

PROVIDING FOR THE CONSIDERATION OF H.R. 701, THE
CONSERVATION AND REINVESTMENT ACT OF 1999

MAY 9, 2000.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 497]

The Committee on Rules, having had under consideration House Resolution 497, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 701, the Conservation and Reinvestment Act of 1999, under a structured rule. The rule provides 90 minutes of general debate divided equally between the chairman and ranking minority member of the Committee on Resources.

The rule waives all points of order against consideration of the bill. The rule makes in order the text of H.R. 4377 as an original bill for the purpose of amendment, in lieu of the amendment in the nature of a substitute now printed in the bill, which shall be considered as read. The rule also waives all points of order against the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

The Chairman of the Committee of the Whole may postpone votes during consideration of the bill, and reduce voting time to

five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

Young (AK)/George Miller/Tauzin/Dingell/Boehlert/John/Markey/Pallone—Eliminates the perception that the bill includes incentives for new oil and gas drilling by removing the 5-year update on the state allocation formula; defines the already existing program requirement within the bill; and creates a program for state projects of regional or national significance to be administered by the Secretary of the Interior in a competitive program consisting only of projects requested by the affected states: (20 minutes)

Regula—Allows those states which currently allow offshore drilling to receive the majority of the funding under Title I of the bill. (20 minutes)

Radanovich—Amends Section 5, relating to “the Fund,” to require full funding of the amounts authorized for PILT and Refuge Revenue Sharing, if amounts otherwise made available in the bill are insufficient. These payments are made to countries and local governments to support essential local services because the Federal lands are not subject to property tax. (20 minutes)

Pombo/Tancredo—Increases funding for the Urban Parks and Recreation Recovery Act program by \$225,000,000 over the current bill; increases funding for the Farmland Protection program by \$125,000,000 over the current bill; and increases funding for the Endangered and Threatened Species Recovery program by \$100,000,000 over the current bill. These funding increases are offset by reducing the amount of money transferred from the Conservation and Reinvestment Act Fund to the Land and Water Conservation Fund. 100% of the Land and Water Conservation Fund will be made available for grants to the States. (20 minutes)

Souder—Clarifies that funding provided by CARA is intended to supplement annual appropriations for the National Park Service. (10 minutes)

Shadegg—Conditions the annual transfer of funds to the CARA Trust Fund on the following: certification that Congress is on track to eliminate all publicly held debt by 2031; certification that there is not an on-budget deficit; certification that Social Security is not scheduled to run a deficit within the next 5 years; and certification that Medicare is not scheduled to run a deficit within the next 5 years. (20 minutes)

Chenoweth-Hage—Prohibits funds from being used in the Act for the establishment or management of a national monument designated after 1995 under the Antiquities Act. (20 minutes)

Pombo—Prevents non-federal landowners, who become neighbors of the federal government resulting from an action authorized under this legislation, from having those rights that allow the use and enjoyment of their property diminished. (20 minutes)

Peterson (CA)—Prohibits amounts available in the bill from being used for acquisition of land by the Federal government except lands located within exterior boundaries designated before the date of enactment. These boundaries include the National Park System,

the National Wilderness Preservation System, the National Wildlife Refuge System, the National Forest System, the national system of trails established by the National Trails System Act, federally administered components of the National Wild and Scenic Rivers system, and the national recreation areas administered by the Secretary of Agriculture. (20 minutes)

Chambliss—Shifts the date that mandatory spending for programs in the bill begins from fiscal year 2002 to fiscal year 2006. (20 minutes)

Chenoweth-Hage—Strikes a provision in Title I of the bill which treats one county in California not eligible to receive impact assistance as if it were eligible to receive funds. Thus, the amendment will eliminate this special “carve out” for this one county. (10 minutes)

Hastings (WA)/Regula—Requires that 50% of the federal share of the funding for the Land and Water Conservation Fund provided in the bill be used to maintain and manage lands already in federal ownership. (20 minutes)

Sweeny/McHugh—Provides local governments with the opportunity to object to projects listed under state and Federal land acquisition plans under the LWCF. Affected local governments are notified of relevant acquisition proposals and are given 90 days to submit a resolution of disapproval to the Secretary or the Governor, depending upon whether the listing is in the federal or state plan. For state LWCF funding, the amendment requires states to notify each affected local government entity (state political subdivision) of each land acquisition proposal included in the state action agenda and, upon notification, state and local governments have 90 days to transmit to the Governor a resolution of disapproval. (20 minutes)

