

paragraph (1), the individual or entity representing the majority of landowners with encroachments on lot 8 shall pay to the Secretary the sum of \$2500 plus any costs of re-monumenting the boundary of lot 8.

(3) **TIMING.**—The Secretary shall convey lot 8 in accordance with this subsection within 90 days of receipt of powers of attorney executed to a single individual or entity representing the majority of landowners with encroachments on lot 8. If the powers of attorney are not delivered to the Secretary within 270 days of the date of enactment of this Act, the authorization under this subsection shall expire and, thereafter, any conveyances shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

## **TITLE II—SAN ISABEL NATIONAL FOREST LAND EXCHANGE, COLORADO**

### **SEC. 201. LAND EXCHANGE, SAN ISABEL NATIONAL FOREST, COLORADO.**

(a) **EXCHANGE REQUIRED.**—In exchange for the private property described in subsection (b), the Secretary of Agriculture shall convey to E. Michael Senter of Buena Vista, Colorado (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 2.2 acres in the San Isabel National Forest, Colorado, as generally depicted on the map entitled "Senter Exchange", dated September 20, 2002. The conveyance under this subsection shall be made upon the receipt by the Secretary of a binding offer for the conveyance of title acceptable to the Secretary to the property described in subsection (b).

(b) **CONSIDERATION.**—As consideration for the property to be conveyed by the Secretary under subsection (a), the recipient shall convey to the Secretary a parcel of real property consisting of approximately 2.0 acres located within the boundaries of the San Isabel National Forest. This parcel is also generally depicted on the map referred to in subsection (a).

(c) **EQUAL VALUE EXCHANGE; APPRAISAL.**—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and the recipient. The appraisal shall be performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000) and shall be completed not later than 120 days after the date of the enactment of this Act.

(d) **CASH EQUALIZATION.**—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(e) **PAYMENT OF COSTS.**—All direct costs associated with the conveyances under this section, including the costs of appraisal, title, and survey work, shall be borne by the Secretary.

(f) **ADMINISTRATION OF ACQUIRED LAND.**—The property acquired by the Secretary under this section shall become part of the San Isabel National Forest and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership and a land exchange in the State of Colorado to acquire a private inholding in the San Isabel National Forest, and for other purposes."

A motion to reconsider was laid on the table.

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

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate 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, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GILCHREST. Mr. Speaker, reserving the right to object, and I will not object, but I just want to take this moment to tell the gentleman from Utah, the chairman of the Committee on Resources, that he has stayed the course, he has given that committee dignity, he has worked to improve the resources and nature's bounty and the approachability to use those resources for human progress; and I just wanted to say, Jim, thank you for your service to your country. I enjoyed serving on your committee.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to join in extending congratulations. We have just talked about two of our colleagues who are retiring. They were not in the Chamber. We actually have three of our colleagues in the Chamber at this moment at 2:22 in the morning as we retire.

Of course, we have our friend, the gentleman from Texas (Mr. ARMEY), who is always in this Chamber, no matter what; and our friend, the gentleman from Utah (Mr. HANSEN); and our friend, the gentleman from Oklahoma (Mr. WATKINS), here as well.

I would like to say to all three of our colleagues who are retiring how much we have appreciated their extraordinary service to this institution.

I had the privilege of being elected in 1980 with Jim Hansen. He came as a

former speaker of the House of Representatives of the State legislature in Utah and did a phenomenal job there, and came in with a class that was actually larger than the one that will be coming in for the 108th Congress. We ended up with a class of, in a bipartisan way, I think about 76 Members or so. We had 53 Republicans who came in, and it was the day that Ronald Reagan was elected President of the United States that Jim Hansen and I were elected to the House of Representatives. He provided just extraordinary leadership to us.

I want to say on this issue that he has dealt with on the Committee on Resources dealing with the challenges that especially those of us in the West face, that I have appreciated his great service and his wonderful friendship; and I would like to say he will be missed, along with our friends, the gentleman from Texas (Mr. ARMEY) and, of course, the gentleman from Oklahoma (Mr. WATKINS), who we are going to be hearing from I expect before too terribly long. He has just informed me he will be in both Oklahoma and Washington, D.C., and I am not going to say exactly why he will be in both locations. His wife told him that there is a reason for that, but I am not going to state it right now. But his service here has been extraordinary, working very hard in his work on the Committee on Ways and Means.

I thank all of our friends who are retiring, but especially those three who are here at now 2:25 in the morning.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me commend my friend, the gentleman from Utah (Mr. HANSEN), for a distinguished career here, not only his stewardship of the Committee on Resources, but his stewardship of the most popular committee in the House, the Committee on Standards of Official Conduct. I know that could the gentleman have stayed on the Committee on Standards of Official Conduct as chairman, he would have probably stayed in this body, and his disappointment at going off that.

