

CONSERVATION AND REINVESTMENT ACT

OCTOBER 16, 2002.—Ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 701]

The Committee on Resources, to whom was referred the bill (H.R. 701) to use royalties from Outer Continental Shelf oil and gas production to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Conservation and Reinvestment Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

- Sec. 1. Short title.
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- Sec. 8. Maintenance of effort and matching funding.
- Sec. 9. Sunset.
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- Sec. 101. Impact assistance formula and payments.
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- Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
- Sec. 402. Purpose.
- Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
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- Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.
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TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

- Sec. 601. Purpose.
- Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
- Sec. 603. Authorized uses of transferred amounts.
- Sec. 604. Indian tribe defined.

TITLE VII—ENDANGERED AND THREATENED SPECIES RECOVERY

- Sec. 701. Purposes.
- Sec. 702. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 703. Endangered and threatened species recovery assistance.
- Sec. 704. Endangered and Threatened Species Recovery Agreements.
- Sec. 705. Definitions.

TITLE VIII—FUNDING FOR PAYMENTS IN LIEU OF TAXES AND REFUGE REVENUE SHARING

- Sec. 801. Purpose.
- Sec. 802. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 803. Additional amounts for payments in lieu of taxes.

TITLE IX—PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS

- Sec. 901. Protection of social security and medicare benefits.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term “coastal population” means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State’s coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

(2) The term “coastal political subdivision” means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term “coastal State” has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453).

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

(5) The term “distance” means minimum great circle distance, measured in statute miles.

(6) The term “fiscal year” means the Federal Government’s accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

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

(8) The term “Indian tribe”—

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

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

(9) The term “leased tract” means a tract, leased under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

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

(11) The term “political subdivision” means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(12) The term “producing State” means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2001 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001).

(13) The term “qualified Outer Continental Shelf revenues” means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

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

(15) The term “Fund” means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior. The report shall include, in accordance with regulations prescribed by the Secretary, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior from the Fund during the previous fiscal year and summarizing the contents of the Governors’ reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the “Conservation and Reinvestment Act Fund”. In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between \$3,135,000,000 and the amounts deposited in the Fund under paragraphs (2) and (3), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

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

(3) INTEREST.—All interest earned under subsection (d).

(b) **TRANSFER FOR EXPENDITURE.**—In each fiscal year after the fiscal year 2002, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) \$1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6(a)) such amounts as are necessary to make the income of the fund \$900,000,000 in each such fiscal year.

(3) \$350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b).

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

(5) \$160,000,000 to the Secretary of the Interior for historic preservation purposes, of which—

(A) \$150,000,000 shall be used to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(B) \$10,000,000 shall be used to carry out the National Maritime Heritage Act of 1994.

(6) \$200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) \$50,000,000 to the Secretary of the Interior to develop and implement Endangered and Threatened Species Recovery Agreements under of title VII of this Act.

(8) \$350,000,000 to the Secretary of the Interior to carry out title VIII of this Act.

(c) **SHORTFALL.**—If amounts referred to in paragraphs (1) through (3) of subsection (a) in any fiscal year after the fiscal year 2001 are less than \$3,135,000,000, the amounts transferred under paragraphs (1) through (8) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) **INTEREST.**—The Secretary of the Treasury shall invest moneys in the Fund (including interest), and in any fund or account to which moneys are transferred pursuant to subsection (b) of this section, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement for the programs financed under this Act.

(e) **REFUNDS.**—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund to the extent that such refunds are attributable to qualified Outer Continental Shelf revenues deposited in the Fund under this Act.

(f) **INTENT OF CONGRESS TO SUPPLEMENT ANNUAL APPROPRIATIONS FOR NATIONAL PARK SERVICE.**—Amounts made available by this Act are intended by the Congress to supplement, and not detract from, annual appropriations for the National Park Service.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect section 4(c)(3) of the Pittman-Robertson Wildlife Restoration Act.

SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) **IN GENERAL.**—It is the intent of the Congress in this Act that States not use this Act as an opportunity to reduce State or local resources for the programs funded by this Act. Except as provided in subsection (b), no State or local government

shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program.

(b) **EXCEPTION.**—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures—

(1) is attributable to a nonselective reduction in expenditures for the programs of all executive branch agencies of the State or local government; or

(2) is a result of reductions in State or local revenue as a result of a downturn in the economy.

(c) **USE OF FUND TO MEET MATCHING REQUIREMENTS.**—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) **SAVINGS CLAUSE.**—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) **REGULATION.**—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands or water until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 11. SIGNS.

(a) **IN GENERAL.**—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

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

SEC. 12. APPROPRIATION BY STATE LEGISLATURES.

Any funds received by the States of Colorado, Oklahoma, Arizona, Connecticut, Delaware, and New Mexico from amounts made available by this Act shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under the provisions of Federal law under which the funds are provided to the State.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) **GRANT PROGRAM.**—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Sec-

retary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

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

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

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

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

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract with qualified Outer Continental Shelf revenues, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each such leased tract or portion, as determined by the Secretary. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same

manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

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

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) **DEVELOPMENT AND SUBMISSION OF STATE PLANS.**—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) **APPROVAL OR DISAPPROVAL.**—

(1) **IN GENERAL.**—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

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

(B) A program for the implementation of the plan which shall include (i) a description of how the plan will address environmental concerns, (ii) for producing States, a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf, and (iii) a description of how the State will evaluate the effectiveness of the plan.

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

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

(2) **PROCEDURE AND TIMING; REVISIONS.**—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) **AMENDMENT OR REVISION.**—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

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

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

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

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

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

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

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

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

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

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

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

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 7, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

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

“(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act.”.

SEC. 203. AVAILABILITY OF AMOUNTS.

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

“APPROPRIATIONS

“SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than \$900,000,000 in any fiscal year after the fiscal year 2002. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2002 without further appropriation to carry out this Act.

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

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601–7) is amended to read as follows:

“ALLOCATION OF FUNDS

“SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

“(1) 50 percent shall be available for Federal purposes (in this Act referred to as the ‘Federal portion’); and

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

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is amended by adding at the end the following:

“(d) USE OF FEDERAL PORTION.—

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

tions for the Department of the Interior or the Department of Agriculture, respectively.

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

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

“(B) acquisition of that property is specifically approved by an Act of Congress.

“(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

“(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.

“(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

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

“(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

“(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

“(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

“(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

“(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

“(C) The Secretary of the Interior and the Secretary of Agriculture shall each—

“(i) transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and

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

“(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—

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

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

“(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—

“(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

“(A) the land; or

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

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

“(3) in writing to each State political subdivision having jurisdiction over the land; and

“(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

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

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

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

“(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

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

“(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

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

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

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

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

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

“(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

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

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

“(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

“(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

“(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

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

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

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

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

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

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

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

“(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in clauses (1) and (3) of subsection (a).”.

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

“(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments,

at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.”.

(d) STATE PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding the following at the end:

“(7)(A) Any amounts available in addition to those amounts made available under section 5 of the Conservation and Reinvestment Act in a fiscal year shall be available without further appropriation to the Secretary of the Interior to be distributed among the several States under a competitive grant program for State projects as authorized under section 6(e)(1) of national or regional significance involving one or more States.

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

(e) STATE MATCHING FUNDS.—Section 6(c) (16 U.S.C. 4601–8(c)) is amended by inserting “(1)” before “Payments”, and by adding at the end the following:

“(2) The Secretary—

“(A) shall apply to the share of costs required to be borne by a State under paragraph (1) any portion of such costs paid with non-Federal funds provided by a person other than the State; and

“(B) shall not apply to such State cost share the value of any in-kind contribution, other than contributions of services authorized under paragraph (1).”.

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

“(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the purposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the ‘State Action Agenda’) indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act, a State Action Agenda that meets the following requirements:

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

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

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

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 4601–8(e)) is amended as follows:

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

(2) In paragraph (1) by striking “comprehensive plan” and inserting “State Action Agenda”.

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

- (1) in subsection (e)(1) by striking “, but not including incidental costs relating to acquisition”; and
- (2) in subsection (e)(2) by inserting before the period at the end the following: “or to enhance public safety within a designated park or recreation area”.

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

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

- (2) by striking the second sentence and inserting the following:

“(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.”.