Simpson/Walden—Requires the Federal government, when acquiring land in a state in which 50% or more of the land in the state is owned by the Federal government, to either dispose of an equal amount of land or obtain the approval of the state via passage of a specific state law before acquiring additional land. (20 minutes)

Duncan—Changes the distribution of the \$450 million funding for the stateside portion of the Land and Water Conservation Fund as follows: 50% divided equally among the states; and 50% divided among the states based on the number of species listed as threatened or endangered in each state. (10 minutes)

Regula—Requires that states have a dedicated State Land Acquisition Fund. Federal funding dedicated to states lacking such plans will be reapportioned to those states that have dedicated state land acquisition funding accounts. (10 minutes)

Moran (KS)—Clarifies that state-side portion of the Land and Water Conservation funds may be used for maintenance and capital improvements. (10 minutes)

Kind—Calls for the establishment of a sediment and nutrient monitoring network in the Upper Mississippi River Basin for the purpose of reducing sediment and nutrient losses from the surrounding landscape. (10 minutes)

Calvert—Ensures that land owners are not forced to sell their property, and that all land owners are treated fairly in the process.

The current willing seller provision in the bill applies only to the federal portion of funds, thus not guaranteeing that landowners property will not be condemned by state or local governments. (20 minutes)

Hill (MT)—Prohibits any federal acquisition of lands in the State of Montana until the Secretaries of Interior and Agriculture issue a plan for acquisition and disposal of lands in the State of Montana. (10 minutes)

Buyer—Strikes non-profit organizations from using federal funds for the purpose of conservation easements. (10 minutes)

Chenoweth-Hage—Strikes a provision in Title III of CARA which opens the door for funding to go to organizations which engage in “public outreach,” species re-introduction and numerous other uses not currently in the law. (10 minutes)

Udall (CO)—Amends Section 702 of the bill to add the Urban and Community Forestry Assistance Program to the list of programs for which the Secretary of Agriculture could use funds provided under section 5(b)(7). (20 minutes)

Gibbons—Allows the Bureau of Land Management to auction public land identified for disposal in their Land Management Plans. (10 minutes)

Ose—Adds a new title at the end of the bill stipulating that amounts made available in the Act shall only be available for grants to states to provide assistance to incorporated cities, and to counties with a population of 1,000,000 or more. The amendment stipulates that amounts available in the bill may not be expended unless: Payment In-Lieu of Taxes (PILT) and Refuge Revenue Sharing payments are fully funded, and payments authorized in previous years have been made; and appropriate House and Senate Committees certify the maintenance and repair backlog on the existing National Parks, National Monuments, National Forests and lands managed by the Bureau of Land Management has been completed. (10 minutes)

Thornberry—Amendment in the Nature of a Substitute. Very similar to H.R. 701 except that it strengthens private property and PILT programs, addresses public maintenance problems in public parks, and makes the funding discretionary for the first five years that the bill is enacted. (40 minutes)

Amendment summaries provided by amendment sponsors.

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA, OR REPRESENTATIVE GEORGE MILLER OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 21, line 9, strike “for the” and all that follows down through “period” in line 13.

Page 21, line 24, strike “for the 5-year period concerned”.

Page 25, strike lines 11 through 15 and insert:

“(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.

Page 26, line 18, after “used” insert “in compliance with Federal and State law”.

Page 33, line 22, strike “Indian”.

Page 39, line 11, strike “paragraphs” and insert “clauses”.

Page 39, after line 21, insert:

(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 of 2000 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.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REGULA OF OHIO, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 4, line 13, before the period insert “, except that no State may be treated as a coastal State in any fiscal year in which there is a Federal moratorium on offshore leasing and related activities off the coast of that State.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RADANOVICH OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 9, line 18, after “deposited in the fund” insert the following: “that remain after the application of subsection (f) for the fiscal year,”.

Page 15, after line 8, insert the following:

(f) FULL FUNDING OF PILT AND REFUGE REVENUE SHARING.—To the extent that amounts available under subsection (d) for a fiscal year are not sufficient to pay all amounts authorized to be paid for the fiscal year under chapter 69 of title 31, United States Code (relating to payment in lieu of taxes), and section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s; relating to refuge revenue sharing), amounts in the Fund shall be used to make such payments.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMBO OF CALIFORNIA, OR REPRESENTATIVE TANCREDO OF COLORADO, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 10, line 2, strike “\$900,000,000” and insert \$450,000,000”.
 Page 10, line 8, strike “\$125,000,000” and insert \$350,000,000”.
 Page 10, line 17, strike “\$100,000,000” and insert \$225,000,000”.
 Page 10, line 24, strike “\$50,000,000” and insert \$150,000,000”.
 Page 11, line 5, strike “\$2,825,000,000” and insert \$2,700,000,000”.

