

106TH CONGRESS
2D SESSION

S. 2181

To amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2000

Mr. BINGAMAN (for himself, Mr. HOLLINGS, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. BRYAN, Mr. AKAKA, Mr. LEAHY, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; 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
3 Stewardship Act”.

4 **TITLE I—LAND AND WATER**
5 **CONSERVATION FUND**

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

7 This title may be cited as the “Land and Water Con-
8 servation Fund Act Amendments of 2000”.

9 **SEC. 102. LAND AND WATER CONSERVATION FUND AMEND-**
10 **MENTS.**

11 (a) PERMANENT APPROPRIATION INTO THE FUND.—

12 Section 2 of the Land and Water Conservation Fund Act
13 of 1965 (16 U.S.C. 460l–5) is amended—

14 (1) in the first paragraph by striking “During
15 the period ending September 30, 2015, there” and
16 inserting “There”;

17 (2) in paragraph (c)(1) by striking “not less
18 than” and all that follows through the end of the
19 paragraph and inserting “not less than
20 \$900,000,000 for each fiscal year.”; and

21 (3) in paragraph (c)(2) by striking “shall be
22 credited” and all that follows through the end of the
23 paragraph and inserting “shall be deposited into the
24 fund from qualified Outer Continental Shelf reve-
25 nues (as that term is defined in section 2(u) of the
26 Outer Continental Shelf Lands Act (43 U.S.C.

1 1331(u)) (as amended by the Coastal Stewardship
2 Act of 2000)). Such moneys shall only be used to
3 carry out the purposes of this Act.”.

4 (b) PERMANENT FUNDING AUTHORITY.—Section 3
5 of the Land and Water Conservation Fund Act of 1965
6 (16 U.S.C. 4601–6) is amended to read as follows:

7 “Of amounts in the fund, \$900,000,000 shall
8 be available each fiscal year for obligation or expend-
9 iture in accordance with section 5 of this Act. Such
10 funds shall be made available without further appro-
11 priation, and shall remain available until expended.
12 Other moneys in the fund shall be available for ex-
13 penditure only when appropriated therefor. Such ap-
14 propriations may be made without fiscal year limita-
15 tion.”.

16 (c) ALLOCATION OF FUNDS.—Section 5 of the Land
17 and Water Conservation Fund Act of 1965 (16 U.S.C.
18 4601–7) is amended to read as follows:

19 “Fifty percent of the funds made available each
20 fiscal year shall be used for Federal land acquisition
21 purposes as provided in section 7 of this Act, and
22 fifty percent shall be used for financial assistance to
23 States as provided in section 6 of this Act.”.

1 (d) STATE FUNDING ALLOCATIONS.—Section 6(b) of
2 the Land and Water Conservation Fund Act of 1965 (16
3 U.S.C. 4601–8(b)) is amended—

4 (1) by striking “Sums appropriated and avail-
5 able” and inserting “Amounts made available”;

6 (2) by striking paragraph (1) in its entirety and
7 inserting the following:

8 “(1) Eighty percent of the amounts made avail-
9 able shall be apportioned as follows:

10 “(A) Sixty percent shall be apportioned
11 equally among the several States;

12 “(B) Twenty percent shall be apportioned
13 on the basis of the ratio which the population
14 of each State bears to the total population of
15 the United States; and

16 “(C) Twenty percent shall be apportioned
17 on the basis of the urban population in each
18 State (as defined by Metropolitan Statistical
19 Areas).”; and

20 (3) in paragraph (2) by striking “At any time,
21 the remaining appropriation” and inserting “The re-
22 maining allocation”.

23 (e) FEDERAL LAND ACQUISITION PROJECTS.—Sec-
24 tion 7(a) of the Land and Water Conservation Fund Act
25 of 1965 (16 U.S.C. 4601–9(a)) is amended—

1 (1) by striking “Moneys appropriated” and all
2 that follows through “subpurposes” and inserting
3 the following:

4 “(1)(A) The President shall transmit, as part of
5 the annual budget proposal, a priority list for Fed-
6 eral land acquisition projects. Funds shall be made
7 available from the Land and Water Conservation
8 Fund, without further appropriation, 15 days after
9 the date the Congress adjourns sine die for each
10 year, for the projects identified on the President’s
11 priority list, unless prior to such date, legislation is
12 enacted establishing a different priority list.

13 “(B) If Congress enacts legislation establishing
14 an alternate priority list, and such priority list funds
15 less than the annual authorized funding amount
16 identified in section 5, the difference between the au-
17 thorized funding amount and the alternate priority
18 list shall be available for expenditure, without fur-
19 ther appropriation, in accordance with the priority
20 list submitted by the President.

