

107TH CONGRESS
1ST SESSION

S. 1318

To provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Conservation and Rein-
3 vestment Act of 2001”.

4 **TITLE I—COASTAL IMPACT**
5 **ASSISTANCE**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Coastal Conservation
8 and Impact Assistance Act of 2001”.

9 **SEC. 102. AMENDMENT TO OUTER CONTINENTAL SHELF**
10 **LANDS ACT.**

11 The Outer Continental Shelf Lands Act Amendments
12 of 1978 (92 Stat. 629), as amended, is amended to add
13 at the end thereof a new Title VII as follows:

14 **“SEC. 701. FINDINGS.**

15 “The Congress finds and declares that—

16 “(1) The Nation owns valuable mineral re-
17 sources that are located both onshore and in the
18 Federal Outer Continental Shelf, and the Federal
19 Government develops these resources for the benefit
20 of the Nation, under certain restrictions designed to
21 prevent environmental damage and other adverse
22 impacts.

23 “(2) Nonetheless, the development of these min-
24 eral resources of the Nation is accompanied by un-
25 avoidable environmental impacts and public service
26 impacts in the States that host this development,

1 whether the development occurs onshore or on the
2 Federal Outer Continental Shelf.

3 “(3) The Federal Government has a responsi-
4 bility to the States affected by development of Fed-
5 eral mineral resources to mitigate adverse environ-
6 mental and public service impacts incurred due to
7 that development.

8 “(4) The Federal Government discharges its re-
9 sponsibility to States where onshore Federal mineral
10 development occurs by sharing 50 percent of the rev-
11 enue derived from the Federal mineral development
12 in that State pursuant to section 35 of the Mineral
13 Leasing Act.

14 “(5) Federal mineral development is occurring
15 as far as 200 miles offshore and occurs off the
16 coasts of only 6 States, yet section 8(g) of the Outer
17 Continental Shelf Lands Act does not adequately
18 compensate these States for the onshore impacts of
19 the offshore Federal mineral development.

20 “(6) Federal Outer Continental Shelf mineral
21 development is an important and secure source of
22 our Nation’s supply of oil and natural gas.

23 “(7) Further technological advancements in oil
24 and natural gas exploration and production need to
25 be pursued and encouraged.

1 “(8) These technological achievements have and
2 will continue to result in new Outer Continental
3 Shelf production having an unparalleled record of
4 excellence on environmental safety issues.

5 “(9) Additional technological advances with ap-
6 propriate incentives will further improve new re-
7 source recovery and therefore increase revenues to
8 the Treasury for the benefit of all Americans who
9 enjoy programs funded by Outer Continental Shelf
10 moneys.

11 “(10) The Outer Continental Shelf Advisory
12 Committee of the Department of the Interior, con-
13 sisting of representatives of coastal States, rec-
14 ommended in October 1997 that Federal mineral
15 revenue derived from the entire Outer Continental
16 Shelf be shared with all coastal States and terri-
17 tories to mitigate onshore impacts from Federal off-
18 shore mineral development and for other environ-
19 mental mitigation; and

20 “(11) The Nation’s Federal mineral resources
21 are a nonrenewable, capital asset of the Nation, with
22 the production and sale of this resource producing
23 revenue for the Nation, a portion of the revenue de-
24 rived from the production and sale of Federal min-
25 eral resources should be reinvested in the Nation

1 through environmental mitigation and public service
2 improvements;

3 “(12) Nothing in this title shall be interpreted
4 to repeal or modify any existing moratorium on leas-
5 ing Federal OCS leases for drilling nor shall any-
6 thing in this title be interpreted as an incentive to
7 encourage the development of Federal OCS re-
8 sources where such resources currently are not being
9 developed.

10 **“SEC. 702. DEFINITIONS.**

11 “For purposes of this Act:

12 “(1) The term ‘allocable share’ means, for a
13 coastal State, that portion of revenue that is avail-
14 able to be distributed to that coastal State under
15 this title. For an eligible political subdivision of a
16 coastal State, such term means that portion of rev-
17 enue that is available to be distributed to that polit-
18 ical subdivision under this title.

19 “(2) The term ‘coastal population’ means the
20 population of political subdivisions, as determined by
21 the most recent official data of the Census Bureau,
22 contained in whole or in part within the designated
23 coastal boundary of a State as defined in a State’s
24 coastal zone management program under the Coast-
25 al Zone Management Act (16 U.S.C. § 1455).

1 “(3) The term ‘coastline’ has the same meaning
2 that it has in the Submerged Lands Act (43 U.S.C.
3 § 1301 et seq.).

4 “(4) The term ‘eligible political subdivision’
5 means a coastal political subdivision of a coastal
6 State which political subdivision has a seaward
7 boundary that lies within a distance of 200 miles
8 from the geographic center of any leased tract. The
9 Secretary shall annually provide a list of all eligible
10 political subdivisions of each coastal State to the
11 Governor of such State.

12 “(5) The term ‘political subdivision’ means the
13 local political jurisdiction immediately below the level
14 of State government, including counties, parishes,
15 and boroughs. If State law recognizes an entity of
16 general government that functions in lieu of, and is
17 not within, a county, parish, or borough, the Sec-
18 retary may recognize an area under the jurisdiction
19 of such other entities of general government as a
20 political subdivision for purposes of this Act.

21 “(6) The term ‘coastal State’ means any State
22 of the United States bordering on the Atlantic
23 Ocean, the Pacific Ocean, the Arctic Ocean, the Ber-
24 ing Sea, the Gulf of Mexico, or any of the Great
25 Lakes, Puerto Rico, Guam, American Samoa, the

1 Virgin Islands, and the Commonwealth of the North-
2 ern Mariana Islands.

3 “(7) The term ‘distance’ means minimum great
4 circle distance, measured in statute miles.

5 “(8) The term ‘fiscal year’ means the Federal
6 Government’s accounting period which begins on Oc-
7 tober 1st and ends on September 30th, and is des-
8 ignated by the calendar year in which it ends.

9 “(9) The term ‘Governor’ means the highest
10 elected official of a coastal State.

11 “(10) The term ‘leased tract’ means a tract,
12 leased under section 8 of the Outer Continental
13 Shelf Lands Act (43 U.S.C. § 1337) for the purpose
14 of drilling for, developing and producing oil and nat-
15 ural gas resources, which is a unit consisting of ei-
16 ther a block, a portion of a block, a combination of
17 blocks and/or portions of blocks, as specified in the
18 lease, and as depicted on an Outer Continental Shelf
19 Official Protraction Diagram.

20 “(11) The term ‘revenues’ means all moneys re-
21 ceived by the United States as bonus bids, rents,
22 royalties (including payments for royalty taken in
23 kind and sold), net profit share payments, and re-
24 lated late-payment interest from natural gas and oil

1 leases issued pursuant to the Outer Continental
2 Shelf Lands Act.