Page 30, beginning at line 24, strike “Act—” and all that follows through page 31, line 5, and insert “Act, 100 percent shall be available only for grants to States.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUDER OF INDIANA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 15, after line 8, insert the following:

(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 deduct from, annual appropriations for the National Park Service.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHADEGG OF ARIZONA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 15, after line 8, insert the following:

(f) ENSURING SOCIAL SECURITY AND MEDICARE SOLVENCY.—The Secretary of the Treasury shall not transfer funds to the Conservation and Reinvestment Act Fund under this Act during any fiscal year unless—

(1) the Director of the Congressional Budget Office has certified that the House and Senate have approved legislation that—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current economic and technical projections; and

(B) ensures that there is not an on-budget deficit for that fiscal year;

(2) the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund has certified that outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during any of the next 5 fiscal years; and

(3) the Board of Trustees of the Federal Hospital Insurance Trust Fund has certified that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during any of the next 5 fiscal years.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHENOWETH-HAGE OF IDAHO, OF A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 15, after line 17, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 6A. NATIONAL MONUMENTS.

No funds made available by this Act (including the amendments made by this Act) may be used for the establishment or management of a national monument designated after 1995 under the Act of June 8, 1906, commonly known as the "Antiquities Act" (16 U.S.C. 431 and following).

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMBO OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 18, line 1, after "unless", insert "specifically"

Page 18, after line 2, insert the following

(c) PROTECTION OF RIGHTS IN NON-FEDERAL PROPERTY FROM FEDERAL ACQUISITION OF NEARBY LANDS.—The right of an owner of non-Federal real property to use and enjoy that property shall not be diminished based on the property being—

(1) within the boundaries of a Federal unit as a consequence of the acquisition of lands for that unit with amounts made available by this Act; or

(2) adjacent to Federal lands acquired with amounts made available by this Act.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERSON OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 18, after line 15, insert the following:

SEC. . FEDERAL ACQUISITION OF LANDS ONLY WITHIN DESIGNATED BOUNDARIES.

Notwithstanding any other provision of this Act, the amendments made by this Act, or any other provision of law, amounts made available by this Act (including the amendments made by this Act) may not be used for any acquisition by the Federal Government of an interest in lands except lands located within exterior boundaries designated before the date of the enactment of this Act of an area designated by or under Federal law for a particular conservation or recreation use, including lands within such boundaries of a unit of—

(1) the National Park System;

(2) the National Wilderness Preservation System;

(3) the National Wildlife Refuge System;

(4) the National Forest System;

(5) the national system of trails established by the National Trails System Act (16 U.S.C. 1241 et seq.);

(6) federally administered components of the National Wild and Scenic Rivers System; or

(7) national recreation areas administered by the Secretary of Agriculture.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHAMBLISS OF GEORGIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 19, line 3, strike “without further appropriation” and insert “subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter”.

Page 30, line 12, strike “without further appropriation” and insert “, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter”.

Page 48, line 8, strike “without further appropriation, in each fiscal year” and insert “, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter”.

Page 56, line 6, strike “without further appropriation” and insert “, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,”.

Page 63, line 5, strike “without further appropriation” and insert “, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter”.

Page 64, line 17, strike “without further appropriation” and insert “subject to appropriations for fiscal years before fiscal year 2005 and without further appropriation for fiscal year 2005 and each fiscal year thereafter”.

Page 70, line 10, strike “without further appropriation” and insert “subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter”.

Page 71, line 20, strike “without further appropriation” and insert “, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHENOWETH-HAGE OF IDAHO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, in line 18, strike “except that a coastal political” and all that follows down through line 3 on page 24.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR REPRESENTATIVE REGULA OF OHIO, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 31, after line 24, insert:

“(3) APPORTIONMENT FOR MAINTENANCE.—Not less than 50 percent of the Federal portion shall be used by the Secretary of the Interior and the Secretary of Agriculture only for pur-

poses of carrying out maintenance operations on Federal lands managed by such Secretaries.”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SWEENEY OF NEW YORK, OR REPRESENTATIVE McHUGH OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 36, after line 13, insert:

“(D) No State political subdivision has transmitted to the Secretary administering the acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subparagraph (C)(iii).

Page 41, line 8, after the period insert: “The State shall notify each affected political subdivision of each land acquisition proposal included in the State action agenda. Such notice shall include a citation of the statutory authority for the acquisition, if such authority exists, and an explanation of why the particular interest proposed to be acquired was selected.”.