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

“WATER RIGHTS

“SEC. 14. Nothing in this title—

- “(1) invalidates or preempts State or Federal water law or an interstate compact governing water;
- “(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;
- “(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or
- “(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.”.

SEC. 211. REQUIREMENTS FOR ACQUISITION OF LANDS IN MONTANA WITH FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is further amended by adding at the end the following:

“(h) REQUIREMENTS FOR ACQUISITION OF LANDS IN MONTANA.—The Secretary of the Interior and the Secretary of Agriculture shall jointly develop and issue a plan for acquisition and disposal of lands in the State of Montana that will result in consolidation of forest reserves created from the public domain and private inholdings within those reserves. The plan shall be designed to ensure that—

- “(1) acquisitions of lands with the Federal portion consolidate Federal ownership of lands in Montana under the administrative jurisdiction of the Department of the Interior and the Forest Service; and
- “(2) any increase in the total acreage of lands in Montana under those administrative jurisdictions that results from acquisitions of lands with the Federal portion is de minimis.”.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSE.

The purpose of this title is to ensure adequate funding of the Wildlife Conservation and Restoration Planning program established under the amendments to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) enacted by H.R. 5548 as introduced in the 106th Congress and enacted, by reference, by Public Law 106–553.

SEC. 302. TECHNICAL CORRECTION.

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

(b) **CONFORMING AMENDMENTS.**—Such Act is further amended—

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

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

(3) in section 10 (16 U.S.C. 669h–1) by striking “section 4(c)” each place it appears and inserting “section 4(e)”.

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

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

“(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the ‘wildlife conservation and restoration account’. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.”.

SEC. 304. APPORTIONMENT TO INDIAN TRIBES.

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

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

(2) by adding at the end the following:

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

“(i) ⅓ shall be allocated based on the ratio to which the trust land area of each Indian tribe bears to the total trust land area of all Indian tribes; and

“(ii) ⅔ shall be allocated based on the ratio to which the population of each Indian tribe bears to the total population of all Indian tribes; except that no Indian tribe shall receive more than 5 percent of the total amount made available in a fiscal year to Indian tribes under this subsection.”.

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

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

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

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

(2) by inserting after paragraph (1) the following:

“(2) The term ‘Indian tribe’—

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

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

(d) **CONFORMING AMENDMENTS.**—Such Act is amended—

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

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

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

(B) by inserting before the period the following: “, and, except for purposes of subsection (c)(2), each Indian tribe”.

SEC. 305. EXISTING APPROPRIATIONS NOT AFFECTED.

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

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

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

SEC. 402. PURPOSE.

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

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

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

“TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT
ACT FUND

“SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

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

“(1) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

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

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

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

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting “development of new recreation areas and facilities, including the acquisition of lands for such development,” after “rehabilitation of critically needed recreation areas, facilities,”.

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

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

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

(3) By adding at the end the following:

“(l) ‘development grants’—

“(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

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

“(m) ‘Secretary’ means the Secretary of the Interior.”.

SEC. 406. ELIGIBILITY.

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

“(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

“(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

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

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

SEC. 407. GRANTS.

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

- (1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and
- (2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

“GRANTS

“SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

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

“(A) such transfer is consistent with the approved application for the grant; and

“(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

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

SEC. 408. RECOVERY ACTION PROGRAMS.

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

- (1) in subsection (a) in the first sentence by inserting “development,” after “commitments to ongoing planning.”; and
- (2) in subsection (a)(2) by inserting “development and” after “adequate planning for”.

SEC. 409. STATE ACTION INCENTIVES.

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

- (1) by inserting “(a) IN GENERAL.—” before the first sentence; and
- (2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

“(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

“(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.”.

SEC. 410. CONVERSION OF RECREATION PROPERTY.

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

“CONVERSION OF RECREATION PROPERTY

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

“(2) Paragraph (1) shall apply to—

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

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

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

“(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

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

- “(1) of at least equal fair market value, and reasonably equivalent usefulness and location; and
- “(2) in accord with the current recreation recovery action program of the grantee.”.

SEC. 411. REPEAL.

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

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

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

- (1) by inserting “(a)” before the first sentence;
- (2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and
- (3) by adding at the end the following:

“(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act in a fiscal year shall be deposited into the Fund and shall be available without further appropriation only to provide grants and other financial and technical assistance under this Act to States, Indian tribes, local governments, and other non-Federal governmental entities.

“(c) At least one-half of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.”.

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

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

“SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

“In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.”.

SEC. 503. FUNDING FOR MARITIME HERITAGE PROGRAMS.

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

- (1) by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

“(d) AVAILABILITY OF FUNDS FROM CONSERVATION AND REINVESTMENT ACT FUND.—Amounts transferred to the Secretary under section 5(b)(8) of the Conservation and Reinvestment Act shall be available until expended and without further appropriation to carry out the Program as provided in subsection (b).”; and
- (2) in subsection (b), by striking “subsection (a)(1)(C)” each place it appears and inserting “this section”.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation to carry out this title.

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

(1) DEPARTMENT OF THE INTERIOR.—Sixty percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—Thirty percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—Ten percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

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

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

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term “Indian tribe”—

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

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

TITLE VII—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 701. PURPOSES.

The purposes of this title are the following:

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

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation’s endangered species and threatened species and the habitat upon which they depend.

SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

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

SEC. 703. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) **FINANCIAL ASSISTANCE.**—The Secretary may use amounts made available under section 702 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 704.

(b) **PRIORITY.**—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

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

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

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

(c) **PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.**—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) **PAYMENTS UNDER OTHER PROGRAMS.**—

(1) **OTHER PAYMENTS NOT AFFECTED.**—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under 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.), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) **LIMITATION.**—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 704. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) **IN GENERAL.**—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this title in accordance with this section.

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

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) 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 or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

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

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

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

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

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

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

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

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

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

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

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

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

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 705. DEFINITIONS.

In this title:

(1) ENDANGERED OR THREATENED SPECIES.—The term “endangered or threatened species” means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

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

(4) SPECIES RECOVERY AGREEMENT.—The term “species recovery agreement” means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 704.

TITLE VIII—FUNDING FOR PAYMENTS IN LIEU OF TAXES AND REFUGE REVENUE SHARING

SEC. 801. PURPOSE.

The purpose of this title is to ensure adequate funding for—

(1) payments for entitlement land under chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

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

SEC. 802. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary without further appropriation for payments in accordance with this section.

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

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

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

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

SEC. 803. ADDITIONAL AMOUNTS FOR PAYMENTS IN LIEU OF TAXES.

In addition to any other amounts available under this Act, there shall be available to the Secretary of the Interior each fiscal year, from qualified Outer Continental Shelf revenues, such amounts as are necessary (after use of funds under section 802(b)(1) of this Act) for payments required for the fiscal year under chapter 69 of title 31, United States Code.

TITLE IX—PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS

SEC. 901. PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS.

No funds shall be transferred under this Act if such expenditure diminishes benefit obligations of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, the Federal Supplementary Medical Insurance Trust Fund, the Civil Service Retirement and Disability Fund, the Foreign Service Retirement and Disability Fund, or the Department of Defense Military Retirement Fund.

PURPOSE OF THE BILL

The purpose of H.R. 701 is use royalties from Outer Continental Shelf oil and gas production to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 701, the Conservation and Reinvestment Act (CARA), reinvests revenue generated from the development of non-renewable resources into conservation and recreation. For decades, programs that improve the quality of American life and conserve important natural resources have not received adequate funding, especially those programs that provide for local decision making. CARA addresses this national need in eight titles.

Title I provides up to \$1 billion each year to create a revenue sharing and coastal conservation fund for coastal States and eligible local governments to mitigate the impacts of outer continental shelf (OCS) activities and provides monies for the conservation of coastal ecosystems. Various provisions ensure that the funding provided by this Title does not prove to be an incentive to develop areas subject to a pre-leasing, leasing, or development moratorium. For example, the amount of OCS revenues available for distribution under CARA is limited to the amount of royalties, bonus bids, and rents received by the United States from existing OCS producing tracts, and CARA specifically excludes any tract within a leasing moratorium on January 1, 2001.

