

In the House of Representatives, U. S.,

November 15 (legislative day, November 14), 2002.

Resolved, That the bill from the Senate (S. 990) entitled “An Act to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 101. Purpose.

Sec. 102. Endangered and threatened species recovery assistance.

TITLE II—COOPERATIVE REGIONAL CONSERVATION PROGRAM

Sec. 201. Cooperative Regional Conservation Program.

TITLE III—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND

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

TITLE IV—CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA

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

Sec. 402. Resurvey and notice of modified boundaries.

TITLE V—NUTRIA ERADICATION OR CONTROL

Sec. 501. Findings and purposes.

Sec. 502. Nutria eradication program.

Sec. 503. Report.

TITLE VI—ACQUISITION OF GARRETT ISLAND, MARYLAND

Sec. 601. Short title.

Sec. 602. Findings.

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

TITLE VII—OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION

Sec. 701. Short title.

Sec. 702. Findings.

Sec. 703. Definitions.

Sec. 704. Expansion of boundaries.

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

Sec. 706. Administration of Refuge Complex.

Sec. 707. Study of associated area.

Sec. 708. Authorization of appropriations.

TITLE VIII—BEAR RIVER MIGRATORY BIRD REFUGE CLAIMS SETTLEMENT

Sec. 801. Short title.

Sec. 802. Findings.

Sec. 803. Definitions.

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

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

Sec. 901. Short title.

Sec. 902. Findings.

Sec. 903. Definitions.

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

Sec. 905. Matching contributions requirements.

TITLE X—ACCOKEEK CREEK NATIONAL WILDLIFE REFUGE.

Sec. 1001. Accokeek National Wildlife Refuge Establishment.

TITLE XI—MISCELLANEOUS

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

TITLE XII—MARINE TURTLE CONSERVATION

Sec. 1201. Short title.

Sec. 1202. Findings and purposes.

Sec. 1203. Definitions.

Sec. 1204. Marine turtle conservation assistance.

Sec. 1205. Marine Turtle Conservation Fund.

Sec. 1206. Advisory group.

Sec. 1207. Authorization of appropriations.

1 **TITLE I—ENDANGERED AND**
 2 **THREATENED SPECIES STEW-**
 3 **ARDSHIP PROGRAM**

4 **SEC. 101. PURPOSE.**

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

7 *(1)(A) the endangered species of the United*
 8 *States;*

9 *(B) the threatened species of the United States;*
 10 *and*

11 *(C) the species of the United States that may be-*
 12 *come endangered species or threatened species if con-*
 13 *servation actions are not taken to conserve and pro-*
 14 *tect the species; and*

15 *(2) the habitats on which the species depend.*

16 **SEC. 102. ENDANGERED AND THREATENED SPECIES RECOV-**
 17 **ERY ASSISTANCE.**

18 *(a) IN GENERAL.—Section 13 of the Endangered Spe-*
 19 *cies Act of 1973 (87 Stat. 902) is amended to read as fol-*
 20 *lows:*

21 **“SEC. 13. ENDANGERED AND THREATENED SPECIES RECOV-**
 22 **ERY ASSISTANCE.**

23 *“(a) DEFINITIONS.—In this section:*

1 “(1) *CONSERVATION ENTITY*.—

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

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

8 “(i) *a sportsmen’s organization;*

9 “(ii) *an environmental organization;*

10 *and*

11 “(iii) *a land trust.*

12 “(2) *FARM OR RANCH*.—*The term ‘farm or*
13 *ranch’ means an area where there occurs an activity*
14 *with respect to which not less than \$1,000 in income*
15 *is derived from agricultural production within a cen-*
16 *sus year.*

17 “(3) *SMALL LANDOWNER*.—*The term ‘small*
18 *landowner’ means—*

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

21 “(i) *is used as a farm or ranch; and*

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

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

4 “(II) 160 acres of land; or
5 “(B) an individual who owns land in a
6 State that—

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

8 and

9 “(ii) has an acreage of not more than
10 160 acres.

11 “(4) *SPECIES AT RISK*.—The term ‘species at
12 risk’ means a species that has been identified by the
13 Secretary of the Interior and the Secretary of Com-
14 merce to be a candidate species for listing as an en-
15 dangered species or threatened species.

16 “(5) *SPECIES RECOVERY AGREEMENT*.—The
17 term ‘species recovery agreement’ means an endan-
18 gered and threatened species recovery agreement en-
19 tered into under subsection (c).

20 “(b) *ENDANGERED AND THREATENED SPECIES RE-*
21 *COVERY ASSISTANCE*.—

22 “(1) *FINANCIAL ASSISTANCE*.—The Secretary
23 may provide financial assistance to any person for
24 development and implementation of an endangered
25 and threatened species recovery agreement entered

1 *into by the Secretary and the person under subsection*
2 *(c) and carried out on real property referred to in*
3 *subsection (c)(2)(A).*

4 *“(2) PRIORITY.—In providing financial assist-*
5 *ance under this subsection, the Secretary shall give*
6 *priority to the development and implementation of*
7 *species recovery agreements that—*

8 *“(A) implement actions identified under re-*
9 *covery plans approved by the Secretary under*
10 *section 4(f);*

11 *“(B) have the greatest potential for contrib-*
12 *uting to the recovery of endangered species,*
13 *threatened species, or species at risk;*

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

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

18 *“(E) are proposed by small landowners.*

19 *“(3) PROHIBITION ON ASSISTANCE FOR RE-*
20 *QUIRED ACTIVITIES.—The Secretary shall not provide*
21 *financial assistance under this subsection for any ac-*
22 *tivity that is required—*

23 *“(A) by a permit issued under section*
24 *10(a)(1)(B);*

1 “(B) by an incidental taking statement pro-
2 vided under section 7(b)(4) (other than an inci-
3 dental taking statement with respect to a species
4 recovery agreement entered into by the Secretary
5 under subsection (c)); or

6 “(C) under another provision of this Act,
7 any Federal lease, permit, or law, or any State
8 lease, permit, or law.

9 “(4) PAYMENTS UNDER OTHER PROGRAMS.—

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

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

19 “(ii) the wetlands reserve program es-
20 tablished under subchapter C of that chap-
21 ter (16 U.S.C. 3837 et seq.);

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

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

5 “(B) *LIMITATION.—A person shall not re-*
6 *ceive financial assistance under a species recov-*
7 *ery agreement for any activity for which the per-*
8 *son receives a payment under a program referred*
9 *to in subparagraph (A) unless the species recov-*
10 *ery agreement imposes on the person a financial*
11 *or management obligation in addition to the ob-*
12 *ligations of the person under that program.*

13 “(c) *ENDANGERED AND THREATENED SPECIES RE-*
14 *COVERY AGREEMENTS.—*

15 “(1) *IN GENERAL.—In accordance with this sub-*
16 *section, the Secretary may enter into endangered and*
17 *threatened species recovery agreements.*

18 “(2) *REQUIRED TERMS.—The Secretary shall in-*
19 *clude in each species recovery agreement with a per-*
20 *son provisions that—*

21 “(A) *require the person—*

22 “(i) *to carry out on real property*
23 *owned or leased by the person, or on Fed-*
24 *eral or State land leased by the person, ac-*
25 *tivities (including, but not limited to, ac-*

1 *tivities that make water available, con-*
2 *sistent with applicable State water law (in-*
3 *cluding regulations); restore and manage*
4 *habitat; or control invasive species) that—*

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

7 *“(II) contribute to the recovery of*
8 *an endangered species, threatened spe-*
9 *cies, or species at risk; or*

