

106TH CONGRESS
1ST SESSION

S. 1573

To provide a reliable source of funding for State, local, and Federal efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 1999

Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. LEAHY, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide a reliable source of funding for State, local, and Federal efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Natural Resources Reinvestment Act of 1999”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Stewardship Council.

TITLE I—OPEN SPACE AND HISTORIC PRESERVATION

- Sec. 101. Findings and purposes.

Subtitle A—Land and Water Conservation Fund

- Sec. 111. Secure funding for the Land and Water Conservation Fund.
- Sec. 112. Financial assistance to States.

Subtitle B—Urban Park and Recreation Recovery

- Sec. 121. Urban park and recreation recovery.

Subtitle C—Historic Preservation

- Sec. 131. Historic Preservation Fund.

Subtitle D—State Land and Water of National or Regional Interest

- Sec. 141. State land and water of national or regional interest.

Subtitle E—Payments for Federal Ownership

- Sec. 151. Authorization of appropriations for payments for entitlement land and the Refuge Revenue Sharing Fund.

TITLE II—STATE CONSERVATION ASSISTANCE

- Sec. 201. Short title.
- Sec. 202. Findings and purpose.
- Sec. 203. Definitions.
- Sec. 204. Environmental Stewardship Fund.
- Sec. 205. Apportionment of Fund receipts to States.
- Sec. 206. Use of funds by States.
- Sec. 207. State plans.
- Sec. 208. Effect on leasing and development.

TITLE III—FISH AND WILDLIFE CONSERVATION

- Sec. 301. Findings and purposes.
- Sec. 302. Definitions.
- Sec. 303. Conservation programs.
- Sec. 304. Fish and Wildlife Conservation Fund.
- Sec. 305. Apportionment of Fund receipts to States.
- Sec. 306. Technical amendments.

TITLE IV—NEW OPEN SPACE INITIATIVES

Subtitle A—Watersheds

- Sec. 401. Findings and purpose.
- Sec. 402. Land acquisition and restoration program.

Subtitle B—Transportation

- Sec. 411. Findings and purpose.

Sec. 412. Surface transportation program.

Sec. 413. Federal-aid system.

Subtitle C—Farmland

Sec. 421. Farmland protection.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **LEASED TRACT.**—The term “leased tract”
4 means a tract—

5 (A) leased under section 8 of the Outer
6 Continental Shelf Lands Act (43 U.S.C. 1337)
7 for the purpose of drilling for, developing, and
8 producing oil and natural gas resources; and

9 (B) comprising a unit consisting of a
10 block, a portion of a block, or a combination of
11 blocks or portions of blocks, as specified in the
12 lease, and as depicted on an outer Continental
13 Shelf Official Protraction Diagram.

14 (2) **OUTER CONTINENTAL SHELF.**—The term
15 “outer Continental Shelf” has the meaning given the
16 term in section 2 of the Outer Continental Shelf
17 Lands Act (43 U.S.C. 1331).

18 (3) **QUALIFIED OUTER CONTINENTAL SHELF**
19 **REVENUES.**—

20 (A) **IN GENERAL.**—The term “qualified
21 outer Continental Shelf revenues” means—

22 (i) all sums received by the United
23 States from each leased tract or portion of

1 a leased tract located in the western or
2 central Gulf of Mexico; less

3 (ii) such sums as may be credited to
4 States under section 8(g) of the Outer
5 Continental Shelf Lands Act (43 U.S.C.
6 1337(g)) and amounts needed for adjust-
7 ments and refunds as overpayments for
8 rents, royalties, or other purposes.

9 (B) INCLUSIONS.—The term “qualified
10 outer Continental Shelf revenues” includes roy-
11 alties (including payments for royalty taken in
12 kind and sold), net profit share payments, and
13 related late-payment interest from natural gas
14 and oil leases granted under the Outer Conti-
15 nental Shelf Lands Act (43 U.S.C. 1331 et
16 seq.) for a leased tract or portion of a leased
17 tract described in subparagraph (A)(i).

18 (4) REVENUES.—The term “revenues” means
19 all sums received by the United States as rents, roy-
20 alties (including payments for royalty taken in kind
21 and sold), net profit share payments, and related
22 late-payment interest from natural gas and oil leases
23 granted under the Outer Continental Shelf Lands
24 Act (43 U.S.C. 1331 et seq.).

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

3 (6) STEWARDSHIP COUNCIL.—The term “Stew-
4 ardship Council” means the interagency council es-
5 tablished by section 3.

6 **SEC. 3. STEWARDSHIP COUNCIL.**

7 (a) ESTABLISHMENT.—There is established an inter-
8 agency council to be known as the “Land and Water Re-
9 source Stewardship Council”.

10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—The Stewardship Council
12 shall be composed of the following members or their
13 designees:

14 (A) The Administrator of the Environ-
15 mental Protection Agency.

16 (B) The Secretary of the Interior.

17 (C) The Administrator of the National
18 Oceanic and Atmospheric Administration.

19 (D) The Secretary of Agriculture.

20 (E) 2 Members of the Senate—

21 (i) to be appointed by the President of
22 the Senate; and

23 (ii) to serve in a nonvoting capacity.

24 (F) 2 Members of the House of
25 Representatives—

1 (i) to be appointed by the Speaker of
2 the House of Representatives; and

3 (ii) to serve in a nonvoting capacity.

4 (2) CHAIRPERSON.—The members of the Stew-
5 ards-hip Council shall elect a Chairperson not less
6 often than once every 2 years.

7 (c) DUTIES.—

8 (1) IN GENERAL.—The Stewardship Council
9 shall be responsible for reviewing and selecting appli-
10 cations for grants for State land and water of na-
11 tional or regional interest under section 14 of the
12 Land and Water Conservation Fund Act of 1965 (as
13 added by section 141 of this Act), reviewing and ap-
14 proving the State plans required under section 207,
15 and coordinating technical assistance at the request
16 of any State, Indian tribe, or Territory.

17 (2) CONSULTATION.—In making decisions and
18 reviewing State plans, the Stewardship Council shall
19 consult with and seek recommendations from other
20 appropriate Federal agencies.

21 (d) FREQUENCY OF MEETINGS.—The President
22 shall—

23 (1) convene the first meeting of the Steward-
24 ship Council not later than 30 days after the date
25 of enactment of this Act; and

1 (2) convene additional meetings as often as ap-
2 propriate, but not less often than quarterly, to en-
3 sure that this Act is fully carried out.

4 (e) PROCEDURES.—

5 (1) QUORUM.—Three members of the Steward-
6 ship Council shall constitute a quorum.

7 (2) VOTING AND MEETING PROCEDURES.—The
8 Stewardship Council shall establish procedures for
9 voting and the conduct of meetings by the Steward-
10 ship Council.

11 **TITLE I—OPEN SPACE AND**
12 **HISTORIC PRESERVATION**

13 **SEC. 101. FINDINGS AND PURPOSES.**

14 (a) FINDINGS.—Congress finds that—

15 (1) Congress enacted the land and water con-
16 servation fund in 1964 and the Historic Preserva-
17 tion Fund in 1976, and provided that revenues from
18 activities in the outer Continental Shelf would fund
19 each program;

20 (2) however, since 1964, of \$21,000,000,000
21 authorized for the land and water conservation fund,
22 only \$9,000,000,000 has been appropriated, and
23 since 1977, of \$2,776,000,000 authorized for the
24 Historic Preservation Fund, only \$845,000,000 has
25 been appropriated;

1 (3) prior to dedicating outer Continental Shelf
2 revenues for new programs to benefit the Nation,
3 Congress should dedicate outer Continental Shelf
4 revenues to the original purposes for which those
5 funds were intended;

6 (4) since the establishment of the land and
7 water conservation fund, the fund has been respon-
8 sible for the preservation of nearly 7,000,000 acres
9 of park land, refuges, and open spaces, and the de-
10 velopment of more than 37,000 State and local
11 parks and recreation projects;

12 (5) since the establishment of the Historic
13 Preservation Fund, the fund has been responsible
14 for identifying more than 1,000,000 historic sites
15 throughout the United States and certifying 1,145
16 local governments as partners in preserving historic
17 sites;

18 (6) as the loss of open space and the phe-
19 nomenon of sprawl in rural, suburban, and urban
20 areas of the Nation continues to increase, it is in-
21 creasingly important to conserve natural, historic,
22 and cultural resources of the Nation;

23 (7) the land and water conservation fund and
24 the Historic Preservation Fund serve valuable pur-
25 poses to address the needs of the Nation today as

1 they did when they were enacted, and they are vital
2 programs to assist State and local governments in
3 their efforts to address those needs;

4 (8) the land and water conservation fund
5 should be augmented to provide a new program to
6 encourage State, local, and private partnerships for
7 conservation of non-Federal land of national and re-
8 gional significance that will fulfill national conserva-
9 tion priorities while allowing the land to remain
10 under State and local control; and

11 (9) the purposes of the Urban Park and Recre-
12 ation Recovery Act of 1978 (16 U.S.C. 2501 et seq.)
13 and payments in lieu of taxes are consonant with
14 those of the land and water conservation fund and
15 the Historic Preservation Fund, and complement
16 those programs.

17 (b) PURPOSES.—The purposes of this title are—

18 (1) to provide a secure source of funding for
19 Federal land acquisition to meet State, local, and
20 urban conservation and recreation needs through the
21 Land and Water Conservation Fund Act of 1965
22 (16 U.S.C. 4601–4 et seq.) and the Urban Park and
23 Recreation Recovery Act of 1978 (16 U.S.C. 2501
24 et seq.); and

1 (2) to recognize and to preserve the historic
2 places of the United States through the National
3 Historic Preservation Act (16 U.S.C. 470 et seq.).

4 **Subtitle A—Land and Water**
5 **Conservation Fund**

6 **SEC. 111. SECURE FUNDING FOR THE LAND AND WATER**
7 **CONSERVATION FUND.**

8 Section 3 of the Land and Water Conservation Fund
9 Act of 1965 (16 U.S.C. 460l–6) is amended—

10 (1) by striking “SEC. 3. APPROPRIATIONS.—
11 Moneys” and inserting the following:

12 **“SEC. 3. APPROPRIATIONS.**

13 “(a) IN GENERAL.—Except as provided in subsection
14 (b), moneys”; and

15 (2) by adding at the end the following:

16 “(b) SPECIAL APPROPRIATION.—

17 “(1) IN GENERAL.—For each of fiscal years
18 1999 through 2015, from qualified outer Continental
19 Shelf revenues (as defined in section 2 of the Nat-
20 ural Resources Reinvestment Act of 1999) covered
21 into the fund in the preceding fiscal year, there is
22 appropriated the lesser of—

23 “(A) \$900,000,000; or

24 “(B) the amount that is equal to 34 per-
25 cent of the amount of qualified outer Conti-

1 mental Shelf revenues covered into the fund
2 during the preceding fiscal year;
3 to remain available until expended.

4 “(2) PURPOSES.—

5 “(A) IN GENERAL.—Notwithstanding sec-
6 tion 5, for each of fiscal years 1999 through
7 2015, funds appropriated by paragraph (1)
8 shall be available for the purposes specified in
9 this paragraph.

