

Whereas officials in Thailand have estimated that as many as 800 million tablets of methamphetamine will be smuggled into their country this year, contributing to the growing methamphetamine problem in Thailand;

Whereas there are as many as a million internally displaced persons in Burma;

Whereas the SPDC continues to severely restrict the political activities of Daw Aung San Suu Kyi and the National League for Democracy;

Whereas, in September 2000, Daw Aung San Suu Kyi was placed under house arrest when she attempted to visit a National League for Democracy party office on the outskirts of Rangoon, and again when she attempted to travel by train to Mandalay;

Whereas Daw Aung San Suu Kyi and the SPDC have recently begun talks under the auspices of the United Nations Special Envoy to Burma, Razali Ismail, which are welcomed by the international community;

Whereas the SPDC has recently allowed the National League for Democracy to open some political offices, and has released some political prisoners, although over 1,800 such prisoners are believed to remain imprisoned;

Whereas, with the exception of these positive developments, the SPDC has made little progress in improving human rights conditions and restoring democracy to Burma;

Whereas the United Nations General Assembly has recently expressed its concern over the slow progress in the talks between Daw Aung San Suu Kyi and the SPDC;

Whereas Daw Aung San Suu Kyi's struggle to assert the rights of her people has spread beyond politics and into popular culture, as evidenced by others championing her cause, most notably the rock group U2 in their song "Walk On", which is banned in Burma;

Whereas Daw Aung San Suu Kyi is the recipient of the Presidential Medal of Freedom; and

Whereas, in the face of oppression and at great personal sacrifice, Daw Aung San Suu Kyi has remained an outspoken champion of democracy and freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

[That—

[(1) the Congress commends and congratulates Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize, and recognizes her remarkable contributions and tireless work toward bringing peace and democracy to Burma;

[(2) it is the sense of the Congress that the President and Secretary of State should continue to encourage the Government of Burma to restore basic human rights to the Burmese people, to eliminate the practice of human trafficking, to address the manufacture of heroin and methamphetamines, to continue the process of releasing political prisoners, to recognize the results of the 1990 democratic elections, and to allow Daw Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement; and

[(3) it is the sense of the Congress that Daw Aung San Suu Kyi should be invited to address a joint meeting of the Congress at such time and under such circumstances as will, in the judgment of Daw Aung San Suu Kyi, advance rather than endanger her continued ability to work within Burma for the rights of the Burmese people.]]

#### **SECTION 1. COMMENDATION OF DAW AUNG SAN SUU KYI AND SENSE OF CONGRESS WITH RESPECT TO THE GOVERNMENT OF BURMA.**

(a) COMMENDATION OF DAW AUNG SAN SUU KYI.—Congress—

(1) commends and congratulates Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize; and

(2) recognizes her remarkable contributions and tireless work toward bringing national reconciliation and democracy to Burma.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President and the Secretary of State should continue to encourage the SPDC to—

(1) restore basic human rights to the Burmese people;

(2) eliminate the practice of human trafficking;

(3) address the manufacture of heroin and methamphetamines;

(4) release all political prisoners;

(5) remove all restrictions on the freedom of speech, assembly, association, and movement of Daw Aung San Suu Kyi and members of the National League for Democracy;

(6) recognize the results of the 1990 democratic elections; and

(7) take concrete steps to achieve national reconciliation and the restoration of democracy through genuine and substantive dialogue with Daw Aung San Suu Kyi.

Mr. REID. I ask unanimous consent that the committee amendment be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment was agreed to.

The concurrent resolution (H. Con. Res. 211), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

#### **CONGRATULATING THE PEOPLE AND GOVERNMENT OF KAZAKHSTAN ON THE ANNIVERSARY OF INDEPENDENCE**

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 194, and that the Senate now proceed to its immediate consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 194) congratulating the people and government of Kazakhstan on the tenth anniversary of the independence of the Republic of Kazakhstan.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. REID. I ask unanimous consent that the amendment to the resolution and the preamble be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2693) was agreed to, as follows:

On page 3, delete lines 7-9, and insert the following: "United States on matters of national security, including the war against terrorism."