3 “(12) The term ‘Outer Continental Shelf’
4 means all submerged lands lying seaward and out-
5 side of the area of ‘lands beneath navigable waters’
6 as defined in section 2(a) of the Submerged Lands
7 Act (43 U.S.C. § 1301(a)), and of which the subsoil
8 and seabed appertain to the United States and are
9 subject to its jurisdiction and control.

10 “(13) The term ‘Secretary’ means the Secretary
11 of the Interior or the Secretary’s designee.

12 **“SEC. 703. IMPACT ASSISTANCE FORMULA AND PAYMENTS.**

13 “(a) ESTABLISHMENT OF FUND.—(1) There is estab-
14 lished in the Treasury of the United States a fund which
15 shall be known as the ‘Outer Continental Shelf Impact As-
16 sistance Fund’ (referred to in this Act as ‘the Fund’). The
17 Secretary shall deposit in the Fund 27 percent of the reve-
18 nues from each leased tract or portion of a leased tract
19 lying seaward of the zone defined and governed by section
20 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C.
21 § 1337(g)), or lying within such zone but to which section
22 8(g) does not apply, the geographic center of which lies
23 within a distance of 200 miles from any part of the coast-
24 line of any coastal State.

1 “(2) The Secretary of the Treasury shall invest mon-
2 eys in the Fund that are excess to expenditures at the
3 written request of the Secretary, in public debt securities
4 with maturities suitable to the needs of the Fund, as de-
5 termined by the Secretary, and bearing interest at rates
6 determined by the Secretary of the Treasury, taking into
7 consideration current market yields on outstanding mar-
8 ketable obligations of the United States of comparable ma-
9 turity.

10 “(b) PAYMENT TO STATES.—Notwithstanding sec-
11 tion 9 of the Outer Continental Shelf Lands Act (43
12 U.S.C. § 1338), the Secretary shall, without further ap-
13 propriation, make payments in each fiscal year to coastal
14 States and to eligible political subdivisions equal to the
15 amount deposited in the Fund for the prior fiscal year,
16 together with the portion of interest earned from invest-
17 ment of the funds which corresponds to that amount (re-
18 duced by any refunds paid under section 705(c)). Such
19 payments shall be allocated among the coastal States and
20 eligible political subdivisions as provided in this section.

21 “(c) DETERMINATION OF STATES’ ALLOCABLE
22 SHARES.—

23 “(1) ALLOCABLE SHARE FOR EACH STATE.—
24 For each coastal State, the Secretary shall deter-
25 mine the State’s allocable share of the total amount

1 of the revenues deposited in the Fund for each fiscal
2 year using the following weighted formula:

3 “(A) 25 percent of the State’s allocable
4 share shall be based on the ratio of such State’s
5 shoreline miles to the shoreline miles of all
6 coastal States.

7 “(B) 25 percent of the State’s allocable
8 share shall be based on the ratio of such State’s
9 coastal population to the coastal population of
10 all coastal States.

11 “(C) 50 percent of the State’s allocable
12 share shall be computed based upon Outer Con-
13 tinental Shelf production. If any portion of a
14 coastal State lies within a distance of 200 miles
15 from the geographic center of any leased tract,
16 such State shall receive 50 percent of its allo-
17 cable share based on the Outer Continental
18 Shelf oil and gas production offshore of such
19 State. Such part of its allocable share shall be
20 inversely proportional to the distance between
21 the nearest point on the coastline of such State
22 and the geographic center of each leased tract
23 or portion of the leased tract (to the nearest
24 whole mile), as determined by the Secretary.

25 “(2) MINIMUM STATE SHARE.—

1 “(A) IN GENERAL.—The allocable share of
2 revenues determined by the Secretary under
3 this subsection for each coastal State with an
4 approved coastal management program (as de-
5 fined by the Coastal Zone Management Act (16
6 U.S.C. § 1451)) or which is making satisfactory
7 progress toward one shall not be less than 0.50
8 percent of the total amount of the revenues de-
9 posited in the Fund for each fiscal year. For
10 any other coastal State the allocable share of
11 such revenues shall not be less than 0.25 per-
12 cent of such revenues.

13 “(B) RECOMPUTATION.—Where one or
14 more coastal States’ allocable shares, as com-
15 puted under paragraph (1), are increased by
16 any amount under this paragraph, the allocable
17 share for all other coastal States shall be re-
18 computed and reduced by the same amount so
19 that not more than 100 percent of the amount
20 deposited in the fund is allocated to all coastal
21 States. The reduction shall be divided pro rata
22 among such other coastal States.

23 “(3) ADJUSTMENT FOR PRODUCING STATES.—

24 “(A) DEFINITIONS.—In this paragraph:

1 “(i) NONPRODUCING STATE.—The
2 term ‘nonproducing State’ means a State
3 other than a producing State.

4 “(ii) PRODUCING STATE.—The term
5 ‘producing State’ means a State off the
6 coast of which any leased tract or tract in
7 State water produced oil, condensate, or
8 natural gas during fiscal year 1998 that,
9 during that fiscal year, was transported by
10 pipeline to a processing facility in the
11 State.

12 “(iii) TRACT IN STATE WATER.—The
13 term ‘tract in State water’ means a tract
14 on land beneath navigable water described
15 in section 2(a)(2) of the Submerged Lands
16 Act (43 U.S.C. 1301(a)(2)).

17 “(B) ADJUSTMENT.—For any fiscal year,
18 if the application of paragraphs (1) and (2)
19 would result in an allocable share for any non-
20 producing State that is greater than the allo-
21 cable share for any producing State—

22 “(i) the amount of the allocable share
23 for each producing State shall be increased
24 to the amount of the highest allocable

1 share for any such nonproducing State;
2 and

3 “(ii) the amount of the allocable share
4 for States and other than States receiving
5 increases under paragraph (2) shall be re-
6 duced in the amount of the increase under
7 clause (i) in the proportion that the allo-
8 cable share for each such other State after
9 application of paragraphs (1) and (2)
10 bears to the total amount allocated to all
11 States under paragraphs (1) and (2).

12 “(a) PAYMENTS TO STATES AND POLITICAL SUB-
13 DIVISIONS.—Each coastal State’s allocable share shall be
14 divided between the State and political subdivisions in that
15 State as follows:

16 “(1) 40 percent of each State’s allocable share,
17 as determined under subsection (c), shall be paid to
18 the State;

19 “(2) 40 percent of each State’s allocable share,
20 as determined under subsection (c), shall be paid to
21 the eligible political subdivisions in such State, with
22 the funds to be allocated among the eligible political
23 subdivisions using the following weighted formula:

24 “(A) 50 percent of an eligible political sub-
25 division’s allocable share shall be based on the

1 ratio of that eligible political subdivision's acre-
2 age within the State's coastal zone, as defined
3 in an approved State coastal management pro-
4 gram (as defined by the Coastal Zone Manage-
5 ment Act (16 U.S.C. § 1451)), to the entire
6 acreage within the coastal zone in such State:
7 *Provided, however,* That if the State in which
8 the eligible political subdivision is located does
9 not have an approved coastal management pro-
10 gram, then the allocable share shall be based on
11 the ratio of that eligible political subdivision's
12 shoreline miles to the total shoreline miles in
13 that coastal State.