10 *“(ii) to refrain from carrying out on*
11 *real property owned or leased by the person*
12 *otherwise lawful activities that would in-*
13 *hibit the recovery of an endangered species,*
14 *threatened species, or species at risk, includ-*
15 *ing, but not limited to, activities that would*
16 *result in habitat destruction or activities*
17 *that, consistent with applicable State water*
18 *law including regulations), directly reduce*
19 *the availability of water for such species;*

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

22 *“(C) specify species recovery goals for the*
23 *species recovery agreement, and activities for at-*
24 *taining the goals;*

1 “(D)(i) require the person to make demon-
2 strable progress in accomplishing the species re-
3 covery goals; and

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

6 “(E) specify actions to be taken by the Sec-
7 retary or the person to monitor the effectiveness
8 of the species recovery agreement in attaining the
9 species recovery goals;

10 “(F) require the person to notify the Sec-
11 retary if any right or obligation of the person
12 under the species recovery agreement is assigned
13 to any other person;

14 “(G) require the person to notify the Sec-
15 retary if any term of the species recovery agree-
16 ment is breached;

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

21 “(I) schedule the disbursement of financial
22 assistance provided under subsection (b) for im-
23 plementation of the species recovery agreement,
24 on an annual or other basis during the period in
25 which the species recovery agreement is in effect,

1 *based on the schedule for implementation re-*
2 *quired under subparagraph (D)(ii); and*

3 *“(J) provide that the Secretary shall, sub-*
4 *ject to paragraph (4)(C), terminate the species*
5 *recovery agreement if the person fails to carry*
6 *out the species recovery agreement.*

7 *“(3) REVIEW AND APPROVAL OF PROPOSED SPE-*
8 *CIES RECOVERY AGREEMENTS.—On submission by*
9 *any person of a proposed species recovery agreement*
10 *under this subsection, the Secretary shall—*

11 *“(A) review the proposed species recovery*
12 *agreement and determine whether the species re-*
13 *covery agreement—*

14 *“(i) complies with this subsection; and*

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

19 *“(B) propose to the person any additional*
20 *provisions that are necessary for the species re-*
21 *covery agreement to comply with this subsection;*
22 *and*

23 *“(C) if the Secretary determines that the*
24 *species recovery agreement complies with this*

1 *subsection, enter into the species recovery agree-*
2 *ment with the person.*

3 *“(4) MONITORING OF IMPLEMENTATION OF SPE-*
4 *CIES RECOVERY AGREEMENTS.—The Secretary*
5 *shall—*

6 *“(A) periodically monitor the implementa-*
7 *tion of each species recovery agreement;*

8 *“(B) based on the information obtained*
9 *from the monitoring, annually or otherwise dis-*
10 *burse financial assistance under this section to*
11 *implement the species recovery agreement as the*
12 *Secretary determines to be appropriate under the*
13 *species recovery agreement; and*

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

18 *“(i) propose 1 or more modifications to*
19 *the species recovery agreement that are nec-*
20 *essary to accomplish the species recovery*
21 *goals; or*

22 *“(ii) terminate the species recovery*
23 *agreement.*

24 *“(5) LIMITATION WITH RESPECT TO FEDERAL OR*
25 *STATE LAND.—The Secretary may enter into a species*

1 *recovery agreement with a person with respect to Fed-*
2 *eral or State land only if the United States or the*
3 *State, respectively, is a party to the species recovery*
4 *agreement.*

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

7 “(1) $\frac{1}{3}$ *shall be made available to provide finan-*
8 *cial assistance for development and implementation of*
9 *species recovery agreements by small landowners, sub-*
10 *ject to subparagraphs (A) through (E) of subsection*
11 *(b)(2);*

12 “(2) $\frac{1}{3}$ *shall be made available to provide finan-*
13 *cial assistance for development and implementation of*
14 *species recovery agreements on public land, subject to*
15 *subparagraphs (A) through (D) of subsection (b)(2);*
16 *and*

17 “(3) $\frac{1}{3}$ *shall be made available to provide finan-*
18 *cial assistance for development and implementation of*
19 *species recovery agreements, subject to subsection*
20 *(b)(2).*

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

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

4 “(d) *ENDANGERED AND THREATENED SPECIES RE-*
 5 *COVERY ASSISTANCE.—There is authorized to be appro-*
 6 *priated to carry out section 13 \$150,000,000 for each of*
 7 *fiscal years 2003 through 2007.”.*

8 (c) *CONFORMING AMENDMENT.—The table of contents*
 9 *in the first section of the Endangered Species Act of 1973*
 10 *(16 U.S.C. prec. 1531) is amended by striking the item re-*
 11 *lating to section 13 and inserting the following:*

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

12 **TITLE II—COOPERATIVE RE-**
 13 **REGIONAL CONSERVATION PRO-**
 14 **GRAM**

15 **SEC. 201. COOPERATIVE REGIONAL CONSERVATION PRO-**
 16 **GRAM.**

17 (a) *IN GENERAL.—The Partnerships for Wildlife Act*
 18 *(16 U.S.C. 3741 et seq.) is amended by adding at the end*
 19 *the following:*

20 **“SEC. 7106. COOPERATIVE REGIONAL CONSERVATION PRO-**
 21 **GRAM.**

22 “(a) *ESTABLISHMENT.—In consultation with appro-*
 23 *priate State, regional, and other units of government, the*
 24 *Secretary shall establish a competitive grant program, to*
 25 *be known as the ‘Cooperative Regional Conservation Pro-*

1 *gram*’ (referred to in this section as the ‘program’), to make
2 *grants to States or groups of States to pay the Federal share*
3 *determined under subsection (c)(4) of the costs of conserva-*
4 *tion of non-Federal land or water of regional or national*
5 *significance. Any water rights acquired under the program*
6 *shall be done so in compliance with the procedural and sub-*
7 *stantive requirements of the applicable State’s water laws,*
8 *and all interstate compacts and court decrees that may af-*
9 *fect water or water rights.*

10 “(b) *RANKING CRITERIA.*—*In selecting among appli-*
11 *cations for grants for projects under the program, the Sec-*
12 *retary shall—*

13 “(1) *rank projects according the extent to which*
14 *a proposed project will protect watersheds and impor-*
15 *tant scenic, cultural, recreational, fish, wildlife, and*
16 *other ecological resources; and*

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

19 “(A) *that seek to protect ecosystems;*

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

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

1 “(D) that are supported by communities
2 and individuals that are located in the imme-
3 diate vicinity of the proposed project or that
4 would be directly affected by the proposed
5 project; or

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

8 “(c) GRANTS TO STATES.—

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

14 “(2) SUBMISSION OF APPLICATIONS.—

15 “(A) IN GENERAL.—A State or group of
16 States may submit to the Secretary an applica-
17 tion for a grant under the program.

18 “(B) REQUIRED CONTENTS OF APPLICA-
19 TIONS.—Each application shall include—

20 “(i) a detailed description of each pro-
21 posed project;

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

24 “(I) planning;

25 “(II) administration;

1 “(III) property acquisition; and

2 “(IV) property management;

3 “(iii) a statement describing how the
4 project is of regional or national signifi-
5 cance; and

6 “(iv) a plan for stewardship of any
7 land or water, or interest in land or water,
8 including conservation easements, to be ac-
9 quired under the project.