The resolution (S. Res. 194), as amended, was agreed to.

The preamble, as amended, was agreed to.

[The resolution will appear in a future edition of the RECORD.]

#### **AMERICAN WILDLIFE ENHANCEMENT ACT OF 2001**

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 283, S. 990.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 990) to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

(a) SHORT TITLE.—This Act may be cited as the "American Wildlife Enhancement Act of 2001".

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

Sec. 1. Short title; table of contents.

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

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Wildlife Conservation and Restoration Account.

Sec. 104. Apportionment of amounts in the Account.

Sec. 105. Wildlife conservation and restoration programs.

Sec. 106. Nonapplicability of Federal Advisory Committee Act.

Sec. 107. Technical amendments.

Sec. 108. Effective date.

#### **TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY**

Sec. 201. Purpose.

Sec. 202. Endangered and threatened species recovery assistance.

#### **TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM**

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

#### **TITLE IV—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND**

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

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

##### **SEC. 101. SHORT TITLE.**

This title may be cited as the "Pittman-Robertson Wildlife Conservation and Restoration Programs Improvement Act".

##### **SEC. 102. DEFINITIONS.**

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

##### **"SEC. 2. DEFINITIONS.**

"In this Act:

"(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).

“(2) CONSERVATION.—

“(A) IN GENERAL.—The term ‘conservation’ means the use of a method or procedure necessary or desirable—

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

“(ii) to restore declining populations of wildlife.

“(B) INCLUSIONS.—The term ‘conservation’ includes any activity associated with scientific resources management, such as—

“(i) research;

“(ii) census;

“(iii) monitoring of populations;

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

“(v) live trapping and transplantation;

“(vi) wildlife damage management;

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

“(viii) the taking of individuals within a wildlife stock or population if permitted by applicable Federal law, State law, or law of the District of Columbia, a territory, or an Indian tribe for the purpose of protecting wildlife in decline.

“(3) FUND.—The term ‘fund’ means the Federal aid to wildlife restoration fund established by section 3(a)(1).

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

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

“(6) STATE FISH AND GAME DEPARTMENT.—The term ‘State fish and game department’ means any department or division of a department of another name, or commission, or 1 or more officials, of a State, the District of Columbia, a territory, or an Indian tribe empowered under the laws of the State, the District of Columbia, the territory, or the Indian tribe, respectively, to exercise the functions ordinarily exercised by a State fish and game department or a State fish and wildlife department.

“(7) TERRITORY.—The term ‘territory’ means Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

“(8) WILDLIFE.—

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

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

“(ii) any species of fauna (excluding fish) in a captive breeding program the object of which is to reintroduce individuals of a depleted native species into the previously occupied range of the species.

“(B) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—For the purposes of each wildlife conservation and restoration program, the term ‘wildlife’ includes fish and native plants.

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

“(A) a project intended to meet the demand for an outdoor activity associated with wildlife, such as hunting, fishing, and wildlife observation and photography;

“(B) a project such as construction or restoration of a wildlife viewing area, observation tower, blind, platform, land or water trail, water access route, area for field trialing, or trail head; and

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

“(10) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—The term ‘wildlife conservation and restoration program’ means a program developed by a State fish and game department and approved by the Secretary under section 12.

“(11) WILDLIFE CONSERVATION EDUCATION PROJECT.—The term ‘wildlife conservation education project’ means a project, including public outreach, that is intended to foster responsible natural resource stewardship.

“(12) WILDLIFE-RESTORATION PROJECT.—

“(A) IN GENERAL.—The term ‘wildlife-restoration project’ means a project consisting of the selection, restoration, rehabilitation, or improvement of an area of land or water (including a property interest in land or water) that is adaptable as a feeding, resting, or breeding place for wildlife.

