be used  
22 to meet requirements for local outdoor  
23 conservation and recreation planning  
24 that are conditions for grants under  
25 the State action agenda.

1           “(F) COMPREHENSIVE STATEWIDE OUT-  
2           DOOR RECREATION PLAN.—A comprehensive  
3           statewide outdoor recreation plan developed by  
4           a State before the date that is 5 years after the  
5           date of enactment of this subparagraph shall  
6           remain in effect in the State until a State ac-  
7           tion agenda is adopted under this paragraph,  
8           but not later than 5 years after the date of en-  
9           actment of that Act.”.

10       (b) CONFORMING AMENDMENTS.—

11           (1) Section 6(e) of the Land and Water Con-  
12           servation Fund Act of 1965 (16 U.S.C. 460l–8(e))  
13           is amended—

14                (A) in the matter preceding paragraph (1),  
15                by inserting “or State action agenda” after  
16                “State comprehensive plan”; and

17                (B) in paragraph (1), by inserting “or  
18                State action agenda” after “comprehensive  
19                plan”.

20           (2) Section 32(e) of the Bankhead-Jones Farm  
21           Tenant Act (7 U.S.C. 1011(e)) is amended in the  
22           last proviso of the first paragraph by striking “exist-  
23           ing comprehensive statewide outdoor recreation plan  
24           found adequate for purposes of the Land and Water  
25           Conservation Fund Act of 1965 (78 Stat. 897)” and

1 inserting “comprehensive statewide outdoor recre-  
2 ation plan or State action agenda required by sec-  
3 tion 6 of the Land and Water Conservation Fund  
4 Act of 1965 (16 U.S.C. 4601–8)”.

5 (3) Section 102(a)(2) of the National Historic  
6 Preservation Act (16 U.S.C. 470b(a)(2)) is amended  
7 by striking “comprehensive statewide outdoor recre-  
8 ation plan prepared pursuant to the Land and  
9 Water Conservation Fund Act of 1965 (78 Stat.  
10 897)” and inserting “comprehensive statewide out-  
11 door recreation plan or State action agenda required  
12 by section 6 of the Land and Water Conservation  
13 Fund Act of 1965 (16 U.S.C. 4601–8)”.

14 (4) Section 6(a) of the Federal Water Project  
15 Recreation Act (16 U.S.C. 4601–17(a)) is amended  
16 by striking “State comprehensive plan developed  
17 pursuant to subsection 5(d) of the Land and Water  
18 Conservation Fund Act of 1965 (78 Stat. 897)” and  
19 inserting “comprehensive statewide outdoor recre-  
20 ation plan or State action agenda required by sec-  
21 tion 6 of the Land and Water Conservation Fund  
22 Act of 1965 (16 U.S.C. 4601–8)”.

23 (5) Section 8(a) of the National Trails System  
24 Act (16 U.S.C. 1247(a)) is amended in the first sen-  
25 tence—

1 (A) by inserting “or State action agendas”  
2 after “comprehensive statewide outdoor recre-  
3 ation plans”; and

4 (B) by inserting “of 1965 (16 U.S.C.  
5 4601–4 et seq.)” after “Fund Act”.

6 (6) Section 11(a)(2) of the National Trails Sys-  
7 tem Act (16 U.S.C. 1250(a)(2)) is amended by  
8 striking “(relating to the development of Statewide  
9 Comprehensive Outdoor Recreation Plans)” and in-  
10 sserting “(16 U.S.C. 4601–8)”.

11 (7) Section 11 of the Wild and Scenic Rivers  
12 Act (16 U.S.C. 1282) is amended—

13 (A) in subsection (a)—

14 (i) by inserting “or State action agen-  
15 das” after “comprehensive statewide out-  
16 door recreation plans”; and

17 (ii) by striking “(78 Stat. 897)” and  
18 inserting “(16 U.S.C. 4601–4 et seq.)”;

19 and

20 (B) in subsection (b)(2)(B), by striking  
21 “(relating to the development of statewide com-  
22 prehensive outdoor recreation plans)” and in-  
23 sserting “(16 U.S.C. 4601–8)”.