10 “(B) ADMINISTRATIVE EXPENSES.—

11 “(i) IN GENERAL.—Of the amount
12 made available for a fiscal year by para-
13 graph (1), the Secretary of the Interior
14 may deduct not more than 2 percent for
15 payment of administrative expenses in-
16 curred in carrying out this subsection.

17 “(ii) PERIOD OF AVAILABILITY.—A
18 deduction by the Secretary under clause (i)
19 for a fiscal year shall be available for obli-
20 gation by the Secretary until September 30
21 of the following fiscal year.

22 “(iii) DISTRIBUTION OF UNOBLI-
23 GATED FUNDS.—Not later than 60 days
24 after the end of a fiscal year, the Secretary
25 shall distribute under subparagraphs (C)

1 and (D) any unobligated amount of a de-
2 duction under clause (i) for which the pe-
3 riod of availability under clause (ii) termi-
4 nated on September 30 of the fiscal year.

5 “(C) FEDERAL PURPOSES.—Of the
6 amount made available for a fiscal year by
7 paragraph (1) remaining after the deduction
8 under subparagraph (B)(i), 50 percent shall be
9 available for Federal purposes under section 7.

10 “(D) STATE PURPOSES.—

11 “(i) IN GENERAL.—Of the amount
12 made available for a fiscal year by para-
13 graph (1) remaining after the deduction
14 under subparagraph (B)(i), 50 percent
15 shall be available for providing financial
16 assistance to States under section 6 and
17 for any other State purpose authorized
18 under this Act.

19 “(ii) DISTRIBUTION.—Amounts made
20 available by clause (i) shall be distributed
21 among States in accordance with section 6.

22 “(iii) LOCAL GOVERNMENT SHARE.—
23 Not less than 50 percent of the amount
24 provided to a State for each fiscal year
25 under this subparagraph shall be provided

1 by the State to local governments to pro-
2 vide natural areas, open space, park land,
3 or recreational areas.

4 “(3) ANNUAL BUDGET SUBMISSIONS.—

5 “(A) IN GENERAL.—In the annual budget
6 submission of the President for the fiscal year
7 concerned, the President shall specify the spe-
8 cific purposes for which the funds made avail-
9 able under paragraph (2)(C) are to be used by
10 the Secretary of the Interior and the Secretary
11 of Agriculture.

12 “(B) USE BY SECRETARIES.—Funds made
13 available for a fiscal year under paragraph
14 (2)(C) shall be used by the Secretary concerned
15 for the purposes specified by the President in
16 the annual budget submission of the President
17 for the fiscal year unless Congress, in the gen-
18 eral appropriation Acts for the Department of
19 the Interior or the Department of Agriculture
20 for the fiscal year, specifies that any part of the
21 funds is to be used by the Secretary concerned
22 for another purpose.

23 “(4) PRIORITY LISTS.—

24 “(A) IN GENERAL.—For the purposes of
25 assisting the President in preparing an annual

1 budget submission under paragraph (3), the
2 Secretary of the Interior and the Secretary of
3 Agriculture shall prepare Federal priority lists
4 for the expenditure of funds made available
5 under paragraph (2)(C).

6 “(B) CONSULTATION.—The priority lists
7 shall be prepared in consultation with the head
8 of the affected bureau or agency, taking into
9 account the best professional judgment regard-
10 ing the land acquisition priorities and policies of
11 the bureau or agency.

12 “(C) FACTORS.—In preparing the priority
13 lists, the Secretaries shall consider—

14 “(i) the potential adverse impacts that
15 might result if a land acquisition is not un-
16 dertaken;

17 “(ii) the availability of a land ap-
18 praisal and other information necessary to
19 complete the acquisition in a timely man-
20 ner; and

21 “(iii) such other factors as the Secre-
22 taries consider appropriate.”.

23 **SEC. 112. FINANCIAL ASSISTANCE TO STATES.**

24 (a) ALLOCATION OF AMOUNTS AVAILABLE FOR
25 STATE PURPOSES.—Section 6 of the Land and Water

1 Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is
2 amended by striking subsection (b) and inserting the fol-
3 lowing:

4 “(b) DISTRIBUTION AMONG STATES.—

5 “(1) IN GENERAL.—For each fiscal year, the
6 Secretary shall distribute sums made available from
7 the fund for State purposes among the States in ac-
8 cordance with this subsection. The determination of
9 the distribution by the Secretary shall be final.

10 “(2) FORMULA.—For each fiscal year, the Sec-
11 retary shall distribute the sums made available from
12 the fund for State purposes as follows:

13 “(A) 30 percent shall be distributed equal-
14 ly among the States.

15 “(B) 70 percent shall be distributed among
16 the States based on the ratio that—

17 “(i) the population of each State;
18 bears to

19 “(ii) the total population of all States.

20 “(3) MAXIMUM ALLOCATION.—For each fiscal
21 year, the total allocation to any 1 State under para-
22 graph (2) shall not exceed 10 percent of the total
23 amount allocated to all States under this subsection
24 for the fiscal year.

1 “(4) TREATMENT OF DISTRICT OF COLUMBIA,
2 TERRITORIES, AND INDIAN TRIBES.—

3 “(A) ALLOCATION.—For the purpose of
4 paragraph (2)(A)—

5 “(i) the District of Columbia shall be
6 treated as 1 State;

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

9 “(I) shall be treated collectively
10 as 1 State; and

11 “(II) shall each be allocated an
12 equal share of the amount distributed
13 under subclause (I); and

14 “(iii) Indian tribes, and Alaska Native
15 villages and Regional or Village Corpora-
16 tions (as defined or established pursuant to
17 the Alaska Native Claims Settlement Act
18 (43 U.S.C. 1601 et seq.))—

19 “(I) shall be treated collectively
20 as 1 State; and

21 “(II) shall be allocated the
22 amount distributed under subclause
23 (I) in a manner determined by the
24 Secretary of the Interior.

1 “(B) OTHER PURPOSES.—Each of the
2 areas referred to in subparagraph (A), and each
3 Indian tribe, shall be treated as a State for all
4 other purposes of this Act.

5 “(5) AVAILABILITY OF ALLOCATIONS.—

6 “(A) IN GENERAL.—For each fiscal year—

7 “(i) the Secretary shall notify each
8 State of the allocation to the State under
9 this subsection; and

10 “(ii) the allocation shall be available
11 to the State, after the date of notification
12 to the State, for planning, acquisition, or
13 development projects in accordance with
14 this Act.

15 “(B) PERIOD OF AVAILABILITY.—Any
16 amount of an allocation to a State that is not
17 paid or obligated by the Secretary during the
18 period consisting of the fiscal year in which no-
19 tification is provided under subparagraph (A)
20 and the 2 fiscal years thereafter shall be redis-
21 tributed by the Secretary in accordance with
22 this subsection, without regard to paragraph
23 (3).”.

24 (b) STATE PLAN.—Section 6 of the Land and Water
25 Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is

1 amended by striking subsection (d) and inserting the fol-
2 lowing:

3 “(d) STATE PLAN.—

4 “(1) REQUIREMENT.—

5 “(A) IN GENERAL.—To be eligible for fi-
6 nancial assistance for acquisition or develop-
7 ment projects under this Act, a State, in con-
8 sultation with local subdivisions, nonprofit and
9 private organizations, and interested citizens,
10 shall prepare and submit to the Secretary a
11 State plan that meets the requirements of this
12 paragraph.

13 “(B) SUITABLE PLAN.—To meet the re-
14 quirement for a plan under subparagraph (A),
15 a State may use, in accordance with criteria de-
16 veloped by the Secretary, a comprehensive
17 statewide outdoor recreation plan, a State
18 recreation plan, or a State action agenda, if—

19 “(i) in the judgment of the Secretary,
20 the plan or agenda encompasses and fur-
21 thers the purposes of this Act; and

22 “(ii) the Governor of the State cer-
23 tifies that the plan or agenda was devel-
24 oped (and revised, if applicable) with
25 ample opportunity for public participation.

1 “(C) CRITERIA FOR PUBLIC PARTICIPA-
2 TION.—In consultation with appropriate per-
3 sons and entities, the Secretary shall develop
4 criteria for public participation which shall con-
5 stitute the basis for certification by the Gov-
6 ernor under subparagraph (B)(ii).

7 “(D) REQUIRED ELEMENTS.—A State
8 plan under subparagraph (A) shall contain—

9 “(i) the name of the State agency that
10 has the authority to represent and act for
11 the State in dealing with the Secretary for
12 the purposes of this Act;

13 “(ii) an evaluation of the demand for
14 and supply of outdoor conservation, recre-
15 ation, and open space resources in the
16 State;

17 “(iii) a program for the implementa-
18 tion of the plan; and

19 “(iv) such other information as the
20 Secretary determines to be necessary.

21 “(E) CONSIDERATION OF OTHER RE-
22 SOURCES, PROGRAMS, AND PLANS.—A State
23 plan under subparagraph (A) shall—

24 “(i) take into account relevant Fed-
25 eral resources and programs; and

1 “(ii) be coordinated to the maximum
2 extent practicable with other State, re-
3 gional, and local plans.

4 “(2) FINANCIAL ASSISTANCE FOR PREPARATION
5 OR MAINTENANCE OF STATE PLAN.—The Secretary
6 may provide financial assistance to a State for—

7 “(A) the development of a State plan
8 under paragraph (1) if the State does not have
9 a State plan; or

10 “(B) the maintenance of a State plan.”.

11 (c) PROJECTS FOR LAND AND WATER ACQUI-
12 TION.—Section 6(e)(1) of the Land and Water Conserva-
13 tion Fund Act of 1965 (16 U.S.C. 460l–8(e)(1)) is amend-
14 ed in the first paragraph by striking “, but not including
15 incidental costs relating to acquisition”.

16 (d) CONVERSION TO OTHER THAN PUBLIC OUTDOOR
17 RECREATION USES.—Section 6(f) of the Land and Water
18 Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)) is
19 amended by striking paragraph (3) and inserting the fol-
20 lowing:

21 “(3) CONVERSION TO OTHER THAN PUBLIC
22 OUTDOOR RECREATION USES.—

23 “(A) IN GENERAL.—No property acquired
24 or developed with assistance under this section
25 shall, without the approval of the Secretary, be

1 converted to other than public outdoor recre-
2 ation uses.

3 “(B) APPROVAL OF CONVERSION.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), the Secretary shall ap-
6 prove the conversion of property under this
7 paragraph only if the State demonstrates
8 that no prudent or feasible alternative ex-
9 ists to the conversion of the property.

10 “(ii) EXCEPTIONS.—Clause (i) does
11 not apply to a property that—

12 “(I) is no longer viable for use
13 for an outdoor conservation or recre-
14 ation facility because of a change in
15 demographic conditions; or

16 “(II) must be abandoned because
17 of environmental contamination that
18 endangers public health or safety.