10 “(3) SELECTION OF GRANT RECIPIENTS.—Not
11 later than 90 days after the date of receipt of an ap-
12 plication, the Secretary shall—

13 “(A) review the application; and

14 “(B)(i) notify the State or group of States
15 of the decision of the Secretary on the applica-
16 tion; and

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

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

21 “(A) in the case of a project to acquire an
22 interest in land or water that is not a perma-
23 nent conservation easement, not more than 50
24 percent of the costs of the project;

1 “(B) *in the case of a project to acquire a*
2 *permanent conservation easement, not more than*
3 *70 percent of the costs of the project; and*

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

7 “(5) *EFFECT OF INSUFFICIENCY OF FUNDS.—If*
8 *the Secretary determines that there are insufficient*
9 *funds available to make grants with respect to all ap-*
10 *plications that meet the requirements of this sub-*
11 *section, the Secretary shall give priority to those*
12 *projects that best meet the ranking criteria established*
13 *under subsection (b).*

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

23 “(d) *REPORT.—Not later than 60 days after the end*
24 *of each fiscal year, the Secretary shall submit to the Com-*
25 *mittee on Environment and Public Works of the Senate and*

1 *the Committee on Resources of the House of Representatives*
 2 *a report describing the grants made under this section, in-*
 3 *cluding an analysis of how projects were ranked under sub-*
 4 *section (b).*

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

7 “(1) *to carry out this section (other than sub-*
 8 *section (c)(6)) \$50,000,000 for each of fiscal years*
 9 *2003 through 2007; and*

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

12 (b) *CONFORMING AMENDMENT.—Section 7105(g)(2) of*
 13 *the Partnerships for Wildlife Act (16 U.S.C. 3744(g)(2)) is*
 14 *amended by striking “this chapter” and inserting “this sec-*
 15 *tion”.*

16 **TITLE III—CONSERVATION AND**
 17 **RESTORATION OF**
 18 **SHRUBLAND AND GRASSLAND**

19 **SEC. 301. CONSERVATION AND RESTORATION OF**
 20 **SHRUBLAND AND GRASSLAND.**

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

1 **“SEC. 7107. CONSERVATION AND RESTORATION OF**
 2 **SHRUBLAND AND GRASSLAND.**

3 *“(a) DEFINITIONS.—In this section:*

4 *“(1) CONSERVATION ACTIVITY.—The term ‘con-*
 5 *serva-tion activity’ means—*

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

7 *“(B) a prescribed burn;*

8 *“(C) the restoration of riparian habitat;*

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

11 *“(E) the reestablishment of native grasses;*
 12 *and*

13 *“(F) any other project or activity that re-*
 14 *stores or enhances habitat for endangered species,*
 15 *threatened species, or species at risk.*

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

19 *“(3) CONSERVATION ENTITY.—*

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

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

26 *“(i) a sportsmen’s organization;*

1 “(ii) an environmental organization;

2 and

3 “(iii) a land trust.

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

6 “(A) natural grassland or shrubland that
7 serves as habitat for endangered species, threat-
8 ened species, or species at risk, as determined by
9 the Secretary; or

10 “(B) other land that—

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

14 “(ii) if restored to natural grassland or
15 shrubland, would have the potential to serve
16 as habitat for endangered species, threat-
17 ened species, or species at risk, as deter-
18 mined by the Secretary.

19 “(5) ENDANGERED SPECIES.—The term ‘endan-
20 gered species’ has the meaning given the term in sec-
21 tion 3 of the Endangered Species Act of 1973 (16
22 U.S.C. 1532).

23 “(6) PERMIT HOLDER.—The term ‘permit holder’
24 means an individual who holds a grazing permit for

1 covered land that is the subject of a conservation
2 agreement.

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

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

10 “(9) THREATENED SPECIES.—The term ‘threat-
11 ened species’ has the meaning given the term in sec-
12 tion 3 of the Endangered Species Act of 1973 (16
13 U.S.C. 1532).

14 “(b) ESTABLISHMENT OF PROGRAM.—As soon as prac-
15 ticable after the date of enactment of this section, the Sec-
16 retary shall establish a conservation assistance program to
17 encourage the conservation and restoration of covered land.

18 “(c) CONSERVATION AGREEMENTS.—

19 “(1) IN GENERAL.—In carrying out the pro-
20 gram, the Secretary shall enter into a conservation
21 agreement with a landowner, permit holder, or con-
22 servation entity with respect to covered land under
23 which—

1 “(A) the Secretary shall award a grant to
2 the landowner, permit holder, or conservation en-
3 tity; and

4 “(B) the landowner, permit holder, or con-
5 servation entity shall use the grant to carry out
6 1 or more conservation activities on the covered
7 land that is the subject of the conservation agree-
8 ment.

9 “(2) PERMITTED ACTIVITIES.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), a conservation agreement may permit
12 on the covered land subject to the conservation
13 agreement—

14 “(i) operation of a managed grazing
15 system;

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

18 “(iii) fire rehabilitation; and

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

21 “(B) LIMITATION.—An activity described in
22 subparagraph (A) may be permitted only if the
23 activity contributes to maintaining the viability
24 of natural grass and shrub plant communities on

1 *the covered land subject to the conservation*
2 *agreement.*

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

4 “(1) *OTHER PAYMENTS NOT AFFECTED.*—A
5 *grant awarded to a landowner, permit holder, or con-*
6 *servation entity under this section shall be in addi-*
7 *tion to, and shall not affect, the total amount of pay-*
8 *ments that the landowner, permit holder, or conserva-*
9 *tion entity is eligible to receive under—*

10 “(A) *the conservation reserve program es-*
11 *tablished under subchapter B of chapter 1 of sub-*
12 *title D of title XII of the Food Security Act of*
13 *1985 (16 U.S.C. 3831 et seq.);*

14 “(B) *the wetlands reserve program estab-*
15 *lished under subchapter C of that chapter (16*
16 *U.S.C. 3837 et seq.);*

17 “(C) *the environmental quality incentives*
18 *program established under chapter 4 of subtitle*
19 *D of title XII of the Food Security Act of 1985*
20 *(16 U.S.C. 3839aa et seq.); or*

21 “(D) *the Wildlife Habitat Incentive Pro-*
22 *gram established under section 387 of the Fed-*
23 *eral Agriculture Improvement and Reform Act of*
24 *1996 (16 U.S.C. 3836a).*

1 “(2) *LIMITATION.*—A landowner, permit holder,
 2 or conservation entity shall not receive a grant under
 3 a conservation agreement for any activity for which
 4 the landowner, permit holder, or conservation entity
 5 receives a payment under a program referred to in
 6 paragraph (1) unless the conservation agreement im-
 7 poses on the landowner, permit holder, or conserva-
 8 tion entity a financial or management obligation in
 9 addition to the obligations of the landowner, permit
 10 holder, or conservation entity under that program.

11 “(e) *PROHIBITION ON ASSISTANCE FOR REQUIRED AC-*
 12 *TIVITIES.*—The Secretary shall not award a grant under
 13 this section for any activity that is required under Federal
 14 or State law.

15 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 16 authorized to be appropriated to carry out this section
 17 \$50,000,000 for each of fiscal years 2003 through 2007.”.

18 **TITLE IV—CIBOLA NATIONAL**
 19 **WILDLIFE REFUGE, CALIFORNIA**

20 **SEC. 401. REVOCATION OF PUBLIC LAND ORDER WITH RE-**
 21 **SPECT TO LANDS ERRONEOUSLY INCLUDED**
 22 **IN CIBOLA NATIONAL WILDLIFE REFUGE,**
 23 **CALIFORNIA.**

24 Public Land Order 3442, dated August 21, 1964, is
 25 revoked insofar as it applies to the following described

1 *lands: San Bernardino Meridian, T11S, R22E, sec. 6, all*
 2 *of lots 1, 16, and 17, and SE¹/₄ of SW¹/₄ in Imperial Coun-*
 3 *ty, California, aggregating approximately 140.32 acres.*

4 **SEC. 402. RESURVEY AND NOTICE OF MODIFIED BOUND-**
 5 **ARIES.**

6 *The Secretary of the Interior shall, by not later than*
 7 *6 months after the date of the enactment of this Act—*

8 *(1) resurvey the boundaries of the Cibola Na-*
 9 *tional Wildlife Refuge, as modified by the revocation*
 10 *under section 401;*