Title II provides up to \$900 million to guarantee stable and annual funding for the Land and Water Conservation Fund (LWCF) at its authorized level. Questions have arisen, however, regarding whether CARA authorizes the appropriation of an additional \$900 million on top of the \$900 million guaranteed funding. The Committee intended to limit the expenditure of LWCF funds to \$900 million, which is the amount established in section 2 of the LWCF Act. Section 203 of CARA amends the LWCF Act by first authorizing the expenditure from the LWCF of “not more than \$900,000,000”, and second, appropriating that \$900 million. The Committee does not intend to double the amount of available

LWCF funds, and will further clarify this point, if necessary, when the bill is considered by the Full House of Representatives.

Title II equally divides the \$900 million between the State and federal programs and provides several new protections for private property owners. For example, section 205 prohibits the federal government from acquiring private property with LWCF funds unless the owner of the subject property is a willing seller. Accordingly, the federal government may not use adverse condemnation to procure private land.

Title II also makes all federally-recognized Indian tribes eligible for Stateside LWCF funds. Currently, Indian tribes may expend those funds for planning and development. Property acquisition, however, is not an authorized use. During Committee consideration of the bill, Congressman Dale Kildee (D-MI) indicated that he would not offer an amendment to do so, but he wanted to explore the possibility of extending the rights of Indian tribes to more fully participate in the programs funded by CARA. The Committee agreed to discuss the inclusion of a provision broadening the tribes' participation in CARA programs in an amendment to be offered when the bill is considered by the Full House of Representatives.

Title III provides up to \$350 million for game and nongame wildlife conservation and education. This Title distributes the funds through the successful mechanism of the Federal Aid in Wildlife Restoration Act (commonly known as the Pittman-Robertson Act). The new source of federal funding is nearly double the funds available through the Pittman-Robertson Act and the Federal Aid in Sportfish Restoration Act (commonly known as the Dingell-Johnson Act).

The Fiscal Year 2001 Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (Public Law 106-553) included amendments to the Pittman-Robertson Act that were similar to Title III of CARA (also H.R. 701) passed by the House of Representatives during the 106th Congress. These amendments created a third subaccount for wildlife conservation within the Pittman-Robertson Act. The language within Title III of the 107th Congress' CARA makes conforming changes to allow for deposits from the "CARA fund." In addition, amendments within the H.R. 701 allow wildlife funding for Indian tribes. CARA provides that 2 1/4 percent of Title III funds be made available to Indian tribes and Alaska Native Corporations for wildlife conservation and recreation programs. Funds are distributed based upon a formula of 1/3 land area and 2/3 population.

Title IV provides up to \$125 million to be used for Urban Park and Recreation Recovery Act of 1978 matching grants for local governments to rehabilitate recreation areas and facilities. Title IV also funds the development of improved recreation programs, sites, and facilities.

Title V provides up to \$150 million for the programs within the Historic Preservation Act, including grants to the States, maintenance of the National Register of Historic Places, and the administration of numerous historic preservation programs. Title V also provides up to \$10 million for maritime heritage programs.

Title VI provides up to \$200 million for a coordinated program on federal and Indian lands to restore degraded resources, to protect resources that are threatened with degradation, and to protect

public health and safety. Title VI also funds maintenance activities related to resource protection.

Title VII provides up to \$150 million for annual and dedicated funding for conservation easements and landowner incentives to aid in the recovery of endangered and threatened species.

Title VIII fully funds the Payment In-Lieu of Taxes (PILT) and Refuge Revenue Sharing (RRS) Programs at their authorized levels, \$320 million and \$30 million respectively. In the 106th Congress, an earlier version of CARA undertook to fund the PILT and RRS programs by providing that up to \$200 million of the annual interest earned from the CARA fund would match, dollar for dollar, the amount appropriated during the annual Congressional appropriations process. However, unlike the version of CARA of the 106th Congress, the 107th CARA fully funds both PILT and RRS at their authorized levels by simply providing all of the funding for the two programs directly from the CARA fund.

COMMITTEE ACTION

The Committee on Resources heard testimony from 88 witnesses at four hearings on H.R. 701 during the 106th Congress one in each of the following locations: Washington, D.C.; Anchorage, Alaska; New Orleans, Louisiana; and Salt Lake City, Utah. The Committee compiled thousands of pages of written testimony and comments.

H.R. 701 passed the House of Representatives in the 106th Congress by a bipartisan vote of 315–102. Although the bill passed the Senate Committee on Energy and Natural Resources by a vote of 13–7, it was not enacted into law. Instead, many of the priorities within the bill were funded and new policy was enacted as a result of an end-of-the-year agreement between the Clinton Administration and Congressional appropriators. The new program, based upon Administration priorities, was dubbed “CARA-Lite.”

H.R. 701 was reintroduced in the 107th Congress on February 11, 2001, by Congressmen Don Young (R-AK), John Dingell (D-MI), W. J. “Billy” Tauzin (R-LA), George Miller (D-CA), Christopher John (D-LA), James V. Hansen (R-UT), Nick J. Rahall II (D-WV), Dale E. Kildee (D-MI), John Cooksey (R-LA), and Jim Saxton (R-NJ). The bill was referred to the Committee on Resources.

On June 20, 2001, the Committee heard additional testimony on H.R. 701, along with testimony on H.R. 1592, a bill introduced by Congressman Mac Thornberry (R-TX). Ten witnesses, including a mayor, county commissioners, property owners, State and Tribal officials, and representatives of national advocacy groups provided a general overview of both H.R. 701 and H.R. 1592.

On July 25, 2001, the Committee met to mark up H.R. 701. Congressman Young of Alaska offered an en bloc amendment making technical corrections to the bill and clarifying the State cost-sharing provisions of Title I. The amendment was agreed to by voice vote.

Congressman Mark Udall (D-CO) offered an amendment increasing the CARA fund from \$3.125 billion to \$3.225 billion, decreasing funding for the Historic Preservation Fund from \$150 million to \$100 million, and inserting Title X—Cooperative Landscape Conservation Program, to provide matching grants to facilitate the ac-

quisition of permanent conservation easements. The amendment was withdrawn.

Congressman Richard W. Pombo (R-CA) offered an amendment to section 10 of the bill to provide that no federal agency may apply any regulation on any lands until the lands or water is acquired, “unless specifically authorized to do so by another Act of Congress.” The amendment also limited the ability of the federal government to regulate private lands and clarifies the rights of inholders within federal land boundaries. The amendment was not agreed to by a rollcall vote of 17 yeas and 22 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act
Amendment #3 by Mr. Pombo

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 17 Nays 22

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman	✓			Mr. Jones, NC	✓		
<i>Mr. Rahall, WV</i>		✓		<i>Mr. Kind, WI</i>		✓	
Mr. Young, AK				Mr. Thornberry, TX	✓		
<i>Mr. Miller, CA</i>		✓		<i>Mr. Inslee, WA</i>		✓	
Mr. Tauzin, LA		✓		Mr. Cannon, UT	✓		
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>			
Mr. Saxton, NJ				Mr. Peterson, PA	✓		
<i>Mr. Kildee, MI</i>		✓		<i>Mr. Tom Udall, NM</i>		✓	
Mr. Gallegly, CA				Mr. Schaffter, CO			
<i>Mr. DeFazio, OR</i>		✓		<i>Mr. Mark Udall, CO</i>		✓	
Mr. Duncan, TN				Mr. Gibbons, NV	✓		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Holt, NJ</i>		✓	
Mr. Hefley, CO	✓			Mr. Souder, IN		✓	
<i>Mr. Abercrombie, HI</i>		✓		<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD		✓		Mr. Walden, OR	✓		
<i>Mr. Ortiz, TX</i>		✓		<i>Mr. Acevedo-Vila, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID			
<i>Mr. Pallone, NJ</i>		✓		<i>Ms. Solis, CA</i>		✓	
Mr. McInnis, CO	✓			Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>		✓		<i>Mr. Carson, OK</i>		✓	
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
<i>Mr. Underwood, GU</i>		✓		<i>Ms. McCollum, MN</i>		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
<i>Mr. Smith, WA</i>		✓		Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ	✓		
<i>Ms. Christensen, VT</i>		✓		Mr. Rehberg, MT	✓		
				Total	17	22	