24 (8) Section 206(d) of title 23, United States  
25 Code, is amended—

1 (A) in paragraph (1)(B), by striking  
2 “statewide comprehensive outdoor recreation  
3 plan required by the Land and Water Conserva-  
4 tion Fund Act of 1965 (16 U.S.C. 4601–4 et  
5 seq.)” and inserting “comprehensive statewide  
6 outdoor recreation plan or State action agenda  
7 required by section 6 of the Land and Water  
8 Conservation Fund Act of 1965 (16 U.S.C.  
9 4601–8)”; and

10 (B) in paragraph (2)(D)(ii), by striking  
11 “statewide comprehensive outdoor recreation  
12 plan that is required by the Land and Water  
13 Conservation Fund Act of 1965 (16 U.S.C.  
14 4601–4 et seq.)” and inserting “comprehensive  
15 statewide outdoor recreation plan or State ac-  
16 tion agenda that is required by section 6 of the  
17 Land and Water Conservation Fund Act of  
18 1965 (16 U.S.C. 4601–8)”.

19 (9) Section 202(c)(9) of the Federal Land Pol-  
20 icy and Management Act of 1976 (43 U.S.C.  
21 1712(c)(9)) is amended by striking “statewide out-  
22 door recreation plans developed under the Act of  
23 September 3, 1964 (78 Stat. 897), as amended” and  
24 inserting “comprehensive statewide outdoor recre-  
25 ation plans or State action agendas required by sec-

1       tion 6 of the Land and Water Conservation Fund  
2       Act of 1965 (16 U.S.C. 4601–8)”.

3       **SEC. 303. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

4       Section 6(e) of the Land and Water Conservation  
5       Fund Act of 1965 (16 U.S.C. 4601–8(e)) is amended—

6               (1) in paragraph (1), by striking “, but not in-  
7       cluding incidental costs relating to acquisition”; and

8               (2) in paragraph (2), by inserting before the  
9       colon the following: “or to enhance public safety in  
10      a designated park or recreation area”.

11      **SEC. 304. CONVERSION OF PROPERTY TO OTHER USE.**

12      Section 6(f)(3) of the Land and Water Conservation  
13      Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)) is amended—

14             (1) by striking “(3) No property” and inserting  
15      the following:

16             “(3) CONVERSION OF PROPERTY TO OTHER  
17      USE.—

18             “(A) IN GENERAL.—No property”; and

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

21             “(B) REQUIREMENTS FOR APPROVAL.—

22             The Secretary shall approve a conversion under  
23      subparagraph (A) if—

24             “(i) the State demonstrates that there  
25      is no other prudent or feasible alternative;

1           “(ii) the property no longer meets the  
2           criteria in the comprehensive statewide  
3           outdoor recreation plan or State action  
4           agenda for an outdoor conservation and  
5           recreation facility because of changes in  
6           demographics; or

7           “(iii) the property must be abandoned  
8           because of environmental contamination  
9           that endangers public health or safety.

10          “(C) CONDITIONS.—A conversion under  
11          subparagraph (A) shall satisfy any conditions  
12          that the Secretary determines to be necessary  
13          to ensure the substitution of other conservation  
14          or recreation property that is—

15                 “(i) of at least equal fair market  
16                 value;

17                 “(ii) of reasonably equivalent useful-  
18                 ness and location; and

19                 “(iii) consistent with the comprehen-  
20                 sive statewide outdoor recreation plan or  
21                 State action agenda.”.

22 **SEC. 305. WATER RIGHTS.**

23          Title I of the Land and Water Conservation Fund  
24          Act of 1965 (16 U.S.C. 4601–4 et seq.) is amended by  
25          adding at the end the following:

1 **“SEC. 14. WATER RIGHTS.**

2 “Nothing in this title—

3 “(1) invalidates, preempts, or modifies any Fed-  
4 eral or State water law or an interstate compact re-  
5 lating to water, including water quality and disposal;

6 “(2) alters the rights of any State to an appro-  
7 priated share of the water of any body of surface  
8 water or groundwater, as established by interstate  
9 compacts entered into, legislation enacted, or final  
10 judicial allocations adjudicated before, on, or after  
11 the date of enactment of this Act; or

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

15 **TITLE IV—CONSERVATION AND**  
16 **RESTORATION OF WILDLIFE**

17 **SEC. 401. PURPOSES.**

18 The purposes of this title are—

19 (1) to ensure adequate funding of the program  
20 established under the amendments to the Pittman-  
21 Robertson Wildlife Restoration Act (16 U.S.C. 669  
22 et seq.) enacted by title IX of H.R. 5548 of the  
23 106th Congress, as enacted by section 1(a)(2) of  
24 Public Law 106–553 (114 Stat. 2762, 2762A–118);  
25 and

1           (2) to ensure the conservation and sustain-  
2           ability of fish and wildlife to provide and promote  
3           greater hunting, angling, and wildlife viewing oppor-  
4           tunities.