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

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

16 **TITLE V—NUTRIA ERADICATION**
 17 **OR CONTROL**

18 **SEC. 501. FINDINGS AND PURPOSES.**

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

20 *(1) Wetlands and tidal marshes of the Ches-*
 21 *apeake Bay and in Louisiana provide significant cul-*
 22 *tural, economic, and ecological benefits to the Nation.*

23 *(2) The South American nutria (*Myocastor**
 24 *coypus) is directly contributing to substantial marsh*

1 *loss in Maryland and Louisiana on Federal, State,*
2 *and private land.*

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

7 (4) *The nutria eradication and control pilot pro-*
8 *gram authorized by Public Law 105–322 is to develop*
9 *new and effective methods for eradication of nutria.*

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

15 **SEC. 502. NUTRIA ERADICATION PROGRAM.**

16 (a) *GRANT AUTHORITY.—The Secretary of the Interior*
17 *(in this title referred to as the “Secretary”), subject to the*
18 *availability of appropriations, may provide financial as-*
19 *sistance to the State of Maryland and the State of Lou-*
20 *isiana for a program to implement measures to eradicate*
21 *or control nutria and restore marshland damaged by nu-*
22 *tria.*

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

24 (1) *eradicate nutria in Maryland;*

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

3 (3) *restore marshland damaged by nutria.*

4 (c) *ACTIVITIES.—In the State of Maryland, the Sec-*
5 *retary shall require that the program consist of manage-*
6 *ment, research, and public education activities carried out*
7 *in accordance with the document published by the United*
8 *States Fish and Wildlife Service entitled “Eradication*
9 *Strategies for Nutria in the Chesapeake and Delaware Bay*
10 *Watersheds”, dated March 2002.*

11 (d) *COST SHARING.—*

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

15 (2) *IN-KIND CONTRIBUTIONS.—The non-Federal*
16 *share of the costs of the program may be provided in*
17 *the form of in-kind contributions of materials or serv-*
18 *ices.*

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

23 (f) *AUTHORIZATION OF APPROPRIATIONS.—For finan-*
24 *cial assistance under this section, there is authorized to be*
25 *appropriated to the Secretary \$4,000,000 for the State of*

1 *Maryland program and \$2,000,000 for the State of Lou-*
 2 *isiana program for each of fiscal years 2003, 2004, 2005,*
 3 *2006, and 2007.*

4 **SEC. 503. REPORT.**

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

8 *(1) give consideration to the 2002 report for the*
 9 *Louisiana Department of Wildlife and Fisheries titled*
 10 *“Nutria in Louisiana”, and the 2002 document enti-*
 11 *tled “Eradication Strategies for Nutria in the Ches-*
 12 *apeake and Delaware Bay Watersheds”; and*

13 *(2) develop, in cooperation with the State of*
 14 *Louisiana Department of Wildlife and Fisheries and*
 15 *the State of Maryland Department of Natural Re-*
 16 *sources, a long-term nutria control or eradication*
 17 *program, as appropriate, with the objective to signifi-*
 18 *cantly reduce and restore the damage nutria cause to*
 19 *coastal wetlands in the States of Louisiana and*
 20 *Maryland.*

21 **TITLE VI—ACQUISITION OF**
 22 **GARRETT ISLAND, MARYLAND**

23 **SEC. 601. SHORT TITLE.**

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

1 **SEC. 602. FINDINGS.**

2 *The Congress finds the following:*

3 (1) *Garrett Island, located at the mouth of the*
4 *Susquehanna River in Cecil County, Maryland, is a*
5 *microcosm of the geology and geography of the region,*
6 *including hard rock piedmont, coastal plain, and vol-*
7 *canic formations.*

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

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

12 (4) *Garrett Island contains significant archeo-*
13 *logical sites reflecting human history and prehistory*
14 *of the region.*

15 **SEC. 603. AUTHORITY TO ACQUIRE PROPERTY FOR INCLU-**
16 **SION IN THE BLACKWATER NATIONAL WILD-**
17 **LIFE REFUGE.**

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

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

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

4 (1) *To support the Delmarva Conservation Cor-*
 5 *ridor Demonstration Program.*

6 (2) *To conserve, restore, and manage habitats as*
 7 *necessary to contribute to the migratory bird popu-*
 8 *lations prevalent in the Atlantic Flyway.*

9 (3) *To conserve, restore, and manage the signifi-*
 10 *cant aquatic resource values associated with sub-*
 11 *merged land adjacent to the unit and to achieve the*
 12 *habitat objectives of the agreement known as the*
 13 *Chesapeake 2000 Agreement.*

14 (4) *To conserve the archeological resources on the*
 15 *unit.*

16 (5) *To provide public access to the unit in a*
 17 *manner that does not adversely impact natural re-*
 18 *sources on and around the unit.*

19 ***TITLE VII—OTTAWA NATIONAL***
 20 ***WILDLIFE REFUGE COMPLEX***
 21 ***EXPANSION***

22 ***SEC. 701. SHORT TITLE.***

23 *This title may be cited as the “Ottawa National Wild-*
 24 *life Refuge Complex Expansion and Detroit River Inter-*
 25 *national Wildlife Refuge Expansion Act”.*

1 **SEC. 702. FINDINGS.**

2 *The Congress finds the following:*

3 (1) *The western basin of Lake Erie, as part of*
4 *the Great Lakes ecosystem, the largest freshwater eco-*
5 *system on the face of the Earth, is vitally important*
6 *to the economic and environmental future of the*
7 *United States.*

8 (2) *Over the past three decades, the citizens and*
9 *governmental institutions of both the United States*
10 *and Canada have devoted increasing attention and*
11 *resources to the restoration of the water quality and*
12 *fisheries of the Great Lakes, including the western*
13 *basin. This increased awareness has been accom-*
14 *panied by a gradual shift to a holistic “ecosystem ap-*
15 *proach” that highlights a growing recognition that*
16 *shoreline areas—the nearshore terrestrial eco-*
17 *systems—are an integral part of the western basin*
18 *and the Great Lakes ecosystem as a whole.*

19 (3) *The Great Lakes account for more than 90*
20 *percent of the surface freshwater in the nation. The*
21 *western basin receives approximately 90 percent of its*
22 *flow from the Detroit River and only approximately*
23 *10 percent from tributaries.*

24 (4) *The western basin of Lake Erie is an impor-*
25 *tant ecosystem that includes a number of distinct is-*

1 *lands, channels, rivers, and shoals that support dense*
2 *populations of fish, wildlife, and aquatic plants.*

3 (5) *The coastal wetlands of Lake Erie support*
4 *the largest diversity of plant and wildlife species in*
5 *the Great Lakes. The moderate climate of Lake Erie*
6 *and its more southern latitude allow for many species*
7 *that are not found in or along the northern Great*
8 *Lakes. More than 300 species of plants, including 37*
9 *significant species, have been identified in the aquatic*
10 *and wetland habitats of the western basin.*

11 (6) *The shallow western basin of Lake Erie, from*
12 *the Lower Detroit River to Sandusky Bay, is home to*
13 *the largest concentration of marshes in Lake Erie, in-*
14 *cluding Mouille, Metzger, and Magee marshes, the*
15 *Maumee Bay wetland complex, the wetland complexes*
16 *flanking Locust Point, and the wetlands in Sandusky*
17 *Bay. The larger United States islands in western*
18 *Lake Erie have wetlands in their small embayments.*

19 (7) *The wetlands in the western basin of Lake*
20 *Erie comprise as some of the most important water-*
21 *fowl habitat in the Great Lakes. Waterfowl, wading*
22 *birds, shore birds, gulls and terns, raptors, and perch-*
23 *ing birds all use the western basin wetlands for mi-*
24 *gration, nesting, and feeding. Hundreds of thousands*
25 *of diving ducks stop to rest in the Lake Erie area on*