21 “(C)(1) In developing the annual land acquisi-
22 tion priority list, the President shall require the Sec-
23 retary of the Interior and the Secretary of Agri-
24 culture to develop the priority list for the sites under
25 each Secretary’s jurisdiction. The Secretaries shall

1 prepare the lists in consultation with the head of
2 each affected bureau or agency, taking into account
3 the best professional judgment regarding the land
4 acquisition priorities and policies of each bureau or
5 agency.

6 “(2) In preparing the lists referred to in para-
7 graph (1), the Secretaries shall ensure that not less
8 than \$5 million is made available each year for the
9 acquisition of easements, on a willing seller basis, to
10 provide for non-motorized access to public lands for
11 hunting, fishing, and other recreational purposes.

12 “(D) Amounts made available from the fund for
13 Federal land acquisition projects shall be used for
14 the purposes and subpurposes identified in para-
15 graphs (2), (3), and (4) of this subsection.”; and

16 (2) by redesignating subsequent paragraphs ac-
17 cordingly.

18 **SEC. 102. NON-FEDERAL LANDS OF REGIONAL OR NA-**
19 **TIONAL INTEREST.**

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

1 **“SEC. 14. NON-FEDERAL LANDS OF REGIONAL OR NA-**
2 **TIONAL INTEREST.**

3 “(a) ESTABLISHMENT OF FUND.—There is estab-
4 lished in the Treasury of the United States a fund which
5 shall be known as the ‘Non-Federal Lands of Regional or
6 National Interest Fund’ (in this section referred to as the
7 ‘fund’). There shall be deposited into the fund
8 \$125,000,000 in fiscal year 2001 and each fiscal year
9 thereafter from qualified Outer Continental Shelf Reve-
10 nues (as that term is defined in section 2(u) of the Outer
11 Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as
12 amended by the Coastal Stewardship Act of 2000)). Such
13 moneys shall be used only to carry out the purposes of
14 this section.

15 “(b) EXPENDITURES.—(1) Of the amounts in the
16 fund, \$125,000,000 shall be available each year to the
17 Secretary of the Interior for obligation or expenditure in
18 accordance with this section. Such funds shall be available
19 without further appropriation, subject to the requirements
20 of this section, and shall remain available until expended.

21 “(2) The Secretary shall prepare, as part of the an-
22 nual budget proposal, a priority list for grant projects to
23 be funded under this section, from among the applications
24 submitted pursuant to subsection (c). Moneys shall be
25 available from the fund, without further appropriation, 15
26 days after the date Congress adjourns sine die each year,

1 for the projects specified on the priority list, unless prior
2 to such date, legislation is enacted establishing a different
3 priority list.

4 “(c) GRANTS TO STATES.—(1) A State may submit
5 an application to the Secretary for a grant to fund the
6 conservation of non-Federal lands or waters of clear re-
7 gional or national interest.

8 “(2) In determining whether to recommend the award
9 of a grant under this section, the Secretary shall consider,
10 on a competitive basis, the extent to which a proposed con-
11 servation project described in the grant application will
12 conserve the natural, historic, cultural, and recreational
13 values of the non-Federal lands or waters to be protected.

14 “(3) The Secretary shall give preference to proposed
15 conservation projects—

16 “(A) that seek to protect ecosystems;

17 “(B) that are developed in collaboration with
18 other States, or with private persons or entities; or

19 “(C) that are complementary to conservation or
20 restoration programs undertaken on Federal lands.

21 “(4) A grant awarded to a State under this sub-
22 section shall cover not more than 50 percent of the total
23 cost of the conservation project.”.

1 **TITLE II—COASTAL**
2 **STEWARDSHIP**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Coastal Stewardship
5 Act of 2000”.

6 **SEC. 202. AMENDMENT TO OUTER CONTINENTAL SHELF**
7 **LANDS ACT.**

8 (a) DEFINITIONS.—Section 2 of the Outer Conti-
9 nental Shelf Lands Act (43 U.S.C. 1331) is amended by
10 adding at the end the following:

11 “(r) As used in sections 31 and 32, the term ‘coast-
12 line’ has the meaning given such term in section 2(e) of
13 the Submerged Lands Act (43 U.S.C. 1301(e));

14 “(s) As used in sections 31 and 32, the term ‘Coastal
15 State’ has the same meaning given such term in section
16 304(4) of the Coastal Zone Management Act of 1972 (16
17 U.S.C. 1453(4));