14 “(B) 25 percent of an eligible political sub-
15 division's allocable share shall be based on the
16 ratio of such eligible political subdivision's
17 coastal population to the coastal population of
18 all eligible political subdivisions in that State.

19 “(C) 25 percent of an eligible political sub-
20 division's allocable share shall be based on the
21 ratios that are inversely proportional to the dis-
22 tance between the nearest point on the seaward
23 boundary of each such eligible political subdivi-
24 sion and the geographic center of each leased

1 tract or portion of the leased tract (to the near-
2 est whole mile), as determined by the Secretary.

3 “(3) 20 percent of each State’s allocable share,
4 as determined under subsection (c), shall be allo-
5 cated to political subdivision in the coastal State
6 that do not qualify as eligible political subdivisions
7 but which are determined by the Governor or the
8 Secretary to have impacts from Outer Continental
9 Shelf related activities and which have an approved
10 plan under this subsection.

11 “(4) PROJECT SUBMISSION.—Prior to the re-
12 ceipt of funds pursuant to this subsection for any
13 fiscal year, a political subdivision must submit to the
14 Governor of the State in which it is located a plan
15 setting forth the projects and activities for which the
16 political subdivision proposes to expend such funds.
17 Such plan shall state the amounts proposed to be ex-
18 pended for each project or activity during the up-
19 coming fiscal year.

20 “(5) PROJECT APPROVAL.—(A) Prior to the
21 payment of funds pursuant to this subsection to any
22 political subdivision for any fiscal year, the Governor
23 must approve the plan submitted by the political
24 subdivision pursuant to this subsection and notify
25 the Secretary of such approval. State approval of

1 any such plan shall be consistent with all applicable
2 State and Federal law. In the event the Governor
3 disapproves any such plan, the funds that would oth-
4 erwise be paid to the political subdivision shall be
5 placed in escrow by the Secretary pending modifica-
6 tion and approval of such plan, at which time such
7 funds together with interest thereon shall be paid to
8 the political subdivision.

9 “(B) A political subdivision that fails to receive
10 approval from the Governor for a plan may appeal
11 to the Secretary and the Secretary may approve or
12 disapprove such plan based on the criteria set forth
13 in section 704: *Provided, however,* That the Sec-
14 retary shall have no authority to consider an appeal
15 of a political subdivision if the Governor of the State
16 has certified in writing to the Secretary that the
17 State has adopted a State program that by its ex-
18 press terms addresses the allocation of revenues to
19 political subdivisions.

20 “(e) TIME OF PAYMENT.—(1) Payments to coastal
21 States and political subdivisions under this section shall
22 be made not later than December 31 of each year from
23 revenues received and interest earned thereon during the
24 immediately preceding fiscal year. Payment shall not com-

1 mence before the date 12 months following the date of
2 enactment of this Act.

3 “(2) Any amount in the Fund not paid to coastal
4 States and political subdivisions under this section in any
5 fiscal year shall be disposed of according to the law other-
6 wise applicable to revenues from leases on the Outer Con-
7 tinental Shelf.

8 **“SEC. 704. USES OF FUNDS.**

9 “(a) AUTHORIZED USES OF FUNDS.—Funds received
10 pursuant to this Act may be used by the coastal States
11 and political subdivisions for—

12 “(1) air quality, water quality, fish and wildlife,
13 wetlands, outdoor recreation programs, or other
14 coastal resources, including shoreline protection and
15 coastal restoration;

16 “(2) other activities of such State or political
17 subdivision, contemplated by the Coastal Zone Man-
18 agement Act of 1972 (16 U.S.C. § 1451 et seq.), the
19 provisions of subtitle B of title IV of the Oil Pollu-
20 tion Act of 1990 (104 Stat. 523), or the Federal
21 Water Pollution Control Act (33 U.S.C. § 1251 et
22 seq.);

23 “(3) planning assistance and administrative
24 costs of complying with the provisions of this sub-
25 title;

1 “(4) uses related to the Outer Continental Shelf
2 Lands Act;

3 “(5) mitigating impacts of Outer Continental
4 Shelf activities, including onshore infrastructure and
5 public service needs; and

6 “(6) deposit in a state or political subdivision
7 administered trust fund dedicated to uses consistent
8 with this section.

9 “(b) COMPLIANCE WITH APPLICABLE LAWS.—All
10 projects and activities paid for by the moneys received
11 from the Fund shall comply with the State Coastal Zone
12 Management Plan and all applicable Federal, State and
13 local environmental laws and regulations.”

14 **“SEC. 705. STATE PLANS; CERTIFICATION; ANNUAL RE-**
15 **PORT; REFUNDS.**

16 “(a) STATE PLANS.—Within one year after the date
17 of enactment of this Act, the Governor of every State eligi-
18 ble to receive moneys from the Fund shall be develop a
19 State plan for the use of such moneys and shall certify
20 the plan to the Secretary. The plan shall be developed with
21 public participation and shall include the plan for the use
22 of such funds by every political subdivision of the State
23 eligible to receive moneys from the Fund. The Governor
24 shall certify to the Secretary that the plan was developed
25 with public participation and in accordance with all appli-

1 cable State laws. The Governor shall amend the plan, as
2 necessary, with public participation, but not less than
3 every five years.

4 “(b) CERTIFICATION.—Not later than 60 days after
5 the end of the fiscal year, any political subdivision receiv-
6 ing moneys from the Fund must certify to the Governor—

7 “(1) the amount of such funds expended by the
8 political subdivision during the previous fiscal year;

9 “(2) the amounts expended on each project or
10 activity;

11 “(3) a general description of how the funds
12 were expended; and

13 “(4) the status of each project or activity, in-
14 cluding a certification that the project or activity is
15 consistent with the State plan developed under para-
16 graph (a).

17 “(c) REPORT.—On June 15 of each year, the Gov-
18 ernor of each State receiving moneys from the Fund shall
19 account for all moneys so received for the previous fiscal
20 year in a written report to the Secretary and the Congress.
21 This report shall include a description of all projects and
22 activities receiving funds under this Act, including all in-
23 formation required under subsection (a).

24 “(d) REFUNDS.—In those instances where through
25 judicial decision, administrative review, arbitration, or

1 other means there are royalty refunds owed to entities
2 generating revenues under this Act, 27 percent of such
3 refunds shall be paid from amounts available in the
4 Fund.”.