But Jim was a pillar of integrity, picked by the leadership because of that, because of his objectivity in dealing with these kinds of issue, and the gentleman added a great dimension to this body. We will miss you and I hope you stay active, Jim.

Mr. FARR of California. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, I would like to rise also. I came here as a freshman and was assigned to the Committee on Resources, which I think is probably the most important committee in Congress, because it really deals with the terrain of America, the landscape of America, the things that brings us such respect for this country,

its diversity and its incredible geography and beauty; and I found the gentleman from Utah (Mr. HANSEN) to be an incredibly warm chairman, always listening, being very fair, a real gentleman as a chairman; and I have to say on the other side of the aisle that we were treated always fairly and our views were respected and bills were passed.

I think that we are going to miss him. We are going to miss somebody that represents a State that really knows the beauty of America; and under his leadership we, Congress, rose to help that State put on the Olympics. It would not have happened without his leadership.

So it is a real pleasure to have served with him, and I wish him all the luck in the world. Thank you.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I would just like to report from the Democratic cloakroom that when we saw this spontaneous tribute to the gentleman from Utah (Mr. HANSEN), somebody said, You know, he is a really nice guy, and there was universal shaking of the heads affirmatively. That is the highest praise.

This has been a tremendous opportunity to work with the gentleman, Mr. Chairman, and Utah is a beautiful state and you have made it a little nicer being such a gracious person here.

Mr. GILCHREST. Mr. Speaker, reclaiming my time, I would say to WES WATKINS, DICK ARMEY, JIM HANSEN, thank you from the country's heart.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I would like to express my appreciation for the kind words of my colleagues and friends. It has been very kind of them to say these things.

Mr. GILCHREST. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 990

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### 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 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.

(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”;

(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”;

(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 ½ 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 ¼ of 1 percent of that remaining amount; and

“(iii) to Indian tribes, a sum equal to not more than 2¼ percent of that remaining amount, of which, subject to subparagraph (B)—

“(I) ¼ 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) ¾ 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) ¼ based on the ratio that the area of each State bears to the total area of all States.

“(ii) ¾ 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, 669 note) 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) (other than an incidental taking statement with respect to a species recovery agreement entered into by the Secretary under subsection (c)); 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 implementation 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)  $\frac{1}{3}$  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)  $\frac{1}{3}$  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)  $\frac{1}{3}$  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.”

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the “American Wildlife Enhancement Act of 2002”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 101. Purpose.

Sec. 102. Endangered and threatened species recovery assistance.

#### TITLE II—COOPERATIVE REGIONAL CONSERVATION PROGRAM

Sec. 201. Cooperative Regional Conservation Program.

#### TITLE III—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND

Sec. 301. Conservation and restoration of shrubland and grassland.

#### TITLE IV—CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA

Sec. 401. Revocation of public land order with respect to lands erroneously included in Cibola National Wildlife Refuge, California.

Sec. 402. Resurvey and notice of modified boundaries.

#### TITLE V—NUTRIA ERADICATION OR CONTROL

Sec. 501. Findings and purposes.

Sec. 502. Nutria eradication program.

Sec. 503. Report.

#### TITLE VI—ACQUISITION OF GARRETT ISLAND, MARYLAND

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Authority to acquire property for inclusion in the Blackwater National Wildlife Refuge.

#### TITLE VII—OTTAWA NATIONAL WILD- LIFE REFUGE COMPLEX EXPANSION

Sec. 701. Short title.

Sec. 702. Findings.

Sec. 703. Definitions.

Sec. 704. Expansion of boundaries.

Sec. 705. Acquisition and transfer of lands for Refuge Complex.

Sec. 706. Administration of Refuge Complex.

Sec. 707. Study of associated area.

Sec. 708. Authorization of appropriations.

#### TITLE VIII—BEAR RIVER MIGRATORY BIRD REFUGE CLAIMS SETTLEMENT

Sec. 801. Short title.

Sec. 802. Findings.

Sec. 803. Definitions.

Sec. 804. Required terms of land claims settlement, Bear River Migratory Bird Refuge, Utah.

#### TITLE IX—EDUCATION AND ADMINIS- TRATIVE CENTER AT BEAR RIVER MI- GRATORY BIRD REFUGE, UTAH

Sec. 901. Short title.

Sec. 902. Findings.

Sec. 903. Definitions.

Sec. 904. Authorization of construction of the education center.

Sec. 905. Matching contributions requirements.

#### TITLE X—ACCOKEEK CREEK NATIONAL WILDLIFE REFUGE.

Sec. 1001. Accokeek National Wildlife Refuge Establishment.

#### TITLE XI—MISCELLANEOUS

Sec. 1101. Amendments to the National Fish and Wildlife Foundation Establishment Act.

#### TITLE XII—MARINE TURTLE CONSERVATION

Sec. 1201. Short title.

Sec. 1202. Findings and purposes.

Sec. 1203. Definitions.