18 “(t) As used in sections 31 and 32, the term ‘leased
19 tract’ means a tract, maintained under section 6 or leased
20 under section 8 for the purposes of drilling for, developing
21 and producing oil and natural gas resources, which is a
22 unit consisting of either a block, a portion of a block, a
23 combination of blocks or portions of blocks (or both), as
24 specified in the lease, and as depicted on an Outer Conti-
25 nental Shelf Official Protraction Diagram;

1 “(u) As used in sections 31 and 32, the term ‘quali-
2 fied Outer Continental Shelf revenues’ means all amounts
3 received by the United States as bonus bids, rents, royal-
4 ties (including payments for royalty taken in kind and
5 sold), net profit share payments, and related late payment
6 interest from natural gas and oil leases issued pursuant
7 to section 8 or maintained under section 6, accruing from
8 each leased tract or portion of a leased tract, the geo-
9 graphic center of which lies within a distance of 200 miles
10 from any part of the coastline of any Coastal State. It
11 shall not include amounts from any leased tract or portion
12 of a leased tract which is included within any area of the
13 Outer Continental Shelf where a moratorium on new leas-
14 ing was in effect as of January 1, 1999, unless the leased
15 tract or portion of leased tract was issued prior to the
16 establishment of the moratorium and is in production as
17 of January 1, 2000. For each leased tract or portion of
18 a leased tract lying within the zone defined and governed
19 by section 8(g), and to which section 8(g) applies, the term
20 ‘qualified Outer Continental Shelf revenues’ shall include
21 only amounts remaining after payment has been made to
22 States in accordance with section 8(g).”.

23 (b) OCEAN AND COAST CONSERVATION.—The Outer
24 Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is
25 amended by adding at the end the following:

1 **“SEC. 31. OCEAN AND COAST CONSERVATION FUND.**

2 “(a) ESTABLISHMENT OF FUND.—(1) There is estab-
3 lished in the Treasury of the United States a fund which
4 shall be known as the ‘Ocean and Coast Conservation
5 Fund’ (in this section referred to as the ‘fund’). There
6 shall be deposited into the fund \$365,000,000 from quali-
7 fied Outer Continental Shelf revenues in fiscal year 2001
8 and each fiscal year thereafter. Such moneys shall be used
9 only to carry out the purposes of this section.

10 “(2) Of the amounts in the fund, \$365,000,000 shall
11 be available each fiscal year for obligation or expenditure
12 in accordance with this section. Such funds shall be made
13 available to the Secretary of Commerce without further
14 appropriation, subject to the requirements of this section,
15 and shall remain available until expended.

16 “(b) ALLOCATION OF FUNDS.—Notwithstanding sec-
17 tion 9, the Secretary of Commerce shall allocate funds
18 available under this section as follows:

19 “(1) for uses identified in subsection (c),
20 \$250,000,000;

21 “(2) for uses identified in subsection (d),
22 \$25,000,000;

23 “(3) for uses identified in subsection (e),
24 \$75,000,000; and

25 “(4) for uses identified in subsection (f),
26 \$15,000,000.

1 “(c) COASTAL STEWARDSHIP.—(1) The Secretary of
2 Commerce shall allocate among all Coastal States the
3 funds available under subsection (b)(1) as follows:

4 “(A) 25 percent of the funds under this sub-
5 section shall be allocated based on the ratio of the
6 coastline miles of the Coastal State to the coastline
7 miles of all Coastal States;

8 “(B) 25 percent of the funds under this sub-
9 section shall be allocated based on the ratio of the
10 coastal population of the Coastal State to the coastal
11 population of all Coastal States;

12 “(C) 50 percent of the funds under this sub-
13 section shall be allocated based on the demonstrated
14 conservation and protection needs of the Coastal
15 State for coastal stewardship uses as determined
16 under this subsection.

17 “(2) The Secretary of Commerce, in accordance with
18 the requirements of this section, shall determine the allo-
19 cation each State is entitled to receive based on dem-
20 onstrated conservation and protection need under sub-
21 section (c)(1)(C).

22 “(3) To be eligible to receive moneys under sub-
23 section (c)(1)(C), a Coastal State must submit to the Sec-
24 retary of Commerce an application demonstrating the con-
25 servation and protection needs of the Coastal State. Such

1 application shall indicate how moneys received from that
2 portion of the fund would be used in accordance with the
3 allowable uses identified in this subsection. This applica-
4 tion shall be submitted as part of the plan required under
5 subsection (c)(6) and in accordance with the requirements
6 of that subsection.