1 *their fall migration from Canada to the east and*
2 *south. The wetlands of the western basin of Lake Erie*
3 *provide a major stopover for ducks such as migrating*
4 *bufflehead, common goldeneye, common mergansers,*
5 *and ruddy duck.*

6 (8) *The international importance of Lake Erie is*
7 *manifested in the United States congressional des-*
8 *ignation of the Ottawa and Cedar Point National*
9 *Wildlife Refuges.*

10 (9) *Lake Erie has an international reputation*
11 *for walleye, perch, and bass fishing, recreational boat-*
12 *ing, birding, photography, and duck hunting. On an*
13 *economic basis, Lake Erie tourism accounts for an es-*
14 *timated \$1,500,000,000 in retail sales and more than*
15 *50,000 jobs.*

16 (10) *Many of the 417,000 boats that are reg-*
17 *istered in Ohio are used in the western basin of Lake*
18 *Erie, in part to fish for the estimated 10,000,000*
19 *walleye that migrate from other areas of the lake to*
20 *spawn. This internationally renowned walleye fishery*
21 *drives much of Ohio's \$2,000,000,000 sport fishing in-*
22 *dustry.*

23 (11) *Coastal wetlands in the western basin of*
24 *Lake Erie have been subjected to intense pressure for*
25 *150 years. Prior to 1850, the western basin was part*

1 of an extensive coastal marsh and swamp system of
2 approximately 122,000 hectares that comprised a por-
3 tion of the Great Black Swamp. By 1951, only 12,407
4 wetland hectares remained in the western basin. Half
5 of that acreage was destroyed between 1972 and 1987.
6 Therefore, today only approximately 5,000 hectares
7 remain. Along the Michigan shoreline, coastal wet-
8 lands were reduced by 62 percent between 1916 and
9 the early 1970s. The development of the city of Mon-
10 roe, Michigan, has had a particularly significant im-
11 pact on the coastal wetlands at the mouth of the Rai-
12 sin River: only approximately 100 hectares remain
13 physically unaltered today in an area where 70 years
14 ago marshes were 10 times more extensive. In addi-
15 tion to the actual loss of coastal wetland acreage
16 along the shores of Lake Erie, the quality of many re-
17 maining diked wetlands has been degraded by numer-
18 ous stressors, especially excessive loadings of sediments
19 and nutrients, contaminants, shoreline modification,
20 exotic species, and the diking of wetlands. Protective
21 peninsula beach systems, such as the former Bay
22 Point and Woodtick, at the border of Ohio and Michi-
23 gan near the mouth of the Ottawa River and Maumee
24 Bay, have been eroded over the years, exacerbating

1 erosion along the shorelines and impacting the breed-
2 ing and spawning grounds.

3 **SEC. 703. DEFINITIONS.**

4 For purposes of this title:

5 (1) The term “Refuge Complex” means the Ot-
6 tawa National Wildlife Refuge Complex and the lands
7 and waters therein, as described in the document enti-
8 tled “The Comprehensive Conservation Plan for the
9 Ottawa National Wildlife Refuge Complex” and dated
10 September 22, 2000, including Ottawa National
11 Wildlife Refuge, West Sister Island National Wildlife
12 Refuge, and Cedar Point National Wildlife Refuge.

13 (2) The term “Secretary” means the Secretary of
14 the Interior.

15 (3) The term “International Refuge” means the
16 Detroit River International Wildlife Refuge estab-
17 lished by the Detroit River International Wildlife Ref-
18 uge Establishment Act (Public Law 107–91).

19 **SEC. 704. EXPANSION OF BOUNDARIES.**

20 (a) **REFUGE COMPLEX BOUNDARIES.**—

21 (1) **EXPANSION.**—The boundaries of the Refuge
22 Complex are expanded to include lands and waters in
23 the State of Ohio from the eastern boundary of
24 Maumee Bay State Park to the eastern boundary of
25 the Darby Unit, including the Bass Island archi-

1 *ing conservation easements), within the boundaries of the*
2 *Refuge Complex as expanded by this title. No such lands,*
3 *waters, or interests therein may be acquired without the*
4 *consent of the owner thereof.*

5 **(b) TRANSFERS FROM OTHER AGENCIES.**—*Any Fed-*
6 *eral property located within the boundaries of the Refuge*
7 *Complex, as expanded by this title, that is under the admin-*
8 *istrative jurisdiction of a department or agency of the*
9 *United States other than the Department of the Interior*
10 *may, with the concurrence of the head of administering de-*
11 *partment or agency, be transferred without consideration*
12 *to the administrative jurisdiction of the Secretary for the*
13 *purposes of this title.*

14 **SEC. 706. ADMINISTRATION OF REFUGE COMPLEX.**

15 **(a) IN GENERAL.**—*The Secretary shall administer all*
16 *federally owned lands, waters, and interests therein that are*
17 *within the boundaries of the Refuge Complex, as expanded*
18 *by this title, in accordance with the National Wildlife Ref-*
19 *uge System Administration Act of 1966 (16 U.S.C. 668dd*
20 *et seq.) and this title. The Secretary may use such addi-*
21 *tional statutory authority as may be available for the con-*
22 *servation of fish and wildlife, and the provision of fish and*
23 *wildlife dependent recreational opportunities as the Sec-*
24 *retary considers appropriate to implement this title.*

1 **(b) ADDITIONAL PURPOSES.**—*In addition to the pur-*
2 *poses of the Refuge Complex under other laws, regulations,*
3 *executive orders, and comprehensive conservation plans, the*
4 *Refuge Complex shall be managed for the following pur-*
5 *poses:*

6 **(1)** *To strengthen and complement existing re-*
7 *source management, conservation, and education pro-*
8 *grams and activities at the Refuge Complex in a*
9 *manner consistent with the primary purpose of the*
10 *Refuge Complex to provide major resting, feeding,*
11 *and wintering habitats for migratory birds and other*
12 *wildlife, and to enhance national resource conserva-*
13 *tion and management in the western basin of Lake*
14 *Erie.*

15 **(2)** *To conserve, enhance, and restore the native*
16 *aquatic and terrestrial community characteristics of*
17 *the western basin of Lake Erie (including associated*
18 *fish, wildlife, and plant species), both in the United*
19 *States and Canada in partnership with nongovern-*
20 *mental and private organizations, as well as private*
21 *individuals dedicated to habitat enhancement.*

22 **(3)** *To facilitate partnerships among the United*
23 *States Fish and Wildlife Service, Canadian national*
24 *and provincial authorities, State and local govern-*
25 *ments, local communities in the United States and in*

1 *Canada, conservation organizations, and other non-*
2 *Federal entities to promote public awareness of the re-*
3 *sources of the western basin of Lake Erie.*

4 *(4) To advance the collective goals and priorities*
5 *established in the “Great Lakes Strategy 2002—A*
6 *Plan for the New Millennium”, by the United States*
7 *Policy Committee comprised of various Federal agen-*
8 *cies, including the United States Fish and Wildlife*
9 *Service, the National Oceanic and Atmospheric Ad-*
10 *ministration, the United States Geological Survey,*
11 *the Forest Service, and the Great Lakes Fishery Com-*
12 *mission, as well as the State governments and tribal*
13 *governments in the Great Lakes. These goals, broadly*
14 *stated, include working together to protect and restore*
15 *the chemical, physical, and biological integrity of the*
16 *Great Lakes basin ecosystem.*

17 *(c) PRIORITY USES.—In providing opportunities for*
18 *compatible fish and wildlife dependent recreation, the Sec-*
19 *retary, in accordance with paragraphs (3) and (4) of sec-*
20 *tion 4(a) of the National Wildlife Refuge System Adminis-*
21 *tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that*
22 *hunting, fishing, wildlife observation and photography, and*
23 *environmental education and interpretation are the pri-*
24 *ority public uses of the Refuge Complex.*