“(B) INCLUSIONS.—The term ‘wildlife-restoration project’ includes—

“(i) acquisition of an area of land or water described in subparagraph (A) that is suitable or capable of being made suitable for feeding, resting, or breeding by wildlife;

“(ii) restoration or rehabilitation of an area of land or water described in subparagraph (A) (such as through management of habitat and invasive species);

“(iii) construction in an area described in subparagraph (A) of such works as are necessary to make the area available for feeding, resting, or breeding by wildlife;

“(iv) such research into any problem of wildlife management as is necessary for efficient administration of wildlife resources; and

“(v) such preliminary or incidental expenses as are incurred with respect to activities described in this paragraph.”

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

#### SEC. 103. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

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

(1) by striking “SEC. 3. (a)(1) An” and inserting the following:

#### “SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

“(a) IN GENERAL.—

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

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

“(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

“(A) ESTABLISHMENT.—There is established in the fund an account to be known as the ‘Wildlife Conservation and Restoration Account’.

“(B) FUNDING.—

“(i) IN GENERAL.—There are authorized to be appropriated to the Account for apportionment to States, the District of Columbia, territories, and Indian tribes in accordance with section 4(d)—

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

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

“(ii) AVAILABILITY.—Notwithstanding the matter under the heading ‘FEDERAL AID IN WILDLIFE RESTORATION’ under the heading ‘FISH AND WILDLIFE SERVICE’ in title I of chapter VII of the General Appropriation Act, 1951 (64 Stat. 693), the amount appropriated under clause (i)(II) for each of fiscal years 2002 through 2006 shall be available for obligation in that fiscal year.”; and

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

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended in the first sentence—

(A) by inserting “(other than the Account)” after “wildlife restoration fund”; and

(B) by inserting before the period at the end the following: “(other than sections 4(d) and 12)”.

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

(A) in subsection (a)—

(i) in paragraph (1)(A)—

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

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

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

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

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

(A) in subsection (a)—

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

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

(iii) in paragraph (2)—

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

(II) in the last sentence, by striking “said fund as represents the share of the United States payable under this Act” and inserting “the fund (other than the Account) as represents the share of the United States payable from the fund (other than the Account) under this Act”; and

(iv) in the last paragraph, by inserting “from the fund (other than the Account)” before “under this Act” each place it appears; and

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

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

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

(6) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(A) in subsection (a)(1)—

(i) by inserting “(other than the Account)” after “the fund”; and

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

(B) in subsection (c)(2), by inserting before the period at the end the following: “(other than sections 4(d) and 12)”.

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

#### SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.

Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended by striking the second subsection (c) and subsection (d) and inserting the following:

“(d) APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.—

“(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out activities funded from the Account, not more than 3 percent of the total amount of the Account available for apportionment for the fiscal year.

“(2) APPORTIONMENT TO DISTRICT OF COLUMBIA, TERRITORIES, AND INDIAN TRIBES.—

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

“(i) to each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than 1/2 of 1 percent of that remaining amount;

“(ii) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, a sum equal to not more than 1/4 of 1 percent of that remaining amount; and

“(iii) to Indian tribes, a sum equal to not more than 2/4 percent of that remaining amount, of which, subject to subparagraph (B)—

“(I) 1/3 shall be apportioned among Indian tribes based on the ratio that the trust land area of each Indian tribe bears to the total trust land area of all Indian tribes; and

“(II) 2/3 shall be apportioned among Indian tribes based on the ratio that the population of each Indian tribe bears to the total population of all Indian tribes.

“(B) MAXIMUM APPORTIONMENT FOR EACH INDIAN TRIBE.—For each fiscal year, the amounts apportioned under subparagraph (A)(iii) shall be adjusted proportionately so that no Indian tribe is apportioned a sum that is more than 5 percent of the amount available for apportionment under subparagraph (A)(iii) for the fiscal year.