7 “(4) In determining the allocation of moneys based
8 on demonstrated conservation and protection need as pro-
9 vided in subsection (c)(1)(C), priority shall be given to ac-
10 tivities and plans—

11 “(A) which support and are consistent with Na-
12 tional Estuary programs, National Estuarine Re-
13 search Reserve programs, the National Marine Sanc-
14 tuary Act, the Coastal Zone Management Act, and
15 other State or Federal laws governing the conserva-
16 tion or restoration of coastal or marine fish habitat;

17 “(B) which promote coastal conservation, res-
18 toration, or water quality protection on a watershed
19 or regional basis; or

20 “(C) which address coastal conservation needs
21 created by seasonal or otherwise transient fluctua-
22 tions in population in Coastal States.

23 “(5) Coastal States shall use moneys received under
24 this subsection only for—

1 “(A) the conservation or protection of coastal
2 and marine habitats including wetlands, estuaries,
3 and coral reefs;

4 “(B) projects to remove abandoned vessels or
5 marine debris that may adversely affect coastal habi-
6 tat or living marine resources;

7 “(C) the reduction or monitoring of coastal pol-
8 luted runoff or other coastal contaminants;

9 “(D) addressing watershed protection including
10 conservation needs which cross jurisdictional bound-
11 aries;

12 “(E) the assessment, research, mapping and
13 monitoring of coastal and marine habitats.

14 “(F) addressing coastal conservation needs as-
15 sociated with seasonal or otherwise transient fluctua-
16 tions in coastal populations;

17 “(G) the establishment, monitoring or assess-
18 ment of marine protected areas.

19 “(6) To be eligible to receive moneys under this sub-
20 section, a Coastal State must submit to the Secretary of
21 Commerce a plan detailing the uses to which the Coastal
22 State will put all funds received under this subsection. The
23 plan shall be developed with public input, and must certify
24 that uses set forth in the plan comply with all applicable
25 Federal and State laws, including environmental laws.

1 Each plan shall consider ways to use funds received under
2 this subsection to assist local governments, non-profit or-
3 ganizations, or public institutions with activities or pro-
4 grams consistent with this subsection.

5 “(7) No funds under this subsection shall be made
6 available to a Coastal State until the Secretary of Com-
7 merce has affirmatively found that all uses proposed by
8 a Coastal State are consistent with the purposes and re-
9 quirements of this subsection.

10 “(d) COOPERATIVE ENFORCEMENT USES.—(1) The
11 Governor of a State represented on an Interstate Fisheries
12 Commission may apply to the Secretary of Commerce for
13 execution of a cooperative enforcement agreement with the
14 Secretary of Commerce. Cooperative agreements between
15 the Secretary of Commerce and such States shall author-
16 ize the deputization of State law enforcement officers with
17 marine law enforcement responsibilities, to perform duties
18 of the Secretary of Commerce relating to any law enforce-
19 ment provision of any marine resource laws enforced by
20 the Secretary of Commerce, including the National Marine
21 Sanctuaries Act. Such cooperative enforcement agree-
22 ments shall be consistent with the purposes and intent of
23 section 311(a) of the Magnuson-Stevens Fishery Con-
24 servation and Management Act (16 U.S.C. 1861(a)), to
25 the extent applicable to the regulated activities, and may

1 include specifications for joint management responsibil-
2 ities as provided by section 1 of Public Law 91–412 (15
3 U.S.C. 1525).

4 “(2) Upon receiving an application meeting the re-
5 quirements of this subsection, the Secretary of Commerce
6 shall enter into the cooperative enforcement agreement
7 with the requesting State.

8 “(3) Consistent with the fund amounts contained in
9 subsection (b)(2), The Secretary of Commerce shall in-
10 clude in each cooperative enforcement agreement an allo-
11 cation of funds to assist in management of the agreement.
12 The allocation shall be equitably distributed among all
13 States participating in cooperative enforcement agree-
14 ments under this subsection, based upon consideration of
15 the specific marine conservation enforcement needs of
16 each participating State. Such agreement may provide for
17 amounts to be withheld by the Secretary of Commerce for
18 the cost of any technical or other assistance provided to
19 the State by the Secretary of Commerce under the agree-
20 ment.