Page 42, after line 9, insert:

(c) LOCAL GOVERNMENT VETO.—Section 6(f) (16 U.S.C. 4601–8) is amended by adding the following at the end thereof:

“(9) No funds made available under this Act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest in land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subsection (d)(2).”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SIMPSON OF IDAHO, OR REPRESENTATIVE WALDEN OF OREGON, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 36, strike the close quotation marks and the second period at line 16, and after line 16 insert the following:

“(h) STATE APPROVAL OF CERTAIN LAND ACQUISITION REQUIRED.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire any interest in land located in a State in which 50 percent or more of the land in the State is owned by the Federal Government if the acquisition would result in a net increase in the total acreage in the State owned by the Federal Government, unless the acquisition is specifically approved by the law of the State.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUNCAN OF TENNESSEE, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, line 3, strike “30” and insert “50”.

Page 36, strike lines 5 through 11 and insert:

(B) 50 percent shall be apportioned so that the amount apportioned to each State under this subparagraph bears the same ratio to the total amount apportioned under this subparagraph for the fiscal year as the number of species listed as threatened or endangered with habitat in that State bears to the total number of species listed as threatened or endangered nationwide.”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REGULA OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, after line 11, insert the following:
No amount may be apportioned under this paragraph to any State (herein referred to as an ‘unfunded State’) that has not established a dedicated State land acquisition fund that is funded through the State’s budget process. The amount that would have been apportioned to any such unfunded State under this paragraph shall be reapportioned to other States in accordance with subparagraphs (A) and (B).

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MORAN OF KANSAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, beginning at line 18, strike “or development projects as hereafter described” and insert “, development projects as hereafter described including construction or reconstruction of facilities for outdoor recreation, or maintenance of such facilities”.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND OF WISCONSIN, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 42, line 14, strike “and”.

Page 42, line 18, strike the period and insert “; and”.

Page 42, after line 18, insert:

(3) by adding the following new paragraph after paragraph (2):

“(3) MONITORING AND DATA COLLECTION.—For establishing a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purpose of reducing sediment and nutrient loss, to be headquartered at the Upper Midwest Environmental Sciences Center in La Crosse, Wisconsin. The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices. Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and location coordinates. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner’s permission. The Secretary of the Interior shall establish the guidelines under subsection (a) in consultation with the Secretary of

Agriculture and all entities known to be conducting sediment and nutrient monitoring in the Upper Mississippi River Basin. The non-Federal sponsors of the sediment and nutrient monitoring network shall be responsible for not less than 25 percent of the costs of maintaining the network. Up to 80 percent of the non-Federal share may be provided through in-kind contributions.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CALVERT OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 44, after line 11, insert the following:

SEC. . LIMITATION ON USE OF FUNDS FOR CONDEMNATION.

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

“LIMITATION ON USE OF FUNDS FOR CONDEMNATION

“SEC. 15. None of the amounts made available by this title may be used for adverse condemnation of property.”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HILL OF MONTANA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title II (page 44, after line 11) add the following (and make appropriate conforming amendments):

SEC. . 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.—

“(1) IN GENERAL.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire lands in the State of Montana until the Secretary of the Interior and the Secretary of Agriculture issue a plan in accordance with this subsection.

“(2) PLAN REQUIREMENTS.—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 private lands and Federal public lands. The plan shall be designed to ensure that—

“(A) 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 Department of Agriculture; and

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

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 45, line 5, strike “wildlife conservation organizations,”.

Page 47, line 1, strike “wildlife conservation organizations, and outdoor recreation and conservation education entities”.

Page 68, strike line 23, and all that follows down through line 11 on page 69.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHENOWETH-HAGE OF IDAHO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 46, strike line 5, and all that follows down through line 19 on page 47 (all of 302(d)).

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE UDALL OF COLORADO, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 70, line 14, strike “and”.

Page 70, strike the period on line 17 and all that follows through line 22 and insert the following:

“, and

“(3) the Urban and Community Forestry Assistance Program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).”.

Page 10, line 21, after “note)” insert “, the Urban and Community Forestry Assistance Program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105),”.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GIBBONS OF NEVADA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

TITLE—PUBLIC LAND MANAGEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the “Public Land Management Act of 2000”.