1 (d) *COOPERATIVE AGREEMENTS REGARDING NON-*
2 *FEDERAL LANDS.*—*The Secretary may enter into coopera-*
3 *tive agreements with the State of Ohio or the State of Michi-*
4 *gan, or any political subdivision thereof, and with any*
5 *other person or entity for the management in a manner*
6 *consistent with this title of lands that are owned by such*
7 *State, subdivision, or other person or entity and located*
8 *within the boundaries of the Refuge Complex and to pro-*
9 *mote public awareness of the resources of the western basin*
10 *of Lake Erie and encourage public participation in the con-*
11 *servation of those resources.*

12 (e) *USE OF EXISTING GREENWAY AUTHORITY.*—*The*
13 *Secretary shall encourage the State of Ohio to use existing*
14 *authorities under the Transportation Equity Act for the*
15 *21st Century to provide funding for acquisition and devel-*
16 *opment of trails within the boundaries of the Refuge Com-*
17 *plex.*

18 **SEC. 707. STUDY OF ASSOCIATED AREA.**

19 (a) *IN GENERAL.*—*The Secretary, acting through the*
20 *Director of the United States Fish and Wildlife Service,*
21 *shall conduct a study of fish and wildlife habitat and aquat-*
22 *ic and terrestrial communities of the 2 dredge spoil disposal*
23 *sites referred to by the Toledo-Lucas County Port Authority*
24 *as Port Authority Facility Number Three and Grassy Is-*

1 *land, located within Toledo Harbor near the mouth of the*
2 *Maumee River.*

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

7 **SEC. 708. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated to the Depart-*
9 *ment of the Interior—*

10 (1) *such sums as may be necessary for the acqui-*
11 *sition of lands and waters within the Refuge Com-*
12 *plex;*

13 (2) *such sums as may be necessary for the devel-*
14 *opment, operation, and maintenance of the Refuge*
15 *Complex; and*

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

18 **TITLE VIII—BEAR RIVER MIGRA-**
19 **TORY BIRD REFUGE CLAIMS**
20 **SETTLEMENT**

21 **SEC. 801. SHORT TITLE.**

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

24 **SEC. 802. FINDINGS.**

25 *The Congress finds the following:*

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

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

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

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

24 (5) *The Secretary and the State have expressed*
25 *their intentions to establish a mutually agreed upon*

1 *procedure to address the conflicting claims to owner-*
 2 *ship of the lands and interests in land within the Ref-*
 3 *uge.*

4 **SEC. 803. DEFINITIONS.**

5 *In this title:*

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

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

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

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

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

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

1 (1) *Nothing in the agreement shall be construed*
2 *to impose upon the State or any of agency of the*
3 *State any obligation to convey to the United States*
4 *any interest in water owned or controlled by the*
5 *State, except upon appropriate terms and for ade-*
6 *quate consideration.*

7 (2) *Nothing in the agreement shall constitute ad-*
8 *mission or denial of the United States claim to a*
9 *Federal reserved water right.*

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

18 (4) *Nothing in the agreement shall affect juris-*
19 *diction by the State or the United States Fish and*
20 *Wildlife Service over wildlife resources management,*
21 *including fishing, hunting and trapping, within the*
22 *Refuge.*

23 (5) *If the State elects to bring suit against the*
24 *United States challenging the validity of the deed*

1 *issued pursuant to the agreement, and if such suit is*
2 *successful in invalidating such deed, the State will—*

3 *(A) pay the United States for the fair mar-*
4 *ket value of all real property improvements on*
5 *the property at the time of invalidation, such as*
6 *dikes, water control structures and buildings;*

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

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

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

23 *(b) WETLANDS AND WILDLIFE PROTECTION PRO-*
24 *GRAMS.—*

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

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

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

15 (B) *Enhancement and acquisition of wild-*
16 *life habitat in and near the Great Salt Lake.*

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

21 (1) *\$2,000,000 for the development, improve-*
22 *ment, and expansion of the James V. Hansen Sho-*
23 *shone Trail.*

1 (2) \$1,000,000 for the development, improve-
2 ment, and expansion of the Ogden-Weber Trail Sys-
3 tem.

4 (3) \$1,000,000 for the non-motorized trails pro-
5 gram managed by the Utah State Division of Parks
6 and Recreation.

7 (4) \$1,000,000 for the preservation, reclamation,
8 enhancement, and conservation of streams in the
9 State of Utah.

10 (d) *COORDINATION OF PROJECTS.*—The Executive Di-
11 rector of the Utah Department of Natural Resources shall
12 seek to maximize the use of funds under subsections (b) and
13 (c) through coordination with nonprofit organizations, Fed-
14 eral agencies, other agencies of the State, and local govern-
15 ments, and shall give priority to those projects under such
16 subsections that include Federal, State, or private matching
17 funds.

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

1 **TITLE IX—EDUCATION AND AD-**
2 **MINISTRATIVE CENTER AT**
3 **BEAR RIVER MIGRATORY**
4 **BIRD REFUGE, UTAH**

5 **SEC. 901. SHORT TITLE.**

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

8 **SEC. 902. FINDINGS.**

9 *The Congress finds the following:*

10 *(1) The Bear River marshes have been a histor-*
11 *ical waterfowl oasis and an important inland water-*
12 *fowl flyway for thousands of years.*

13 *(2) The Congress created the Bear River Migra-*
14 *tory Bird Refuge as one of the first National Wildlife*
15 *Refuges, for the purpose of protecting waterfowl habi-*
16 *tat and migratory birds, educating the public regard-*
17 *ing, and enhancing public appreciation of, waterfowl*
18 *habitat and migratory birds.*

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

22 *(4) Refuge employees, aided by volunteers, have*
23 *taken valiant actions to rebuild the Refuge by restor-*
24 *ing habitat, increasing its attractiveness to waterfowl,*

1 *reducing waterfowl botulism, and providing rec-*
2 *reational and educational opportunities to the public.*

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

5 (6) *The creation of such a facility would signifi-*
6 *cantly enhance public appreciation of waterfowl and*
7 *the need to preserve waterfowl habitat.*

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

11 **SEC. 903. DEFINITIONS.**

12 *For the purpose of this title, the following definitions*
13 *apply:*

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

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

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

1 **SEC. 904. AUTHORIZATION OF CONSTRUCTION OF THE EDU-**
2 **CATION CENTER.**

3 (a) *CONSTRUCTION.*—*The Secretary shall construct the*
4 *Education and Administrative Center at the Refuge for the*
5 *purposes of providing for the interpretation of resources of*
6 *the Refuge for the education and benefit of the public, for*
7 *the advancement of research, protection, and health of wa-*
8 *terfowl habitat, and for the administration of the Bear*
9 *River Migratory Bird Refuge.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
11 *authorized to be appropriated \$11,000,000 to carry out sub-*
12 *section (a).*

13 **SEC. 905. MATCHING CONTRIBUTIONS REQUIREMENTS.**

14 (a) *DONATION OF FUNDS AND SERVICES.*—*The Sec-*
15 *retary may accept donations of funds and services from*
16 *nonprofit organizations, State and local governments, and*
17 *private citizens for the construction of the Education and*
18 *Administrative Center.*

19 (b) *MATCHING FUNDS.*—*The Secretary may not re-*
20 *quire matching funds or contributions in kind with a com-*
21 *bined total value of more than \$1,500,000 for construction*
22 *of the Education and Administrative Center.*