“(3) APPORTIONMENT TO STATES.—

“(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, after making the deduction under paragraph (1) and the apportionment under paragraph (2), the Secretary shall apportion the amount in the Account remaining available for apportionment among States in the following manner:

“(i) 1/3 based on the ratio that the area of each State bears to the total area of all States.

“(ii) 2/3 based on the ratio that the population of each State bears to the total population of all States.

“(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State is apportioned a sum that is—

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

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

“(4) USE.—

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

“(i) shall supplement, but not supplant, funds available to States, the District of Columbia, territories, and Indian tribes—

“(I) from the fund; or

“(II) from the Sport Fish Restoration Account established by section 9504(a) of the Internal Revenue Code of 1986; and

“(ii) shall be used to address the unmet needs for wildlife (including species that are not hunted or fished, and giving priority to species that are in decline), and the habitats on which the wildlife depend, for projects authorized to be carried out as part of wildlife conservation and restoration programs in accordance with section 12.

“(B) PROHIBITION ON DIVERSION.—A State, the District of Columbia, a territory, or an Indian tribe shall not be eligible to receive an apportionment under paragraph (2) or (3) if the Secretary determines that the State, the District of

Columbia, the territory, or the Indian tribe respectively, diverts funds from any source of revenue (including interest, dividends, and other income earned on the revenue) available to the State, the District of Columbia, the territory, or the Indian tribe after January 1, 2000, for conservation of wildlife for any purpose other than the administration of the State fish and game department in carrying out wildlife conservation activities.

“(5) PERIOD OF AVAILABILITY OF APPORTIONMENTS.—Notwithstanding section 3(a)(1), for each fiscal year, the apportionment to a State, the District of Columbia, a territory, or an Indian tribe from the Account under this subsection shall remain available for obligation until the end of the second following fiscal year.”

#### SEC. 105. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

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

(1) by redesignating sections 12 and 13 (16 U.S.C. 669i, 669j) as sections 13 and 15, respectively; and

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

#### “SEC. 12. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

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

“(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

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

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

“(B) to receive funds from the apportionment to the State under section 4(d) to develop and implement the wildlife conservation and restoration program.

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

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

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

“(C) provisions for the development, implementation, and maintenance, under the wildlife conservation and restoration program, of—

“(i) wildlife conservation projects—

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

“(II) that are selected giving appropriate consideration to all species of wildlife in accordance with subsection (c);

“(ii) wildlife-associated recreation projects; and

“(iii) wildlife conservation education projects.

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

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

“(5) PAYMENT OF FEDERAL SHARE.—

“(A) IN GENERAL.—Subject to subparagraph (D), after the Secretary approves a wildlife conservation and restoration program of a State, the Secretary may use the apportionment to the State under section 4(d) to pay the Federal share of—

“(i) the cost of implementation of the wildlife conservation and restoration program; and

“(ii) the cost of development, implementation, and maintenance of each project that is part of the wildlife conservation and restoration program.

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

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

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

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

“(D) MAXIMUM AMOUNT FOR CERTAIN ACTIVITIES.—

“(i) IN GENERAL.—Notwithstanding section 8(a), except as provided in clause (ii), for each fiscal year, not more than 10 percent of the apportionment to a State under section 4(d) for the wildlife conservation and restoration program of the State may be used for each of the following activities:

“(I) Law enforcement activities.

“(II) Wildlife-associated recreation projects.

“(ii) EXCEPTION.—For any fiscal year, the limitation under clause (i) shall not apply to law enforcement activities or wildlife-associated recreation projects in a State if the State demonstrates to the satisfaction of the Secretary that law enforcement activities or wildlife-associated recreation projects, respectively, have a significant impact on high priority conservation activities.

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

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

“(i) any Federal, State, or local agency (including an agency that gathers, evaluates, and disseminates information on wildlife and wildlife habitats);

“(ii) an Indian tribe;

“(iii) a wildlife conservation organization, sportsmen's organization, land trust, or other nonprofit organization; or

“(iv) an outdoor recreation or conservation education entity; and

“(B) any other method determined appropriate by the State.