Sec. 1204. Marine turtle conservation assistance.

Sec. 1205. Marine Turtle Conservation Fund.

Sec. 1206. Advisory group.

Sec. 1207. Authorization of appropriations.

#### TITLE I—ENDANGERED AND THREAT- ENED SPECIES STEWARDSHIP PRO- GRAM

##### SEC. 101. 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. 102. 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 area where there occurs an activity with respect to which not less than \$1,000 in income is derived from agricultural production within a census year.

"(3) 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; or

"(B) an individual who owns land in a State that—

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

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

"(4) SPECIES AT RISK.—The term 'species at risk' means a species that has been identified by the Secretary of the Interior and the Secretary of Commerce to be a candidate species for listing as an endangered species or threatened species.

"(5) 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) and carried out on real property referred to in subsection (c)(2)(A).

"(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) (other than an incidental taking statement with respect to a species recovery agreement entered into by the Secretary under subsection (c)); or

"(C) under another provision of this Act, any Federal lease, permit, or law, or any State lease, permit, or 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 leased by the person, activities (including, but not limited to, activities that make water available, consistent with applicable State water law (including regulations); restore and manage habitat; or control invasive species) 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, including, but not limited to, activities that would result in habitat destruction or activities that, consistent with applicable State water law (including regulations), directly reduce the availability of water for such 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 implementation 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)  $\frac{1}{3}$  shall be made available to provide financial assistance for development and implementation of species recovery agreements by small landowners, subject to subparagraphs (A) through (E) of subsection (b)(2);

"(2)  $\frac{1}{3}$  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)  $\frac{1}{3}$  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 2003 through 2007.”

(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 II—COOPERATIVE REGIONAL CONSERVATION PROGRAM**

### **SEC. 201. COOPERATIVE REGIONAL CONSERVATION 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. COOPERATIVE REGIONAL CONSERVATION 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 ‘Cooperative Regional Conservation 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 any water rights acquired under the program shall be done so in compliance with the procedural and substantive requirements of the applicable state’s water laws, and all interstate compacts and court decrees that may affect water or water rights.

“(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, including conservation easements, 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 2003 through 2007; and

“(2) to carry out subsection (c)(6) \$9,000,000 for the period of fiscal years 2003 and 2004.”

(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 III—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND**

### **SEC. 301. 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 2003 through 2007.”

#### **TITLE IV—CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA**

##### **SEC. 401. REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.**

Public Land Order 3442, dated August 21, 1964, is revoked insofar as it applies to the following described lands: San Bernardino Meridian, T11S, R22E, sec. 6, all of lots 1, 16, and 17, and SE¼ of SW¼ in Imperial County, California, aggregating approximately 140.32 acres.

##### **SEC. 402. RESURVEY AND NOTICE OF MODIFIED BOUNDARIES.**

The Secretary of the Interior shall, by not later than 6 months after the date of the enactment of this Act—

(1) resurvey the boundaries of the Cibola National Wildlife Refuge, as modified by the revocation under section 401;

(2) publish notice of, and post conspicuous signs marking, the boundaries of the refuge determined in such resurvey; and

(3) prepare and publish a map showing the boundaries of the refuge.

#### **TITLE V—NUTRIA ERADICATION OR CONTROL**

##### **SEC. 501. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105-322 is to develop new and effective methods for eradication of nutria.

(b) PURPOSE.—The purpose of this title is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

##### **SEC. 502. NUTRIA ERADICATION PROGRAM.**

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this title referred to as the “Secretary”), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

(c) ACTIVITIES.—In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”, dated March 2002.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there is authorized to be appropriated to the Secretary \$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2003, 2004, 2005, 2006, and 2007.

##### **SEC. 503. REPORT.**

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

(1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled “Nutria in Louisiana”, and the 2002 document entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”; and

(2) develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland.

#### **TITLE VI—ACQUISITION OF GARRETT ISLAND, MARYLAND**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Blackwater National Wildlife Refuge Expansion Act”.

##### **SEC. 602. FINDINGS.**

The Congress finds the following:

(1) Garrett Island, located at the mouth of the Susquehanna River in Cecil County, Maryland, is a microcosm of the geology and geography of the region, including hard rock piedmont, coastal plain, and volcanic formations.

(2) Garrett Island is the only rocky island in the tidal waters of the Chesapeake.

(3) Garrett Island and adjacent waters provide high-quality habitat for bird and fish species.

(4) Garrett Island contains significant archaeological sites reflecting human history and prehistory of the region.

##### **SEC. 603. AUTHORITY TO ACQUIRE PROPERTY FOR INCLUSION IN THE BLACKWATER NATIONAL WILDLIFE REFUGE.**

(a) ACQUISITION.—The Secretary of the Interior may use otherwise available amounts to acquire the area known as Garrett Island, consisting of approximately 198 acres located at the mouth of the Susquehanna River in Cecil County, Maryland.