19 “(C) SUBSTITUTION OF OTHER CONSERVA-
20 TION OR RECREATION PROPERTY.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), any conversion of property under this
23 paragraph shall satisfy any conditions that
24 the Secretary determines to be necessary
25 to ensure the substitution of other con-

1 servation or recreation property of at least
2 equal market value and reasonably equiva-
3 lent usefulness and location, in a manner
4 consistent with the State plan required
5 under subsection (d).

6 “(ii) WETLAND.—Wetland and inter-
7 ests in wetland that are identified in a
8 State plan and proposed to be acquired as
9 suitable replacement property within the
10 State and that are otherwise acceptable to
11 the Secretary shall be considered to be of
12 reasonably equivalent usefulness to the
13 property proposed for conversion.”.

14 (e) CONFORMING AMENDMENTS.—

15 (1) Section 6(e) of the Land and Water Con-
16 servation Fund Act of 1965 (16 U.S.C. 4601–8(e))
17 is amended—

18 (A) in the matter preceding paragraph (1),
19 by striking “State comprehensive plan” and in-
20 serting “State plan”; and

21 (B) in paragraph (1), by striking “, or
22 wetland areas and interests therein as identified
23 in the wetlands provisions of the comprehensive
24 plan”.

1 (2) Section 32(e) of the Bankhead-Jones Farm
2 Tenant Act (7 U.S.C. 1011(e)) is amended in the
3 last proviso of the first paragraph by striking “exist-
4 ing comprehensive statewide outdoor recreation plan
5 found adequate for purposes of the Land and Water
6 Conservation Fund Act of 1965 (78 Stat. 897)” and
7 inserting “State plan required by section 6 of the
8 Land and Water Conservation Fund Act of 1965
9 (16 U.S.C. 4601–8)”.

10 (3) Section 102(a)(2) of the National Historic
11 Preservation Act (16 U.S.C. 470b(a)(2)) is amended
12 by striking “comprehensive statewide outdoor recre-
13 ation plan prepared pursuant to the Land and
14 Water Conservation Fund Act of 1965 (78 Stat.
15 897)” and inserting “State plan required by section
16 6 of the Land and Water Conservation Fund Act of
17 1965 (16 U.S.C. 4601–8)”.

18 (4) Section 8(a) of the National Trails System
19 Act (16 U.S.C. 1247(a)) is amended in the first
20 sentence—

21 (A) by striking “comprehensive statewide
22 outdoor recreation plans” and inserting “State
23 plans”; and

24 (B) by inserting “of 1965 (16 U.S.C.
25 4601–4 et seq.)” after “Fund Act”.

1 (5) Section 11(a)(2) of the National Trails Sys-
2 tem Act (16 U.S.C. 1250(a)(2)) is amended by
3 striking “(relating to the development of Statewide
4 Comprehensive Outdoor Recreation Plans)” and in-
5 serting “(16 U.S.C. 4601–8) (relating to the develop-
6 ment of State plans)”.

7 (6) Section 11 of the Wild and Scenic Rivers
8 Act (16 U.S.C. 1282) is amended—

9 (A) in subsection (a)—

10 (i) by striking “comprehensive state-
11 wide outdoor recreation plans” and insert-
12 ing “State plans”; and

13 (ii) by striking “(78 Stat. 897)” and
14 inserting “(16 U.S.C. 4601–4 et seq.)”;
15 and

16 (B) in subsection (b)(2)(B), by striking
17 “(relating to the development of statewide com-
18 prehensive outdoor recreation plans)” and in-
19 serting “(16 U.S.C. 4601–8) (relating to the de-
20 velopment of State plans)”.

21 (7) Section 206(d) of title 23, United States
22 Code, is amended—

23 (A) in paragraph (1)(B), by striking
24 “statewide comprehensive outdoor recreation
25 plan required by the Land and Water Conserva-

1 tion Fund Act of 1965 (16 U.S.C. 4601–4 et
 2 seq.)” and inserting “State plan required by
 3 section 6 of the Land and Water Conservation
 4 Fund Act of 1965 (16 U.S.C. 4601–8)”;

5 (B) in paragraph (2)(D)(ii), by striking
 6 “statewide comprehensive outdoor recreation
 7 plan that is required by the Land and Water
 8 Conservation Fund Act of 1965 (16 U.S.C.
 9 4601–4 et seq.)” and inserting “State plan that
 10 is required by section 6 of the Land and Water
 11 Conservation Fund Act of 1965 (16 U.S.C.
 12 4601–8)”.

13 (8) Section 202(c)(9) of the Federal Land Pol-
 14 icy and Management Act of 1976 (43 U.S.C.
 15 1712(c)(9)) is amended by striking “statewide out-
 16 door recreation plans developed under the Act of
 17 September 3, 1964 (78 Stat. 897), as amended” and
 18 inserting “State plans required by section 6 of the
 19 Land and Water Conservation Fund Act of 1965
 20 (16 U.S.C. 4601–8)”.

21 **Subtitle B—Urban Park and** 22 **Recreation Recovery**

23 **SEC. 121. URBAN PARK AND RECREATION RECOVERY.**

24 (a) **AUTHORITY TO DEVELOP NEW AREAS AND FA-**
 25 **CILITIES.**—Section 1003 of the Urban Park and Recre-

1 ation Recovery Act of 1978 (16 U.S.C. 2502) is amended
2 in the first sentence by striking “areas, facilities,” and in-
3 serting “areas and facilities, development of new recre-
4 ation areas and facilities (including acquisition of land for
5 such development),”.

6 (b) DEFINITIONS.—Section 1004 of the Urban Park
7 and Recreation Recovery Act of 1978 (16 U.S.C. 2503)
8 is amended—

9 (1) in subsection (j)—

10 (A) by striking “Governor;” and inserting
11 “Governor, the District of Columbia;” and

12 (B) by striking “and” at the end of the
13 subsection;

14 (2) in subsection (k), by striking the period at
15 the end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(l) ‘acquisition grants’ means matching capital
18 grants to general purpose local governments and special
19 purpose local governments to cover the direct and inci-
20 dental costs of purchasing new park land to be perma-
21 nently dedicated and made accessible for public conserva-
22 tion and recreation; and

23 “(m) ‘development grants’ means matching capital
24 grants to general purpose local governments and special
25 purpose local governments to cover the costs of developing

1 and constructing existing or new neighborhood recreation
2 sites, including indoor and outdoor recreation facilities,
3 support facilities, and landscaping, but excluding routine
4 maintenance and upkeep activities.”.

5 (c) FEDERAL ASSISTANCE GRANTS.—Section 1005
6 of the Urban Park and Recreation Recovery Act of 1978
7 (16 U.S.C. 2504) is amended by striking subsection (a)
8 and inserting the following:

9 “(a) ELIGIBILITY.—

10 “(1) IN GENERAL.—Eligibility of general pur-
11 pose local governments to compete for assistance
12 under this title shall be based on need, as deter-
13 mined by the Secretary.

14 “(2) ELIGIBLE GOVERNMENTS.—General pur-
15 pose local governments that are eligible to compete
16 for assistance under this title include—

17 “(A) a political subdivision included in a
18 consolidated metropolitan statistical area, pri-
19 mary metropolitan statistical area, or metropoli-
20 tan statistical area, as those terms are used in
21 the most recent census;

22 “(B) any other city or town within an area
23 referred to in subparagraph (A) with a total
24 population of 50,000 individuals or more in the
25 1970 or any subsequent census; and

1 “(C) any other political subdivision, coun-
2 ty, parish, or township with a total population
3 of 250,000 individuals or more in the 1970 or
4 any subsequent census.”.

5 (d) REHABILITATION AND INNOVATION GRANTS.—
6 Section 1006(a) of the Urban Park and Recreation Recov-
7 ery Act of 1978 (16 U.S.C. 2505(a)) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “rehabilitation and innovative grants di-
10 rectly” and inserting “rehabilitation grants, innova-
11 tion grants, development grants, or acquisition
12 grants”;

13 (2) in paragraph (1)—

14 (A) by striking “rehabilitation and innova-
15 tion grants” and inserting “rehabilitation
16 grants, innovation grants, development grants,
17 and acquisition grants”; and

18 (B) by striking “authorities: *Provided*,”
19 and all that follows through “eligible applicant”
20 and inserting “authorities, except that the
21 grantee of a grant under this section shall pro-
22 vide assurances to the Secretary that the grant-
23 ee will maintain public conservation and recre-
24 ation opportunities at assisted areas and facili-

1 ties owned or managed by the grantee in ac-
2 cordance with section 1010”; and

3 (3) in paragraph (2)—

4 (A) in the first sentence, by striking “reha-
5 bilitation or innovative projects” and inserting
6 “projects eligible for rehabilitation grants, inno-
7 vation grants, development grants, or acquisi-
8 tion grants”; and

9 (B) in the second sentence, by striking “,
10 except” and all that follows and inserting “and
11 on a reimbursable basis.”.

12 (e) RECOVERY ACTION PROGRAMS.—Section 1007(a)
13 of the Urban Park and Recreation Recovery Act of 1978
14 (16 U.S.C. 2506(a)) is amended—

15 (1) in the first sentence, by inserting “develop-
16 ment,” after “commitments to ongoing planning;”
17 and

18 (2) in paragraph (2), by inserting “development
19 and” after “adequate planning for”.

20 (f) STATE ACTION INCENTIVES.—Section 1008 of the
21 Urban Park and Recreation Recovery Act of 1978 (16
22 U.S.C. 2507) is amended—

23 (1) by inserting “(a) IN GENERAL.—” before
24 the first sentence; and

1 (2) by striking the last sentence of subsection
2 (a) (as designated by paragraph (1)) and inserting
3 the following:

4 “(b) COORDINATION WITH LAND AND WATER CON-
5 SERVATION FUND ACTIVITIES.—

6 “(1) PREPARATION OF PROGRAMS AND
7 PLANS.—The Secretary and general purpose local
8 governments are encouraged to coordinate prepara-
9 tion of recovery action programs required by section
10 1007 with development of State plans required
11 under section 6 of the Land and Water Conservation
12 Fund Act of 1965 (16 U.S.C. 4601–8), including by
13 allowing flexibility in preparation of recovery action
14 programs so that the programs may be used to meet
15 State and local requirements for receipt by local gov-
16 ernments of—

17 “(A) funds provided as grants from the
18 land and water conservation fund; or

19 “(B) State grants for similar purposes or
20 for other conservation or recreation purposes.

21 “(2) CONSIDERATION OF FINDINGS, PRIOR-
22 ITIES, STRATEGIES, AND SCHEDULES.—The Sec-
23 retary shall encourage States to consider the find-
24 ings, priorities, strategies, and schedules included in
25 the recovery action programs of urban local govern-

1 ments in the development and revision of State plans
 2 in accordance with the public participation and co-
 3 ordination requirements of section 6(d) of the Land
 4 and Water Conservation Fund Act of 1965 (16
 5 U.S.C. 4601-8(d)).”.