“(c) WILDLIFE CONSERVATION STRATEGY.—

“(1) IN GENERAL.—Not later than 5 years after the date of the initial apportionment to a State under section 4(d), to be eligible to continue to receive funds from the apportionment to the State under section 4(d), the State shall, as part of the wildlife conservation and restoration program of the State, develop and implement a wildlife conservation strategy that is based on the best available and appropriate scientific information.

“(2) REQUIRED ELEMENTS.—A wildlife conservation strategy shall—

“(A) use such information on the distribution and abundance of species of wildlife as is indicative of the diversity and health of the wildlife of the State, including such information on species with low populations and declining numbers of individuals as the State fish and game department determines to be appropriate;

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

“(C)(i) identify the problems that may adversely affect—

“(I) the species identified using information described in subparagraph (A); and

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

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

“(I) the species identified using information described in subparagraph (A); and

“(II) the habitats of the species identified under subparagraph (B);

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

“(I) the species identified using information described in subparagraph (A); and

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

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

“(E) provide for—

“(i) periodic monitoring of—

“(I) the species identified using information described in subparagraph (A);

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

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

“(ii) adaptation of conservation actions as appropriate to respond to new information or changing conditions.

“(3) PUBLIC PARTICIPATION IN DEVELOPMENT OF STRATEGY.—A State shall provide an opportunity for public participation in the development and implementation of the wildlife conservation strategy of the State.

“(4) REVIEW AND REVISION.—Not less often than once every 7 years, a State shall review the wildlife conservation strategy of the State and make any appropriate revisions.

“(5) COORDINATION.—During the development, implementation, review, and revision of the wildlife conservation strategy of the State, a State shall provide for coordination between—

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

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

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

“(ii) administer programs that significantly affect the conservation of

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

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

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

“(A) IN GENERAL.—If, in any fiscal year, a State fails to develop, implement, obtain the approval of the Secretary for, review, or revise a wildlife conservation strategy as required under this subsection, the apportionment to the State under section 4(d) for the following fiscal year shall be reapportioned in accordance with section 4(d) to States that carry out those activities as required under this subsection.

“(B) CORRECTION OF DEFICIENCIES.—If a State whose apportionment for a fiscal year is reapportioned under subparagraph (A) subsequently carries out the activities described in that subparagraph as required under this subsection, the State shall be eligible to receive an apportionment under section 4(d) for the fiscal year following the fiscal year of the reapportionment.

“(d) USE OF FUNDS FOR NEW AND EXISTING PROGRAMS AND PROJECTS.—Funds made available from the Account to carry out activities under this section may be used—

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

“(2) to enhance existing programs and projects.

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

“(1) as evidenced by—

“(A) a low population and declining numbers of individuals;

“(B) a current threat or reasonably anticipated threat to the habitat of the species; or

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

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

“(f) LIMITATION ON USE OF FUNDS FOR WILDLIFE CONSERVATION EDUCATION PROJECTS.—

Funds made available from the Account to carry out wildlife conservation education projects shall not be used to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife.”

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

#### **SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

(a) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Pittman-Robertson Wildlife Restoration Act (as amended by section 105(a)(1)) is amended by inserting after section 13 the following:

#### **“SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

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

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

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

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

#### **“SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

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

#### **SEC. 107. TECHNICAL AMENDMENTS.**

(a) The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by striking “That the” and inserting the following:

#### **“SECTION 1. COOPERATION OF SECRETARY OF THE INTERIOR WITH STATES.**

“The”.

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

#### **“SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR APPORTIONED.”.**

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

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

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

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

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

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

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

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

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

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

#### **SEC. 108. EFFECTIVE DATE.**

This title takes effect on October 1, 2001.

### **TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY**

#### **SEC. 201. PURPOSE.**

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

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

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

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

(2) the habitats on which the species depend.