(b) ADMINISTRATION.—Lands and interests acquired by the United States under this section shall be managed by the Secretary as the Garrett Island Unit of the Blackwater National Wildlife Refuge.

(c) PURPOSES.—The purposes for which the Garrett Island Unit is established and shall be managed are the following:

(1) To support the Delmarva Conservation Corridor Demonstration Program.

(2) To conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway.

(3) To conserve, restore, and manage the significant aquatic resource values associated with submerged land adjacent to the unit and to achieve the habitat objectives of the agreement known as the Chesapeake 2000 Agreement.

(4) To conserve the archeological resources on the unit.

(5) To provide public access to the unit in a manner that does not adversely impact natural resources on and around the unit.

#### **TITLE VII—OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION**

##### **SEC. 701. SHORT TITLE.**

This title may be cited as the “Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act”.

##### **SEC. 702. FINDINGS.**

The Congress finds the following:

(1) The western basin of Lake Erie, as part of the Great Lakes ecosystem, the largest freshwater ecosystem on the face of the Earth, is vitally important to the economic and environmental future of the United States.

(2) Over the past three decades, the citizens and governmental institutions of both the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and fisheries of the Great Lakes, including the western basin. This increased awareness has been accompanied by a gradual shift to a holistic “ecosystem approach” that highlights a growing recognition that shoreline areas—the nearshore terrestrial ecosystems—are an integral part of the western basin and the Great Lakes ecosystem as a whole.

(3) The Great Lakes account for more than 90 percent of the surface freshwater in the nation. The western basin receives approximately 90 percent of its flow from the Detroit River and only approximately 10 percent from tributaries.

(4) The western basin of Lake Erie is an important ecosystem that includes a number of distinct islands, channels, rivers, and shoals that support dense populations of fish, wildlife, and aquatic plants.

(5) The coastal wetlands of Lake Erie support the largest diversity of plant and wildlife species in the Great Lakes. The moderate climate of Lake Erie and its more southern latitude allow for many species

that are not found in or along the northern Great Lakes. More than 300 species of plants, including 37 significant species, have been identified in the aquatic and wetland habitats of the western basin.

(6) The shallow western basin of Lake Erie, from the Lower Detroit River to Sandusky Bay, is home to the largest concentration of marshes in Lake Erie, including Mouille, Metzger, and Magee marshes, the Maumee Bay wetland complex, the wetland complexes flanking Locust Point, and the wetlands in Sandusky Bay. The larger United States islands in western Lake Erie have wetlands in their small embayments.

(7) The wetlands in the western basin of Lake Erie comprise as some of the most important waterfowl habitat in the Great Lakes. Waterfowl, wading birds, shore birds, gulls and terns, raptors, and perching birds all use the western basin wetlands for migration, nesting, and feeding. Hundreds of thousands of diving ducks stop to rest in the Lake Erie area on their fall migration from Canada to the east and south. The wetlands of the western basin of Lake Erie provide a major stopover for ducks such as migrating bufflehead, common goldeneye, common mergansers, and ruddy duck.

(8) The international importance of Lake Erie is manifested in the United States congressional designation of the Ottawa and Cedar Point National Wildlife Refuges.

(9) Lake Erie has an international reputation for walleye, perch, and bass fishing, recreational boating, birding, photography, and duck hunting. On an economic basis, Lake Erie tourism accounts for an estimated \$1,500,000,000 in retail sales and more than 50,000 jobs.

(10) Many of the 417,000 boats that are registered in Ohio are used in the western basin of Lake Erie, in part to fish for the estimated 10,000,000 walleye that migrate from other areas of the lake to spawn. This internationally renowned walleye fishery drives much of Ohio's \$2,000,000,000 sport fishing industry.

(11) Coastal wetlands in the western basin of Lake Erie have been subjected to intense pressure for 150 years. Prior to 1850, the western basin was part of an extensive coastal marsh and swamp system of approximately 122,000 hectares that comprised a portion of the Great Black Swamp. By 1951, only 12,407 wetland hectares remained in the western basin. Half of that acreage was destroyed between 1972 and 1987. Therefore, today only approximately 5,000 hectares remain. Along the Michigan shoreline, coastal wetlands were reduced by 62 percent between 1916 and the early 1970s. The development of the city of Monroe, Michigan, has had a particularly significant impact on the coastal wetlands at the mouth of the Raisin River: only approximately 100 hectares remain physically unaltered today in an area where 70 years ago marshes were 10 times more extensive. In addition to the actual loss of coastal wetland acreage along the shores of Lake Erie, the quality of many remaining diked wetlands has been degraded by numerous stressors, especially excessive loadings of sediments and nutrients, contaminants, shoreline modification, exotic species, and the diking of wetlands. Protective peninsula beach systems, such as the former Bay Point and Woodtick, at the border of Ohio and Michigan near the mouth of the Ottawa River and Maumee Bay, have been eroded over the years, exacerbating erosion along the shorelines and impacting the breeding and spawning grounds.