21 “(e) COOPERATIVE RESEARCH AND MANAGEMENT
22 USES.—(1) The Governor of any State represented on an
23 Interstate Marine Fishery Commission may apply to the
24 Secretary of Commerce for the execution of a research and
25 management agreement, on a sole source basis, for the

1 purpose of undertaking eligible projects required for the
2 effective management of living marine resources of the
3 United States. Upon determining that the application
4 meets the requirements of this subsection, the Secretary
5 of Commerce shall enter into such agreement. Such agree-
6 ment may provide for amounts to be withheld by the Sec-
7 retary of Commerce for the cost of any technical or other
8 assistance provided to the State by the Secretary of Com-
9 merce under the agreement.

10 “(2) The Secretary of Commerce shall allocate to
11 States participating in a research and management agree-
12 ment under this subsection funds to assist in imple-
13 menting the agreement, consistent with the amounts avail-
14 able under subsection (b)(3).

15 “(3) For purposes of this subsection, eligible projects
16 are those which address critical needs identified in fishery
17 management reports or plans developed and approved by
18 a State, Marine Fisheries Commission, Regional Fishery
19 Management Council, or other regional or tribal entity,
20 charged with management and conservation of living ma-
21 rine resources, and that pertain to—

22 “(A) the collection and analysis of fishery data
23 and information, including data on landings, fishing
24 effort, biology, habitat, economics and social
25 changes, including those information needs identified

1 pursuant to section 401 of the Magnuson-Stevens
2 Fishery Conservation and Management Act (16
3 U.S.C. 1881); or

4 “(B) the development of measures to promote
5 innovative or cooperative management of fisheries.

6 (4) “In making funds available under this subsection,
7 the Secretary of Commerce shall give priority to eligible
8 projects that meet any of the following criteria:

9 “(A) establishment of observer programs;

10 “(B) cooperative research projects developed
11 among States, academic institutions, and the fishing
12 industry, to obtain data or other information nec-
13 essary to meet national or regional management pri-
14 orities;

15 “(C) projects to reduce harvesting capacity per-
16 formed in a manner consistent with section 312(b)
17 of the Magnuson-Stevens Fishery and Conservation
18 Act (16 U.S.C. 1862(b));

19 “(D) projects designed to identify ecosystem
20 impacts of fishing, including the relationship be-
21 tween fishing harvest and marine mammal popu-
22 lation abundance; and

23 “(E) projects for the identification, conservation
24 or restoration of fish habitat.

1 “(5) Within 90 days of enactment of this Act, the
2 Secretary of Commerce shall adopt procedures necessary
3 to implement this section.

4 “(f) CORAL REEF PROTECTION.—The Secretary of
5 Commerce shall use amounts provided in subsection (b)(4)
6 for the conservation and protection of coral reefs.

7 “(g) ANNUAL ACCOUNTING.—Not later than June 15
8 of each year, each Coastal State receiving moneys from
9 the fund shall account for all moneys so received for the
10 previous fiscal year in a written report to the Secretary
11 of Commerce. This report shall include a description of
12 all projects and activities receiving funds under this sec-
13 tion.

14 “(h) CONGRESSIONAL APPROVAL.—The Secretary of
15 Commerce shall transmit, as part of the annual budget
16 proposal, a priority list for allocations to Coastal States
17 under subsection (c)(1)(C), and subsections (d), (e), and
18 (f). Monies shall be made available from the fund 15 days
19 after the sine die adjournment of the Congress each year,
20 without further appropriation, for the projects identified
21 on the priority list, unless prior to such date, legislation
22 is enacted establishing a different priority list. If Congress
23 enacts legislation establishing an alternate priority list,
24 and such priority list funds less than the annual author-
25 ized funding amount identified in subsections (c)(3), (d),

1 (e), or (f), the difference between the authorized funding
2 amount and the alternate priority list shall be available
3 for expenditure, without further appropriation, in accord-
4 ance with the priority list submitted by the Secretary.

5 **“SEC. 32. COASTAL IMPACT ASSISTANCE.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) DISTANCE.—The term ‘distance’ means
8 minimum great circle distance, measured in statute
9 miles; and

10 “(2) PRODUCING COASTAL STATE.—The term
11 ‘Producing Coastal State’ means a Coastal State,
12 any portion of which lies within a distance of 200
13 miles from the geographic center of any leased tract
14 having an approved plan of development, and which
15 leased tract, as of January 1, 1999, was not covered
16 by a moratorium on leasing, unless the lease was
17 issued prior to the establishment of the moratorium
18 and was in production on January 1, 1999.