5 **SEC. 402. DEFINITIONS.**

6           Section 2 of the Pittman-Robertson Wildlife Restora-  
7           tion Act (16 U.S.C. 669a) is amended—

8           (1) by redesignating paragraphs (1), (2), (3),  
9           (4), (5), (6), (7), and (8) as paragraphs (2), (4),  
10          (5), (6), (7), (8), (9), and (10), respectively;

11          (2) by inserting before paragraph (2) (as redesi-  
12          gnated by paragraph (1)) the following:

13                 “(1) ACCOUNT.—The term ‘Account’ means the  
14                 Wildlife Conservation and Restoration Account es-  
15                 tablished by section 3(a)(2).”;

16          (3) by inserting after paragraph (2) (as redesi-  
17          gnated by paragraph (1)) the following:

18                 “(3) INDIAN TRIBE.—The term ‘Indian tribe’—

19                         “(A) in the case of the State of Alaska,  
20                         means a Native corporation (as defined in sec-  
21                         tion 3 of the Alaska Native Claims Settlement  
22                         Act (43 U.S.C. 1602)); and

23                         “(B) in the case of any other State, has  
24                         the meaning given the term in section 4 of the

1 Indian Self-Determination and Education As-  
2 sistance Act (25 U.S.C. 450b).”;

3 (4) in paragraph (6) (as redesignated by para-  
4 graph (1)), by striking “including fish” and insert-  
5 ing “(including, for purposes of section 4(d), fish)”;  
6 and

7 (5) in paragraph (10) (as redesignated by para-  
8 graph (1)), by striking “includes the wildlife con-  
9 servation and restoration program and”.

10 **SEC. 403. WILDLIFE CONSERVATION AND RESTORATION**  
11 **ACCOUNT.**

12 Section 3 of the Pittman-Robertson Wildlife Restora-  
13 tion Act (16 U.S.C. 669b) is amended—

14 (1) by striking “**SEC. 3. (a)(1) An**” and insert-  
15 ing the following:

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

17 **“(a) IN GENERAL.—**

18 **“(1) FEDERAL AID TO WILDLIFE RESTORATION**  
19 **FUND.—An”;** and

20 (2) in subsection (a)—

21 (A) in paragraph (1), by striking “Federal  
22 aid to wildlife restoration fund” and inserting  
23 “Federal Aid to Wildlife Restoration Fund”;  
24 and

1 (B) by striking paragraph (2) and insert-  
 2 ing the following:

3 “(2) WILDLIFE CONSERVATION AND RESTORA-  
 4 TION ACCOUNT.—

5 “(A) ESTABLISHMENT.—There is estab-  
 6 lished in the fund a subaccount to be known as  
 7 the ‘Wildlife Conservation and Restoration Ac-  
 8 count’.

9 “(B) FUNDING.—Amounts transferred to  
 10 the fund for a fiscal year under section 9(b)(3)  
 11 of the Outer Continental Shelf Lands Act—

12 “(i) shall be deposited in the Account;  
 13 and

14 “(ii) shall be available, without fur-  
 15 ther appropriation, to carry out State wild-  
 16 life conservation and restoration programs  
 17 under section 4(d).”.

18 **SEC. 404. APPORTIONMENT TO INDIAN TRIBES.**

19 (a) IN GENERAL.—Section 4 of the Pittman-Robert-  
 20 son Wildlife Restoration Act (16 U.S.C. 669c) is amend-  
 21 ed—

22 (1) by redesignating the first subsection (c) as  
 23 subsection (e); and

24 (2) in subsection (c), by striking paragraph (1)  
 25 and inserting the following:

1           “(1) APPORTIONMENT TO DISTRICT OF COLUM-  
2           BIA, PUERTO RICO, TERRITORIES, AND INDIAN  
3           TRIBES.—

4           “(A) IN GENERAL.—Subject to subpara-  
5           graph (B), for each fiscal year, the Secretary  
6           shall apportion from amounts available in the  
7           Account for the fiscal year—

8           “(i) to each of the District of Colum-  
9           bia and the Commonwealth of Puerto Rico,  
10           an amount equal to not more than  $\frac{1}{2}$  of  
11           1 percent of amounts available in the Ac-  
12           count;