#### **SEC. 202. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.**

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

#### **“SEC. 13. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) CONSERVATION ENTITY.—

“(A) IN GENERAL.—The term ‘conservation entity’ means a nonprofit entity that engages in activities to conserve or protect fish, wildlife, or plants, or habitats for fish, wildlife, or plants.

“(B) INCLUSIONS.—The term ‘conservation entity’ includes—

“(i) a sportsmen’s organization;

“(ii) an environmental organization; and

“(iii) a land trust.

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

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

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

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

“(i) is used as a farm or ranch; and

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

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

“(II) 160 acres of land; and

“(B) an individual who owns land that—

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

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

“(5) SPECIES AT RISK.—The term ‘species at risk’ means a species that may become an endangered species or a threatened species if conservation actions are not taken to conserve and protect the species.

“(6) SPECIES RECOVERY AGREEMENT.—The term ‘species recovery agreement’ means an endangered and threatened species recovery agreement entered into under subsection (c).

“(b) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—

“(1) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any person for development and implementation of an endangered and threatened species recovery agreement entered into by the Secretary and the person under subsection (c).

“(2) PRIORITY.—In providing financial assistance under this subsection, the Secretary shall give priority to the development and implementation of species recovery agreements that—

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

“(B) have the greatest potential for contributing to the recovery of endangered species, threatened species, or species at risk;

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

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

“(E) are proposed by small landowners.

“(3) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary shall not provide financial assistance under this subsection for any activity that is required—

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

“(B) by an incidental taking statement provided under section 7(b)(4); or

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

“(4) PAYMENTS UNDER OTHER PROGRAMS.—

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

“(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

“(ii) the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.);

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

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

“(B) LIMITATION.—A person shall not receive financial assistance under a species recovery agreement for any activity for which the person receives a payment under a program referred to in subparagraph (A) unless the species recovery agreement imposes on the person a financial or management obligation in addition to the obligations of the person under that program.

“(C) ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.—

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

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

“(A) require the person—

“(i) to carry out on real property owned or leased by the person, or on Federal or State land, activities (such as activities that, consistent with applicable State water law (including regulations), make water available for endangered species, threatened species, or species at risk) that—

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

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

“(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered species, threatened species, or species at risk, such as refraining from carrying out activities that, consistent with applicable State water law (including regulations), directly reduce the availability of water for such a species;

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

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

“(D)(i) require the person to make demonstrable progress in accomplishing the species recovery goals; and

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

“(E) specify actions to be taken by the Secretary or the person to monitor the effectiveness of the species recovery agreement in attaining the species recovery goals;

“(F) require the person to notify the Secretary if any right or obligation of the person under the species recovery agreement is assigned to any other person;

“(G) require the person to notify the Secretary if any term of the species recovery agreement is breached;

“(H) specify the date on which the species recovery agreement takes effect and the period of time during which the species recovery agreement shall remain in effect;

“(I) schedule the disbursement of financial assistance provided under subsection (b) for imple-

mentation of the species recovery agreement, on an annual or other basis during the period in which the species recovery agreement is in effect, based on the schedule for implementation required under subparagraph (D)(ii); and

“(J) provide that the Secretary shall, subject to paragraph (4)(C), terminate the species recovery agreement if the person fails to carry out the species recovery agreement.

“(3) REVIEW AND APPROVAL OF PROPOSED SPECIES RECOVERY AGREEMENTS.—On submission by any person of a proposed species recovery agreement under this subsection, the Secretary shall—

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

“(i) complies with this subsection; and

“(ii) will contribute to the recovery of each endangered species, threatened species, or species at risk that is the subject of the proposed species recovery agreement;

“(B) propose to the person any additional provisions that are necessary for the species recovery agreement to comply with this subsection; and

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

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

“(A) periodically monitor the implementation of each species recovery agreement;

“(B) based on the information obtained from the monitoring, annually or otherwise disburse financial assistance under this section to implement the species recovery agreement as the Secretary determines to be appropriate under the species recovery agreement; and

“(C) if the Secretary determines that the person is not making demonstrable progress in accomplishing the species recovery goals specified under paragraph (2)(C)—

“(i) propose 1 or more modifications to the species recovery agreement that are necessary to accomplish the species recovery goals; or

“(ii) terminate the species recovery agreement.