6 (g) CONVERSION OF RECREATION PROPERTY.—The
 7 Urban Park and Recreation Recovery Act of 1978 is
 8 amended by striking section 1010 (16 U.S.C. 2509) and
 9 inserting the following:

10 **“SEC. 1010. CONVERSION OF RECREATION PROPERTY.**

11 “(a) IN GENERAL.—No property acquired, improved,
 12 or developed under this title shall, without the approval
 13 of the Secretary, be converted to other than public recre-
 14 ation uses.

15 “(b) APPROVAL OF CONVERSION.—

16 “(1) IN GENERAL.—Except as provided in para-
 17 graph (2), the Secretary shall approve the conver-
 18 sion of property under this section only if the grant-
 19 ee demonstrates that no prudent or feasible alter-
 20 native exists to the conversion of the property.

21 “(2) EXCEPTIONS.—Paragraph (1) does not
 22 apply to a property that—

23 “(A) is no longer a viable recreation facil-
 24 ity due to a change in demographic conditions;
 25 or

1 “(B) must be abandoned because of envi-
2 ronmental contamination that endangers public
3 health or safety.

4 “(c) **SUBSTITUTION OF OTHER CONSERVATION OR**
5 **RECREATION PROPERTY.**—Any conversion of property
6 under this section shall satisfy any conditions that the
7 Secretary determines to be necessary to ensure the substi-
8 tution of other conservation or recreation property of at
9 least equal market value and reasonably equivalent useful-
10 ness and location, in a manner consistent with the 5-year
11 action program for park and recreation recovery required
12 under section 1007(a).”.

13 (h) **FUNDING.**—Section 1013 of the Urban Park and
14 Recreation Recovery Act of 1978 (16 U.S.C. 2512) is
15 amended—

16 (1) by striking the section heading and all that
17 follows through “There are hereby” and inserting
18 the following:

19 **“SEC. 1013. FUNDING.**

20 “(a) **AUTHORIZATION OF APPROPRIATIONS.**—There
21 are”; and

22 (2) by adding at the end the following:

23 “(c) **SPECIAL APPROPRIATION.**—For each of fiscal
24 years 1999 through 2015, from revenues due and payable
25 to the United States as qualified outer Continental Shelf

1 revenues (as defined in section 2 of the Natural Resources
2 Reinvestment Act of 1999), there is appropriated, for the
3 purpose of making grants to local governments under this
4 Act, the lesser of—

5 “(1) \$100,000,000; or

6 “(2) the amount that is equal to 4 percent of
7 those revenues;

8 to remain available until expended.

9 (i) **LIMITATION ON USE OF FUNDS.**—Section 1014
10 of the Urban Park and Recreation Recovery Act of 1978
11 (16 U.S.C. 2513) is repealed.

12 **Subtitle C—Historic Preservation**

13 **SEC. 131. HISTORIC PRESERVATION FUND.**

14 Section 108 of the National Historic Preservation Act
15 (16 U.S.C. 470h) is amended—

16 (1) by striking “SEC. 108. To” and inserting
17 the following:

18 **“SEC. 108. HISTORIC PRESERVATION FUND.**

19 “(a) **ESTABLISHMENT.**—To”;

20 (2) in subsection (a) (as designated by para-
21 graph (1)), by striking “There shall be covered into
22 such fund” and all that follows through “(43 U.S.C.
23 338),” and inserting “There shall be deposited in
24 the fund for each fiscal year after fiscal year 1999,
25 from revenues due and payable to the United States

1 as qualified outer Continental Shelf revenues (as de-
2 fined in section 2 of the Natural Resources Reinvest-
3 ment Act of 1999), the lesser of \$150,000,000 or
4 the amount that is equal to 5 percent of those reve-
5 nues.”;

6 (3) by striking the third sentence of subsection
7 (a) (as so designated by paragraph (1)) and all that
8 follows through the end of the subsection and insert-
9 ing “Such moneys shall be used only to carry out
10 this Act.”; and

11 (4) by adding at the end the following:

12 “(b) AVAILABILITY.—Of amounts in the fund, up to
13 \$150,000,000 shall be available fiscal year 2000 and each
14 fiscal year thereafter, for obligation or expenditure with-
15 out further Act of appropriation to carry out this Act, and
16 shall remain available until expended.

17 “(c) INVESTMENT.—The Secretary of the Treasury
18 shall invest moneys in the fund that are excess to expendi-
19 tures in public debt securities with maturities suitable to
20 the needs of the fund, as determined by the Secretary of
21 the Treasury, and bearing interest at rates determined by
22 the Secretary of the Treasury, taking into consideration
23 current market yields on outstanding marketable obliga-
24 tions of the United States of comparable maturity. Inter-

1 est earned on such investments shall be deposited in the
2 fund.”.

3 **Subtitle D—State Land and Water**
4 **of National or Regional Interest**

5 **SEC. 141. STATE LAND AND WATER OF NATIONAL OR RE-**
6 **GIONAL INTEREST.**

7 Title I of the Land and Water Conservation Fund
8 Act of 1965 (16 U.S.C. 4601–4 et seq.) is amended by
9 adding at the end the following:

10 **“SEC. 14. STATE LAND AND WATER OF NATIONAL OR RE-**
11 **GIONAL INTEREST.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ACCOUNT.—The term ‘account’ means the
14 special account for conservation of State land and
15 water of national or regional interest established
16 under subsection (b).

17 “(2) COUNCIL.—The term ‘Council’ means the
18 Stewardship Council established by section 3 of the
19 Natural Resources Reinvestment Act of 1999.

20 “(3) STATE LAND AND WATER OF NATIONAL OR
21 REGIONAL INTEREST.—The term ‘State land and
22 water of national or regional interest’ means land or
23 water located in a State that is—

24 “(A) determined by the State to be of clear
25 national or regional significance based on the

1 ecological, aesthetic, recreational, and cultural
2 value of the land or water; and

3 “(B) not owned by the Federal Govern-
4 ment (including any unit of the National Park
5 System, National Forest System, National
6 Wildlife Refuge System, or National Wilderness
7 System).

8 “(b) STATE LAND AND WATER OF NATIONAL OR RE-
9 GIONAL INTEREST ACCOUNT.—

10 “(1) IN GENERAL.—There is established in the
11 fund a special account to provide grants to States
12 for the conservation of State land and water of na-
13 tional or regional interest.

14 “(2) ALLOCATION.—Notwithstanding section 5,
15 there shall be credited annually to the account, from
16 qualified outer Continental Shelf revenues (as de-
17 fined in section 2 of the Natural Resources Reinvest-
18 ment Act of 1999), the lesser of \$200,000,000 or
19 the amount that is equal to 7 percent of those reve-
20 nues.

21 “(c) GRANTS TO STATES.—

22 “(1) IN GENERAL.—A State may submit an ap-
23 plication (including a detailed description of each
24 proposed conservation project) to the Secretary for

1 a grant to fund the conservation of State land and
2 water of national or regional interest.

3 “(2) FORWARDING OF APPLICATIONS.—On re-
4 ceipt of an application for a grant described in para-
5 graph (1), the Secretary shall forward the applica-
6 tion to the Council.

7 “(3) SELECTION OF GRANT RECIPIENTS.—

8 “(A) IN GENERAL.—Not later than 90
9 days after receipt from the Secretary of an ap-
10 plication described in paragraph (1), the Coun-
11 cil shall—

12 “(i) review the application;

13 “(ii) decide whether to recommend
14 that a grant to fund the conservation of
15 State land and water of national or re-
16 gional interest be awarded to the State
17 making the application; and

18 “(iii) notify the State of the decision
19 of the Council.

20 “(B) SELECTION FACTORS.—In deciding
21 whether to recommend the award of a grant
22 under subparagraph (A), the Council shall—

23 “(i) consider, on a competitive basis
24 as compared with other applications re-
25 ceived, the extent to which a proposed con-

1 servation project described in a grant ap-
2 plication would conserve ecological, aes-
3 thetic, recreational, and cultural values of
4 the State land and water of national or re-
5 gional interest; and

6 “(ii) give preference to—

7 “(I) proposed conservation
8 projects that are aimed at protecting
9 ecosystems; and

10 “(II) proposed conservation
11 projects that are developed in collabo-
12 ration with private persons or other
13 States.

14 “(4) MATCHING REQUIREMENTS.—A grant
15 awarded to a State under this subsection shall
16 cover—

17 “(A) not more than 70 percent of the costs
18 of a conservation project undertaken by the
19 State, in the case of full fee acquisition by the
20 State of State land and water of national or re-
21 gional interest; and

22 “(B) not more than 50 percent of the costs
23 of a conservation project undertaken by the
24 State, in the case of acquisition of State land
25 and water of national or regional interest by the

1 State that is less than fee acquisition, such as
2 acquisition of a conservation easement.

3 “(5) REPORT.—At least 90 days before award-
4 ing a grant to a State under this section, the Coun-
5 cil shall submit a report describing the proposed
6 grant to—

7 “(A) the Subcommittee on Interior of the
8 Committee on Appropriations of the Senate;
9 and

10 “(B) the Subcommittee on Interior of the
11 Committee on Appropriations of the House of
12 Representatives.”.

13 **Subtitle E—Payments for Federal**
14 **Ownership**

15 **SEC. 151. AUTHORIZATION OF APPROPRIATIONS FOR PAY-**
16 **MENTS FOR ENTITLEMENT LAND AND THE**
17 **REFUGE REVENUE SHARING FUND.**

18 (a) ENTITLEMENT LAND.—There is authorized to be
19 appropriated for payments to units of general local govern-
20 ment under chapter 69 of title 31, United States Code,
21 for entitlement land acquired after the date of enactment
22 of this Act, \$50,000,000.

23 (b) REFUGE REVENUE SHARING FUND.—There is
24 authorized to be appropriated for payments required
25 under the Act of June 15, 1935 (16 U.S.C. 715s), for

1 refuge land acquired after the date of enactment of this
2 Act, \$25,000,000.

3 **TITLE II—STATE CONSERVATION** 4 **ASSISTANCE**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “State Conservation
7 Assistance Grants Act of 1999”.

8 **SEC. 202. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Congress finds that—

10 (1) the outer Continental Shelf contains oil,
11 gas, and other nonrenewable resources owned by the
12 public that are developed by the Federal Govern-
13 ment and generate significant revenues for the
14 United States;

15 (2) historically, the development of those min-
16 eral resources has been accompanied by adverse en-
17 vironmental impacts on the States adjacent to the
18 outer Continental Shelf in which development has
19 occurred;

20 (3) consistent with the commitment to devote
21 revenues from offshore oil and gas leases to resource
22 protection through the Land and Water Conserva-
23 tion Fund Act of 1965 (16 U.S.C. 4601–4 et seq.),
24 a portion of revenues derived from the development
25 of mineral resources of the outer Continental Shelf

1 should be reinvested in the United States through
2 conservation of environmental and other public re-
3 sources, including open and green spaces, habitat for
4 fish and wildlife, wetland, historic sites, parks and
5 other outdoor recreation areas, clean air, and clean
6 water;

7 (4) the need to reinvest in the public resources
8 described in paragraph (3) has increased signifi-
9 cantly, because the United States has experienced
10 unprecedented prosperity, growth, and development
11 that have intensified stress on the natural environ-
12 ment;

13 (5) in recent years, numerous State and local
14 governments, as well as citizens throughout the
15 United States, have initiated efforts to conserve,
16 protect, and restore those resources; and

17 (6) the priority for carrying out measures to
18 protect and conserve the public resources described
19 in paragraph (3) should be determined—

20 (A) at the State and local levels, by indi-
21 viduals who have the greatest interest in en-
22 hancing the quality of life in their communities;
23 and

1 (B) in cooperation with the Federal Gov-
2 ernment, which has an interest in protecting
3 the resources of the United States.