Mr. Pombo offered another amendment reducing the income to the Land and Water Conservation Fund from \$900 million to \$450 million, increasing funding to the Urban Park and Recreation Recovery Program from \$125 million to \$475 million, increasing funding for Endangered Species Recovery from \$50 million to \$150 million, and eliminating the federal side of the LWCF. The amendment was not agreed to by a rollcall vote of 16 yeas to 26 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act
Amendment #4 by Mr. Pombo

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 16 Nays 26

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman		✓		Mr. Jones, NC	✓		
<i>Mr. Rahall, WV</i>		✓		<i>Mr. Kind, WI</i>		✓	
Mr. Young, AK				Mr. Thornberry, TX	✓		
<i>Mr. Miller, CA</i>		✓		<i>Mr. Inslee, WA</i>		✓	
Mr. Tauzin, LA		✓		Mr. Cannon, UT	✓		
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>		✓	
Mr. Saxton, NJ		✓		Mr. Peterson, PA	✓		
<i>Mr. Kildee, MI</i>		✓		<i>Mr. Tom Udall, NM</i>		✓	
Mr. Gallegly, CA	✓			Mr. Schaffer, CO			
<i>Mr. DeFazio, OR</i>		✓		<i>Mr. Mark Udall, CO</i>		✓	
Mr. Duncan, TN	✓			Mr. Gibbons, NV	✓		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Holt, NJ</i>		✓	
Mr. Hefley, CO		✓		Mr. Souder, IN		✓	
<i>Mr. Abercrombie, HI</i>		✓		<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD				Mr. Walden, OR	✓		
<i>Mr. Ortiz, TX</i>		✓		<i>Mr. Acevedo-Vilá, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID			
<i>Mr. Pallone, NJ</i>		✓		<i>Ms. Solis, CA</i>		✓	
Mr. McInnis, CO	✓			Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>		✓		<i>Mr. Carson, OK</i>		✓	
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
<i>Mr. Underwood, GU</i>		✓		<i>Ms. McCollum, MN</i>		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
<i>Mr. Smith, WA</i>		✓		Mr. Osborne, NE		✓	
Mr. Radanovich, CA				Mr. Flake, AZ	✓		
<i>Ms. Christensen, VI</i>		✓		Mr. Rehberg, MT	✓		
				Total	16	26	

Congressman Walter B. Jones (R-NC) offered an amendment prohibiting the use of the federal portion of the LWCF for property acquisition in a State if the total cost of deferred maintenance for federal property in the State exceeds \$10,000,000. The amendment was withdrawn.

Mr. Jones offered another amendment to ensure that funding of the Civil Service Retirement and Disability Fund, the Foreign Service Retirement and Disability Fund, and the Department of Defense Military Retirement Fund will not be adversely affected as a result of the expenditure of funds through CARA. The amendment was agreed to by voice vote.

Congressman Mac Thornberry (R-TX) offered an amendment prohibiting the use of CARA funds for any aspect of litigation. The amendment was initially agreed to by a rollcall vote of 20 yeas to 17 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act
Amendment #7, by Mr. Thornberry

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 20 Nays 17

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman	✓			Mr. Jones, NC	✓		
Mr. Rahall, WV	✓			Mr. Kind, WI		✓	
Mr. Young, AK		✓		Mr. Thornberry, TX	✓		
Mr. Miller, CA		✓		Mr. Inslee, WA			
Mr. Tauzin, LA		✓		Mr. Cannon, UT	✓		
Mr. Markey, MA				Mrs. Napolitano, CA		✓	
Mr. Saxton, NJ		✓		Mr. Peterson, PA	✓		
Mr. Kildee, MI		✓		Mr. Tom Udall, NM		✓	
Mr. Gallegly, CA	✓			Mr. Schaffer, CO			
Mr. DeFazio, OR		✓		Mr. Mark Udall, CO		✓	
Mr. Duncan, TN	✓			Mr. Gibbons, NV	✓		
Mr. Faleomavaega, AS				Mr. Holt, NJ		✓	
Mr. Hefley, CO				Mr. Souder, IN	✓		
Mr. Abercrombie, HI		✓		Mr. McGovern, MA			
Mr. Gilchrest, MD		✓		Mr. Walden, OR	✓		
Mr. Ortiz, TX				Mr. Acevedo-Vilá, PR			
Mr. Calvert, CA				Mr. Simpson, ID			
Mr. Pallone, NJ				Ms. Solis, CA			
Mr. McInnis, CO	✓			Mr. Tancredo, CO	✓		
Mr. Dooley, CA		✓		Mr. Carson, OK		✓	
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
Mr. Underwood, GU				Ms. McCollum, MN		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
Mr. Smith, WA				Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ	✓		
Ms. Christensen, VI		✓		Mr. Rehberg, MT	✓		
				Total	20	17	

Congressman Nick J. Rahall (D-WV) later moved to reconsider the vote by which the amendment by Mr. Thornberry was agreed to. Mr. Thornberry made a motion to lay the Rahall motion on the table. The Thornberry motion to table the Rahall motion failed on a rollcall vote of 17 to 20, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th CongressDate: Wednesday, July 25, 2001Convened: 10:00 a.m.
Adjourned: 3:35 p.m.Meeting on: Markup of H.R. 701, Conservation and Reinvestment ActMotion by Mr. Thornberry to table to motion by Mr. Rahall to reconsider the amendment (#7) by Mr. Thornberry☐ Attendance ☐ Voice Vote ☒ Roll Call Vote Total Yeas 17 Nays 20

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman	✓			Mr. Jones, NC	✓		
Mr. Rahall, WV		✓		Mr. Kind, WI		✓	
Mr. Young, AK		✓		Mr. Thornberry, TX	✓		
Mr. Miller, CA		✓		Mr. Inslee, WA		✓	
Mr. Tauzin, LA		✓		Mr. Cannon, UT			
Mr. Markey, MA				Mrs. Napolitano, CA			
Mr. Saxton, NJ		✓		Mr. Peterson, PA	✓		
Mr. Kildee, MI		✓		Mr. Tom Udall, NM		✓	
Mr. Gallegly, CA				Mr. Schaffer, CO	✓		
Mr. DeFazio, OR				Mr. Mark Udall, CO		✓	
Mr. Duncan, TN				Mr. Gibbons, NV	✓		
Mr. Faleomavaega, AS		✓		Mr. Holt, NJ		✓	
Mr. Hefley, CO	✓			Mr. Souder, IN	✓		
Mr. Abercrombie, HI		✓		Mr. McGovern, MA			
Mr. Gilchrest, MD		✓		Mr. Walden, OR	✓		
Mr. Ortiz, TX	✓			Mr. Acevedo-Vila, PR			
Mr. Calvert, CA				Mr. Simpson, ID			
Mr. Pallone, NJ		✓		Ms. Solis, CA		✓	
Mr. McInnis, CO				Mr. Tancredo, CO	✓		
Mr. Dooley, CA				Mr. Carson, OK			
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
Mr. Underwood, GU		✓		Ms. McCollum, MN		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
Mr. Smith, WA		✓		Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ			
Ms. Christensen, VT		✓		Mr. Rehberg, MT	✓		
				Total	17	20	

The Rahall motion to reconsider was then agreed to by a rollcall vote of 20 yeas to 18 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act

Motion by Mr. Rahall to reconsider the amendment (#7) by Mr. Thornberry

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 20 Nays 18

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman		✓		Mr. Jones, NC		✓	
Mr. Rahall, WV	✓			Mr. Kind, WI	✓		
Mr. Young, AK	✓			Mr. Thornberry, TX		✓	
Mr. Miller, CA	✓			Mr. Inslee, WA	✓		
Mr. Tauzin, LA	✓			Mr. Cannon, UT		✓	
Mr. Markey, MA				Mrs. Napolitano, CA			
Mr. Saxton, NJ	✓			Mr. Peterson, PA		✓	
Mr. Kildee, MI	✓			Mr. Tom Udall, NM	✓		
Mr. Gallegly, CA				Mr. Schaffer, CO		✓	
Mr. DeFazio, OR				Mr. Mark Udall, CO	✓		
Mr. Duncan, TN				Mr. Gibbons, NV		✓	
Mr. Faleomavaega, AS	✓			Mr. Holt, NJ	✓		
Mr. Hefley, CO		✓		Mr. Souder, IN		✓	
Mr. Abercrombie, HI	✓			Mr. McGovern, MA			
Mr. Gilchrest, MD	✓			Mr. Walden, OR		✓	
Mr. Ortiz, TX		✓		Mr. Acevedo-Vila, PR			
Mr. Calvert, CA				Mr. Simpson, ID			
Mr. Pallone, NJ	✓			Ms. Solis, CA	✓		
Mr. McInnis, CO				Mr. Tancredo, CO		✓	
Mr. Dooley, CA				Mr. Carson, OK			
Mr. Pombo, CA		✓		Mr. Hayworth, AZ		✓	
Mr. Underwood, GU	✓			Ms. McCollum, MN	✓		
Mrs. Cubin, WY		✓		Mr. Otter, ID		✓	
Mr. Smith, WA	✓			Mr. Osborne, NE		✓	
Mr. Radanovich, CA				Mr. Flake, AZ			
Ms. Christensen, VI	✓			Mr. Rehberg, MT		✓	
				Total	20	18	

Mr. Thornberry's amendment prohibiting the use of CARA funds for litigation was then rejected by voice vote.