19 “(b) ESTABLISHMENT OF FUND.—(1) There is es-
20 tablished in the Treasury of the United States a fund
21 which shall be known as the ‘Outer Continental Shelf Im-
22 pact Assistance Fund’ (in this section referred to as the
23 ‘fund’). There shall be deposited into the fund in fiscal
24 year 2000 and each fiscal year thereafter \$100,000,000
25 from qualified Outer Continental Shelf revenues for each

1 leased tract or portion of a leased tract lying seaward of
2 the zone defined and governed by section 8(g), or lying
3 within that zone but to which section 8(g) does not apply.
4 Such moneys shall be used only to carry out the purposes
5 of this section.

6 “(2) Of the amounts in the fund, \$100,000,000 shall
7 be available each fiscal year for obligation or expenditure
8 in accordance with this section. Such funds shall be made
9 available to the Secretary without further appropriation,
10 subject to the requirements of this section, and shall re-
11 main available until expended.

12 “(c) PAYMENT TO PRODUCING COASTAL STATES.—

13 “(1) Notwithstanding section 9, the Secretary
14 shall, without further appropriation, make payments
15 in each fiscal year to Producing Coastal States equal
16 to the amount deposited in the fund for the prior
17 fiscal year.

18 “(2) Such payments shall be allocated among
19 the Producing Coastal States as follows:

20 “(A) 25 percent of the funds shall be allo-
21 cated based on the ratio of the shoreline miles
22 of the Producing Coastal State to the shoreline
23 miles of all Producing Coastal States;

24 “(B) 25 percent of the funds shall be allo-
25 cated based on the ratio of the coastal popu-

1 lation of the Producing Coastal State to the
2 coastal population of all Producing Coastal
3 States;

4 “(C) 50 percent of the funds shall be allo-
5 cated based upon the Outer Continental Shelf
6 oil and gas production offshore of such Pro-
7 ducing Coastal State. The allocation shall only
8 include qualified Outer Continental Shelf reve-
9 nues from any leased tract the geographic cen-
10 ter of which lies within a distance of 200 miles
11 from any portion of such Producing Coastal
12 State, but shall not include revenues from any
13 leased tract or portion of a leased tract which,
14 as of January 1, 1999, was covered by a mora-
15 torium on leasing, unless the lease was issued
16 prior to the establishment of the moratorium
17 and was in production on January 1, 1999.
18 Each Producing Coastal State’s allocable share
19 shall be inversely proportional to the distance
20 between the nearest port on the coastline of
21 such Producing Coastal State and the geo-
22 graphic center of each leased tract or portion of
23 the leased tract as determined by the Secretary.

1 “(e) MINIMUM STATE SHARE.—The allocable share
2 of revenues for each Producing Coastal State shall not be
3 less than \$2,000,000.

4 “(f) USES.—Producing Coastal States shall use mon-
5 eys received from the fund only to mitigate adverse envi-
6 ronmental impacts directly attributable to the development
7 of oil and gas resources of the Outer Continental Shelf.

8 “(g) STATE PLANS AND ANNUAL REPORT.—(1)
9 Prior to the receipt of funds pursuant to this section in
10 any fiscal year, a Producing Coastal State shall submit
11 to the Secretary a plan for the use of such moneys. The
12 plan shall be developed with public participation and in
13 accordance with all applicable State and Federal laws. The
14 Secretary shall make payments from the fund only upon
15 determining, in consultation with the Secretary of Com-
16 merce, that the State plan ensures that the Producing
17 Coastal State will use its allocated funds in a manner that
18 is consistent with the purposes of this section.

19 “(2) No later than June 15 of each year, each Pro-
20 ducing Coastal State receiving money from this fund shall
21 account for all moneys so received for the previous fiscal
22 year in a written report to the Secretary and the Secretary
23 of Commerce. The report shall include a description of all
24 projects and activities receiving funds under this section.”.

1 **TITLE III—WILDLIFE CONSERVA-**
2 **TION AND RESTORATION**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Wildlife Conservation
5 and Restoration Act of 2000”.

6 **SEC. 302. FINDINGS.**

7 The Congress finds and declares that—

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

12 (2) the United States should retain for present
13 and future generations the opportunity to observe,
14 understand, and appreciate a wide variety of wildlife;

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

19 (4) providing sufficient and properly maintained
20 wildlife associated recreational opportunities is im-
21 portant to enhancing public appreciation of a diver-
22 sity of wildlife and the habitats upon which they de-
23 pend;

24 (5) lands and waters which contain species nei-
25 ther classified as game nor identified as endangered

1 or threatened can provide opportunities for wildlife
2 associated recreation and education such as hunting
3 and fishing permitted by applicable State or Federal
4 law;