4 (b) PURPOSE.—The purpose of this title is to estab-
5 lish a program to provide a reliable source of Federal
6 funding for States to carry out activities to conserve, pro-
7 tect, and restore the natural resources of the United
8 States, including water and air quality, fish and wildlife
9 habitat, marine, estuarine, and coastal ecosystems, wet-
10 land, farmland, forest land, and parks and other places
11 of outdoor recreation.

12 **SEC. 203. DEFINITIONS.**

13 In this title:

14 (1) COASTLINE.—The term “coastline” has
15 meaning given the term “coast line” in section 2 of
16 the Submerged Lands Act (43 U.S.C. 1301).

17 (2) DISTANCE.—The term “distance” means
18 minimum great circle distance, measured in statute
19 miles.

20 (3) ELIGIBLE APPLICANT.—The term “eligible
21 applicant” means a State, a municipality (including
22 a subdivision of a State or municipality), or an
23 interstate agency.

24 (4) ESTIMATED POPULATION.—The term “esti-
25 mated population” means the population determined

1 by the Secretary of Commerce on the basis of the
2 most recent decennial census for which information
3 is available.

4 (5) FUND.—The term “Fund” means the Envi-
5 ronmental Stewardship Fund established by section
6 204.

7 (6) GOVERNOR.—The term “Governor” means
8 the chief executive officer of a State.

9 (7) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 102 of the
11 Federally Recognized Indian Tribe List Act of 1994
12 (25 U.S.C. 479a).

13 (8) POPULATION DENSITY.—The term “popu-
14 lation density”, with respect to a State, means the
15 quotient obtained by dividing the estimated popu-
16 lation of the State by the geographic area of the
17 State.

18 (9) STATE.—The term “State” means—

19 (A) any of the 50 States, the Territories,
20 and the District of Columbia; and

21 (B)(i) when used in a political sense, the
22 tribal government of an Indian tribe; and

23 (ii) when used in a geographic sense, the
24 land under the jurisdiction of the tribal govern-
25 ment of an Indian tribe.

1 (10) TERRITORY.—The term “Territory”
2 means Puerto Rico, Guam, American Samoa, the
3 Virgin Islands, and the Commonwealth of the North-
4 ern Mariana Islands.

5 **SEC. 204. ENVIRONMENTAL STEWARDSHIP FUND.**

6 (a) ESTABLISHMENT.—There is established in the
7 Treasury of the United States a fund to be known as the
8 “Environmental Stewardship Fund”, to be used in car-
9 rying out this title, consisting of—

10 (1) such amounts as are deposited in the Fund
11 under subsection (b); and

12 (2) any interest earned on investment of
13 amounts in the Fund under subsection (c).

14 (b) TRANSFERS TO FUND.—Notwithstanding section
15 9 of the Outer Continental Shelf Lands Act (43 U.S.C.
16 1338), for each fiscal year, there shall be deposited in the
17 Fund from qualified outer Continental Shelf revenues the
18 lesser of \$900,000,000 or the amount that is equal to 34
19 percent of the amount of those revenues.

20 (c) EXPENDITURES FROM FUND.—On request by the
21 Stewardship Council, and without further Act of appro-
22 priation, the Secretary of the Treasury shall transfer from
23 the Fund to the Stewardship Council such amounts as the
24 Stewardship Council determines are necessary to carry out
25 this title.

1 (d) INVESTMENT OF AMOUNTS.—

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

8 (2) ACQUISITION OF OBLIGATIONS.—For the
9 purpose of investments under paragraph (1), obliga-
10 tions may be acquired—

11 (A) on original issue at the issue price; or

12 (B) by purchase of outstanding obligations
13 at the market price.

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

17 (4) CREDITS TO FUND.—The interest on, and
18 the proceeds from the sale or redemption of, any ob-
19 ligations held in the Fund shall be credited to and
20 form a part of the Fund.

21 (e) TRANSFERS OF AMOUNTS.—

22 (1) IN GENERAL.—The amounts required to be
23 transferred to the Fund under this section shall be
24 transferred at least monthly from the general fund

1 of the Treasury to the Fund on the basis of esti-
2 mates made by the Secretary of the Treasury.

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

7 **SEC. 205. APPORTIONMENT OF FUND RECEIPTS TO STATES.**

8 (a) ADMINISTRATIVE EXPENSES.—For each fiscal
9 year, without further Act of appropriation, the Steward-
10 ship Council may use, for payment of administrative ex-
11 penses incurred in carrying out this title, not more than
12 2 percent of the sums deposited in the Fund for the pre-
13 ceding fiscal year.

14 (b) AVAILABLE AMOUNT.—For each fiscal year, with-
15 out further Act of appropriation, the Secretary of the
16 Treasury shall distribute in accordance with this section
17 an amount equal to the sum of—

18 (1) the amount of the sums deposited in the
19 Fund for the preceding fiscal year remaining after
20 the use authorized under subsection (a); and

21 (2) the interest earned on investment of those
22 sums under section 204(d) for the preceding fiscal
23 year.

24 (c) APPORTIONMENT.—

1 (1) APPORTIONMENT TO HISTORICALLY OIL
2 AND GAS PRODUCTIVE COASTAL STATES.—

3 (A) IN GENERAL.—For each fiscal year,
4 the Stewardship Council shall apportion from
5 the amount available under subsection (b) the
6 amount specified in subparagraph (B) for the
7 fiscal year to coastal States any portion of the
8 coastline of which is located within a distance
9 of 200 miles of the geographic center of a
10 leased tract that was leased at any time during
11 the period of 1953 through 1997, and produced
12 oil or gas during that period, based on the ratio
13 that—

14 (i) the revenues received during that
15 period from the leased tracts the geo-
16 graphic centers of which are located within
17 a distance of 200 miles of any portion of
18 the coastline of the coastal State; bears to

19 (ii) the total of the revenues described
20 in clause (i) with respect to all such coastal
21 States.

22 (B) AMOUNTS.—The amount specified in
23 this subparagraph is—

24 (i) for fiscal year 2000, \$100,000,000;

25 (ii) for fiscal year 2001, \$80,000,000;

1 (iii) for fiscal year 2002, \$60,000,000;

2 (iv) for fiscal year 2003, \$40,000,000;

3 (v) for fiscal year 2004, \$20,000,000;

4 and

5 (vi) for fiscal year 2005 and each fis-

6 cal year thereafter, \$10,000,000.

7 (2) APPORTIONMENT TO INDIAN TRIBES, DIS-

8 TRICT OF COLUMBIA, AND TERRITORIES.—

9 (A) APPORTIONMENT TO INDIAN

10 TRIBES.—For each fiscal year, 0.5 percent of

11 the portion of the amount available under sub-

12 section (b) remaining after the apportionments

13 under paragraph (1) shall be apportioned to the

14 Indian tribes collectively, to be distributed by

15 the Secretary.

16 (B) APPORTIONMENT TO THE DISTRICT OF

17 COLUMBIA AND TERRITORIES.—For each fiscal

18 year, 0.5 percent of the portion of the amount

19 available under subsection (b) remaining after

20 the apportionments under paragraph (1) shall

21 be apportioned to the District of Columbia and

22 the Territories collectively, to be distributed in

23 equal amounts among the District of Columbia

24 and each of the Territories.

25 (3) APPORTIONMENT TO OTHER STATES.—

1 (A) IN GENERAL.—For each fiscal year,
2 the portion of the amount available under sub-
3 section (b) remaining after the apportionments
4 under paragraphs (1) and (2) shall be appor-
5 tioned to the States not receiving an appor-
6 tionment under paragraph (2) as follows:

7 (i) 25 percent in the ratio that the
8 miles of coastline in each such State bears
9 to the total miles of coastline in all such
10 States.

11 (ii) 25 percent in the ratio that the
12 geographic area of each such State bears
13 to the total geographic area of all such
14 States.

15 (iii) 35 percent in the ratio that the
16 estimated population of each such State
17 bears to the total estimated population of
18 all such States.

19 (iv) 15 percent in the ratio that the
20 population density of each such State
21 bears to the sum of the population den-
22 sities of all such States.

23 (B) MINIMUM AND MAXIMUM APPORTION-
24 MENTS.—For each fiscal year, the amounts ap-
25 portioned under this paragraph shall be ad-

1 justed proportionately so that no State receiv-
 2 ing an apportionment under subparagraph (A)
 3 is apportioned a sum that is—

4 (i) less than 0.5 percent of the portion
 5 of the amount available under subsection
 6 (b) remaining after the apportionments
 7 under paragraph (1) for the fiscal year; or
 8 (ii) more than 5 percent of that
 9 amount.

10 (d) PERIOD FOR OBLIGATION OF APPORTION-
 11 MENTS.—If the Secretary of the Treasury determines that
 12 any portion of an apportionment to a State has not been
 13 obligated by the State during the fiscal year for which the
 14 apportionment is made or during the 2 fiscal years there-
 15 after, the Secretary of the Treasury shall—

16 (1) reduce, by the amount of the unobligated
 17 portion of the State’s apportionment, the apportion-
 18 ment to the State for the succeeding fiscal year; and

19 (2) apportion to the States during that fiscal
 20 year, in accordance with subsection (e), the amount
 21 of the unobligated portion.

22 **SEC. 206. USE OF FUNDS BY STATES.**

23 (a) HISTORICALLY OIL AND GAS PRODUCTIVE
 24 COASTAL STATES.—Each State described in section
 25 205(c)(1)(A) shall use—

1 (1) not more than 27 percent of the apportion-
2 ment to the State under section 205(c)(2)—

3 (A) to mitigate the adverse environmental
4 impacts resulting from the siting, construction,
5 expansion, or operation of outer Continental
6 Shelf facilities beyond the mitigation required
7 under other law;

8 (B) to pay administrative costs incurred by
9 the State or a political subdivision of the State
10 in approving, disapproving, or permitting outer
11 Continental Shelf development and production
12 activities under applicable law, including the
13 Coastal Zone Management Act of 1972 (16
14 U.S.C. 1451 et seq.) and the Outer Continental
15 Shelf Lands Act (43 U.S.C. 1331 et seq.); and

16 (C) to repurchase leases for outer Conti-
17 nental Shelf development and production; and

18 (2) the balance of the apportionment to the
19 State under section 205 to fund activities described
20 in subsection (c).

21 (b) OTHER STATES.—

22 (1) IN GENERAL.—Amounts apportioned under
23 section 205 to a State other than a State subject to
24 subsection (a) shall be used to make grants to eligi-
25 ble applicants to pay the Federal share of the cost

1 of carrying out eligible activities described in sub-
2 section (c).