Mr. Thornberry offered another amendment prohibiting the use of CARA funds for condemnation, and exempting the prohibition on the use of funds for condemnation from the bill's sunset provision. The amendment was not agreed to by a rollcall vote of 16 yeas to 21 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: **Markup of H.R. 701, Conservation and Reinvestment Act**
Amendment #8, by Mr. Thornberry

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 16 Nays 21

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman		✓		Mr. Jones, NC	✓		
<i>Mr. Rahall, WV</i>		✓		<i>Mr. Kind, WI</i>		✓	
Mr. Young, AK		✓		Mr. Thornberry, TX	✓		
<i>Mr. Miller, CA</i>		✓		<i>Mr. Inslee, WA</i>			
Mr. Tauzin, LA		✓		Mr. Cannon, UT	✓		
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>		✓	
Mr. Saxton, NJ		✓		Mr. Peterson, PA	✓		
<i>Mr. Kildee, MI</i>		✓		<i>Mr. Tom Udall, NM</i>		✓	
Mr. Gallegly, CA		✓		Mr. Schaffer, CO			
<i>Mr. DeFazio, OR</i>		✓		<i>Mr. Mark Udall, CO</i>		✓	
Mr. Duncan, TN	✓			Mr. Gibbons, NV	✓		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Holt, NJ</i>		✓	
Mr. Hefley, CO				Mr. Souder, IN		✓	
<i>Mr. Abercrombie, HI</i>		✓		<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD		✓		Mr. Walden, OR	✓		
<i>Mr. Ortiz, TX</i>				<i>Mr. Acevedo-Vila, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID			
<i>Mr. Pallone, NJ</i>				<i>Ms. Solis, CA</i>			
Mr. McNis, CO	✓			Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>		✓		<i>Mr. Carson, OK</i>		✓	
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
<i>Mr. Underwood, GU</i>				<i>Ms. McCollum, MN</i>		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
<i>Mr. Smith, WA</i>				Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ	✓		
<i>Ms. Christensen, VI</i>		✓		Mr. Rehberg, MT	✓		
				Total	16	21	

Congressman John E. Peterson (R-PA) offered an amendment striking the following language from section 203 of the bill: "There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than \$900,000,000 in any fiscal year after the fiscal year 2002." Based on an understanding that CARA's authors never intended that LWCF funding ever exceed \$900 million, and an agreement that further clarification will be provided if necessary, Mr. Peterson withdrew his amendment.

Mr. Peterson offered another amendment that allows the Secretary of the Interior and the Secretary of Agriculture to give priority to using CARA funds for maintenance and restoration over the use of those funds for land and water acquisition, added maintenance as an item that may be included in the States' plan for statewide LWCF funding, and allowed maintenance as an eligible use under the Pittman-Robertson program. The amendment was not agreed to by a rollcall vote of 13 yeas to 18 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives

107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act

Amendment #10, by Mr. Peterson

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 13 Nays 18

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman		✓		Mr. Jones, NC			
<i>Mr. Rahall, WV</i>		✓		<i>Mr. Kind, WI</i>		✓	
Mr. Young, AK				Mr. Thornberry, TX	✓		
<i>Mr. Miller, CA</i>		✓		<i>Mr. Inslee, WA</i>			
Mr. Tauzin, LA		✓		Mr. Cannon, UT	✓		
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>			
Mr. Saxton, NJ		✓		Mr. Peterson, PA	✓		
<i>Mr. Kildee, MI</i>		✓		<i>Mr. Tom Udall, NM</i>		✓	
Mr. Gallegly, CA				Mr. Schaffer, CO			
<i>Mr. DeFazio, OR</i>				<i>Mr. Mark Udall, CO</i>		✓	
Mr. Duncan, TN				Mr. Gibbons, NV			
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Holt, NJ</i>			
Mr. Hefley, CO	✓			Mr. Souder, IN		✓	
<i>Mr. Abercrombie, HI</i>		✓		<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD		✓		Mr. Walden, OR	✓		
<i>Mr. Ortiz, TX</i>				<i>Mr. Acevedo-Vila, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID			
<i>Mr. Pallone, NJ</i>				<i>Ms. Solis, CA</i>		✓	
Mr. McInnis, CO	✓			Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>		✓		<i>Mr. Carson, OK</i>		✓	
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
<i>Mr. Underwood, GU</i>				<i>Ms. McCollum, MN</i>		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
<i>Mr. Smith, WA</i>		✓		Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ			
<i>Ms. Christensen, VT</i>		✓		Mr. Rehberg, MT	✓		
				Total	13	18	

Congressman Joel Hefley (R-CO) offered an amendment subjecting any funds received by a State from amounts made available by CARA to appropriation by the State legislature. The basis for the amendment is case law or statutory law in six States that calls into question the State legislature's authority to participate in the distribution of federal funds appropriated to those States. Mr. Rahall made a unanimous consent request to amend the Hefley amendment to include the names of the six States (Arizona, Colorado, Connecticut, Delaware, New Mexico, and Oklahoma) in the amendment. No objection was heard, and Mr. Hefley's amendment, as amended, was agreed to by voice vote.

Congressman Greg Walden (R-OR) offered an amendment to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow for disaster relief for economic hardships caused by application of the Endangered Species Act. The amendment was withdrawn by unanimous consent.

Mr. Walden offered another amendment requiring specific State approval for any federal land acquisition in a State in which 50 percent of the land is presently owned by the federal government. The amendment was not agreed to by a rollcall vote of 15 yeas to 15 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act
Amendment #13, by Mr. Walden

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 15 Nays 15

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman	✓			Mr. Jones, NC	✓		
<i>Mr. Rahall, WV</i>		✓		<i>Mr. Kind, WI</i>		✓	
Mr. Young, AK		✓		Mr. Thornberry, TX	✓		
<i>Mr. Miller, CA</i>		✓		<i>Mr. Inslee, WA</i>			
Mr. Tauzin, LA		✓		Mr. Cannon, UT			
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>			
Mr. Saxton, NJ				Mr. Peterson, PA	✓		
<i>Mr. Kildee, MI</i>		✓		<i>Mr. Tom Udall, NM</i>		✓	
Mr. Gallegly, CA				Mr. Schaffer, CO			
<i>Mr. DeFazio, OR</i>		✓		<i>Mr. Mark Udall, CO</i>		✓	
Mr. Duncan, TN	✓			Mr. Gibbons, NV	✓		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Holt, NJ</i>		✓	
Mr. Hefley, CO	✓			Mr. Souder, IN			
<i>Mr. Abercrombie, HI</i>		✓		<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD		✓		Mr. Walden, OR	✓		
<i>Mr. Ortiz, TX</i>				<i>Mr. Acevedo-Vila, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID			
<i>Mr. Pallone, NJ</i>				<i>Ms. Solis, CA</i>		✓	
Mr. McInnis, CO				Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>				<i>Mr. Carson, OK</i>			
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
<i>Mr. Underwood, GU</i>				<i>Ms. McCollum, MN</i>			
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
<i>Mr. Smith, WA</i>		✓		Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ			
<i>Ms. Christensen, VI</i>		✓		Mr. Rehberg, MT	✓		
				Total	15	15	

Congressman Thomas G. Tancredo (R-CO) offered an amendment requiring the Secretary of the Interior, in consultation with the Secretary of Energy, to inventory any federal lands acquired with CARA funds for coal and alternative energy potential, and report to Congress the results of the inventory. The amendment was withdrawn.