13           “(ii) to each of Guam, American  
14           Samoa, the Commonwealth of the North-  
15           ern Mariana Islands, and the United  
16           States Virgin Islands, a sum equal to not  
17           more than  $\frac{1}{4}$  of 1 percent of amounts  
18           available in the Account; and

19           “(iii) to Indian tribes, an amount  
20           equal to not more than  $2\frac{1}{4}$  percent of  
21           amounts available in the Account, of  
22           which—

23           “(I)  $\frac{1}{3}$  shall be apportioned  
24           based on the ratio that the trust land  
25           area of each Indian tribe bears to the

1 total trust land area of all Indian  
2 tribes; and

3 “(II)  $\frac{2}{3}$  shall be apportioned  
4 based on the ratio that the population  
5 of each Indian tribe bears to the total  
6 population of all Indian tribes.

7 “(B) MAXIMUM APPORTIONMENT TO IN-  
8 DIAN TRIBES.—For each fiscal year, the  
9 amounts apportioned under subparagraph  
10 (A)(iii) shall be adjusted proportionately so that  
11 no Indian tribe is apportioned a sum that is  
12 more than 5 percent of the amount available for  
13 apportionment under subparagraph (A)(iii) for  
14 the fiscal year.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 3(c)(2) of the Pittman-Robertson  
17 Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is  
18 amended by striking “sections 4(d) and (e) of this  
19 Act” and inserting “subsection (c) and (d) of section  
20 4”.

21 (2) Section 4(b) of the Pittman-Robertson  
22 Wildlife Restoration Act (16 U.S.C. 669c(b)) is  
23 amended by striking “subsection (c)” and inserting  
24 “subsection (e)”.

1           (3) Section 4(d) of the Pittman-Robertson  
2 Wildlife Restoration Act (16 U.S.C. 669c(d)) is  
3 amended—

4           (A) in paragraph (1)—

5           (i) in subparagraph (A), by redesignig-  
6 nating clauses (i), (ii), and (iii) as sub-  
7 clauses (I), (II), and (III), respectively,  
8 and indenting the subclauses appropriately;

9           (ii) by redesignating subparagraphs  
10 (A), (B), and (C) as clauses (i), (ii), and  
11 (iii), respectively, and indenting the clauses  
12 appropriately; and

13           (iii) by striking “(1) Any State” and  
14 inserting the following:

15           “(1) REQUIREMENTS.—

16           “(A) IN GENERAL.—Any State”;

17           (iv) by striking “To apply” and in-  
18 serting the following:

19           “(B) PLAN.—To apply”;

20           (v) in subparagraph (A) (as des-  
21 ignated by clause (iii))—

22           (I) by inserting “or Indian tribe”  
23 before “may apply”; and

24           (II) by striking “develop a pro-  
25 gram” and inserting the following:

1 “develop a program for the conserva-  
2 tion and restoration of species of wild-  
3 life identified by the State”;

4 (vi) in subparagraph (B) (as des-  
5 ignated by clause (iv))—

6 (I) in the matter preceding clause  
7 (i) (as redesignated by clause (ii)), by  
8 inserting “or Indian tribe” before  
9 “shall submit”; and

10 (II) in clause (i) (as redesignated  
11 by clause (ii)), by inserting “or Indian  
12 tribe” after “State”;

13 (vii) by redesignating subparagraph  
14 (D) as subparagraph (C); and

15 (viii) in subparagraph (C) (as redesi-  
16 gnated by clause (vii))—

17 (I) in the matter preceding clause  
18 (i), by inserting “a State or Indian  
19 tribe shall” before “develop and  
20 begin”;

21 (II) in clause (i), by inserting “or  
22 Indian tribe” before “deems appro-  
23 priate”;

- 1 (III) in clauses (ii), (iii), (iv), and  
2 (vii), by striking “paragraph (1)” and  
3 inserting “subparagraph (A)”;
- 4 (IV) in clause (vi)—
- 5 (aa) by striking “State wild-  
6 life conservation strategy” and  
7 inserting “wildlife conservation  
8 strategy of the State or Indian  
9 tribe”; and
- 10 (bb) by striking the semi-  
11 colon at the end and inserting “;  
12 and”; and
- 13 (V) in clause (vii), by inserting  
14 “by” after “feasible”;
- 15 (B) in paragraph (2), by inserting “or In-  
16 dian tribe” after “State”;
- 17 (C) in paragraph (3), by inserting “or In-  
18 dian tribe” after “State” each place it appears;  
19 and
- 20 (D) in paragraph (4)—
- 21 (i) in subparagraph (A), by striking  
22 “State’s wildlife conservation and restora-  
23 tion program” each place it appears and  
24 inserting “wildlife conservation and res-