5 **TITLE II—LAND AND WATER**
6 **CONSERVATION FUND REFORM**

7 **SEC. 202. SHORT TITLE.**

8 This title may be cited as the “Land and Water Con-
9 servation Fund Reform Act of 1998”.

10 **SEC. 202. FINDINGS AND PURPOSE.**

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

12 (1) The Land and Water Conservation Fund
13 Act of 1965 embodied a visionary concept—that a
14 portion of a nonrenewable natural resource should
15 result in a legacy of public places accessible for pub-
16 lic recreation and benefit from resources belonging
17 to all people, of all generations, and the enhance-
18 ment of the most precious and most renewable nat-
19 ural resource of any nation, healthy and active citi-
20 zens.

21 (2) The States and local governments were to
22 occupy a pivotal role in accomplishing the purposes
23 of the Land and Water Conservation Fund Act of
24 1965 and the Act originally provided an equitable

1 portion of funds to the States, and through them, to
2 local governments.

3 (3) However, because of competition for limited
4 Federal moneys and the need for an annual appro-
5 priation, this original intention has been abandoned
6 and, in recent years, the States have not received an
7 equitable proportion of funds.

8 (4) Nonetheless, with population growth and
9 urban sprawl, the demand for recreation and con-
10 servation areas, at the State and local level, includ-
11 ing urban localities, remains a high priority for our
12 citizens.

13 (5) In addition to the demand at the State and
14 local level, there has been an increasing unmet need
15 for Federal moneys to be made available for Federal
16 purposes, with lands identified as important for Fed-
17 eral acquisition not being acquired for several years
18 due to insufficient funds.

19 (6) A new vision is called for—a vision that en-
20 compasses a multilevel national network of parks,
21 recreation and conservation areas that reaches
22 across the country to touch all communities. Na-
23 tional parks are not enough; the federal government
24 alone cannot accomplish this. A national vision,
25 backed by realistic national funding support, to

1 stimulate State, local and private sector, as well as
2 Federal efforts, is the only way to effectively address
3 our ongoing outdoor recreation and conservation
4 needs.

5 (b) PURPOSE.—The purpose of this title is to provide
6 a secure source of funds available for Federal purposes
7 authorized by the Land and Water Conservation Fund Act
8 of 1965 and to revitalize and complement State, local and
9 private commitments envisioned in the Land and Water
10 Conservation Fund Act 1965 and the Urban Park and
11 Recreation Recovery Act of 1978 by providing grants for
12 State, local and urban recreation and conservation needs.

13 **SEC. 203. LAND AND WATER CONSERVATION FUND AMEND-**
14 **MENTS.**

15 (a) REVENUES.—Section 2(c)(1) of the Land and
16 Water Conservation Fund Act of 1965 (16 U.S.C. § 406l–
17 5(c)(1)) is amended as follows:

18 (1) By inserting “(A)” after “(c)(1)”.

19 (2) By striking “there are authorized” and all
20 that follows and inserting “from 16 percent of the
21 revenues, as that term is defined in the Land and
22 Water Conservation Fund in the Treasury and shall
23 be available, without further appropriation, to carry
24 out this Act for each fiscal year thereafter through
25 September 30, 2016.”.

1 (3) By adding at the end the following new sub-
2 paragraph:

3 “(B) In those instances where through ju-
4 dicial decision, administrative review, arbitra-
5 tion, or other means there are royalty refunds
6 owned to entities generating revenues available
7 for purposes of this Act, 16 percent of such re-
8 funds shall be paid from amounts available
9 under this subsection.”.

10 (b) AUTHORIZATION.—Section 2(c)(2) of the Land
11 and Water Conservation Fund Act of 1965 (16 U.S.C.
12 § 460l–5(c)(2)) is amended by striking “equivalent
13 amounts provided in clause (1)” and inserting
14 “\$900,000,000”.

15 (c) APPROPRIATION.—Section 3 of the Land and
16 Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–
17 6) is amended by striking “Moneys” and inserting “Ex-
18 cept as provided under section 460l–5(c)(1), moneys”.

19 (d) ALLOCATION OF FUNDS.—Section 5 of the Land
20 and Water Conservation Fund Act of 1965 (16 U.S.C.
21 § 460l–7) is amended as follows:

22 (1) by inserting “(a)” at the beginning;

23 (2) by striking “Those appropriations from the
24 fund” and all that follows; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(b) Moneys credited to the fund under section
4 2(c)(1) of this Act (16 U.S.C. 460l–5(c)(1)) for obli-
5 gation or expenditure may be obligated or expended
6 only as follows—

7 “(1) 45 percent shall be available for Federal
8 purposes. Notwithstanding section 7 of this Act (16
9 U.S.C. § 460l–9), 25 percent of such moneys shall
10 be made available to the Secretary of Agriculture for
11 the acquisition of lands, waters, or interests in land
12 or water within the exterior boundaries of areas of
13 the National Forest System or any other land man-
14 agement unit established by an Act of Congress and
15 managed by the Secretary of Agriculture and 75
16 percent of such moneys shall be available to the Sec-
17 retary of the Interior for the acquisition of lands,
18 waters, or interests in land or water within the exte-
19 rior boundaries of areas of the National Park Sys-
20 tem, National Wildlife Refuge System, or other land
21 management unit established by an Act of Congress:
22 *Provided*, That at least two-thirds of the moneys
23 available under this paragraph for Federal purposes
24 shall be spent east of the 100th meridian: *Provided*
25 *further*, That no moneys available under this para-

1 graph for Federal purposes shall be used for con-
2 demnation of any interest of property.

3 “(2) 45 percent shall be available for financial
4 assistance to the States under section 6 of this Act
5 (16 U.S.C. § 460~~l~~-8) distributed according to the
6 following allocation formula:

7 “(A) 60 percent shall be apportioned
8 equally among the several States;

9 “(B) 20 percent shall be apportioned on
10 the basis of the ratio which the population of
11 each State bears to the total population of the
12 United States;

13 “(C) 20 percent shall be apportioned on
14 the basis of the urban population of each State
15 (as defined by Metropolitan Statistical Areas).

16 “(3) 10 percent shall be available to local gov-
17 ernments through the Urban Parks and Recreation
18 Recovery Program (16 U.S.C. §§ 2501-2514) of the
19 Department of the Interior.

20 An amount, not to exceed 2 percent, of the total of such
21 moneys covered to the fund under section 2(c)(1) of this
22 Act (16 U.S.C. § 460~~l~~-5(c)(1)) in each fiscal year as the
23 Secretary of the Interior may estimate to be necessary for
24 expenses in the administration and execution of this sub-
25 section shall be deducted for that purpose, and such

1 amount is authorized to be made available therefor until
2 the expiration of the next succeeding fiscal year. Within
3 60 days after the close of such fiscal year, the Secretary
4 shall apportion any portion thereof as remains unex-
5 pended, if any, on the same basis and in the same manner
6 as is provided under paragraphs (1), (2) and (3).”.

7 (e) REHABILITATION.—Subsection 6(a) of the Land
8 and Water Conservation Fund Act of 1965 (16 U.S.C.
9 § 460l–8(a)) is amended by deleting “(3) development.”
10 and inserting in lieu thereof “(3) development, including
11 the facility rehabilitation.”.