SEC. ___02. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the large amount of federally controlled land in the United States and the lack of an adequate private land ownership base has had a negative impact on the overall economic development of rural counties and communities and severely degraded the ability of local governments to provide necessary services;

(2) in resource management plans, the Bureau of Land Management has identified for disposal land that is difficult and costly to manage and that would more appropriately be in non-Federal ownership;

(3) implementation of Federal land management plans has been impaired by the lack of necessary funding to provide the needed improvements and the lack of land management programs to accomplish the goals and standards set out in the plans; and

(4) the lack of a private land tax base prevents most local governments from providing the appropriate infrastructure to allow timely development of land that is disposed of by the Federal Government for community expansion and economic growth.

(b) PURPOSES.—The purposes of this title are to provide for—

(1) the orderly disposal and use of public land; and

(2) the maintenance and repair of Federal facilities on public land.

SEC. ___ 03. DEFINITIONS.

In this title:

(1) CURRENT LAND USE PLAN.—The term “current land use plan”, with respect to an administrative unit of the Bureau of Land Management, means the management framework plan or resource management plan applicable to the unit that was approved most recently before the date of enactment of this Act.

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

(3) SPECIAL ACCOUNT.—The term “Special Account” means the account established by section ___06.

(4) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means the elected governing body of any city or county in a State.

SEC. ___ 04. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—In accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law and subject to valid existing rights, the Secretary may dispose of public land under current land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713).

(b) RECREATION AND PUBLIC PURPOSE CONVEYANCES.—

(1) IN GENERAL.—Not less than 30 days before offering land for sale or exchange under subsection (a), the State or the unit of local government in the jurisdiction of which the land is located may elect to obtain the land for local public purposes under the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes”, approved June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(2) RETENTION BY SECRETARY.—If the State or unit of local government elects to obtain the land, the Secretary shall retain the land for conveyance to the State or unit of local government in accordance with that Act.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal land selected for disposal under subsection (d)(1) is withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until the Secretary terminates the withdrawal or the land is patented.

(d) SELECTION.—

(1) IN GENERAL.—The Secretary and the State and unit of local government that has jurisdiction over land identified for

disposal under subsection (a) shall jointly select land to be offered for sale or exchange under this section.

(2) COORDINATION.—The Secretary shall coordinate land disposal activities with the unit of local government under the jurisdiction of which the land is located.

(3) LOCAL LAND USE PLANNING AND ZONING REQUIREMENTS.—The Secretary shall dispose of land under this section in a manner that is consistent with local land use planning and zoning requirements and recommendations.

(e) SALES OFFERING, PRICE, PROCEDURES, AND PROHIBITIONS.—

(1) OFFERING.—The Secretary shall make the first offering of land as soon as practicable after land has been selected under subsection (d).

(2) SALE PRICE.—

(A) IN GENERAL.—The Secretary shall make all sales of land under this section at a price that is not less than the fair market value of the land, as determined by the Secretary.

(B) AFFORDABLE HOUSING.—Subparagraph (A) does not affect any authority of the Secretary to make land available at less than fair market value for affordable housing purposes under any other provision of law.

(3) COMPETITIVE BIDDING.—

(A) IN GENERAL.—The sale of public land selected under subsection (d) shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(B) EXCEPTIONS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to sales under this title in cases in which the Secretary determines that application of an exception is necessary and proper.

(C) NOTICE OF COMPETITIVE BIDDING PROCEDURES.—The Secretary shall also ensure adequate notice of competitive bidding procedures to—

(i) owners of land adjoining the land proposed for sale;

(ii) local governments in the vicinity of the land proposed for sale; and

(iii) the State in which the land is located.

(4) PROHIBITIONS.—A sale of a tract of land selected under subsection (d) shall not be undertaken if the Federal costs of sale preparation and processing are estimated to exceed the proceeds of the sale.

(f) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this section during a fiscal year—

(A) 5 percent shall be paid to the State in which the land is located for use in the general education program of the State;

(B) 45 percent shall be paid directly to the local unit of government in the jurisdiction of which the land is located for use as determined by the unit of local government,

with consideration given to use for support of health care delivery, law enforcement, and schools; and

(C) 50 percent shall be deposited in the Special Account.

(2) LAND EXCHANGES.—

(A) IN GENERAL.—In a land exchange under this section, the non-Federal party shall provide direct payment to the unit of local government in the jurisdiction of which the land is located in an amount equal to 15 percent of the fair market value of the Federal land conveyed in the exchange.

(B) TREATMENT OF PAYMENTS AS COST INCURRED.—If any agreement to initiate the exchange so provides, a payment under subparagraph (A) shall be considered to be a cost incurred by the non-Federal party that shall be compensated by the Secretary.