#### SEC. 703. DEFINITIONS.

For purposes of this title:

(1) The term "Refuge Complex" means the Ottawa National Wildlife Refuge Complex

and the lands and waters therein, as described in the document entitled "The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex" and dated September 22, 2000, including Ottawa National Wildlife Refuge, West Sister Island National Wildlife Refuge, and Cedar Point National Wildlife Refuge.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "International Refuge" means the Detroit River International Wildlife Refuge established by the Detroit River International Wildlife Refuge Establishment Act (Public Law 107-91).

#### SEC. 704. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include lands and waters in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit, including the Bass Island archipelago, as depicted on the map entitled "Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Complex Expansion Act" dated September 6, 2002.

(2) BOUNDARY REVISIONS.—The Secretary may make such revisions to the boundaries of the Refuge Complex as may be appropriate to carry out the purposes of the Refuge Complex or to facilitate the acquisition of property within the Refuge Complex.

(b) INTERNATIONAL REFUGE BOUNDARIES.—The southern boundary of the International Refuge is extended south to include additional lands and waters in the State of Michigan east of Interstate Highway 75 from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in subsection (a)(1).

(c) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in subsection (a)(1) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

#### SEC. 705. ACQUISITION AND TRANSFER OF LANDS FOR REFUGE COMPLEX.

(a) ACQUISITIONS.—The Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the lands and waters, or interests therein (including conservation easements), within the boundaries of the Refuge Complex as expanded by this title. No such lands, waters, or interests therein may be acquired without the consent of the owner thereof.

(b) TRANSFERS FROM OTHER AGENCIES.—Any Federal property located within the boundaries of the Refuge Complex, as expanded by this title, that is under the administrative jurisdiction of a department or agency of the United States other than the Department of the Interior may, with the concurrence of the head of administering department or agency, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this title.

#### SEC. 706. ADMINISTRATION OF REFUGE COMPLEX.

(a) IN GENERAL.—The Secretary shall administer all federally owned lands, waters, and interests therein that are within the boundaries of the Refuge Complex, as expanded by this title, in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and this title. The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish and wildlife dependent recreational opportunities as the Secretary considers appropriate to implement this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under

other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed for the following purposes:

(1) To strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purpose of the Refuge Complex to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife, and to enhance national resource conservation and management in the western basin of Lake Erie.

(2) To conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin of Lake Erie (including associated fish, wildlife, and plant species), both in the United States and Canada in partnership with nongovernmental and private organizations, as well as private individuals dedicated to habitat enhancement.

(3) To facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and in Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin of Lake Erie.

(4) To advance the collective goals and priorities established in the "Great Lakes Strategy 2002—A Plan for the New Millennium", by the United States Policy Committee comprised of various Federal agencies, including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission, as well as the State governments and tribal governments in the Great Lakes. These goals, broadly stated, include working together to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish and wildlife dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LANDS.—The Secretary may enter into cooperative agreements with the State of Ohio or the State of Michigan, or any political subdivision thereof, and with any other person or entity for the management in a manner consistent with this title of lands that are owned by such State, subdivision, or other person or entity and located within the boundaries of the Refuge Complex and to promote public awareness of the resources of the western basin of Lake Erie and encourage public participation in the conservation of those resources.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use existing authorities under the Transportation Equity Act for the 21st Century to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

#### SEC. 707. STUDY OF ASSOCIATED AREA.

(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities of the 2 dredge spoil disposal sites referred to by the Toledo-

Lucas County Port Authority as Port Authority Facility Number Three and Grassy Island, located within Toledo Harbor near the mouth of the Maumee River.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of the Act, the Secretary shall complete such study and submit a report containing the results thereof to the Congress.

#### **SEC. 708. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Department of the Interior—

(1) such sums as may be necessary for the acquisition of lands and waters within the Refuge Complex;

(2) such sums as may be necessary for the development, operation, and maintenance of the Refuge Complex; and

(3) such sums as may be necessary to carry out the study under section 707.

#### **TITLE VIII—BEAR RIVER MIGRATORY BIRD REFUGE CLAIMS SETTLEMENT**

##### **SEC. 801. SHORT TITLE.**

This title may be cited as the “Bear River Migratory Bird Refuge Settlement Act of 2002”.

##### **SEC. 802. FINDINGS.**

The Congress finds the following:

(1) The Secretary of the Interior and the State of Utah have negotiated a preliminary agreement concerning the ownership of lands within the Bear River Migratory Bird Refuge located in Bear River Bay of the Great Salt Lake, Utah.

(2) The State is entitled to ownership of those sovereign lands constituting the bed of the Great Salt Lake, and, generally, the location of the sovereign lands boundary was set by an official survey of the Great Salt Lake meander line.