12 (f) TRIBES AND ALASKA NATIVE VILLAGE CORPORA-
13 TIONS.—Subsection 6(b)(5) of the Land and Water Con-
14 servation Fund Act of 1965 (16 U.S.C. § 460l–8(b)(5))
15 is amended as follows:

16 (1) By inserting “(A) after “(5)”.

17 (2) By adding at the end the following new sub-
18 paragraph:

19 “(B) For the purposes of paragraph (1),
20 all federally recognized Indian tribes and Alas-
21 ka Native Village Corporations (as defined in
22 section 3(j) of the Alaska Native Claims Settle-
23 ment Act (43 U.S.C. 1602(j)) shall be treated
24 collectively as 1 State, and shall receive shares
25 of the apportionment under paragraph (1) in

1 accordance with a competitive grant program
2 established by the Secretary by rule. Such rule
3 shall ensure that in each fiscal year no single
4 tribe or Village Corporation receive more than
5 10 percent of the total amount made available
6 to all tribes and Village Corporations pursuant
7 to the apportionment under paragraph (1).
8 Funds received by an Indian tribe or Village
9 Corporation under this subparagraph may be
10 expended only for the purposes specified in
11 paragraphs (1) and (3) of subsection (b).”.

12 (g) LOCAL ALLOCATION.—Subsection 6(b) of the
13 Land and Water Conservation Fund Act of 1965 (16
14 U.S.C. § 460l–8(b)(5)) is amended by adding at the end
15 the following new paragraph:

16 “(g) Absent some compelling and annually doc-
17 umented reason to the contrary acceptable to the
18 Secretary, each State (other than an area treated as
19 a State under paragraph (5)) shall make available as
20 grants to local governments at least 50 percent of
21 the annual State apportionment, or an equivalent
22 amount made available from other sources.”.

23 (h) MATCH.—Subsection 6(e) of the Land and Water
24 Conservation Fund Act of 1965 (16 U.S.C. § 460l–8(e))
25 is amended to read as follows:

1 “(c) MATCHING REQUIREMENTS.—Payments to any
2 State shall cover not more than 50 percent of the cost
3 of outdoor recreation and conservation planning, acquisi-
4 tion or development projects that are undertaken by the
5 State.”.

6 (i) STATE ACTION AGENDA.—Subsection 6(d) of the
7 Land and Water Conservation Fund Act of 1965 (16
8 U.S.C. § 460l–8(d)) is amended to read as follows:

9 “(d) STATE ACTION AGENDA REQUIRED.—(1) Each
10 State may define its own priorities and criteria for selec-
11 tion of outdoor recreation and conservation acquisition
12 and development projects eligible for grants under this Act
13 so long as it provides for public involvement in this process
14 and publishes an accurate and current State Action Agen-
15 da for Community Recreation and Conservation indicating
16 the needs it has identified and the priorities and criteria
17 it has established. In order to assess its needs and estab-
18 lish its overall priorities, each State, in partnership with
19 its local governments and Federal agencies, and in con-
20 sultation with its citizens, shall develop a State Action
21 Agenda for Community Recreation and Conservation,
22 within five years of enactment, that meets the following
23 requirements:

1 “(A) The agenda must be strategic, originating
2 in broad-based and long-term needs, but focused on
3 actions that can be funded over the next 4 years.

4 “(B) The agenda must be updated at least once
5 every 4 years and certified by the Governor that the
6 State Action Agenda for Community Recreation and
7 Conservation conclusions and proposed actions have
8 been considered in an active public involvement pro-
9 cess.

10 “(2) State Action Agendas for Community Recre-
11 ation and Conservation shall take into account all pro-
12 viders of recreation and conservation lands within each
13 State, including Federal, regional and local government
14 resources and shall be correlated whenever possible with
15 other State, regional, and local plans for parks, recreation,
16 open space and wetlands conservation.

17 “(3) Each State Action Agenda for Community
18 Recreation and Conservation shall specifically address
19 wetlands within that State as important outdoor recre-
20 ation and conservation resources. Each State Action Agen-
21 da for Community Recreation and Conservation shall in-
22 corporate a wetlands priority plan developed in consulta-
23 tion with the State agency with responsibility for fish and
24 wildlife resources which is consistent with that national

1 wetlands priority conservation plan developed under sec-
2 tion 301 of the Emergency Wetlands Resources Act.

3 “(4) Recovery action programs developed by urban
4 localities under section 1007 of the Urban Park and
5 Recreation Recovery Act of 1978 shall be used by a State
6 as one guide to the conclusions, priorities and action
7 schedules contained in the State Action Agenda for Com-
8 munity Recreation and Conservation. Each State shall as-
9 sure that any requirements for local outdoor recreation
10 and conservation planning that are promulgated as condi-
11 tions for grants minimize redundancy of local efforts by
12 allowing, wherever possible, use of the findings, priorities,
13 and implementation schedules of recovery action programs
14 to meet such requirements.”.

15 (j) Comprehensive State Plans developed by any
16 State under section 6(d) of the Land and Water Conserva-
17 tion Fund Act of 1965 (16 U.S.C. § 460l–8(d)) before the
18 enactment of this Act shall remain in effect in that State
19 until or State Action Agenda for Community Recreation
20 and Conservation has been adopted pursuant to the
21 amendment made by this subsection, but no later than 5
22 years after the enactment of this Act.

23 (k) STATE PLANS.—Subsection 6(e) of the Land and
24 Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–
25 8(e)) is amended—

1 (1) by striking “State comprehensive plan” at
2 the end of the first paragraph and inserting “State
3 Action Agenda for Community Recreation and Con-
4 servation”;

5 (2) by striking “State comprehensive plan” in
6 paragraph (1) and inserting “State Action Agenda
7 for Community Recreation and Conservation”; and

8 (3) by striking “but not including incidental
9 costs related to acquisition” at the end of paragraph
10 (1).

11 (l) CONVERSION.—Paragraph (6)(f)(3) of the Land
12 and Water Conservation Fund Act of 1965 (16 U.S.C.
13 § 460l–8(f)(3)) is amended by striking the second sentence
14 and inserting: “With the exception of those priorities that
15 are no longer viable as an outdoor recreation and con-
16 servation facility due to changes in demographics or must
17 be abandoned because of environmental contamination
18 which endanger public health and safety, the Secretary
19 shall approve such conversion only if the State dem-
20 onstrates no prudent or feasible alternative exists. Any
21 conversion must satisfy any conditions the Secretary
22 deems necessary to assure the substitution of other recre-
23 ation and conservation properties of at least equal fair
24 market value, or reasonably equivalent usefulness and lo-
25 cation and which are in accord with the existing State Ac-

1 tion for Community Recreation and Conservation: *Pro-*
2 *vided*, That wetland areas and interests therein as identi-
3 fied in the wetlands provisions of the action agenda and
4 proposed to be acquired as suitable replacement property
5 within that same State that is otherwise acceptable to the
6 Secretary shall be considered to be of reasonably equiva-
7 lent usefulness with the property proposed for conver-
8 sion.”.