5 (6) hunters and anglers have for more than 60
6 years willingly paid user fees in the form of Federal
7 excise taxes on hunting and fishing equipment to
8 support wildlife diversity and abundance, through
9 enactment of the Federal Aid in Wildlife Restoration
10 Act (16 U.S.C. 1669 et seq.; commonly referred to
11 as the Pittman-Robertson Act), and the Federal Aid
12 in Sport Fish Restoration Act (16 U.S.C. 777 et
13 seq.; commonly referred to as the Dingell-Johnson
14 Act);

15 (7) State programs, adequately funded to con-
16 serve a broader array of wildlife in an individual
17 State and conducted in coordination with Federal,
18 State, tribal, and private landowners and interested
19 organizations, would continue to serve as a vital link
20 in a nationwide effort to restore game and nongame
21 wildlife, and the essential elements of such programs
22 should include conservation measures which manage
23 for a diverse variety of populations of wildlife; and

24 (8) cooperative conservation efforts aimed at
25 preventing species from becoming endangered will

1 significantly benefit private landowners and other
2 citizens by responding to early warning signs of de-
3 cline in a flexible, incentive-based manner that mini-
4 mizes the social and economic costs often associated
5 with listing species as threatened or endangered; and

6 (9) it is proper for Congress to bolster and ex-
7 tend this highly successful program to aid game and
8 nongame wildlife in supporting the health and diver-
9 sity of habitat, as well as providing funds for con-
10 servation education.

11 **SEC. 303. PURPOSES.**

12 The purposes of this title are—

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

20 (2) to assure sound conservation policies
21 through the development, revision and implementa-
22 tion of wildlife associated recreation and wildlife as-
23 sociated education and wildlife conservation law en-
24 forcement;

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

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

11 **SEC. 304. DEFINITIONS.**

12 (a) REFERENCE TO LAW.—The term “Federal Aid
13 in Wildlife Restoration Act” means the Act of September
14 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to
15 as the Federal Aid in Wildlife Restoration Act or the Pitt-
16 man-Robertson Act.

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

23 (c) STATE AGENCIES.—Section 2 of the Federal Aid
24 in Wildlife Restoration Act (16 U.S.C. 669a) is further

1 amended by inserting “or State fish and wildlife depart-
2 ment” after “State fish and game department”.

3 (d) CONSERVATION.—Section 2 of the Federal Aid in
4 Wildlife Restoration Act (16 U.S.C. 669a) is further
5 amended by striking the period at the end thereof, sub-
6 stituting a semicolon, and adding the following: “the term
7 ‘conservation’ shall be construed to mean the use of meth-
8 ods and procedures necessary or desirable to sustain
9 healthy populations of wildlife including all activities asso-
10 ciated with scientific resources management such as re-
11 search, census, monitoring of populations, acquisition, im-
12 provement and management of habitat, live trapping and
13 transplantation, wildlife damage management, and peri-
14 odic or total protection of a species or population as well
15 as the taking of individuals within wildlife stock or popu-
16 lation if permitted by applicable State and Federal law;
17 the term ‘wildlife conservation and restoration program’
18 shall be construed to mean a program developed by a State
19 fish and wildlife department that the Secretary determines
20 meets the criteria in section 6(d), the projects that con-
21 stitute such a program, which may be implemented in
22 whole or part through grants and contracts by a State
23 to other State, Federal, or local agencies wildlife conserva-
24 tion organizations and outdoor recreation and conserva-
25 tion education entities from funds apportioned under this

1 title, and maintenance of such projects; the term ‘wildlife’
2 shall be construed to mean any species of wild, free-rang-
3 ing fauna including fish, and also fauna in captive breed-
4 ing programs the object of which is to reintroduce individ-
5 uals of a depleted indigenous species into previously occu-
6 pied range; the term ‘wildlife-associated recreation’ shall
7 be construed to mean projects intended to meet the de-
8 mand for outdoor activities associated with wildlife includ-
9 ing, but not limited to, hunting and fishing, such projects
10 as construction or restoration of wildlife viewing areas, ob-
11 servation towers, blinds, platforms, land and water trails,
12 water access, trailheads, and access for such projects; and
13 the term ‘wildlife conservation education’ shall be con-
14 strued to mean projects, including public outreach, in-
15 tended to foster responsible natural resource steward-
16 ship.”.