Mr. Tancredo offered another amendment requiring any Congressionally-earmarked stateside LWCF money to be treated as an expenditure of amounts available from the federal side of the LWCF. The amendment was intended to prevent Congress from infringing on the rights of the States by dictating the manner in which they spend money received through CARA. Congress has not, however, earmarked stateside funds in the past, and CARA does not provide any authority or incentive to earmark stateside LWCF funds. Under CARA, the stateside LWCF funds are distributed under a mandatory formula, thereby eliminating the ability of Congressional appropriators to prescribe how stateside funds will be spent. The amendment was withdrawn.

Congressman C. L. "Butch" Otter (R-ID) offered an amendment requiring the Secretary of the Interior to use the federal portion of the LWCF to cover any shortfall in the funding of the Payment in Lieu of Taxes (PILT) and Refuge Revenue Sharing programs so that those programs are fully funded at their authorized levels. The amendment was withdrawn.

Congressman James V. Hansen (R-UT) offered an amendment allowing PILT funding in CARA to grow if PILT's authorization, which is annually adjusted for inflation, ever exceeds the \$320 million provided for in CARA. The amendment was agreed to by voice vote.

Mr. Otter offered another amendment authorizing the head of a federal or State agency to use CARA funds to address maintenance requirements of land or facilities under its jurisdiction. The amendment was withdrawn.

Mr. Otter offered another amendment prohibiting the decommissioning of any hydroelectric power or irrigation project with funds provided under CARA unless the Governor of the applicable State approves. The amendment also prohibited the head of a federal agency from requiring, as a condition of land acquisition, the decommissioning of any hydroelectric power or irrigation project without Governor approval. The Chairman sustained a point of order against the amendment that it was not germane to the bill.

Mr. Otter offered another amendment prohibiting the termination of any right-of-way through lands acquired with CARA funds unless the Governor of the State in which the land is located approves. The amendment was not agreed to by a rollcall vote of 15 yeas to 19 nays, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives
107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: Markup of H.R. 701, Conservation and Reinvestment Act
Amendment #20, by Mr. Otter

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 15 Nays 19

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman	✓			Mr. Jones, NC	✓		
<i>Mr. Rahall, WV</i>		✓		<i>Mr. Kind, WI</i>		✓	
Mr. Young, AK		✓		Mr. Thornberry, TX	✓		
<i>Mr. Miller, CA</i>		✓		<i>Mr. Inslee, WA</i>		✓	
Mr. Tauzin, LA		✓		Mr. Cannon, UT			
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>			
Mr. Saxton, NJ		✓		Mr. Peterson, PA	✓		
<i>Mr. Kildee, MI</i>		✓		<i>Mr. Tom Udall, NM</i>		✓	
Mr. Gallegly, CA				Mr. Schaffer, CO	✓		
<i>Mr. DeFazio, OR</i>				<i>Mr. Mark Udall, CO</i>		✓	
Mr. Duncan, TN				Mr. Gibbons, NV	✓		
<i>Mr. Faleomavaega, AS</i>		✓		<i>Mr. Holt, NJ</i>		✓	
Mr. Hefley, CO	✓			Mr. Souder, IN		✓	
<i>Mr. Abercrombie, HI</i>		✓		<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD				Mr. Walden, OR	✓		
<i>Mr. Ortiz, TX</i>		✓		<i>Mr. Acevedo-Vildá, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID			
<i>Mr. Pallone, NJ</i>				<i>Ms. Solis, CA</i>		✓	
Mr. McInnis, CO				Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>				<i>Mr. Carson, OK</i>			
Mr. Pombo, CA	✓			Mr. Hayworth, AZ	✓		
<i>Mr. Underwood, GU</i>		✓		<i>Ms. McCollum, MN</i>		✓	
Mrs. Cubin, WY	✓			Mr. Otter, ID	✓		
<i>Mr. Smith, WA</i>		✓		Mr. Osborne, NE	✓		
Mr. Radanovich, CA				Mr. Flake, AZ			
<i>Ms. Christensen, VI</i>				Mr. Rehberg, MT	✓		
				Total	15	19	

Mr. Otter offered another amendment allowing CARA funds to be used to comply with the Endangered Species Act, the Federal Water Pollution Control Act, and the Americans with Disabilities Act. The Chairman sustained a point of order against the amendment that it was not germane to the bill.

Congresswoman Barbara Cubin (R-WY) offered an amendment requiring that the bill sunset in 2006 rather than 2015. The amendment was not agreed to by voice vote.

Mrs. Cubin offered another amendment requiring the federal government to dispose of property of equal value when acquiring an interest in land over 99 acres if acquired in a State with over 25 percent federal lands unless the Governor of that State certifies that the acquisition would provide significant benefits. The amendment was not agreed to by voice vote.

Congressman Rush D. Holt (D-NJ) offered an amendment changing the formula for distribution of stateside LWCF funds based on population density and percentage of public land. The amendment was withdrawn.

Congressman Ron Kind (D-WI) offered an amendment providing that when royalty receipts are less than \$3.135 billion, the federal government would not be able to reduce the amount of royalty required to be paid for covered oil or gas development. The amendment was withdrawn.

The bill, as amended, was then favorably reported to the House of Representatives by a rollcall vote of 29 to 12, as follows:

COMMITTEE ON RESOURCES

U.S. House of Representatives

107th Congress

Date: Wednesday, July 25, 2001

Convened: 10:00 a.m.

Adjourned: 3:35 p.m.

Meeting on: **Markup of H.R. 701, Conservation and Reinvestment Act**
Ordering H.R. 701 favorably reported to the House, amended

☐ Attendance

☐ Voice Vote

☒ Roll Call Vote

Total Yeas 29 Nays 12

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Hansen, UT, Chairman	✓			Mr. Jones, NC	✓		
<i>Mr. Rahall, WV</i>	✓			<i>Mr. Kind, WI</i>	✓		
Mr. Young, AK	✓			Mr. Thornberry, TX		✓	
<i>Mr. Miller, CA</i>	✓			<i>Mr. Inslee, WA</i>			
Mr. Tauzin, LA	✓			Mr. Cannon, UT	✓		
<i>Mr. Markey, MA</i>				<i>Mrs. Napolitano, CA</i>			
Mr. Saxton, NJ				Mr. Peterson, PA		✓	
<i>Mr. Kildee, MI</i>	✓			<i>Mr. Tom Udall, NM</i>	✓		
Mr. Gallegly, CA	✓			Mr. Schaffer, CO		✓	
<i>Mr. DeFazio, OR</i>	✓			<i>Mr. Mark Udall, CO</i>	✓		
Mr. Duncan, TN				Mr. Gibbons, NV		✓	
<i>Mr. Faleomavaega, AS</i>	✓			<i>Mr. Holt, NJ</i>	✓		
Mr. Hefley, CO	✓			Mr. Souder, IN	✓		
<i>Mr. Abercrombie, HI</i>	✓			<i>Mr. McGovern, MA</i>			
Mr. Gilchrest, MD	✓			Mr. Walden, OR		✓	
<i>Mr. Ortiz, TX</i>				<i>Mr. Acevedo-Vila, PR</i>			
Mr. Calvert, CA				Mr. Simpson, ID		✓	
<i>Mr. Pallone, NJ</i>	✓			<i>Ms. Solis, CA</i>	✓		
Mr. McInnis, CO	✓			Mr. Tancredo, CO	✓		
<i>Mr. Dooley, CA</i>	✓			<i>Mr. Carson, OK</i>			
Mr. Pombo, CA		✓		Mr. Hayworth, AZ		✓	
<i>Mr. Underwood, GU</i>	✓			<i>Ms. McCollum, MN</i>	✓		
Mrs. Cubin, WY		✓		Mr. Otter, ID		✓	
<i>Mr. Smith, WA</i>	✓			Mr. Osborne, NE		✓	
Mr. Radanovich, CA				Mr. Flake, AZ		✓	
<i>Ms. Christensen, VI</i>	✓			Mr. Rehberg, MT	✓		
				Total	29	12	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. Title I of H.R. 701 provides up to \$1 billion each year to create a revenue sharing and coastal conservation fund for coastal States and eligible local governments to mitigate the effects of outer continental shelf activities and for conservation of coastal ecosystems. Title II of the bill provides \$900 million to guarantee stable and annual funding for the Land and Water Conservation Fund. Title II of the bill provides up to \$350 million for game and nongame wildlife conservation and education. Title IV provides up to \$125 million to local governments to rehabilitate recreation areas and facilities. Title V provides up to \$150 million for historic preservation programs and \$10 million for maritime heritage programs. Title VI provides up to \$200 million for federal and Indian land restoration. Title VII of the bill provides up to \$150 million for conservation easements and landowner incentives to aid in the recovery of threatened and endangered species. Title VIII fully funds the Payment-in-Lieu of Taxes and Refuge Revenue Sharing programs at \$320 million and \$30 million, respectively.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to use royalties from Outer Continental Shelf oil and gas production to establish a fund to meet the outdoor conservation and recreation needs of the American people.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