9 (m) COST LIMITATIONS.—Section 7 of the Land and
10 Water Conservation Fund Act of 1965 (16 U.S.C. § 460l-
11 9) is amended by adding the following at the end thereof:

12 (D) MAXIMUM FEDERAL COST PER
13 PROJECT.—No expenditure shall be made to ac-
14 quire any Federal land the cost of which ex-
15 ceeds \$5,000,000 unless the funds for such ac-
16 quisition have been specifically allocated to the
17 acquisition in the report accompanying the leg-
18 islation appropriating funds for the Federal
19 agency concerned and such allocation has been
20 approved by resolution adopted by the Com-
21 mittee on Resources of the United States House
22 or Representatives and the Committee on En-
23 ergy and Natural Resources of the United
24 States House of Representatives and the Com-

1 mittee on Energy and Natural Resources of the
2 United States Senate.”.

3 **SEC. 204. URBAN PARK AND RECREATION RECOVERY ACT**
4 **OF 1978 AMENDMENTS.**

5 (a) GRANTS.—Section 1004 of the Urban Park and
6 Recreation Recovery Act (16 U.S.C. § 2503) is amended
7 by redesignating subsections (d), (e), and (f) as sub-
8 sections (f), (g), and (h) respectively, and by redesignating
9 subsections (d), (e), and (f) as subsections (f), (g), and
10 (h) respectively, and by inserting the following after sub-
11 section (c):

12 “(d) ‘development grants’ means matching capital
13 grants to local units of government to cover costs of devel-
14 opment and construction on existing or new neighborhood
15 recreation sites, including indoor and outdoor recreation
16 facilities, support facilities, and landscaping, but excluding
17 routine maintenance and upkeep activities;”;

18 “(e) ‘acquisition grants’ means matching capital
19 grants to local units of government to cover the direct and
20 incidental costs of purchasing new parkland to be perma-
21 nently dedicated and made accessible for public recreation
22 use;”.

23 (b) ELIGIBILITY.—Subsection 1005(a) of the Urban
24 Park and Recreation Recovery Act (16 U.S.C. § 2504) is
25 amended to read as follows:

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

5 “(1) All central cities of Metropolitan, Primary
6 or Consolidated Statistical Areas as currently de-
7 fined by the census.

8 “(2) All political subdivisions included in Metro-
9 politan, Primary or Consolidated Statistical Areas as
10 currently defined by the census.

11 “(3) Any other city or town within a Metropoli-
12 tan Area with a population of 50,000 or more in the
13 census of 1970, 1980, or 1990.

14 “(4) Any other county, parish or township with
15 a total population of 250,000 or more in the census
16 of 1970, 1980, or 1990.”.

17 (c) MATCHING GRANTS.—Subsection 1006(a) of the
18 Urban Park and Recreational Recovery Act (16 U.S.C.
19 § 2505(a)) is amended by striking all through paragraph
20 (3) and inserting the following:

21 “SEC. 1006. (a) The Secretary is authorized to pro-
22 vide 70 percent matching grants for rehabilitation, innova-
23 tion, development, or acquisition purposes to eligible gen-
24 eral purpose local governments upon his approval of appli-

1 cations therefor by the chief executives of such govern-
2 ments.

3 “(1) At the discretion of such applicants, and
4 if consistent with an approved application, rehabili-
5 tation, innovation, development or acquisition grants
6 may be transferred in whole or in part to inde-
7 pendent special purpose local governments, private
8 nonprofit agencies or county or regional park au-
9 thorities; except that, such grantees shall provide as-
10 surance to the Secretary that they will maintain
11 public recreation opportunities at assisted areas and
12 facilities owned or managed by them in accordance
13 with section 1010 of this Act.

14 “(2) Payments may be made only for those re-
15 habilitation, innovation, development, or acquisition
16 projects which have been approved by the Secretary.
17 Such payments may be made from time to time in
18 keeping with the rate of progress toward completion
19 of a project, on a reimbursable basis.”.

20 (d) COORDINATION.—Section 1008 of the Urban
21 Park and Recreation Recovery Act (16 U.S.C. § 2507) is
22 amended by striking the last sentence and inserting the
23 following: “The Secretary and general purpose local gov-
24 ernments are encouraged to coordinate preparation of re-
25 covery action programs required by this title with State

1 Action Agendas for Community Recreation and Conserva-
2 tion required by section 6 of the Land and Water Con-
3 servation Fund Act of 1965, including the allowance of
4 flexibility in local preparation of recovery action programs
5 so that they may be used to meet State or local qualifica-
6 tions for local receipt of Land and Water Conservation
7 Fund grants or State grants for similar purposes or for
8 other recreation or conservation purposes. The Secretary
9 shall also encourage States to consider the findings, prior-
10 ities, strategies and schedules included in the recovery ac-
11 tion programs of their urban localities in preparation and
12 updating of the State Action Agendas for Community
13 Recreation and Conservation, in accordance with the pub-
14 lic coordination and citizen consultation requirements of
15 subsection 6(d) of the Land and Water Conservation Fund
16 Act of 1965.”.

17 (e) CONVERSION.—Section 1010 of the Urban Park
18 and Recovery Act (16 U.S.C. § 2509) is amended by strik-
19 ing the first sentence and inserting the following: “No
20 property acquired or improved or developed under this
21 title shall, without the approval of the Secretary, be con-
22 verted to other than public recreation uses. The Secretary
23 shall approve such conversion only if the grantee dem-
24 onstrates no prudent or feasible alternative exists (with
25 the exception of those properties that are no longer a via-

1 ble recreation facility due to changes in demographics or
 2 must be abandoned because of environmental contamina-
 3 tion which endanger public health and safety). Any conver-
 4 sion must satisfy any conditions the Secretary deems nec-
 5 essary to assure the substitution of other recreation prop-
 6 erties of at least equal fair market value, or reasonably
 7 equivalent usefulness and location and which are in accord
 8 with the current recreation recovery action program.”.

9 (f) REPEAL.—Section 1014 of the Urban Park and
 10 Recreation Recovery Act (16 U.S.C. 2513) is repealed.