(C) PENDING EXCHANGES.—This title, other than subsections (a) and (b) and this section, shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management before the date of enactment of this Act.

(g) ADDITIONAL DISPOSAL LAND.—Public land identified for disposal under a replacement of or amendment to a current land use plan shall be subject to this title.

SEC. ___05. MAINTENANCE AND REPAIR ON FEDERAL LANDS.

The Secretary shall use amounts available under section ___06(c)(1)(B) for repair and maintenance on Federal lands managed by the Secretary of Agriculture or the Secretary of the Interior.

SEC. ___06. SPECIAL ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be used in carrying out this title.

(b) CONTENTS.—The Special Account shall consist of—

(1) amounts deposited in the Special Account under section ___04(f)(1)(B);

(2) donations to the Special Account; and

(3) appropriations to the Special Account.

(c) USE.—

(1) IN GENERAL.—Amounts in the Special Account shall be available to the Secretary until expended, without further Act of appropriation, to pay—

(A) subject to paragraph (2), costs incurred by the Bureau of Land Management in arranging sales or exchanges under this title, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and public notice;

(B) costs incurred in carrying out section ___05;

(C) the cost of carrying out any necessary revision or amendment of a current land use plan of the Bureau of

Land Management that relates to land sold, exchanged, or acquired under this title; and

(D) related costs determined by the Secretary.

(2) LIMITATIONS.—

(A) COSTS IN ARRANGING SALES OR EXCHANGES.—Costs charged against the Special Account for the purposes described in paragraph (1)(A) shall not exceed the minimum amount practicable in view of the fair market value of the Federal land to be sold or exchanged.

(B) ACQUISITION.—Not more than 50 percent of the amounts deposited in the Special Account in any fiscal year may be used in that fiscal year or any subsequent fiscal year for the purpose described in paragraph (1)(B).

(3) PLAN REVISIONS AND AMENDMENTS.—The process of revising or amending a land use plan shall not cause delay or postponement in the implementation of this title.

(d) INTEREST.—All funds deposited in the Special Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended in accordance with subsection (c).

(e) COORDINATION.—The Secretary shall coordinate the use of the Special Account with the Secretary of Agriculture, the States, and units of local government in which land or an interest in land may be acquired, to ensure accountability and demonstrated results.

SEC. 07. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a biennial report that describes each transaction that is carried out under this title.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OSE OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE—RESTRICTIONS ON FEDERAL USES OF FUNDS

SEC. 01. ELIMINATION OF FEDERAL EXPENDITURE OF FUNDS FROM LAND AND WATER CONSERVATION FUND.

Notwithstanding section 5 of the Land and Water Conservation Fund Act of 1965, as amended by this Act, or any other provision of that Act—

(1) all of the amounts made available for each fiscal year to carry out that Act shall be available only for grants to States in accordance with that Act; and

(2) amounts provided to a State under that Act may be used only to provide assistance in accordance with that Act to—

(A) entities that are incorporated cities under the laws of the State; and

(B) counties having a population of 1,000,000 or more.

SEC. 02. LIMITATION ON EXPENDITURES.

(a) **IN GENERAL.**—Amounts otherwise available under this Act for a fiscal year may not be obligated or expended and shall be returned to the general fund of the Treasury unless by the beginning of such fiscal year—

(1) sufficient amounts are available to make all payments authorized for the fiscal year under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

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

(2) all payments authorized for prior fiscal years under the laws referred to in paragraph (1) have been made; and

(3) each of the Committees on Appropriations, Resources, and Agriculture of the House of Representatives and each of the Committees on Appropriations, Energy and Natural Resources, and Agriculture, Nutrition, and Forestry of the Senate certifies that all backlogged maintenance and repair has been completed at each National Park, National Monument, and National Forest, and on all lands managed by the Bureau of Land Management.

(b) **LIMITATION ON APPLICATION.**—Subsection (a) does not prohibit payments under the laws referred to in subsection (a)(1) (relating to payments in lieu of taxes and refuge revenue sharing).

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THORNBERRY OF TEXAS OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

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 of 2000”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Annual reports.
- Sec. 5. Conservation and Reinvestment Act Fund.
- Sec. 6. Limitation on use of available amounts for administration.
- Sec. 7. Recordkeeping requirements.
- Sec. 8. Maintenance of effort and matching funding.
- Sec. 9. Sunset.
- Sec. 10. Protection of private property rights.
- Sec. 11. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

- Sec. 101. Impact assistance formula and payments.
- Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

- Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
- Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 203. Availability of amounts.