3 (2) FEDERAL SHARE.—The Federal share of
4 the cost of carrying out an eligible activity shall be
5 determined by the Governor, but shall not exceed 70
6 percent.

7 (c) ELIGIBLE ACTIVITIES.—

8 (1) IN GENERAL.—An eligible activity described
9 in this subsection is any activity—

10 (A) the implementation of which would im-
11 prove air and water quality, result in the acqui-
12 sition of open space or a park, preserve a his-
13 toric site, conserve habitat for fish and wildlife,
14 redevelop a brownfield, or otherwise further the
15 purposes of this title in a manner that exceeds
16 the requirements of any Federal law in effect as
17 of the date of enactment of this Act;

18 (B) that has been approved by the Gov-
19 ernor, subject to public notice and opportunity
20 for comment; and

21 (C) that is identified in the current State
22 plan that has been approved by the Stewardship
23 Council.

24 (2) TYPES OF ELIGIBLE ACTIVITIES.—Specific
25 eligible activities include the following:

1 (A) CLEAN WATER.—With respect to clean
2 water, an eligible activity may be—

3 (i) implementation of a project identi-
4 fied in a national estuary program com-
5 prehensive management plan under section
6 320 of the Federal Water Pollution Con-
7 trol Act (33 U.S.C. 1330) or an approved
8 coastal zone management plan;

9 (ii) State participation in monitoring
10 and exposure assessment related to estro-
11 genic substances; or

12 (iii) development and support of a wa-
13 tershed management council.

14 (B) CLEAN AIR.—With respect to clean
15 air, an eligible activity may be—

16 (i) exceeding attainment levels pre-
17 scribed under the Clean Air Act (42
18 U.S.C. 7401 et seq.); or

19 (ii) implementation of State energy
20 conservation efforts carried out after the
21 date of enactment of this Act.

22 (C) FARMLAND AND OPEN SPACE PROTEC-
23 TION.—With respect to farmland and open
24 space protection, an eligible activity may be—

1 (i) provision of technical assistance
2 for small and rural communities in the de-
3 velopment of open space preservation and
4 conservation plans;

5 (ii) purchase of farmland conservation
6 easements; or

7 (iii) redevelopment of brownfields for
8 the purpose of public recreation.

9 (D) MARINE RESOURCES.—With respect to
10 marine resources, an eligible activity may be—

11 (i) protection of essential fish habitat;

12 or

13 (ii) acquisition of sensitive coastal
14 areas, including coastal barriers, wetland,
15 and buffer areas and coral reef renovation.

16 (E) WILDLIFE CONSERVATION.—With re-
17 spect to wildlife conservation, an eligible activity
18 may be—

19 (i) implementation of recovery plans
20 to conserve endangered or threatened spe-
21 cies;

22 (ii) landowner incentives for the con-
23 servation of endangered or threatened spe-
24 cies; or

1 (iii) conservation of nonlisted species,
2 including sensitive and declining species.

3 (d) COMPLIANCE WITH APPLICABLE LAWS.—All ac-
4 tivities funded with an apportionment to a State under
5 section 205 shall comply with all applicable Federal, State,
6 and local laws (including regulations).

7 (e) LIMITATIONS ON USE OF FUNDS.—A State shall
8 not use an apportionment to the State under section
9 205—

10 (1) to carry out an activity in satisfaction of li-
11 ability for natural resource damages under Federal
12 or State law; or

13 (2) to carry out an activity otherwise required
14 by law.

15 **SEC. 207. STATE PLANS.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, as a condition of receipt
18 of apportionments under this title, the Governor of each
19 State eligible to receive an apportionment under section
20 205 shall—

21 (1) develop and submit to the Stewardship
22 Council a State plan for the use of the apportion-
23 ments, including—

24 (A) identification of high-priority environ-
25 mental concerns of the State; and

1 (B) consideration of relevant Federal and
2 State resources;

3 (2) obtain and maintain the approval of the
4 Stewardship Council of the State plan; and

5 (3) to the maximum extent practicable, coordi-
6 nate the actions under the State plan with ongoing
7 conservation planning efforts in the State.

8 (b) REVISIONS.—The Governor shall revise and re-
9 submit the plan for approval, as necessary, but not less
10 often than once every 2 years.

11 (c) CRITERIA FOR APPROVAL.—The Stewardship
12 Council shall approve a State plan submitted under sub-
13 section (a), or a revision of a State plan submitted under
14 subsection (b), if the State plan or revision—

15 (1) provides for use of apportionments to the
16 State in accordance with this title; and

17 (2) addresses high-priority conservation issues,
18 or projects that are identified in a State comprehen-
19 sive conservation plan.

20 (d) REVOCATION OF APPROVAL.—The Stewardship
21 Council may revoke approval of a State plan if the Stew-
22 ardship Council determines that—

23 (1) the State is not using apportionments to the
24 State in accordance with this title; or

1 (2) the Governor of the State fails to revise the
2 plan as required under subsection (b).

3 (e) PUBLIC PARTICIPATION.—The plan, and each re-
4 vision of the plan, shall be developed after public notice
5 and an opportunity for public participation.

6 (f) CERTIFICATION BY THE GOVERNOR.—The Gov-
7 ernor shall certify to the Stewardship Council that the
8 plan, and each revision of the plan, was developed with
9 an opportunity for public participation and in accordance
10 with all applicable State laws.

11 (g) REPORTING OF EXPENDITURES.—The plan shall
12 contain a description of activities funded with amounts ap-
13 propriated under this title for the preceding 2 years.

14 **SEC. 208. EFFECT ON LEASING AND DEVELOPMENT.**

15 Nothing in this title—

16 (1) affects any moratorium on leasing of outer
17 Continental Shelf leases for drilling; or

18 (2) constitutes an incentive to encourage the
19 development of outer Continental Shelf resources
20 where those resources are not being developed as of
21 the date of enactment of this Act.

1 **TITLE III—FISH AND WILDLIFE**
2 **CONSERVATION**

3 **SEC. 301. FINDINGS AND PURPOSES.**

4 The Fish and Wildlife Conservation Act of 1980 is
5 amended by striking section 2 (16 U.S.C. 2901) and in-
6 serting the following:

7 **“SEC. 2. FINDINGS AND PURPOSES.**

8 “(a) FINDINGS.—Congress finds that—

9 “(1) fish and wildlife are of ecological, edu-
10 cational, esthetic, cultural, recreational, economic,
11 and scientific value to the United States;

12 “(2) healthy populations of species of fish and
13 wildlife should be achieved and maintained for the
14 benefit of present and future generations of Ameri-
15 cans;

16 “(3) management and conservation of fish and
17 wildlife require adequate funding for State programs
18 and coordination with Federal, local, and tribal gov-
19 ernments, private landowners, and interested organi-
20 zations within each State;

21 “(4) coordination and comprehensive planning
22 of conservation efforts and funding sources under
23 existing programs, such as the Federal aid in wild-
24 life program and the Federal aid in sport fish res-

1 toration program, are being carried out by many
2 States and should be encouraged;

3 “(5) increasing coordination and comprehensive
4 planning of State conservation efforts and funding
5 sources would provide significant benefits to the con-
6 servation and management of species; and

7 “(6) conservation efforts and funding should
8 emphasize species that are not hunted, fished, or
9 trapped, as nongame programs receive less than
10 \$100,000,000 annually among all 50 States, com-
11 pared with an estimated \$1,000,000,000 annually
12 for game-focused programs.

13 “(b) PURPOSES.—The purposes of this Act are—

14 “(1) to provide assistance to the States for the
15 conservation of fish and wildlife, especially nongame
16 fish and wildlife; and

17 “(2) to encourage implementation and coordina-
18 tion of comprehensive fish and wildlife conservation
19 programs.”.

20 **SEC. 302. DEFINITIONS.**

21 Section 3 of the Fish and Wildlife Conservation Act
22 of 1980 (16 U.S.C. 2902) is amended—

23 (1) by striking “As used in this Act—” and in-
24 serting “In this Act:”;

1 (2) in paragraphs (1), (2), and (4), by striking
2 “plan” each place it appears and inserting “pro-
3 gram”;

4 (3) in paragraph (8), by striking “the Trust
5 Territory of the Pacific Islands,”;

6 (4) by redesignating paragraphs (6), (7), and
7 (8) as paragraphs (7), (9), and (10), respectively;

8 (5) by inserting after paragraph (5) the fol-
9 lowing:

10 “(6) LEASED TRACT.—The term ‘leased tract’
11 means a tract—

12 “(A) leased under section 8 of the outer
13 Continental Shelf Lands Act (43 U.S.C. 1337)
14 for the purpose of drilling for, developing, and
15 producing oil and natural gas resources; and

16 “(B) comprising a unit consisting of a
17 block, a portion of a block, or a combination of
18 blocks or portions of blocks, as specified in the
19 lease, and as depicted on an Outer Continental
20 Shelf Official Protraction Diagram.”; and

21 (6) by inserting after paragraph (7) (as redesign-
22 nated by paragraph (4)) the following:

23 “(8) QUALIFIED OUTER CONTINENTAL SHELF
24 REVENUES.—

1 “(A) IN GENERAL.—The term ‘qualified
2 outer Continental Shelf revenues’ means—

3 “(i) all sums received by the United
4 States from each leased tract or portion of
5 a leased tract located in the western or
6 central Gulf of Mexico; less

7 “(ii) such sums as may be credited to
8 States under section 8(g) of the Outer
9 Continental Shelf Lands Act (43 U.S.C.
10 1337(g)) and amounts needed for adjust-
11 ments and refunds as overpayments for
12 rents, royalties, or other purposes.

13 “(B) INCLUSIONS.—The term ‘qualified
14 outer Continental Shelf revenues’ includes roy-
15 alties (including payments for royalty taken in
16 kind and sold), net profit share payments, and
17 related late-payment interest from natural gas
18 and oil leases granted under the Outer Conti-
19 nental Shelf Lands Act (43 U.S.C. 1331 et
20 seq.) for a leased tract or portion of a leased
21 tract described in subparagraph (A)(i).”.

22 **SEC. 303. CONSERVATION PROGRAMS.**

23 (a) IN GENERAL.—The Fish and Wildlife Conserva-
24 tion Act of 1980 is amended by striking section 4 (16
25 U.S.C. 2903) and inserting the following:

1 **“SEC. 4. CONSERVATION PROGRAMS.**

2 “(a) IN GENERAL.—Not later than 5 years after the
3 date of receipt by a State of an initial apportionment
4 under section 7, the State shall develop and begin imple-
5 mentation of a conservation program for species of fish
6 and wildlife in the State that emphasizes fish and wildlife
7 species that are not hunted, trapped, or fished (including
8 associated habitats of those species) and is based on best
9 available and appropriate scientific information and data.