1                   toration program of a State or Indian  
2                   tribe”; and

3                   (ii) in subparagraph (B)—

4                   (I) by inserting “or Indian tribe”  
5                   after “each State”; and

6                   (II) by striking “State’s wildlife  
7                   conservation and restoration pro-  
8                   gram” and inserting “wildlife con-  
9                   servation and restoration program of  
10                  a State or Indian tribe”.

11               (4) Section 8(b) of the Pittman-Robertson  
12               Wildlife Restoration Act (16 U.S.C. 669g(b)) is  
13               amended by striking “section 4(c)” and inserting  
14               “section 4(e)”.

15               (5) Section 10 of the Pittman-Robertson Wild-  
16               life Restoration Act (16 U.S.C. 669h–1) is amend-  
17               ed—

18                   (A) in subsection (a)(1)—

19                   (i) in subparagraph (A), by inserting  
20                   “or obligated” after “used”; and

21                   (ii) in subparagraph (B), by inserting  
22                   “or obligated” after “used”; and

23                   (B) by striking “section 4(c)” each place it  
24                   appears and inserting “section 4(e)”.

1 **SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS.**

2 Nothing in this title or any amendment made by this  
3 title applies to or otherwise affects the availability or use  
4 of any amounts appropriated before the date of enactment  
5 of this Act.

6 **TITLE V—URBAN PARK AND**  
7 **RECREATION RECOVERY**  
8 **PROGRAM**

9 **SEC. 501. EXPANSION OF PURPOSE OF URBAN PARK AND**  
10 **RECREATION RECOVERY ACT OF 1978 TO IN-**  
11 **CLUDE DEVELOPMENT OF NEW AREAS AND**  
12 **FACILITIES.**

13 Section 1003 of the Urban Park and Recreation Re-  
14 covery Act of 1978 (16 U.S.C. 2502) is amended in the  
15 first sentence by striking “recreation areas, facilities,” and  
16 inserting “recreation areas and facilities, the development  
17 of new recreation areas and facilities (including acquisi-  
18 tion of land for that development),”.

19 **SEC. 502. DEFINITIONS.**

20 Section 1004 of the Urban Park and Recreation Re-  
21 covery Act of 1978 (16 U.S.C. 2503) is amended—

22 (1) by striking “When used in this title the  
23 term—” and inserting “In this title:”;

24 (2) by redesignating paragraphs (1), (2), and  
25 (3) of subsection (d) as subparagraphs (A), (B), and  
26 (C), respectively, and indenting appropriately;

1           (3) by redesignating subsections (a), (b), (c),  
2           (d), (e), (f), (g), (h), (i), (j), and (k) as paragraphs  
3           (9), (10), (4), (1), (8), (6), (3), (12), (7), (13), and  
4           (5), respectively, and moving the paragraphs to ap-  
5           pear in numerical order;

6           (4) in each of paragraphs (1), (3), (4), (5), (6),  
7           (7), (8), (9), (10), (12), and (13) (as redesignated  
8           by paragraph (3))—

9                   (A)(i) by inserting “\_\_\_\_\_.—The  
10                   term” before the first quotation mark; and

11                   (ii) by inserting in the blank the term that  
12                   is in quotations in each paragraph, respectively;  
13                   and

14                   (B) by capitalizing the first letter of the  
15                   term as inserted in the blank under subpara-  
16                   graph (A)(ii);

17           (5) in each of paragraphs (1), (3), (4), (6), (7),  
18           (8), (9), (10), and (12) (as redesignated by para-  
19           graph (3)), by striking the semicolon at the end and  
20           inserting a period;

21           (6) in paragraph (13) (as redesignated by para-  
22           graph (3)), by striking “; and” at the end and in-  
23           serting a period;

24           (7) by inserting after paragraph (1) (as redesi-  
25           gnated by paragraph (3)) the following:

1 “(2) DEVELOPMENT GRANT.—

2 “(A) IN GENERAL.—The term ‘develop-  
3 ment grant’ means a matching capital grant  
4 made to a unit of local government to cover  
5 costs of development, land acquisition, and con-  
6 struction at 1 or more existing or new neighbor-  
7 hood recreation sites (including indoor and out-  
8 door recreational areas and facilities, support  
9 facilities, and landscaping).