11 **TITLE III—WILDLIFE CONSERVA-** 12 **TION AND RESTORATION**

13 **SEC. 301. SHORT TITLE.**

14 This title may be cited as the “Wildlife Conservation
 15 and Restoration Act of 2001”.

16 **SEC. 302. FINDINGS.**

17 The Congress finds and declares that—

18 (1) a diverse array of species of fish and wild-
 19 life is of significant value to the Nation for many
 20 reasons: aesthetic, ecological, educational, cultural,
 21 recreational, economic, and scientific;

22 (2) it should be the objective of the United
 23 States to retain for present and future generations
 24 the opportunity to observe, understand, and appre-
 25 ciate a wide variety of wildlife;

1 (3) millions of citizens participate in outdoor
2 recreation through hunting, fishing, and wildlife ob-
3 servation, all of which have significant value to the
4 citizens who engage in these activities;

5 (4) providing sufficient and properly maintained
6 wildlife associated recreational opportunities is im-
7 portant to enhancing public appreciation of a diver-
8 sity of wildlife and the habitats upon which they de-
9 pend;

10 (5) lands and water which contain species clas-
11 sified neither as game nor identified as endangered
12 or threatened also can provide opportunities for
13 wildlife associated recreation and education such as
14 hunting and fishing permitted by applicable State or
15 Federal law;

16 (6) hunters and anglers have for more than 60
17 years willingly paid user fees in the form of Federal
18 excise taxes on hunting and fishing equipment to
19 support wildlife diversity and abundance, through
20 enactment of the Federal Aid in Wildlife Restoration
21 Act (commonly referred to as the Pittman-Robertson
22 Act) and the Federal Aid in Sport Fish Restoration
23 Act (commonly referred to as the Dingell-Johnson/
24 Wallop-Breaux Act);

1 (7) State programs, adequately funded to con-
2 serve a broader array of wildlife in an individual
3 State and conducted in coordination with Federal,
4 State, tribal, and private landowners and interested
5 organizations, would continue to serve as a vital link
6 in a nationwide effort to restore game and nongame
7 wildlife, and the essential elements of such programs
8 should include conservation measures which manage
9 for a diverse variety of populations of wildlife; and

10 (8) it is proper for Congress to bolster and ex-
11 tend this highly successful program to aid game and
12 nongame wildlife in supporting health and diversity
13 of habitat, as well as providing funds for conserva-
14 tion education.

15 **SEC. 303. PURPOSES.**

16 The purposes of this title are—

17 (1) to extend financial and technical assistance
18 to the States under the Federal Aid to Wildlife Res-
19 toration Act for the benefit of a diverse array of
20 wildlife and associated habitats, including species
21 that are not hunted or fished, to fulfill unmet needs
22 of wildlife within the States while recognizing the
23 mandate of the States to conserve all wildlife;

24 (2) to assure sound conservation policies
25 through the development, revision and implementa-

1 tion of wildlife associated recreation and wildlife as-
2 sociated education and wildlife conservation law en-
3 forcement;

4 (3) to encourage State fish and wildlife agencies
5 to create partnerships between the Federal Govern-
6 ment, other State agencies, wildlife conservation or-
7 ganizations, and outdoor recreation and conservation
8 interests through cooperative planning and imple-
9 mentation of this title; and

10 (4) to encourage State fish and wildlife agencies
11 to provide for public involvement in the process of
12 development and implementation of a wildlife con-
13 servation and restoration program.

14 **SEC. 304. DEFINITIONS.**

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

20 (b) WILDLIFE CONSERVATION AND RESTORATION
21 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-
22 toration Act (16 U.S.C. 669a) is amended by inserting
23 after “shall be construed” in the first place it appears the
24 following: “to include the wildlife conservation and res-
25 toration program and”.

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

5 (d) CONSERVATION.—Section 2 is amended by strik-
6 ing the period at the end thereof, substituting a semicolon,
7 and adding the following: “the term ‘conservation’ shall
8 be construed to mean the use of methods and procedures
9 necessary or desirable to sustain healthy populations of
10 wildlife including all activities associated with scientific re-
11 sources management such as research, census, monitoring
12 of populations, acquisition, improvement and management
13 of habitat, live trapping and transplantation, wildlife dam-
14 age management, and periodic or total protection of a spe-
15 cies or population as well as the taking of individuals with-
16 in wildlife stock or population if permitted by applicable
17 State and Federal law; the term ‘wildlife conservation and
18 restoration program’ shall be construed to mean a pro-
19 gram developed by a State fish and wildlife department
20 that the Secretary determines meets the criteria in section
21 6(d), the projects that constitute such a program, which
22 may be implemented in whole or part through grants and
23 contacts by a State to other State, Federal, or local agen-
24 cies wildlife conservation organizations and outdoor recre-
25 ation and conservation education entitles from funds ap-

1 portioned under this title, and maintenance of such
2 projects; the term ‘wildlife’ shall be construed to mean any
3 species of wild, free-ranging fauna including fish, and also
4 fauna in captive breeding programs the object of which
5 is to reintroduce individuals of a depleted indigenous spe-
6 cies into previously occupied range; the term ‘wildlife-asso-
7 ciated recreation’ shall be construed to mean projects in-
8 tended to meet the demand for outdoor activities associ-
9 ated with wildlife including, but not limited to, hunting
10 and fishing, such projects as construction or restoration
11 of wildlife viewing areas, observation towers, blinds, plat-
12 forms, land and water trails, water access, trailheads, and
13 access for such projects; and the term ‘wildlife conserva-
14 tion education’ shall be construed to mean projects, in-
15 cluding public outreach, intended to foster responsible nat-
16 ural resources stewardship.”.

17 (e) 7 PERCENT.—Subsection 3(a) of the Federal Aid
18 in Wildlife Restoration Act (16 U.S.C. 669b(a)) is amend-
19 ed in the first sentence by—

20 (1) inserting “(1)” after “(beginning with the
21 fiscal year 1975)”; and

22 (2) inserting after “Internal Revenue Code of
23 1954” the following: “, and (2) from 7 percent of
24 the revenues, as that term is defined in the Con-
25 servation and Reinvestment Act of 1999,”.

1 **SEC. 305. SUBACCOUNTS AND REFUNDS.**

2 Section 3 of the Federal Aid in Wildlife Restoration
3 Act (16 U.S.C. 669b) is amended by adding at the end
4 the following new subsections:

5 “(c) A subaccount shall be established in the Federal
6 aid to wildlife restoration fund in the Treasury to be
7 known as the ‘wildlife conservation and restoration ac-
8 count’ and the credits to such account shall be equal to
9 the 7 percent of revenues referred to in subsection (a)(2).
10 Amounts in such account shall be invested by the Sec-
11 retary of the Treasury as set forth in subsection (b) and
12 shall be made available without further appropriation, to-
13 gether with interest, for apportionment at the beginning
14 of fiscal year 2000 and each fiscal year thereafter to carry
15 out State wildlife conservation and restoration programs.

16 “(d) Funds covered into the wildlife conservation and
17 restoration account shall supplement, but not replace, ex-
18 isting funds available to the States from the sport fish
19 restoration and wildlife restoration accounts and shall be
20 used for the development, revision, and implementation of
21 wildlife conservation and restoration programs and should
22 be used to address the unmet needs for a diverse array
23 of wildlife and associated habitats, including species that
24 are not hunted or fished, for wildlife conservation, wildlife
25 conservation education, and wildlife-associated recreation
26 projects: *Provided*, That such funds may be used for new

1 programs and projects as well as to enhance existing pro-
2 grams and projects.