LAND AND WATER CONSERVATION FUND ACT OF 1965

* * * * *

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

* * * * *

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the “fund”, the following revenues and collections:

(a) * * *

* * * * *

[(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$300,000,000 for fiscal year 1977, and \$900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

[(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.]

(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—*In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act.*

[SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.]

APPROPRIATIONS

SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than \$900,000,000 in any fiscal year after the fiscal year 2002. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2002 without further appropriation to carry out this Act.

(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

* * * * *

[ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE
AND FEDERAL PURPOSES]

[SEC. 5. ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 2 of this Act. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

- [(1) the National Park System;
- [(2) national scenic trails;
- [(3) the National Wilderness Preservation System;
- [(4) federally administered components of the National Wild and Scenic Rivers System; and
- [(5) national recreation areas administered by the Secretary of Agriculture.]

ALLOCATION OF FUNDS

SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

- (1) 50 percent shall be available for Federal purposes (in this Act referred to as the “Federal portion”); and*
- (2) 50 percent shall be available for grants to States.*

FINANCIAL ASSISTANCE TO STATES

SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) * * *

[(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year

shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

【(1) Forty per centum of the first \$225,000,000; thirty per centum of the next \$275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and

【(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

【(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

【(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

【(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.】

(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

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

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

(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount

allocated to the several States under paragraph (2) for that fiscal year.

(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

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

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

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

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

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

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

(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in clauses (1) and (3) of subsection (a).

(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.

(7)(A) Any amounts available in addition to those amounts made available under section 5 of the Conservation and Reinvestment Act in a fiscal year shall be available without further appropriation to the Secretary of the Interior to be distributed among the several States under a competitive grant program for State projects as authorized under section 6(e)(1) of national or regional significance involving one or more States.

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

(c) MATCHING REQUIREMENTS.—(1) Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(2) *The Secretary—*

(A) shall apply to the share of costs required to be borne by a State under paragraph (1) any portion of such costs paid with non-Federal funds provided by a person other than the State; and

(B) shall not apply to such State cost share the value of any in-kind contribution, other than contributions of services authorized under paragraph (1).

[(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act: *Provided*, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

[(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

[(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

[(3) a program for the implementation of the plan; and

[(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

[(The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

[(For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the

Director of the National Park Service, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act or, if such national plan has not been completed, consistent with the provisions of that section】

(d) *STATE ACTION AGENDA REQUIRED.*—(1) *Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the purposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the “State Action Agenda”) indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act, a State Action Agenda that meets the following requirements:*

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

(B) *The agenda must be updated at least once every 5 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.*

(2) *State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.*

(e) *PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.*—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the 【State comprehensive plan】 *State Action Agenda*:

(1) *ACQUISITION OF LAND AND WATERS.*—For the acquisition of land, waters, or interests in land or waters, or wetland areas and interests therein as identified in the wetlands provisions of the 【comprehensive plan】 *State Action Agenda* (other than land, waters, or interests in land or waters acquired from the

United States for less than fair market value)【, but not including incidental costs relating to acquisition】.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1984) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after the date of enactment of this proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities *or to enhance public safety within a designated park or recreation area*.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—

(1) * * *

* * * * *

(3)(A) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. 【The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and or reasonably equivalent usefulness and location.: *Provided*, That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.】

(B) *The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that*

wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

* * * * *

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 7. (a) * * *

* * * * *

(d) *USE OF FEDERAL PORTION.*—

(1) *APPROVAL BY CONGRESS REQUIRED.*—*The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.*

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

(A) *the owner of the property concurs in the acquisition;*

or

(B) *acquisition of that property is specifically approved by an Act of Congress.*

(e) *LIST OF PROPOSED FEDERAL ACQUISITIONS.*—

(1) *RESTRICTION ON USE.*—*The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.*

(2) *TRANSMISSION OF LIST.*—(A) *The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.*

(B) *In preparing each list under subparagraph (A), the Secretary shall—*

(i) *seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;*

(ii) *consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;*

(iii) *consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;*

(iv) *identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and*

(v) *establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.*

(C) *The Secretary of the Interior and the Secretary of Agriculture shall each—*

(i) *transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and*

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

(3) *INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—*

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

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

(f) *NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—*

(1) *in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—*

(A) *the land; or*

(B) *any part of any federally designated unit that includes the land;*

(2) *in writing to the Governor of the State in which the land is located;*

(3) *in writing to each State political subdivision having jurisdiction over the land; and*

(4) *by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.*

(g) *COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—*

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

(A) *All actions required under Federal law with respect to the acquisition have been complied with.*

(B) *A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.*

(C) *A notice of the availability of such statement or assessment and of such summary is provided to—*

(i) *each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;*

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

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

(2) *LIMITATION ON APPLICATION.*—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.

(h) *REQUIREMENTS FOR ACQUISITION OF LANDS IN MONTANA.*—The Secretary of the Interior and the Secretary of Agriculture shall jointly develop and issue a plan for acquisition and disposal of lands in the State of Montana that will result in consolidation of forest reserves created from the public domain and private inholdings within those reserves. The plan shall be designed to ensure that—

(1) acquisitions of lands with the Federal portion consolidate Federal ownership of lands in Montana under the administrative jurisdiction of the Department of the Interior and the Forest Service; and

(2) any increase in the total acreage of lands in Montana under those administrative jurisdictions that results from acquisitions of lands with the Federal portion is de minimis.

* * * * *

WATER RIGHTS

SEC. 14. *Nothing in this title—*

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

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

* * * * *

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT

* * * * *

SEC. 2. DEFINITIONS.

As used in this Act—

(1) * * *

(2) The term “Indian tribe”—

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

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

[(2)] (3) the term “Secretary” means the Secretary of the Interior;

[(3)] (4) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

[(4)] (5) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

[(5)] (6) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

[(6)] (7) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

[(7)] (8) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

[(8)] (9) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

SEC. 3. (a)(1) * * *

[(2)] There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the “Wildlife Conservation and Restoration Account”. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).】

(2) *There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the “wildlife conservation and restoration account”. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.*

* * * * *

(c)(1) * * *

(2) Funds may be used by a State [or an Indian tribe] for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

* * * * *

SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

(a) * * *

(b) APPORTIONMENT TO STATES.—The Secretary of the Interior, after deducting the available amount under subsection (a), the amount apportioned under [subsection (c)] *subsection (e)*, any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State’s fiscal or license year.

* * * * *

(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

(1) The Secretary of the Interior shall make the following apportionment from *amounts available each fiscal year from the Wildlife Conservation and Restoration Account*:

(A) * * *

* * * * *

(C) *To Indian tribes, a sum equal to not more than 2¹/₄ percent thereof, of which—*

(i) ¹/₃ shall be allocated based on the ratio to which the trust land area of each Indian tribe bears to the total trust land area of all Indian tribes; and

(ii) $\frac{2}{3}$ shall be allocated based on the ratio to which the population of each Indian tribe bears to the total population of all Indian tribes; except that no Indian tribe shall receive more than 5 per cent of the total amount made available in a fiscal year to Indian tribes under this subsection.