(3) The establishment of the Refuge in 1928 along the shore of the Great Salt Lake, and lack of a meander line survey within the Refuge, has led to uncertainty of ownership of some those sovereign lands.

(4) In order to settle the uncertainty concerning the sovereign land boundary caused by the gap in the surveyed Great Salt Lake meander line within the Refuge, the Secretary and the State have agreed to the establishment of a fixed sovereign land boundary along the southern boundary of the Refuge and the State has agreed to release any claim to the lake bed above such boundary line.

(5) The Secretary and the State have expressed their intentions to establish a mutually agreed upon procedure to address the conflicting claims to ownership of the lands and interests in land within the Refuge.

##### **SEC. 803. DEFINITIONS.**

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **REFUGE.**—The term “Refuge” means the Bear River Migratory Bird Refuge located in Bear River Bay of the Great Salt Lake, Utah.

(3) **AGREEMENT.**—The term “agreement” means the agreement to be signed by the Secretary and the State to establish a mutually agreeable procedure for addressing the conflicting claims to ownership of the lands and interests in land within the Refuge.

(4) **STATE.**—The term “State” means the State of Utah.

##### **SEC. 804. REQUIRED TERMS OF LAND CLAIMS SETTLEMENT, BEAR RIVER MIGRATORY BIRD REFUGE, UTAH.**

(a) **SPECIFIC TERMS REQUIRED IN AGREEMENT.**—The Secretary shall not enter into an agreement with the State for the quitclaim or other transfer of lands or interests in lands within the Refuge unless the terms of the agreement include each of the following provisions:

(1) Nothing in the agreement shall be construed to impose upon the State or any agency of the State any obligation to convey to the United States any interest in water owned or controlled by the State, except upon appropriate terms and for adequate consideration.

(2) Nothing in the agreement shall constitute admission or denial of the United States claim to a Federal reserved water right.

(3) The State shall support the United States application to add an enlarged Hyrum Reservoir, or another storage facility, as an alternate place of storage under the Refuge's existing 1000 cubic feet per second State certified water right. Such support shall be contingent upon demonstration by the United States that no injury to water rights shall occur as a result of the addition.

(4) Nothing in the agreement shall affect jurisdiction by the State or the United States Fish and Wildlife Service over wildlife resources management, including fishing, hunting and trapping, within the Refuge.

(5) If the State elects to bring suit against the United States challenging the validity of the deed issued pursuant to the agreement, and if such suit is successful in invalidating such deed, the State will—

(A) pay the United States for the fair market value of all real property improvements on the property at the time of invalidation, such as dikes, water control structures and buildings;

(B) repay any amounts paid by the United States because of ownership of the land by the United States from the date of establishment of the Refuge, such as payments in lieu of taxes; and

(C) repay any amounts paid to the State pursuant to the agreement.

(6) Subject to the availability of funds for this purpose, the Secretary shall agree to pay \$15,000,000 to the State upon delivery by the State of a quitclaim deed that meets all applicable standards of the Department of Justice and covers all lands and interests in lands claimed by the State within the Refuge. Such payment shall be subject to the condition that the State use the payment for the purposes, and in the amounts, specified in subsections (b) and (c).

##### **(b) WETLANDS AND WILDLIFE PROTECTION PROGRAMS.**—

(1) **DEPOSIT.**—The State shall deposit \$10,000,000 of the amount paid pursuant to the agreement, as required by subsection (a)(6), in a restricted account, known as the Wetlands and Habitat Protection Account, to be used as provided in paragraph (2).

(2) **AUTHORIZED USES.**—The Executive Director of the Utah Department of Natural Resources may withdraw from the Wetlands and Habitat Protection Account, on an annual basis, amounts equal to the interest earned on the amount deposited under paragraph (1) for the following purposes:

(A) Wetland or open space protection in and near the Great Salt Lake.

(B) Enhancement and acquisition of wildlife habitat in and near the Great Salt Lake.

(c) **RECREATIONAL TRAILS DEVELOPMENT.**—The Utah Department of Natural Resources shall use \$5,000,000 of the amount paid pursuant to the agreement, as required by subsection (a)(6), as follows:

(1) \$2,000,000 for the development, improvement, and expansion of the James V. Hansen Shoshone Trail.

(2) \$1,000,000 for the development, improvement, and expansion of the Ogden-Weber Trail System.

(3) \$1,000,000 for the non-motorized trails program managed by the Utah State Division of Parks and Recreation.

(4) \$1,000,000 for the preservation, reclamation, enhancement, and conservation of streams in the State of Utah.

(d) **COORDINATION OF PROJECTS.**—The Executive Director of the Utah Department of Natural Resources shall seek to maximize the use of funds under subsections (b) and (c) through coordination with nonprofit organizations, Federal agencies, other agencies of the State, and local governments, and shall give priority to those projects under such subsections that include Federal, State, or private matching funds.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$15,000,000 for the payment required by subsection (a)(6) to be included as a term of the agreement.