10 “(B) EXCLUSIONS.—The term ‘develop-  
11 ment grant’ does not include a grant made to  
12 pay the costs of routine maintenance or upkeep  
13 activities.”;

14 (8) in paragraph (5) (as redesignated by para-  
15 graph (3)), by inserting “the Commonwealth of” be-  
16 fore “Northern Mariana Islands”; and

17 (9) by inserting after paragraph (10) (as redesi-  
18 gnated by paragraph (3)) the following:

19 “(11) SECRETARY.—The term ‘Secretary’  
20 means the Secretary of the Interior.”.

21 **SEC. 503. ELIGIBILITY.**

22 Section 1005 of the Urban Park and Recreation Re-  
23 covery Act of 1978 (16 U.S.C. 2504) is amended by strik-  
24 ing subsection (a) and inserting the following:

25 “(a) ELIGIBILITY FOR ASSISTANCE.—

1           “(1) DEFINITION OF GENERAL PURPOSE LOCAL  
2 GOVERNMENT.—For the purpose of determining eli-  
3 gibility for assistance under this title, the term ‘gen-  
4 eral purpose local government’ includes—

5           “(A) any political subdivision of a metro-  
6 politan, primary, or consolidated statistical  
7 area, as determined by the most recent decen-  
8 nial census;

9           “(B) any other city, town, or group of 1 or  
10 more cities or towns within a metropolitan sta-  
11 tistical area described in subparagraph (A) that  
12 has a total population of at least 50,000, as de-  
13 termined by the most recent decennial census;  
14 and

15           “(C) any other county, parish, or township  
16 with a total population of at least 250,000, as  
17 determined by the most recent decennial census.

18           “(2) SELECTION.—The Secretary shall award  
19 assistance to general purpose local governments  
20 under this title on the basis of need, as determined  
21 by the Secretary.”.

22 **SEC. 504. GRANTS.**

23           Section 1006(a) of the Urban Park and Recreation  
24 Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—

1 (1) in the first sentence, by striking “rehabilita-  
2 tion and innovative”;

3 (2) in paragraph (1), by striking “rehabilitation  
4 and innovation”; and

5 (3) in paragraph (2), by striking “rehabilitation  
6 or innovative”.

7 **SEC. 505. RECOVERY ACTION PROGRAMS.**

8 Section 1007(a) of the Urban Park and Recreation  
9 Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

10 (1) in the first sentence, by inserting “develop-  
11 ment,” after “commitments to ongoing planning;”;  
12 and

13 (2) in paragraph (2), by inserting “development  
14 and” after “adequate planning for”.

15 **SEC. 506. STATE ACTION INCENTIVES.**

16 Section 1008 of the Urban Park and Recreation Re-  
17 covery Act of 1978 (16 U.S.C. 2507) is amended—

18 (1) in the first sentence, by inserting “(a) **IN**  
19 **GENERAL.—**” before “The Secretary is author-  
20 ized”; and

21 (2) by striking the last sentence of subsection  
22 (a) (as designated by paragraph (1)) and inserting  
23 the following:

24 “(b) **COORDINATION WITH LAND AND WATER CON-**  
25 **SERVATION FUND ACTIVITIES.—**

1           “(1) IN GENERAL.—The Secretary and general  
2           purpose local governments are encouraged to coordi-  
3           nate the preparation of recovery action programs re-  
4           quired by this title with comprehensive statewide  
5           outdoor recreation plans or State action agendas re-  
6           quired by section 6 of the Land and Water Con-  
7           servation Fund Act of 1965 (16 U.S.C. 4601–8) (in-  
8           cluding by allowing flexibility in preparation of re-  
9           covery action programs so that those programs may  
10          be used to meet State and local qualifications for  
11          local receipt of grants under that Act or State  
12          grants for similar purposes or for other conservation  
13          or recreation purposes).

14          “(2) CONSIDERATIONS.—The Secretary shall  
15          encourage States to consider the findings, priorities,  
16          strategies, and schedules included in the recovery ac-  
17          tion programs of the urban localities of the States  
18          in preparation and updating of comprehensive state-  
19          wide outdoor recreation plans or State action agen-  
20          das in accordance with the public participation and  
21          citizen consultation requirements of section 6(d) of  
22          the Land and Water Conservation Fund Act of 1965  
23          (16 U.S.C. 4601–8(d)).”.