10 “(b) REQUIRED ELEMENTS.—A conservation pro-
11 gram under subsection (a) shall include—

12 “(1) information on the distribution and abun-
13 dance of species (including species having a low pop-
14 ulation and declining species, as determined to be
15 appropriate by the designated State agency) that are
16 indicative of the diversity and health of wildlife of
17 the State;

18 “(2) identification of the extent and condition
19 of wildlife habitats and community types essential to
20 the conservation of species;

21 “(3) identification of problems that may ad-
22 versely affect species and habitats;

23 “(4) priority research and surveys to identify
24 factors that may assist in restoration and more ef-
25 fective conservation of species and habitats;

1 “(5) determinations of actions that should be
2 taken to conserve the species and habitats, and es-
3 tablishment of priorities for implementing any rec-
4 ommended actions;

5 “(6) periodic monitoring of species and habi-
6 tats, including—

7 “(A) assessment of the effectiveness of the
8 conservation actions determined under para-
9 graph (5); and

10 “(B) development of recommendations for
11 implementing conservation actions to appro-
12 priately respond to new information or chang-
13 ing conditions;

14 “(7) review of the State conservation program,
15 and, if appropriate, revision of the conservation pro-
16 gram at least once every 10 years; and

17 “(8) coordination, to the maximum extent fea-
18 sible, by the designated State agency, during the de-
19 velopment, implementation, review, and revision of
20 the conservation program, with Federal, State, and
21 local agencies and Indian tribes that—

22 “(A) manage significant areas of land or
23 water within the State; or

1 “(B) administer programs that signifi-
2 cantly affect the conservation of species or habi-
3 tats.”.

4 (b) APPROVAL BY THE SECRETARY OF CONSERVA-
5 TION PROGRAMS.—The Fish and Wildlife Conservation
6 Act of 1980 is amended by striking section 5 (16 U.S.C.
7 2903) and inserting the following:

8 **“SEC. 5. APPROVAL BY THE SECRETARY OF CONSERVATION**
9 **PROGRAMS.**

10 “(a) IN GENERAL.—

11 “(1) APPROVAL.—The Secretary shall approve
12 a conservation program if the conservation program
13 meets the requirements of section 4, is substantial in
14 character and design, and has been made available
15 for public comment.

16 “(2) INDIVIDUAL CONSERVATION ACTIONS.—

17 “(A) IN GENERAL.—In the absence of an
18 approved conservation program, the Secretary
19 may approve conservation actions that are in-
20 tended to conserve primarily species of fish and
21 wildlife that are not hunted, trapped, or fished
22 and the habitats of those species.

23 “(B) CRITERIA FOR APPROVAL.—Under
24 subparagraph (A), the Secretary may approve a

1 conservation action for a species of fish or wild-
2 life if—

3 “(i) the proposal for the conservation
4 action—

5 “(I) includes an estimate of the
6 population and distribution of the spe-
7 cies and a description of the signifi-
8 cant habitat of the species;

9 “(II) provides for regular moni-
10 toring of the effectiveness of the con-
11 servation action; and

12 “(III) is substantial in character
13 and design;

14 “(ii) the conservation action is a high
15 priority action in conserving the species;
16 and

17 “(iii) the State is making reasonable
18 efforts to develop or revise a conservation
19 program that complies with this Act.

20 “(3) EFFECT OF APPROVAL.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the development, implementation,
23 and revision of conservation programs approved
24 under paragraph (1) and the development and
25 implementation of conservation actions ap-

1 proved under paragraph (2) shall be eligible for
2 funding using funds apportioned to the States
3 under section 7.

4 “(B) LIMITATION ON USE OF FUNDS.—Of
5 the funds apportioned to a State under section
6 7 for a fiscal year, a pro rata portion of the
7 amount required under section 6(b) to be used
8 for the conservation of endangered or threat-
9 ened species shall be used by the State for that
10 purpose.

11 “(b) CONSOLIDATION OF PLANNING EFFORTS.—

12 “(1) WILDLIFE PLANNING EFFORTS.—With re-
13 spect to conservation of wildlife, the State may in-
14 clude the information required to be included in a
15 conservation program under section 4 in the plan de-
16 veloped by the State under the Act entitled ‘An Act
17 to provide that the United States shall aid the
18 States in wildlife-restoration projects, and for other
19 purposes’, approved September 2, 1937 (16 U.S.C.
20 669 et seq.), in which case the Secretary shall ap-
21 prove the conservation program for the purposes of,
22 and in accordance with, this Act and that Act.

23 “(2) FISH PLANNING EFFORTS.—With respect
24 to conservation of fish, the State may include the in-
25 formation required to be included in a conservation

1 program under section 4 in the plan developed by
2 the State under the Act entitled ‘An Act to provide
3 that the United States shall aid the States in fish
4 restoration and management projects, and for other
5 purposes’, approved August 9, 1950 (16 U.S.C. 777
6 et seq.), in which case the Secretary shall approve
7 the conservation program for the purposes of, and in
8 accordance with, this Act and that Act.”.

9 **SEC. 304. FISH AND WILDLIFE CONSERVATION FUND.**

10 The Fish and Wildlife Conservation Act of 1980 is
11 amended by striking section 6 (10 U.S.C. 2905) and in-
12 serting the following:

13 **“SEC. 6. FISH AND WILDLIFE CONSERVATION FUND.**

14 “(a) ESTABLISHMENT.—There is established in the
15 Treasury of the United States a fund to be known as the
16 ‘Fish and Wildlife Conservation Fund’ (referred to in this
17 section as the ‘Fund’), consisting of—

18 “(1) such amounts as are appropriated to the
19 Fund under subsection (b); and

20 “(2) any interest earned on investment of
21 amounts in the Fund under subsection (d).

22 “(b) TRANSFERS TO FUND.—Notwithstanding sec-
23 tion 9 of the Outer Continental Shelf Lands Act (43
24 U.S.C. 1338), for each fiscal year, there are appropriated
25 to the Fund, from revenues due and payable to the United

1 States as qualified outer Continental Shelf revenues (as
2 defined in section 2 of the Natural Resources Reinvest-
3 ment Act of 1999), the lesser of—

4 “(1) \$250,000,000, of which \$75,000,000 shall
5 be used for conservation of endangered or threat-
6 ened species under section 6 of the Endangered Spe-
7 cies Act of 1973 (16 U.S.C. 1535); or

8 “(2) the amount that is equal to 10 percent of
9 those revenues, of which an amount equal to 3 per-
10 cent of those revenues shall be used for conservation
11 of endangered or threatened species under that sec-
12 tion.

13 “(c) EXPENDITURES FROM FUND.—

14 “(1) IN GENERAL.—Upon request by the Sec-
15 retary and without further Act of appropriation, for
16 fiscal year 2000 and each fiscal year thereafter, the
17 Secretary of the Treasury shall transfer from the
18 Fund to the Secretary such amounts as the Sec-
19 retary determines are necessary to provide funding
20 for administrative expenses and apportionments
21 under section 7.

22 “(2) USE OF FUNDS BY STATES.—

23 “(A) IN GENERAL.—Funds apportioned to
24 a State under section 7 shall be used to carry

1 out activities eligible for funding under section
2 5.

3 “(B) MAINTENANCE OF EFFORT.—Funds
4 made available to States from the Fund shall
5 supplement, but not supplant, funds made
6 available to the States from—

7 “(i) the Federal aid to wildlife res-
8 toration fund established by section 3 of
9 the Act entitled ‘An Act to provide that the
10 United States shall aid the States in wild-
11 life-restoration projects, and for other pur-
12 poses’, approved September 2, 1937 (16
13 U.S.C. 669b); and

14 “(ii) the Sport Fish Restoration Ac-
15 count established by section 9504 of the
16 Internal Revenue Code of 1986.

17 “(d) INVESTMENT OF AMOUNTS.—

18 “(1) IN GENERAL.—The Secretary of the
19 Treasury shall invest such portion of the Fund as is
20 not, in the judgment of the Secretary of the Treas-
21 ury, required to meet current withdrawals. Invest-
22 ments may be made only in interest-bearing obliga-
23 tions of the United States.

1 “(2) ACQUISITION OF OBLIGATIONS.—For the
2 purpose of investments under paragraph (1), obliga-
3 tions may be acquired—

4 “(A) on original issue at the issue price; or

5 “(B) by purchase of outstanding obliga-
6 tions at the market price.

7 “(3) SALE OF OBLIGATIONS.—Any obligation
8 acquired by the Fund may be sold by the Secretary
9 of the Treasury at the market price.

10 “(4) CREDITS TO FUND.—The interest on, and
11 the proceeds from the sale or redemption of, any ob-
12 ligations held in the Fund shall be credited to and
13 form a part of the Fund.

14 “(e) TRANSFERS OF AMOUNTS.—

15 “(1) IN GENERAL.—The amounts required to
16 be transferred to the Fund under this section shall
17 be transferred at least monthly from the general
18 fund of the Treasury to the Fund on the basis of es-
19 timates made by the Secretary of the Treasury.

20 “(2) ADJUSTMENTS.—Proper adjustment shall
21 be made in amounts subsequently transferred to the
22 extent prior estimates were in excess of or less than
23 the amounts required to be transferred.”.

1 **SEC. 305. APPORTIONMENT OF FUND RECEIPTS TO STATES.**

2 The Fish and Wildlife Conservation Act of 1980 is
3 amended by striking section 7 (16 U.S.C. 2906) and in-
4 serting the following:

5 **“SEC. 7. APPORTIONMENT OF FUND RECEIPTS TO STATES.**

6 “(a) DEDUCTION FOR ADMINISTRATIVE EX-
7 PENSES.—

8 “(1) IN GENERAL.—For each fiscal year, the
9 Secretary may deduct, for payment of administrative
10 expenses incurred in carrying out this Act, not more
11 than 6 percent of the total amount of the Fish and
12 Wildlife Conservation Fund established by section 6
13 available for apportionment for the fiscal year.

14 “(2) PERIOD OF AVAILABILITY.—A deduction
15 by the Secretary under paragraph (1) for a fiscal
16 year shall be available for obligation by the Sec-
17 retary until September 30 of the following fiscal
18 year.

19 “(3) APPORTIONMENT OF UNOBLIGATED
20 FUNDS.—Not later than 60 days after the end of a
21 fiscal year, the Secretary shall apportion under sub-
22 sections (b) and (c) any unobligated amount of a de-
23 duction for which the period of availability under
24 paragraph (2) terminated on September 30 of the
25 fiscal year.

1 “(b) APPORTIONMENT TO DISTRICT OF COLUMBIA
2 AND TERRITORIES.—For each fiscal year, after making
3 the deduction under subsection (a), the Secretary shall
4 make the following apportionments from the amount of
5 the Fish and Wildlife Conservation Fund remaining avail-
6 able for apportionment:

7 “(1) To each of the District of Columbia and
8 the Commonwealth of Puerto Rico, a sum equal to
9 not more than $\frac{1}{2}$ of 1 percent of that remaining
10 amount.

11 “(2) To each of Guam, American Samoa, the
12 Virgin Islands, and the Commonwealth of the North-
13 ern Mariana Islands, a sum equal to not more than
14 $\frac{1}{6}$ of 1 percent of that remaining amount.