#### **TITLE IX—EDUCATION AND ADMINISTRATIVE CENTER AT BEAR RIVER MIGRATORY BIRD REFUGE, UTAH**

##### **SEC. 901. SHORT TITLE.**

This title may be cited as the “Bear River Migratory Bird Refuge Visitor Center Act”.

##### **SEC. 902. FINDINGS.**

The Congress finds the following:

(1) The Bear River marshes have been a historical waterfowl oasis and an important inland waterfowl flyway for thousands of years.

(2) The Congress created the Bear River Migratory Bird Refuge as one of the first National Wildlife Refuges, for the purpose of protecting waterfowl habitat and migratory birds, educating the public regarding, and enhancing public appreciation of, waterfowl habitat and migratory birds.

(3) The Bear River Migratory Bird Refuge was virtually destroyed by devastating floods that occurred between 1983 and 1985.

(4) Refuge employees, aided by volunteers, have taken valiant actions to rebuild the Refuge by restoring habitat, increasing its attractiveness to waterfowl, reducing waterfowl botulism, and providing recreational and educational opportunities to the public.

(5) The Bear River Migratory Bird Refuge lacks a functional education and administrative center.

(6) The creation of such a facility would significantly enhance public appreciation of waterfowl and the need to preserve waterfowl habitat.

(7) The Congress has taken significant steps to provide funding for the construction of an education and administrative center.

##### **SEC. 903. DEFINITIONS.**

For the purpose of this title, the following definitions apply:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **REFUGE.**—The term “Refuge” means the Bear River Migratory Bird Refuge in Box Elder County, Utah.

(3) **EDUCATION AND ADMINISTRATIVE CENTER.**—The term “Education and Administrative Center” means the facility identified in the Environmental Assessment dated 1991 and entitled “Restoration and Expansion of the Bear River Migratory Bird Refuge”.

##### **SEC. 904. AUTHORIZATION OF CONSTRUCTION OF THE EDUCATION CENTER.**

(a) **CONSTRUCTION.**—The Secretary shall construct the Education and Administrative Center at the Refuge for the purposes of providing for the interpretation of resources of the Refuge for the education and benefit of the public, for the advancement of research, protection, and health of waterfowl habitat, and for the administration of the Bear River Migratory Bird Refuge.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$11,000,000 to carry out subsection (a).

##### **SEC. 905. MATCHING CONTRIBUTIONS REQUIREMENTS.**

(a) **DONATION OF FUNDS AND SERVICES.**—The Secretary may accept donations of funds and

services from nonprofit organizations, State and local governments, and private citizens for the construction of the Education and Administrative Center.

(b) **MATCHING FUNDS.**—The Secretary may not require matching funds or contributions in kind with a combined total value of more than \$1,500,000 for construction of the Education and Administrative Center.

#### **TITLE X—ACCOKEEK CREEK NATIONAL WILDLIFE REFUGE**

##### **SEC. 1001. ACCOKEEK CREEK NATIONAL WILDLIFE REFUGE ESTABLISHMENT.**

(a) **SHORT TITLE.**—This title may be cited as the “Accokeek Creek National Wildlife Refuge Establishment Act”.

(b) **ESTABLISHMENT.**—The Secretary of the Interior (in this section referred to as the “Secretary”) shall establish the Accokeek Creek National Wildlife Refuge. The refuge shall consist of any lands and waters owned or managed by the Secretary and located within the refuge acquisition boundary depicted on a map entitled “Accokeek Creek National Wildlife Refuge, Land Acquisition Boundary, Stafford County, Virginia” and dated August 2000.

(c) **PURPOSES.**—The purposes for which the Refuge is established are the following:

(1) To provide long-term protection of ecologically unique habitats of the peninsula between Accokeek and Potomac Creeks in Stafford County, Virginia, known as the Crow's Nest, and certain adjacent property that supports numerous species of neotropical migratory birds, waterfowl, and sport and commercial fish, and numerous rare and endangered plant species.

(2) To provide appropriate public access to, and compatible fish and wildlife dependent recreation in, the Refuge.

(d) **ACQUISITION.**—

(1) **IN GENERAL.**—(A) The Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the lands and waters, or interests therein (including conservation easements), within the boundaries of the Refuge.

(B) No such lands, waters, or interests therein may be acquired without the consent of the owner thereof.

(2) **TRANSFERS FROM OTHER AGENCIES.**—The head of any Federal agency having administrative jurisdiction over Federal property located within the boundaries of the Refuge may, with the approval of the Secretary, transfer such property without consideration to the administrative jurisdiction of the Secretary for inclusion in the Refuge.

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer all federally owned lands, waters, and interests therein that are within the boundaries of the Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and this section. The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish and wildlife dependent recreational opportunities, as the Secretary considers appropriate to carry out the purposes described in subsection (c).