“(5) LIMITATION WITH RESPECT TO FEDERAL OR STATE LAND.—The Secretary may enter into a species recovery agreement with a person with respect to Federal or State land only if the United States or the State, respectively, is a party to the species recovery agreement.

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

“(1)  $\frac{1}{5}$  shall be made available to provide financial assistance for development and implementation of species recovery agreements by small landowners, subject to subparagraphs (A) through (D) of subsection (b)(2);

“(2)  $\frac{1}{5}$  shall be made available to provide financial assistance for development and implementation of species recovery agreements on public land, subject to subparagraphs (A) through (D) of subsection (b)(2); and

“(3)  $\frac{1}{5}$  shall be made available to provide financial assistance for development and implementation of species recovery agreements, subject to subsection (b)(2).

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

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

“(d) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—There is authorized to be appropriated to carry out section 13 \$150,000,000 for each of fiscal years 2002 through 2006.”

(c) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered

Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 13 and inserting the following:

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

### TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

#### SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

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

#### “SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

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

“(b) RANKING CRITERIA.—In selecting among applications for grants for projects under the program, the Secretary shall—

“(1) rank projects according to the extent to which a proposed project will protect watersheds and important scenic, cultural, recreational, fish, wildlife, and other ecological resources; and

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

“(A) that seek to protect ecosystems;

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

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

“(D) that are supported by communities and individuals that are located in the immediate vicinity of the proposed project or that would be directly affected by the proposed project; or

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

“(c) GRANTS TO STATES.—

“(1) NOTICE OF DEADLINE FOR APPLICATIONS.—The Secretary shall give reasonable advance notice of each deadline for submission of applications for grants under the program by publication of a notice in the Federal Register.

“(2) SUBMISSION OF APPLICATIONS.—

“(A) IN GENERAL.—A State or group of States may submit to the Secretary an application for a grant under the program.

“(B) REQUIRED CONTENTS OF APPLICATIONS.—Each application shall include—

“(i) a detailed description of each proposed project;

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

“(I) planning;

“(II) administration;

“(III) property acquisition; and

“(IV) property management;

“(iii) a statement describing how the project is of regional or national significance; and

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

“(3) SELECTION OF GRANT RECIPIENTS.—Not later than 90 days after the date of receipt of an application, the Secretary shall—

“(A) review the application; and

“(B)(i) notify the State or group of States of the decision of the Secretary on the application; and

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

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

“(A) in the case of a project to acquire an interest in land or water that is not a permanent conservation easement, not more than 50 percent of the costs of the project;

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

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

“(5) EFFECT OF INSUFFICIENCY OF FUNDS.—If the Secretary determines that there are insufficient funds available to make grants with respect to all applications that meet the requirements of this subsection, the Secretary shall give priority to those projects that best meet the ranking criteria established under subsection (b).

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

“(d) REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the grants made under this section, including an analysis of how projects were ranked under subsection (b).

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

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

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

(b) CONFORMING AMENDMENT.—Section 7105(g)(2) of the Partnerships for Wildlife Act (16 U.S.C. 3744(g)(2)) is amended by striking “this chapter” and inserting “this section”.

#### **TITLE IV—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND**

##### **SEC. 401. CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND.**

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

##### **“SEC. 7107. CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND.**

“(a) DEFINITIONS.—In this section:

“(1) CONSERVATION ACTIVITY.—The term ‘conservation activity’ means—

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

“(B) a prescribed burn;

“(C) the restoration of riparian habitat;

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

“(E) the reestablishment of native grasses; and

“(F) any other project or activity that restores or enhances habitat for endangered species, threatened species, or species at risk.