1 **TITLE X—ACCOKEEK CREEK**
2 **NATIONAL WILDLIFE REFUGE**

3 **SEC. 1001. ACCOKEEK CREEK NATIONAL WILDLIFE REFUGE**
4 **ESTABLISHMENT.**

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

8 (b) *ESTABLISHMENT.*—*The Secretary of the Interior*
9 *(in this section referred to as the “Secretary”) shall estab-*
10 *lish the Accokeek Creek National Wildlife Refuge. The refuge*
11 *shall consist of any lands and waters owned or managed*
12 *by the Secretary and located within the refuge acquisition*
13 *boundary depicted on a map entitled “Accokeek Creek Na-*
14 *tional Wildlife Refuge, Land Acquisition Boundary, Staf-*
15 *ford County, Virginia” and dated August 2000.*

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

18 (1) *To provide long-term protection of eco-*
19 *logically unique habitats of the peninsula between*
20 *Accokeek and Potomac Creeks in Stafford County,*
21 *Virginia, known as the Crow’s Nest, and certain adja-*
22 *cent property that supports numerous species of*
23 *neotropical migratory birds, waterfowl, and sport and*
24 *commercial fish, and numerous rare and endangered*
25 *plant species.*

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

4 (d) *ACQUISITION.—*

5 (1) *IN GENERAL.—(A) The Secretary may ac-*
6 *quire by donation, purchase with donated or appro-*
7 *priated funds, or exchange the lands and waters, or*
8 *interests therein (including conservation easements),*
9 *within the boundaries of the Refuge.*

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

13 (2) *TRANSFERS FROM OTHER AGENCIES.—The*
14 *head of any Federal agency having administrative ju-*
15 *risdiction over Federal property located within the*
16 *boundaries of the Refuge may, with the approval of*
17 *the Secretary, transfer such property without consid-*
18 *eration to the administrative jurisdiction of the Sec-*
19 *retary for inclusion in the Refuge.*

20 (e) *ADMINISTRATION.—*

21 (1) *IN GENERAL.—The Secretary shall admin-*
22 *ister all federally owned lands, waters, and interests*
23 *therein that are within the boundaries of the Refuge*
24 *in accordance with the National Wildlife Refuge Sys-*
25 *tem Administration Act of 1966 (16 U.S.C. 668dd et*

1 *seq.) and this section. The Secretary may use such ad-*
 2 *ditional statutory authority as may be available for*
 3 *the conservation of fish and wildlife, and the provi-*
 4 *sion of fish and wildlife dependent recreational oppor-*
 5 *tunities, as the Secretary considers appropriate to*
 6 *carry out the purposes described in subsection (c).*

7 (2) *PRIORITY USES.—In providing opportunities*
 8 *for compatible fish and wildlife dependent recreation,*
 9 *the Secretary, in accordance with paragraphs (3) and*
 10 *(4) of section 4(a) of the National Wildlife Refuge*
 11 *System Administration Act of 1966 (16 U.S.C.*
 12 *668dd(a)), shall ensure that hunting, fishing, wildlife*
 13 *observation and photography, and environmental edu-*
 14 *cation and interpretation are the priority public uses*
 15 *of the Refuge.*

16 **TITLE XI—MISCELLANEOUS**

17 **SEC. 1101. AMENDMENTS TO THE NATIONAL FISH AND** 18 **WILDLIFE FOUNDATION ESTABLISHMENT** 19 **ACT.**

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

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

6 **TITLE XII—MARINE TURTLE**
 7 **CONSERVATION**

8 **SEC. 1201. SHORT TITLE.**

9 This title may be cited as the “Marine Turtle Con-
 10 servation Act of 2002”.

11 **SEC. 1202. FINDINGS AND PURPOSES.**

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

13 (1) *marine turtle populations have declined to*
 14 *the point that the long-term survival of the logger-*
 15 *head, green, hawksbill, Kemp’s ridley, olive ridley,*
 16 *and leatherback turtle in the wild is in serious jeop-*
 17 *ardy;*

18 (2) *6 of the 7 recognized species of marine turtles*
 19 *are listed as threatened or endangered species under*
 20 *the Endangered Species Act of 1973 (16 U.S.C. 1531*
 21 *et seq.), and all 7 species have been included in Ap-*
 22 *pendix I of CITES;*

23 (3) *because marine turtles are long-lived, late-*
 24 *maturing, and highly migratory, marine turtles are*

1 *particularly vulnerable to the impacts of human ex-*
2 *ploitation and habitat loss;*

3 (4) *illegal international trade seriously threatens*
4 *wild populations of some marine turtle species, par-*
5 *ticularly the hawksbill turtle;*

6 (5) *the challenges facing marine turtles are im-*
7 *mense, and the resources available have not been suffi-*
8 *cient to cope with the continued loss of nesting habi-*
9 *tats caused by human activities and the consequent*
10 *diminution of marine turtle populations;*

11 (6) *because marine turtles are flagship species*
12 *for the ecosystems in which marine turtles are found,*
13 *sustaining healthy populations of marine turtles pro-*
14 *vides benefits to many other species of wildlife, in-*
15 *cluding many other threatened or endangered species;*

16 (7) *marine turtles are important components of*
17 *the ecosystems that they inhabit, and studies of wild*
18 *populations of marine turtles have provided impor-*
19 *tant biological insights;*

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

23 (9) *the reduction, removal, or other effective ad-*
24 *ressing of the threats to the long-term viability of*

1 *populations of marine turtles will require the joint*
 2 *commitment and effort of—*

3 *(A) countries that have within their bound-*
 4 *aries marine turtle nesting habitats; and*

5 *(B) persons with expertise in the conserva-*
 6 *tion of marine turtles.*

7 *(b) PURPOSE.—The purpose of this title is to assist*
 8 *in the conservation of marine turtles and the nesting habi-*
 9 *tats of marine turtles in foreign countries by supporting*
 10 *and providing financial resources for projects to conserve*
 11 *the nesting habitats, conserve marine turtles in those habi-*
 12 *tats, and address other threats to the survival of marine*
 13 *turtles.*

14 **SEC. 1203. DEFINITIONS.**

15 *In this title:*

16 *(1) CITES.—The term “CITES” means the*
 17 *Convention on International Trade in Endangered*
 18 *Species of Wild Fauna and Flora (27 UST 1087;*
 19 *TIAS 8249).*

20 *(2) CONSERVATION.—The term “conservation”*
 21 *means the use of all methods and procedures nec-*
 22 *essary to protect nesting habitats of marine turtles in*
 23 *foreign countries and of marine turtles in those habi-*
 24 *tats, including—*

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

3 (B) onsite research and monitoring of nest-
4 ing populations, nesting habitats, annual repro-
5 duction, and species population trends;

6 (C) assistance in the development, imple-
7 mentation, and improvement of national and re-
8 gional management plans for nesting habitat
9 ranges;

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

12 (i) protect and manage nesting popu-
13 lations and nesting habitats; and

14 (ii) prevent illegal trade of marine tur-
15 tles;

16 (E) training of local law enforcement offi-
17 cials in the interdiction and prevention of—

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

20 (ii) illegal trade in marine turtles;

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

24 (G) community outreach and education;
25 and

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

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

6 (4) *MARINE TURTLE.*—

7 (A) *IN GENERAL.*—*The term “marine tur-*
8 *tle” means any member of the family*
9 *Cheloniidae or Dermochelyidae.*

10 (B) *INCLUSIONS.*—*The term “marine tur-*
11 *tle” includes—*

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

15 (ii) *a carcass of such a turtle.*

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

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

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

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

8 (b) *PROJECT PROPOSALS.*—

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

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

17 (B) any other person or group with the
18 demonstrated expertise required for the conserva-
19 tion of marine turtles.