(2) **PRIORITY USES.**—In providing opportunities for compatible fish and wildlife dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

#### **TITLE XI—MISCELLANEOUS**

##### **SEC. 1101. AMENDMENTS TO THE NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.**

(a) **REQUIREMENT TO NOTIFY CONGRESS REGARDING GRANTS.**—Section 4(i) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(i)) is amended by adding “in excess of \$5,000” after “a grant of funds”.

(b) **MATCHING CONTRIBUTIONS BY SUBRECIPIENTS.**—Section 10(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(3)) is amended by adding “or subrecipient” after “made to the Foundation”.

#### **TITLE XII—MARINE TURTLE CONSERVATION**

##### **SEC. 1201. SHORT TITLE.**

This title may be cited as the “Marine Turtle Conservation Act of 2002”.

##### **SEC. 1202. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp's ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

(8) changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and

(9) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of marine turtles will require the joint commitment and effort of—

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) **PURPOSE.**—The purpose of this title is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

##### **SEC. 1203. DEFINITIONS.**

In this title:

(1) **CITES.**—The term “CITES” means the Convention on International Trade in Endan-

gered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) **CONSERVATION.**—The term “conservation” means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, acquisition, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign countries to—

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitat; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles over habitat used by marine turtles for nesting;

(G) community outreach and education; and

(H) strengthening of the ability of local communities to implement nesting population and nesting habitat conservation programs.

(3) **FUND.**—The term “Fund” means the Marine Turtle Conservation Fund established by section 1205.

(4) **MARINE TURTLE.**—

(A) **IN GENERAL.**—The term “marine turtle” means any member of the family Cheloniidae or Dermochelyidae.

(B) **INCLUSIONS.**—The term “marine turtle” includes—

(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

(ii) a carcass of such a turtle.

(5) **MULTINATIONAL SPECIES CONSERVATION FUND.**—The term “Multinational Species Conservation Fund” means the fund established under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

##### **SEC. 1204. MARINE TURTLE CONSERVATION ASSISTANCE.**

(a) **IN GENERAL.**—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(b) **PROJECT PROPOSALS.**—

(1) **ELIGIBLE APPLICANTS.**—A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles.

(2) **REQUIRED ELEMENTS.**—A project proposal shall include—

(A) a statement of the purposes of the project;

(B) the name of the individual with overall responsibility for the project;

(C) a description of the qualifications of the individuals that will conduct the project;

(D) a description of—  
 (i) methods for project implementation and outcome assessment;  
 (ii) staff and community management for the project; and  
 (iii) the logistics of the project;  
 (E) an estimate of the funds and time required to complete the project;  
 (F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;  
 (G) information regarding the source and amount of matching funding available for the project; and  
 (H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.

(C) PROJECT REVIEW AND APPROVAL.—  
 (1) IN GENERAL.—The Secretary shall—  
 (A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other Federal officials, as appropriate; and  
 (B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).  
 (2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall—  
 (A) consult on the proposal with the government of each country in which the project is to be conducted;  
 (B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and  
 (C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).  
 (d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.  
 (e) PROJECT SUSTAINABILITY.—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.  
 (f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.  
 (g) PROJECT REPORTING.—  
 (1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary may require) that include all information that the Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.  
 (2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this title, shall be made available to the public.

#### SEC. 1205. MARINE TURTLE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the “Marine Turtle Conservation Fund”, consisting of—  
 (1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);  
 (2) amounts appropriated to the Fund under section 1206; and  
 (3) any interest earned on investment of amounts in the Fund under subsection (c).  
 (b) EXPENDITURES FROM FUND.—  
 (1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 1204.  
 (2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expand not more than 3 percent, or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this title.  
 (c) INVESTMENT OF AMOUNTS.—  
 (1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.  
 (2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—  
 (A) on original issue at the issue price; or  
 (B) by purchase of outstanding obligations at the market price.  
 (3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.  
 (4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.  
 (d) TRANSFERS OF AMOUNTS.—  
 (1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.  
 (2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.  
 (e) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 1204. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

#### SEC. 1206. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this title, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.  
 (b) PUBLIC PARTICIPATION.—  
 (1) MEETINGS.—The Advisory Group shall—  
 (A) ensure that each meeting of the advisory group is open to the public; and  
 (B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.  
 (2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.  
 (3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Sec-

retary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

#### SEC. 1207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2004 through 2008.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: “A bill to amend the Endangered Species Act of 1973 to promote involvement by non-Federal entities in the recovery of endangered species, threatened species, and species that may become endangered or threatened species, and for other purposes.”.

A motion to reconsider was laid on the table.

#### POW/MIA MEMORIAL FLAG ACT OF 2002

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1226) to require the display of the POW-MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1226

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “POW/MIA Memorial Flag Act of 2002”.

#### SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking “The Korean War Veterans Memorial and the Vietnam Veterans Memorial” and inserting “The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial”.

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and