15 “(c) APPORTIONMENT TO OTHER STATES.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 for each fiscal year, after making the deduction
18 under subsection (a) and the apportionment under
19 subsection (b), the Secretary shall apportion the
20 amount of the Fish and Wildlife Conservation Fund
21 remaining available for apportionment among the
22 States not receiving an apportionment under sub-
23 section (b) in the following manner:

1 “(A) $\frac{1}{3}$ based on the ratio that the geo-
2 graphic area of each such State bears to the
3 total geographic area of all such States.

4 “(B) $\frac{2}{3}$ based on the ratio that the popu-
5 lation of each such State bears to the total pop-
6 ulation of all such States.

7 “(2) MINIMUM AND MAXIMUM APPORTION-
8 MENTS.—For each fiscal year, the amounts appor-
9 tioned under this subsection shall be adjusted pro-
10 portionately so that no State receiving an apportion-
11 ment under paragraph (1) is apportioned a sum that
12 is—

13 “(A) less than 1 percent of the amount
14 available for apportionment under this sub-
15 section for the fiscal year; or

16 “(B) more than 5 percent of that amount.

17 “(d) PERIOD OF AVAILABILITY OF APPORTION-
18 MENTS.—

19 “(1) IN GENERAL.—An apportionment to a
20 State under subsection (b) or (c) for a fiscal year
21 shall be available for obligation by the State until
22 the end of the fourth succeeding fiscal year.

23 “(2) REAPPORTIONMENT OF UNOBLIGATED
24 FUNDS.—Any amount apportioned to a State under
25 subsection (b) or (c) for which the period of avail-

1 ability under paragraph (1) terminated at the end
2 of a fiscal year shall be reapportioned to the States
3 in accordance with subsections (b) and (c) during
4 the following fiscal year.

5 “(e) COST SHARING.—Not more than 70 percent of
6 the cost of any activity funded under this Act may be
7 funded using amounts apportioned to a State under this
8 section.”.

9 **SEC. 306. TECHNICAL AMENDMENTS.**

10 (a) Section 9 of the Fish and Wildlife Conservation
11 Act of 1980 (16 U.S.C. 2908) is amended by striking
12 “conservation plans” and inserting “conservation pro-
13 grams”.

14 (b) Section 13(b) of the Fish and Wildlife Conserva-
15 tion Act of 1980 (16 U.S.C. 2912) is amended in the sec-
16 ond sentence by striking “Committee on Merchant Marine
17 and Fisheries” and inserting “Committee on Resources”.

18 (c) The Fish and Wildlife Conservation Act of 1980
19 is amended—

20 (1) by striking sections 8, 11, and 12 (16
21 U.S.C. 2907, 2910, 2911); and

22 (2) by redesignating sections 9, 10, and 13 (16
23 U.S.C. 2908, 2909, 2912) as sections 8, 9, and 10,
24 respectively.

1 (d) Section 3(5) of the North American Wetlands
2 Conservation Act (16 U.S.C. 4402(5)) is amended by
3 striking “under the Fish and Wildlife Conservation Act
4 of 1980 (16 U.S.C. 2901–2912)” and inserting “in section
5 3 of the Fish and Wildlife Conservation Act of 1980 (16
6 U.S.C. 2902)”.

7 (e) Section 16(a) of the North American Wetlands
8 Conservation Act (16 U.S.C. 4413) is amended in the first
9 sentence by striking “section 13(a)(5) of the Fish and
10 Wildlife Conservation Act of 1980 (16 U.S.C. 2912(a))”
11 and inserting “section 10(a)(5) of the Fish and Wildlife
12 Conservation Act of 1980”.

13 **TITLE IV—NEW OPEN SPACE** 14 **INITIATIVES**

15 **Subtitle A—Watersheds**

16 **SEC. 401. FINDINGS AND PURPOSE.**

17 (a) FINDINGS.—Congress finds that—

18 (1) properly managed watersheds can protect
19 and enhance surface water quality by—

20 (A) processing nutrients;

21 (B) trapping sediments; and

22 (C) providing settings where runoff con-
23 taminants can be chemically and biologically
24 neutralized before the contaminants enter sur-
25 face and ground water;

1 **“SEC. 321. SAVE OUR WATERSHEDS PROGRAM.**

2 “(a) CONSIDERATION OF ACQUISITION.—Each plan
3 prepared by the appropriate State, local, or other non-
4 Federal entity under section 118, 314, 319(g), or 320
5 shall—

6 “(1) evaluate the effectiveness of the acquisition
7 or restoration of land or interests in land as a
8 means of meeting the goals of the plan; and

9 “(2) include programs to encourage State, local,
10 private, or other non-Federal funding of acquisitions
11 or restorations if acquisition or restoration of land
12 or interests in land is found by the entity to be an
13 effective tool for plans prepared under this Act.

14 “(b) FUNDING.

15 “(1) SRF FUNDING.—

16 “(A) IN GENERAL.—A State may use
17 funds from the water pollution control revolving
18 fund of the State established under title VI for
19 the acquisition or restoration of land in accord-
20 ance with a plan developed under section 118,
21 314, 319(g), or 320.

22 “(B) SRF FUNDING LIMITATION.—Not
23 more than 10 percent of the funds awarded to
24 a State under title VI may be used for the ac-
25 quisition or restoration of land in accordance
26 with this section.

1 “(2) PREFERENCES FOR FUNDING.—In consid-
2 ering requests for funding of a plan for the acquisi-
3 tion or restoration of land or interests in land under
4 this section, the Administrator shall provide a pref-
5 erence to requests with respect to which Federal
6 funds will be matched by—

7 “(A) the State;

8 “(B) the entity responsible for developing
9 and implementing the plan; or

10 “(C) other non-Federal entities.

11 “(c) POSSESSION OF LAND.—

12 “(1) IN GENERAL.—All land or interests in land
13 acquired or restored under this section shall be held
14 by an entity chosen by the Governor or a designee.

15 “(2) FEDERAL POSSESSION PROHIBITED.—An
16 officer or employee of the Environmental Protection
17 Agency or any other Federal agency shall not hold
18 any land or interests in land acquired or restored
19 under this section.

20 “(d) USE OF LAND.—

21 “(1) IN GENERAL.—Land acquired or restored
22 under this section using Federal funds shall be made
23 available for public recreational purposes to the
24 maximum extent practicable considering the environ-
25 mental sensitivity and suitability of the land.

1 “(2) INCOMPATIBLE PURPOSE EXCEPTION.—
2 Land acquired or restored under this section shall
3 not be made available for public recreational pur-
4 poses if public recreational activities would be incom-
5 patible with the purposes for which the land was ac-
6 quired or restored.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 601(a) of the Federal Water Pollu-
9 tion Control Act (33 U.S.C. 1381(a)) is amended—

10 (A) in paragraph (2), by striking “and” at
11 the end; and

12 (B) by inserting before the period at the
13 end the following: “, and (4) for acquiring or
14 restoring land under section 321”.

15 (2) Section 603(c) of the Federal Water Pollu-
16 tion Control Act (33 U.S.C. 1383(c)) is amended in
17 the first sentence—

18 (A) in paragraph (2), by striking “and” at
19 the end; and

20 (B) by inserting before the period at the
21 end the following: “, and (4) for acquiring or
22 restoring land under section 321”.

23 **Subtitle B—Transportation**

24 **SEC. 411. FINDINGS AND PURPOSE.**

25 (a) FINDINGS.—Congress finds that—

1 (1) historically, transportation projects have
2 contributed to suburban sprawl, loss of open space,
3 and degradation of the local environment; and

4 (2) comprehensive transportation planning
5 should incorporate environmental mitigation and
6 preservation of open space to the extent locally de-
7 sired and practicable.

8 (b) PURPOSE.—The purpose of this subtitle is to in-
9 corporate efforts to mitigate transportation-related growth
10 and development in surface transportation and highway
11 projects.

12 **SEC. 412. SURFACE TRANSPORTATION PROGRAM.**

13 Section 133(b) of title 23, United States Code, is
14 amended by inserting after paragraph (11) the following:

15 “(12) Acquisition of open space and conserva-
16 tion easements to mitigate transportation-related
17 growth and development.”.

18 **SEC. 413. FEDERAL-AID SYSTEM.**

19 Section 103(b)(6) of title 23, United States Code, is
20 amended by adding at the end the following:

21 “(Q) Acquisition of open space and con-
22 servation easements to mitigate transportation-
23 related growth and development.”.

Subtitle C—Farmland

2 SEC. 421. FARMLAND PROTECTION.

3 Section 388 of the Federal Agriculture Improvement
4 and Reform Act of 1996 (16 U.S.C. 3830 note; Public
5 Law 104–127) is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (h); and

8 (2) by striking subsections (a) and (b) and in-
9 serting the following:

10 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
11 tion, the term ‘eligible entity’ means—

12 “(1) any agency of any State or local govern-
13 ment, or federally recognized Indian tribe; and

14 “(2) any organization that—

15 “(A) is organized for, and at all times
16 since its formation has been operated prin-
17 cipally for, 1 or more of the conservation pur-
18 poses specified in clause (i), (ii), or (iii) of sec-
19 tion 170(h)(4)(A) of the Internal Revenue Code
20 of 1986; and

21 “(B)(i) is an organization described in sec-
22 tion 501(c)(3) of the Code that is exempt from
23 taxation under section 501(a) of the Code;

24 “(ii) is described in section 509(a)(2) of
25 the Code; or

1 “(iii) is described in section 509(a)(3) of
2 the Code and is controlled by an organization
3 described in section 509(a)(2) of the Code.

4 “(b) AUTHORITY.—The Secretary of Agriculture
5 shall establish and carry out a farmland protection pro-
6 gram under which the Secretary shall provide grants to
7 eligible entities to provide the Federal share of the cost
8 of purchasing conservation easements or other interests
9 in land with prime, unique, or other productive soil for
10 the purpose of protecting topsoil by limiting non-
11 agricultural uses of the land.

12 “(c) FEDERAL SHARE.—The Federal share of the
13 cost of purchasing a conservation easement or other inter-
14 est described in subsection (b) shall be not more than 50
15 percent.

16 “(d) TITLE; ENFORCEMENT.—Title to a conservation
17 easement or other interest described in subsection (b) may
18 be held, and the conservation requirements of the ease-
19 ment or interest enforced, by any eligible entity.

20 “(e) STATE CERTIFICATION.—The attorney general
21 of the State in which land is located shall take such ac-
22 tions as are necessary to ensure that a conservation ease-
23 ment or other interest under this section is in a form that
24 is sufficient to achieve the conservation purpose of the
25 farmland protection program established under this sec-

1 tion, the law of the State, and the terms and conditions
2 of any grant made by the Secretary under this section.

3 “(f) CONSERVATION PLAN.—Any land for which a
4 conservation easement or other interest is purchased
5 under this section shall be subject to the requirements of
6 a conservation plan to the extent that the plan does not
7 negate or adversely affect the restrictions contained in any
8 easement.

9 “(g) TECHNICAL ASSISTANCE.—The Secretary may
10 use not more than 10 percent of the amount that is made
11 available for a fiscal year under subsection (h) to provide
12 technical assistance to carry out this section.”.

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