* * * * *

(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

(1) * * *

* * * * *

(5) For purposes of this subsection, the term “State” shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, [and] the Commonwealth of the Northern Mariana Islands, and, except for purposes of subsection (c)(2), each Indian tribe.

[(c)] (e) One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues and Guam, the Virgin Islands, American Samoa, Puerto Rico, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

(f) *TREATMENT OF APPORTIONMENTS TO INDIAN TRIBES.—For purposes of the treatment under this Act of amounts apportioned to Indian tribes under subsection (c)(1)(C), the term “State” includes an Indian tribe.*

* * * * *

SEC. 8. (a) * * *

(b) Each State may use the funds apportioned to it under [section 4(c)] *section 4(e)* to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public target ranges under this subsection.

* * * * *

SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

(a) IN GENERAL.—

(1) GRANTS.—Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002, and \$8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified

in ~~section 4(c)~~ *section 4(e)* by the Secretary of the Interior and used to make grants to the States to be used for—

(A) in the case of a State that has not used all of the funds apportioned to the State under ~~section 4(c)~~ *section 4(e)* for the fiscal year in the manner described in section 8(b)—

(i) * * *

* * * * *

(B) in the case of a State that has used all of the funds apportioned to the State under ~~section 4(c)~~ *section 4(e)* for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

* * * * *

URBAN PARK AND RECREATION RECOVERY ACT OF 1978

TITLE X—URBAN PARK AND RECREATION RECOVERY PROGRAM

SHORT TITLE

SEC. 1001. This title may be cited as the “Urban Park and Recreation Recovery Act of 1978”.

* * * * *

SEC. 1003. The purpose of this title is to authorize the Secretary to establish an urban park and recreation recovery program which would provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas, facilities, *development of new recreation areas and facilities, including the acquisition of lands for such development*, and development of improved recreation programs. This program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development Grant Programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this title. It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.

DEFINITIONS

SEC. 1004. When used in this title the term—

(a) * * *

* * * * *

(j) "State" means any State of the United States or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, and insular areas; **[and]**

(k) "insular areas" means Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands**[.]**;

(l) "development grants"—

(1) *subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and*

(2) *does not include routine maintenance, and upkeep activities; and*

(m) "Secretary" means the Secretary of the Interior.

SEC. 1005. **[**(a) Eligibility of general purpose local governments for assistance under this title shall be based upon need as determined by the Secretary. Within one hundred and twenty days after the effective date of this title, the Secretary shall publish in the Federal Register, a list of the local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. "Such criteria shall be based upon factors which the Secretary determines are related to deteriorated recreational facilities or systems, and physical and economic distress."**](a)** *Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:*

(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

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

* * * * *

[GRANTS TO IMPLEMENT PROGRAM

[SEC. 1006. (a) The Secretary is authorized to provide 70 per centum matching rehabilitation and innovative grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

[(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation and innovation grants may be transferred in whole or in part to independent special purpose local governments, private nonprofit agencies or county or regional park authorities: *Provided*, That assisted recreation areas and facilities owned or managed by them offer recreation opportunities to the general population within the jurisdictional boundaries of an eligible applicant.

[(2) Payments may be made only for those rehabilitation or innovative projects which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project, except that the Secretary may, when appropriate, make advance payments on approved rehabilitation and innovative projects in an amount not to exceed 20 per centum of the total project cost.]

GRANTS

SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

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

(A) such transfer is consistent with the approved application for the grant; and

(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.

[(3)] *(4) The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modification is necessary because of circumstances not foreseeable at the time a project was proposed.*

* * * * *

LOCAL COMMITMENTS TO SYSTEM RECOVERY AND MAINTENANCE

SEC. 1007. (a) As a requirement for project approval, local governments applying for assistance under this title shall submit to the Secretary evidence of their commitments to ongoing planning, development, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs which maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this title, this requirement may be satisfied by local government submissions of preliminary action programs which briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a five-year action program for park and recreation recovery that satisfactorily demonstrate:

*(1) * * **

(2) adequate planning for *development and* rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

* * * * *

STATE ACTION INCENTIVE

SEC. 1008. (a) *IN GENERAL.*—The Secretary is authorized to increase Federal implementation grants authorized in section 1006 by providing an additional match equal to the total match provided by a State of up to 15 per centum of total project costs. In no event may the Federal matching amount exceed 85 per centum of total project cost. [The Secretary shall further encourage the States to assist him in assuring that local recovery plans and programs are adequately implemented by cooperating with the Department of the Interior in monitoring local park and recreation recovery plans and programs and in assuring consistency of such plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.]

(b) *COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.*—(1) *The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.*

(2) *The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.*

* * * * *

[CONVERSION OF RECREATION PROPERTY

[SEC. 1010. No property improved or developed with assistance under this title shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the current local park and recreation recovery action program and only upon such conditions as he deems necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.]

CONVERSION OF RECREATION PROPERTY

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

(2) *Paragraph (1) shall apply to—*

(A) *property developed with amounts provided under this title; and*

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

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

(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

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

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

(2) in accord with the current recreation recovery action program of the grantee.

* * * * *

[AUTHORIZATION OF APPROPRIATIONS]

【SEC. 1013. (a) IN GENERAL.—There are hereby authorized to be appropriated for the purposes of this title, not to exceed \$150,000,000 for each of the fiscal years 1979 through 1982, and \$125,000,000 in fiscal year 1983, such sums to remain available until expended. Not more than 3 per centum of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c), and not more than 10 per centum may be used for innovation grants pursuant to section 6 of this title. Grants made under this title for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated in any fiscal year. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

【Notwithstanding any other provision of this Act, or any other law, or regulation, there is further authorized to be appropriated \$250,000 for each of the fiscal years 1979 through 1983, such sums to remain available until expended, to each of the insular areas. Such sums will not be subject to the matching provisions of this section, and may only be subject to such conditions, reports, plans, and agreements, if any, as determined by the Secretary.

【(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.】

TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

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

(1) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

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

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

(c) *LIMITATION ON USE FOR GRANT ADMINISTRATION.*—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.

* * * * *

【SUNSET AND REPORTING PROVISIONS

【SEC. 1015. (a) Within ninety days of the expiration of this authority, the Secretary shall report to the Congress on the overall impact of the urban park and recreation recovery program.】

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NATIONAL HISTORIC PRESERVATION ACT

* * * * *

TITLE I

* * * * *

SEC. 108. (a) To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the “fund”) in the Treasury of the United States.

【There shall be covered into such fund \$24,400,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980, and \$150,000,000 for fiscal year 1981 and \$150,000,000 for each of fiscal years 1982 through 2005, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided*, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.】

(b) *Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act in a fiscal year shall be deposited into the Fund and shall be available without further appropriation only to provide grants and other financial and technical assistance under this Act to States, Indian tribes, local governments, and other non-Federal governmental entities.*

(c) *At least one-half of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for*

preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.

* * * * *

SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.

* * * * *

SECTION 6 OF THE NATIONAL MARITIME HERITAGE ACT OF 1994

SEC. 6. FUNDING.

(a) * * *

(b) USE OF AMOUNTS FOR PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), of amounts available each fiscal year for the Program under [subsection (a)(1)(C)] *this section*—

(A) ½ shall be used for grants under section 4(b); and

(B) ½ shall be used for grants under section 4(c).

(2) USE FOR INTERIM PROJECTS.—Amounts available for the Program under [subsection (a)(1)(C)] *this section* that are the proceeds of any of the first 8 obsolete vessels in the National Defense Reserve Fleet that are sold or scrapped after July 1, 1994, under section 508 or 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. 1158 or 1160(i)) are available to the Secretary for grants for interim projects approved under section 4(j) of this Act.

(3) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Not more than 15 percent or \$500,000, whichever is less, of the amount available for the Program under [subsection (a)(1)(C)] *this section* for a fiscal year may be used for expenses of administering the Program.

* * * * *

(d) AVAILABILITY OF FUNDS FROM CONSERVATION AND REINVESTMENT ACT FUND.—Amounts transferred to the Secretary under section 5(b)(8) of the Conservation and Reinvestment Act shall be available until expended and without further appropriation to carry out the Program as provided in subsection (b).

[(d)] (e) TREATMENT OF AMOUNTS AVAILABLE.—Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

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