- Sec. 204. Allocation of Fund.
- Sec. 205. Use of Federal portion.
- Sec. 206. Allocation of amounts available for State purposes.
- Sec. 207. State planning.
- Sec. 208. Assistance to States for other projects.
- Sec. 209. Conversion of property to other use.
- Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

- Sec. 301. Purposes.
- Sec. 302. Definitions.
- Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 305. Education.
- Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

- 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.
- Sec. 404. Definitions.
- Sec. 405. Eligibility.
- Sec. 406. Grants.
- Sec. 407. Recovery action programs.
- Sec. 408. State action incentives.
- Sec. 409. Conversion of recreation property.
- Sec. 410. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

- 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.

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—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Farmland Protection Program

- Sec. 701. Additional funding and additional authorities under farmland protection program.
- Sec. 702. Funding.

Subtitle B—Endangered and Threatened Species Recovery

- Sec. 711. Purposes.
- Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
- Sec. 713. Endangered and threatened species recovery assistance.
- Sec. 714. Endangered and Threatened Species Recovery Agreements.
- Sec. 715. Definitions.

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 with-

in the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 and following).

(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 of 1972 (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 of 1972 (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 and following).

(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 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 16 U.S.C. 3830 note).

(8) The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and 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.

(9) 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.

(10) 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.

(11) 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, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) 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, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

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

(14) 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 or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, 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 concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture 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 2000, 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 \$2,825,000,000 and the amounts deposited in the Fund under paragraph (2), 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) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, 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 Federal Aid in 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 and following).

(5) \$100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

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

(7) \$100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) \$50,000,000 to the Secretary of the Interior to carry out subtitle B of title VII of this Act.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than \$2,825,000,000, the amounts transferred under paragraphs (1) through (7) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund 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.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available,

subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, for obligation or expenditure under—

(A) chapter 69 of title 31 of the United States Code (relating to payment in lieu of taxes), and

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

In each fiscal year such interest shall be allocated between the programs referred to in subparagraph (A) and (B) in proportion to the amounts authorized and appropriated for that fiscal year under other provisions of law for purposes of such programs.

(3) **CEILING ON EXPENDITURES OF INTEREST.**—Amounts made available under paragraph (2) in each fiscal year shall not exceed \$200,000,000.

(4) **TITLE III INTEREST.**—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following).

(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, such refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund.

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 the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this 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.**—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 any 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. In order for the Secretary to provide funding under this Act in a timely manner each fiscal year, the Secretary shall compare a State or local government's prospective expenditure level to that of its second preceding fiscal year.

(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 is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the State or local government.

(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, 2020.

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—

(1) as provided by the Fifth and Fourteenth amendments to the United States Constitution; and

(2) determined based on an independent appraisal of the property, that is—

(A) paid for by the Federal Government; and

(B) performed by an appraiser approved by the property owner and the head of the Federal agency taking the action that constitutes a taking of the property.

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

(c) **PROTECTION OF RIGHTS IN NON-FEDERAL PROPERTY FROM FEDERAL ACQUISITION OF NEARBY LANDS.**—The right of an owner of non-Federal real property to use and enjoy that property shall not be diminished based on the property being—

(1) within the boundaries of a Federal unit as a consequence of the acquisition of lands for that unit with amounts made available by this Act; or

(2) adjacent to Federal lands acquired with amounts made available by this Act.

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.

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, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, 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 Secretary 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) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 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) 25 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, 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 for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. 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, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(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 of 1972 (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 and disbursed under sub-

section (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 any leased tract.

(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, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(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 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 universities 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 de-

termines 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. 460l–4 and following).

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 of 2000.”

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 460l–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 2001. 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 2001, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, 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. 460l–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 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; and

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

“(3) CERTIFICATION BY GAO REQUIRED.—Of the amounts in the Federal portion that are transferred from the Conservation and Reinvestment Act Fund and available for a fiscal year to the Secretary of the Interior or to the Secretary of Agriculture, respectively, 25 percent may not be obligated or expended and shall be returned to the general fund of the Treasury unless, before the commencement of the fiscal year, the Comptroller General of the United States submits to the President and the Congress a finding that the operational maintenance backlog of the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management of the Department of the Interior or the United States Forest Service of the Department of Agriculture (as applicable) as of the beginning of the preceding fiscal year has been reduced by at least 5 percent.

“(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. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

“(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, the Secretary shall—

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

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

“(iii) use 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 not use adverse condemnation; 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.

“(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list 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, including an explanation of the priorities under paragraph (2)(B)(iv) that were applied in making the selection.