3 “(e) Notwithstanding subsections (a) and (b) of this
4 Act, with respect to the wildlife conservation and restora-
5 tion account so much of the appropriation to any State
6 for any fiscal year as remains unexpended at the close
7 thereof is authorized to be made available for expenditure
8 in that State until the close of the fourth succeeding fiscal
9 year. Any amount apportioned to any State under this
10 subsection that is unexpended or unobligated at the end
11 of the period during which it is available for expenditure
12 on any project is authorized to be reapportioned to all
13 States during the succeeding fiscal year.

14 “(f) In those instances where through judicial deci-
15 sion, administrative review, arbitration, or other means
16 there are royalty refunds owed to entities generating reve-
17 nues available for purposes of this Act, 7 percent of such
18 refunds shall be paid from amounts available under sub-
19 section (a)(2).”.

20 **SEC. 306. ALLOCATION OF SUBACCOUNT RECEIPTS.**

21 Section 4 of the Federal Aid in Wildlife Restoration
22 Act (16 U.S.C. 669b) is amended by adding the following
23 new subsection:

24 “(c)(1) Notwithstanding subsection (a), an amount,
25 not to exceed 2 percent, of the revenues covered into the

1 wildlife conservation and restoration account in each fiscal
2 year as the Secretary of the Interior may estimate to be
3 necessary for expenses in the administration and execution
4 of programs carried out under the wildlife conservation
5 and restoration account shall be deducted for that pur-
6 pose, and such amount is authorized to be made available
7 therefor until the expiration of the next succeeding fiscal
8 year. Within 60 days after the close of such fiscal year,
9 the Secretary of the Interior shall apportion any portion
10 thereof as remains unexpended, if any, on the same basis
11 and in the same manner as is provided under paragraphs
12 (2) and (3).

13 “(2) The Secretary of the Interior, after making the
14 deduction under paragraph (1), shall make the following
15 apportionment from the amount remaining in the wildlife
16 conservation and restoration account:

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

20 “(B) to Guam, American Samoa, the Virgin Is-
21 lands, and the Commonwealth of the Northern Mar-
22 iana Islands, each a sum equal to not more than $\frac{1}{6}$
23 of 1 percent thereof.

24 “(3) The Secretary of the Interior, after making the
25 deduction under paragraph (1) and the apportionment

1 under paragraph (2), shall apportion the remaining
2 amount in the wildlife conservation and restoration ac-
3 count for each year among the States in the following
4 manner:

5 “(A) $\frac{1}{3}$ of which is based on the ratio to which
6 the land area of such State bears to the total land
7 area of all such States; and

8 “(B) $\frac{2}{3}$ of which is based on the ratio to which
9 the population of such State bears to the total popu-
10 lation of all such States.

11 The amounts apportioned under this paragraph shall be
12 adjusted equitably so that no such State shall be appor-
13 tioned a sum which is less than $\frac{1}{2}$ of 1 percent of the
14 amount available for apportionment under this paragraph
15 for any fiscal year or more than 5 percent of such amount.

16 “(d) WILDLIFE CONSERVATION AND RESTORATION
17 PROGRAMS.—Any State, through its fish and wildlife de-
18 partment, may apply to the Secretary for approval of a
19 wildlife conservation and restoration program or for funds
20 to develop a program, which shall—

21 “(1) contain provision for vesting in the fish
22 and wildlife department of overall responsibility and
23 accountability for development and implementation
24 of the program; and

1 “(2) contain provision for development and im-
2 plementation of—

3 “(A) wildlife conservation projects which
4 expand and support existing wildlife programs
5 to meet the needs of a diverse array of wildlife
6 species,

7 “(B) wildlife associated recreation pro-
8 grams; and

9 “(C) wildlife conservation education
10 projects.

11 If the Secretary of the Interior finds that an appli-
12 cation for such program contains the elements speci-
13 fied in paragraphs (1) and (2), the Secretary shall
14 approve such application and set aside from the ap-
15 portionment to the State made pursuant to section
16 4(c) an amount that shall not exceed 90 percent of
17 the estimated cost of developing and implementing
18 segments of the program for the first 5 fiscal years
19 following enactment of this subsection and not to ex-
20 ceed 75 percent thereafter. Not more than 10 per-
21 cent of the amounts apportioned to each State from
22 this subaccount for the State’s wildlife conservation
23 and restoration program may be used for law en-
24 forcement. Following approval, the Secretary may
25 make payments on a project that is a segment of the

1 State's wildlife conservation and restoration program
2 as the project progresses but such payments, includ-
3 ing previous payments on the project, if any, shall
4 not be more than the United States pro rata share
5 of such project. The Secretary, under such regula-
6 tions as he may prescribe, may advance funds rep-
7 resenting the United States pro rata share of a
8 project that is a segment of a wildlife conservation
9 and restoration program, including funds to develop
10 such program. For purposes of this subsection, the
11 term 'State' shall include the District of Columbia,
12 the Commonwealth of Puerto Rico, the United
13 States Virgin Islands, Guam, American Samoa, and
14 the Commonwealth of the Northern Mariana Is-
15 lands.'".

16 (b) FACA.—Coordination with State fish and wildlife
17 department personnel or with personnel of other State
18 agencies pursuant to the Federal Aid in Wildlife Restora-
19 tion Act or the Federal Aid in Sport Fish Restoration Act
20 shall not be subject to the Federal Advisory Committee
21 Act (5 U.S.C. App.). Except for the preceding sentence,
22 the provisions of this title relate solely to wildlife conserva-
23 tion and restoration programs as defined in this title and
24 shall not be construed to affect the provisions of the Fed-
25 eral Aid in Wildlife Restoration Act relating to wildlife res-

1 toration projects or the provisions of the Federal Aid in
2 Sport Fish Restoration Act relating to fish restoration and
3 management projects.

4 **SEC. 307. LAW ENFORCEMENT AND PUBLIC RELATIONS.**

5 The third sentence of subsection (a) of section 8 of
6 the Federal Aid in Wildlife Restoration Act (16 U.S.C.
7 669g) is amended by inserting before the period at the
8 end thereof: “, except that funds available from this sub-
9 account for a State wildlife conservation and restoration
10 program may be used for law enforcement and public rela-
11 tions”.

12 **SEC. 308. PROHIBITION AGAINST DIVERSION.**

13 No designated State agency shall be eligible to receive
14 matching funds under this Act if sources of revenue avail-
15 able to it on January 1, 2002, for conservation of wildlife
16 are diverted for any purpose other than the administration
17 of the designated State agency, it being the intention of
18 Congress that funds available to States under this Act be
19 added to revenues from existing State sources and not
20 serve as a substitute for revenues from such sources. Such
21 revenues shall include interest, dividends, or other income
22 earned on the foregoing.

○