1 **SEC. 507. CONVERSION OF RECREATION PROPERTY.**

2 Section 1010 of the Urban Park and Recreation Re-  
3 covery Act of 1978 (16 U.S.C. 2509) is amended to read  
4 as follows:

5 **“SEC. 1010. CONVERSION OF RECREATION PROPERTY.**

6 “(a) IN GENERAL.—Except as provided in subsection  
7 (b), no property developed, acquired, improved, or rehabili-  
8 tated using funds from a grant under this title shall, with-  
9 out the approval of the Secretary, be converted to any pur-  
10 pose other than a public recreation purpose.

11 “(b) APPROVAL.—

12 “(1) IN GENERAL.—The Secretary shall ap-  
13 prove the conversion of property under subsection  
14 (a) to a purpose other than a public recreation pur-  
15 pose only if the grant recipient demonstrates that no  
16 prudent or feasible alternative exists.

17 “(2) APPLICABILITY.—Paragraph (1) applies to  
18 property that—

19 “(A) is no longer viable for use as a recre-  
20 ation facility because of changes in demo-  
21 graphics; or

22 “(B) must be abandoned because of envi-  
23 ronmental contamination or any other condition  
24 that endangers public health or safety.

25 “(c) CONDITIONS.—Any conversion of property under  
26 this section shall satisfy such conditions as the Secretary

1 considers necessary to ensure the substitution for the  
2 property of other recreation property that is—

3 “(1) at a minimum, equivalent in fair market  
4 value, usefulness, and location; and

5 “(2) subject to the recreation recovery action  
6 program of the grant recipient that is in effect as  
7 of the date of the conversion of the property.”.

8 **SEC. 508. TREATMENT OF TRANSFERRED AMOUNTS.**

9 Section 1013 of the Urban Park and Recreation Re-  
10 covery Act of 1978 (16 U.S.C. 2512) is amended to read  
11 as follows:

12 **“SEC. 1013. FUNDING.**

13 “(a) TREATMENT OF AMOUNTS TRANSFERRED  
14 FROM GET OUTDOORS ACT FUND.—

15 “(1) IN GENERAL.—Amounts transferred to the  
16 Secretary under section 9(b)(4) of the Outer Conti-  
17 nental Shelf Lands Act (43 U.S.C. 1338(b)(4)) for  
18 a fiscal year shall be available to the Secretary, with-  
19 out further appropriation, to carry out this title.

20 “(2) UNPAID AND UNOBLIGATED AMOUNTS.—  
21 Any amount described in paragraph (1) that is not  
22 paid or obligated by the Secretary before the end of  
23 the second fiscal year beginning after the first fiscal  
24 year in which the amount is made available under

1 paragraph (1) shall be reapportioned by the Sec-  
2 retary among grant recipients under this title.

3 “(b) DEDUCTION FOR ADMINISTRATIVE EX-  
4 PENSES.—For each fiscal year, the Secretary may deduct,  
5 for payment of administrative expenses incurred by the  
6 Secretary in carrying out this section, not more than 4  
7 percent of the amounts made available to the Secretary  
8 for the fiscal year under subsection (a).

9 “(c) LIMITATIONS ON ANNUAL GRANTS.—After mak-  
10 ing the deduction under subsection (b), of the amounts  
11 made available for a fiscal year under subsection (a)—

12 “(1) not more than 10 percent may be used for  
13 innovation grants under section 1006;

14 “(2) not more than 3 percent may be used for  
15 grants for the development of local park and recre-  
16 ation recovery action programs under subsections (a)  
17 and (c) of section 1007; and

18 “(3) not more than 15 percent, in the aggre-  
19 gate, may be provided in the form of grants for  
20 projects in any 1 State.

21 “(d) LIMITATION ON USE FOR GRANT ADMINISTRA-  
22 TION.—The Secretary shall establish a limit on the per-  
23 centage, not to exceed 25 percent, of any grant under this  
24 title that may be used for grant and program administra-  
25 tion.”.

1 **SEC. 509. REPEAL.**

2       Sections 1014 and 1015 of the Urban Park and  
3 Recreation Recovery Act of 1978 (16 U.S.C. 2513, 2514)  
4 are repealed.

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