“(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) 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. 4601–8(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. 4601–8(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 and 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 and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).”.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 4601–8(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.”.

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 it provides for public involvement in this process and 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 in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, 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 4 years.

“(B) The agenda must be updated at least once every 4 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 may 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. 460l–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)(2) (16 U.S.C. 460l–8(e)(2)) is amended 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. 460l–8(f)(3)) is amended—

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

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

“(B) Prior to each such conversion, the Governor of the State shall demonstrate that—

“(i) 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; and

“(ii) the conversion will assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and that are consistent with the existing State Plan or Agenda.”.

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.”.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) **REFERENCE TO LAW.**—In this title, the term “Federal Aid in Wildlife Restoration Act” means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) **WILDLIFE CONSERVATION AND RESTORATION PROGRAM.**—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after “shall be construed” the first place it appears the following: “to include the wildlife conservation and restoration program and”.

(c) **STATE AGENCIES.**—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting “or State fish and wildlife department” after “State fish and game department”.

(d) **DEFINITIONS.**—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: “the term ‘conservation’ shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; 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 4(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; the term ‘wildlife’ shall be construed to mean 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; the term ‘wildlife-associated recreation’ shall be construed to mean 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, trail heads, and access for such projects; and the term ‘wildlife conservation education’ shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.”.

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

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting “(1)” after “(a)”, and by adding at the end the following:

“(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 of 2000 shall be deposited in the subaccount and shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.”; and

(2) by adding at the end the following:

“(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2)

shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for 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.

“(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

“(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

“(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

“(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.”.

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

“(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

“(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than $\frac{1}{2}$ of 1 percent thereof.

“(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than $\frac{1}{6}$ of 1 percent thereof.

“(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

“(i) $\frac{1}{3}$ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

“(ii) $\frac{2}{3}$ of which is based on the ratio to which the population of such State bears to the total population of all such States.

“(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than $\frac{1}{2}$ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

“(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

“(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

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

“(B) provisions for the development and implementation of—

“(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

“(ii) wildlife-associated recreation projects; and

“(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

“(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

“(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

“(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

“(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State’s wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State’s wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

“(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State’s wildlife conservation and restoration program may be used for wildlife-associated recreation.

“(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.”.

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: “Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.”.

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

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 and following).

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 of 2000 in a fiscal year shall be available to the Secretary, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, 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. 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:

“(1) ‘development grants’—

“(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development 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. 405. 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. 406. 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, 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 owned or managed by the applicant 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. 407. 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. 408. 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 Conserva-

tion 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. 409. CONVERSION OF RECREATION PROPERTY.

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

“CONVERSION OF RECREATION PROPERTY

“SEC. 1010. (a) Before converting any property developed, acquired, or rehabilitated with amounts provided under this title to any purpose other than public recreation purposes, a grantee, through the designated State official, shall notify the Secretary that no prudent or feasible alternative exists.

“(b) Subsection (a) shall apply also to the park, recreation, or conservation area of which the property is a part.”

SEC. 410. 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 of 2000 in a fiscal year shall be deposited into the Fund and shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this Act.

“(c) At least ½ 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 and following) 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 pro-

vide 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.”.

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)(5) of this Act in a fiscal year shall be available in that fiscal year, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, 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.**—80 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.**—10 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.**—10 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 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” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Farmland Protection Program

SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

“SEC. 388. FARMLAND PROTECTION PROGRAM.

“(a) **ESTABLISHMENT AND PURPOSE.**—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

- “(1) permanent conservation easements in such lands; or
- “(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

“(b) **CONSERVATION PLAN.**—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

“(c) **MAXIMUM FEDERAL SHARE.**—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

“(d) **ELIGIBLE ENTITY DEFINED.**—In this section, the term ‘eligible entity’ means any of the following:

“(1) An agency of a State or local government.

“(2) A federally recognized Indian tribe.

“(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

“(A) is described in section 501(c)(3) of the Code;

“(B) is exempt from taxation under section 501(a) of the Code; and

“(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

“(e) **TITLE; ENFORCEMENT.**—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

“(f) **STATE CERTIFICATION.**—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

“(g) **TECHNICAL ASSISTANCE.**—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.”.

SEC. 702. FUNDING.

(a) **AVAILABILITY.**—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) **MINIMUM ALLOCATION.**—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle 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. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

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 of the Interior, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) **FINANCIAL ASSISTANCE.**—The Secretary may use amounts made available under section 712 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 714.

(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 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837

and following), 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. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) **IN GENERAL.**—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle 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. 715. DEFINITIONS.

In this subtitle:

(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 714.