“(2) CONSERVATION AGREEMENT.—The term ‘conservation agreement’ means an agreement entered into under subsection (c).

“(3) CONSERVATION ENTITY.—

“(A) IN GENERAL.—The term ‘conservation entity’ means a nonprofit entity that engages in activities to conserve or protect fish, wildlife, or plants, or habitats for fish, wildlife, or plants.

“(B) INCLUSIONS.—The term ‘conservation entity’ includes—

“(i) a sportsmen’s organization;

“(ii) an environmental organization; and

“(iii) a land trust.

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

“(A) natural grassland or shrubland that serves as habitat for endangered species, threatened species, or species at risk, as determined by the Secretary; or

“(B) other land that—

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

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

“(5) ENDANGERED SPECIES.—The term ‘endangered species’ has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

“(6) PERMIT HOLDER.—The term ‘permit holder’ means an individual who holds a grazing permit for covered land that is the subject of a conservation agreement.

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

“(8) SPECIES AT RISK.—The term ‘species at risk’ means a species that may become an endangered species or a threatened species if conservation actions are not taken to conserve and protect the species.

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

“(b) ESTABLISHMENT OF PROGRAM.—As soon as practicable after the date of enactment of this section, the Secretary shall establish a conservation assistance program to encourage the conservation and restoration of covered land.

“(c) CONSERVATION AGREEMENTS.—

“(1) IN GENERAL.—In carrying out the program, the Secretary shall enter into a conservation agreement with a landowner, permit holder, or conservation entity with respect to covered land under which—

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

“(B) the landowner, permit holder, or conservation entity shall use the grant to carry out 1 or more conservation activities on the covered land that is the subject of the conservation agreement.

“(2) PERMITTED ACTIVITIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a conservation agreement may permit on the covered land subject to the conservation agreement—

“(i) operation of a managed grazing system;

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

“(iii) fire rehabilitation; and

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

“(B) LIMITATION.—An activity described in subparagraph (A) may be permitted only if the activity contributes to maintaining the viability of natural grass and shrub plant communities on the covered land subject to the conservation agreement.

“(d) PAYMENTS UNDER OTHER PROGRAMS.—

“(1) OTHER PAYMENTS NOT AFFECTED.—A grant awarded to a landowner, permit holder, or conservation entity under this section shall be in addition to, and shall not affect, the total amount of payments that the landowner, permit holder, or conservation entity is eligible to receive under—

“(A) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

“(B) the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.);

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

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

“(2) LIMITATION.—A landowner, permit holder, or conservation entity shall not receive a grant under a conservation agreement for any activity for which the landowner, permit holder,

or conservation entity receives a payment under a program referred to in paragraph (1) unless the conservation agreement imposes on the landowner, permit holder, or conservation entity a financial or management obligation in addition to the obligations of the landowner, permit holder, or conservation entity under that program.

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

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

Mr. REID. Mr. President, Senator SMITH has an amendment at the desk. I ask for its consideration; that the amendment be agreed to, the motion to reconsider be laid upon the table, the committee substitute amendment be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table, with no further intervening action or debate, and any statements be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2694) was agreed to, as follows:

On page 49, strike lines 7 through 14 and insert the following:

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

(A) in the first sentence of subsection (a)(1)—

(i) by inserting “(other than the Account)” after “wildlife restoration fund”; and

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

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

On page 74, line 11, insert “(other than an incidental taking statement with respect to a species recovery agreement entered into by the Secretary under subsection (c))” before the semicolon.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 990), as amended, was read the third time and passed.

#### **DESIGNATION OF GEORGE P. SHULTZ NATIONAL FOREIGN AFFAIRS TRAINING CENTER**

Mr. REID. Mr. President, I ask consent that the Foreign Relations Committee be discharged from further consideration of H.R. 3348, and the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 3348) to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and