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

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

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

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

3 (D) a description of—

4 (i) methods for project implementation
5 and outcome assessment;

6 (ii) staff and community management
7 for the project; and

8 (iii) the logistics of the project;

9 (E) an estimate of the funds and time re-
10 quired to complete the project;

11 (F) evidence of support for the project by
12 appropriate governmental entities of the coun-
13 tries in which the project will be conducted, if
14 the Secretary determines that such support is re-
15 quired for the success of the project;

16 (G) information regarding the source and
17 amount of matching funding available for the
18 project; and

19 (H) any other information that the Sec-
20 retary considers to be necessary for evaluating
21 the eligibility of the project for funding under
22 this title.

23 (c) *PROJECT REVIEW AND APPROVAL.*—

24 (1) *IN GENERAL.*—The Secretary shall—

1 (A) not later than 30 days after receiving a
2 project proposal, provide a copy of the proposal
3 to other Federal officials, as appropriate; and

4 (B) review each project proposal in a timely
5 manner to determine whether the proposal meets
6 the criteria specified in subsection (d).

7 (2) CONSULTATION; APPROVAL OR DIS-
8 APPROVAL.—Not later than 180 days after receiving
9 a project proposal, and subject to the availability of
10 funds, the Secretary, after consulting with other Fed-
11 eral officials, as appropriate, shall—

12 (A) consult on the proposal with the govern-
13 ment of each country in which the project is to
14 be conducted;

15 (B) after taking into consideration any
16 comments resulting from the consultation, ap-
17 prove or disapprove the project proposal; and

18 (C) provide written notification of the ap-
19 proval or disapproval to the person that sub-
20 mitted the project proposal, other Federal offi-
21 cials, and each country described in subpara-
22 graph (A).

23 (d) CRITERIA FOR APPROVAL.—The Secretary may
24 approve a project proposal under this section if the project
25 will help recover and sustain viable populations of marine

1 *turtles in the wild by assisting efforts in foreign countries*
2 *to implement marine turtle conservation programs.*

3 *(e) PROJECT SUSTAINABILITY.—To the maximum ex-*
4 *tent practicable, in determining whether to approve project*
5 *proposals under this section, the Secretary shall give pref-*
6 *erence to conservation projects that are designed to ensure*
7 *effective, long-term conservation of marine turtles and their*
8 *nesting habitats.*

9 *(f) MATCHING FUNDS.—In determining whether to ap-*
10 *prove project proposals under this section, the Secretary*
11 *shall give preference to projects for which matching funds*
12 *are available.*

13 *(g) PROJECT REPORTING.—*

14 *(1) IN GENERAL.—Each person that receives as-*
15 *sistance under this section for a project shall submit*
16 *to the Secretary periodic reports (at such intervals as*
17 *the Secretary may require) that include all informa-*
18 *tion that the Secretary, after consultation with other*
19 *government officials, determines is necessary to evalu-*
20 *ate the progress and success of the project for the pur-*
21 *poses of ensuring positive results, assessing problems,*
22 *and fostering improvements.*

23 *(2) AVAILABILITY TO THE PUBLIC.—Reports*
24 *under paragraph (1), and any other documents relat-*
25 *ing to projects for which financial assistance is pro-*

1 *vided under this title, shall be made available to the*
2 *public.*

3 **SEC. 1205. MARINE TURTLE CONSERVATION FUND.**

4 *(a) ESTABLISHMENT.—There is established in the Mul-*
5 *tinational Species Conservation Fund a separate account*
6 *to be known as the “Marine Turtle Conservation Fund”,*
7 *consisting of—*

8 *(1) amounts transferred to the Secretary of the*
9 *Treasury for deposit into the Fund under subsection*
10 *(e);*

11 *(2) amounts appropriated to the Fund under*
12 *section 1206; and*

13 *(3) any interest earned on investment of*
14 *amounts in the Fund under subsection (c).*

15 *(b) EXPENDITURES FROM FUND.—*

16 *(1) IN GENERAL.—Subject to paragraph (2), on*
17 *request by the Secretary, the Secretary of the Treas-*
18 *ury shall transfer from the Fund to the Secretary,*
19 *without further appropriation, such amounts as the*
20 *Secretary determines are necessary to carry out sec-*
21 *tion 1204.*

22 *(2) ADMINISTRATIVE EXPENSES.—Of the*
23 *amounts in the account available for each fiscal year,*
24 *the Secretary may expand not more than 3 percent,*

1 or up to \$80,000, whichever is greater, to pay the ad-
2 ministrative expenses necessary to carry out this title.

3 (c) *INVESTMENT OF AMOUNTS.*—

4 (1) *IN GENERAL.*—*The Secretary of the Treasury*
5 *shall invest such portion of the Fund as is not, in the*
6 *judgment of the Secretary of the Treasury, required to*
7 *meet current withdrawals. Investments may be made*
8 *only in interest-bearing obligations of the United*
9 *States.*

10 (2) *ACQUISITION OF OBLIGATIONS.*—*For the pur-*
11 *pose of investments under paragraph (1), obligations*
12 *may be acquired—*

13 (A) *on original issue at the issue price; or*

14 (B) *by purchase of outstanding obligations*
15 *at the market price.*

16 (3) *SALE OF OBLIGATIONS.*—*Any obligation ac-*
17 *quired by the Fund may be sold by the Secretary of*
18 *the Treasury at the market price.*

19 (4) *CREDITS TO FUND.*—*The interest on, and the*
20 *proceeds from the sale or redemption of, any obliga-*
21 *tions held in the Fund shall be credited to and form*
22 *a part of the Fund.*

23 (d) *TRANSFERS OF AMOUNTS.*—

24 (1) *IN GENERAL.*—*The amounts required to be*
25 *transferred to the Fund under this section shall be*

1 *transferred at least monthly from the general fund of*
2 *the Treasury to the Fund on the basis of estimates*
3 *made by the Secretary of the Treasury.*

4 (2) *ADJUSTMENTS.*—*Proper adjustment shall be*
5 *made in amounts subsequently transferred to the ex-*
6 *tent prior estimates were in excess of or less than the*
7 *amounts required to be transferred.*

8 (e) *ACCEPTANCE AND USE OF DONATIONS.*—*The Sec-*
9 *retary may accept and use donations to provide assistance*
10 *under section 1204. Amounts received by the Secretary in*
11 *the form of donations shall be transferred to the Secretary*
12 *of the Treasury for deposit in the Fund.*

13 **SEC. 1206. ADVISORY GROUP.**

14 (a) *IN GENERAL.*—*To assist in carrying out this title,*
15 *the Secretary may convene an advisory group consisting*
16 *of individuals representing public and private organiza-*
17 *tions actively involved in the conservation of marine turtles.*

18 (b) *PUBLIC PARTICIPATION.*—

19 (1) *MEETINGS.*—*The Advisory Group shall—*

20 (A) *ensure that each meeting of the advisory*
21 *group is open to the public; and*

22 (B) *provide, at each meeting, an oppor-*
23 *tunity for interested persons to present oral or*
24 *written statements concerning items on the agen-*
25 *da.*

1 (2) *NOTICE.*—*The Secretary shall provide to the*
2 *public timely notice of each meeting of the advisory*
3 *group.*

4 (3) *MINUTES.*—*Minutes of each meeting of the*
5 *advisory group shall be kept by the Secretary and*
6 *shall be made available to the public.*

7 (c) *EXEMPTION FROM FEDERAL ADVISORY COM-*
8 *MITTEE ACT.*—*The Federal Advisory Committee Act (5*
9 *U.S.C. App.) shall not apply to the advisory group.*

10 **SEC. 1207. AUTHORIZATION OF APPROPRIATIONS.**

11 *There are authorized to be appropriated to the Fund*
12 *\$5,000,000 for each of fiscal years 2004 through 2008.*

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

Attest:

Clerk.

107TH CONGRESS
2D SESSION

S. 990

AMENDMENTS