17 (e) FUNDING.—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—

- 20 (1) by inserting at the beginning thereof the
21 following: “There shall be deposited into the Federal
22 Aid in Wildlife Restoration Fund (referred to as the
23 ‘fund’) in the Treasury: (1)”; and
24 (2) by striking “shall,”;

1 (3) by inserting after “Internal Revenue Code
2 of 1954” the following: “; and (2) \$350,000,000 in
3 fiscal year 2001 and each fiscal year thereafter from
4 qualified Outer Continental Shelf revenues (as that
5 term is defined in section 2(u) of the Outer Conti-
6 nental Shelf Land Act (43 U.S.C. 1331(u)) (as
7 amended by the Coastal Stewardship Act of
8 2000)).”; and

9 (4) by striking “be covered into” and all that
10 follows through “is authorized” and inserting “Mon-
11 eys in the fund are authorized”.

12 **SEC. 305. SUBACCOUNTS.**

13 Section 3 of the Federal Aid in Wildlife Restoration
14 Act (16 U.S.C. 669b) is further amended by adding at
15 the end the following:

16 “(c) A subaccount shall be established in the Federal
17 Aid in Wildlife Restoration Fund in the Treasury to be
18 known as the ‘wildlife conservation and restoration ac-
19 count’ and the deposits each fiscal year to such account
20 shall be equal to the \$350,000,000 referred to in sub-
21 section (a)(2). Amounts in such account shall be made
22 available without further appropriation, for apportionment
23 at the beginning of fiscal year 2001 and each fiscal year
24 thereafter to carry out State wildlife conservation and res-
25 toration programs.

1 “(d) Funds covered into the wildlife conservation and
2 restoration account shall supplement, but not replace, ex-
3 isting funds available to the States from the sport fish
4 restoration and wildlife restoration accounts and shall be
5 used for the development, revision, and implementation of
6 wildlife conservation and restoration programs and should
7 be used to address the unmet needs for a diverse array
8 of wildlife and associated habitats, with an emphasis on
9 species that are not hunted or fished, for wildlife conserva-
10 tion, wildlife conservation education, and wildlife-associ-
11 ated recreation projects. Such funds may be used for new
12 programs and projects as well as to enhance existing pro-
13 grams and projects.

14 “(e) Notwithstanding subsections (a) and (b), with
15 respect to the wildlife conservation and restoration ac-
16 count, so much of the appropriation apportioned to any
17 State for any fiscal year as remains unexpended at the
18 close thereof is authorized to be made available for ex-
19 penditure in that State until the close of the fourth suc-
20 ceeding fiscal year. Any amount apportioned to any State
21 under this subsection that is unexpended or unobligated
22 at the end of the period during which it is available for
23 expenditure on any project is authorized to be reappor-
24 tioned to all States during the succeeding fiscal year.”.

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

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

4 “(c)(1) Notwithstanding subsection (a), not more
5 than 2 percent of the revenues deposited into the wildlife
6 conservation and restoration account in each fiscal year
7 as the Secretary of the Interior may estimate to be nec-
8 essary for expenses in the administration and execution
9 of programs carried out under the wildlife conservation
10 and restoration account shall be deducted for that pur-
11 pose, and such amount is authorized to be made available
12 therefor until the expiration of the next succeeding fiscal
13 year. Within 60 days after the close of such fiscal year,
14 the Secretary shall apportion any portion thereof as re-
15 mains unexpended, if any, on the same basis and in the
16 same manner as is provided under paragraphs (2) and (3).

17 “(2) The Secretary, after making the deduction
18 under paragraph (1), shall make the following apportion-
19 ment from the amount remaining in the wildlife conserva-
20 tion and restoration account:

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

24 “(B) to Guam, American Samoa, the Virgin Is-
25 lands, and the Commonwealth of the Northern Mar-

1 iana Islands, each a sum equal to not more than $\frac{1}{6}$
2 of 1 percent thereof.

3 “(3) The Secretary, after making the deduction
4 under paragraph (1) and the apportionment under para-
5 graph (2), shall apportion the remaining amount in the
6 wildlife conservation and restoration account for each year
7 among the States in the following manner:

8 “(A) one-third of which is based on the ratio to
9 which the land area of such State bears to the total
10 land area of all such States; and

11 “(B) two-thirds of which is based on the ratio
12 to which the population of such State bears to the
13 total population of all such States.

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

20 “(d) WILDLIFE CONSERVATION AND RESTORATION
21 PROGRAM.—(1) Any State, through its fish and wildlife
22 department, may apply to the Secretary for approval of
23 a wildlife conservation and restoration program or for
24 funds to develop a program, which shall—

1 “(A) contain provision for vesting in the fish
2 and wildlife department of overall responsibility and
3 accountability for development and implementation
4 of the program; and

5 “(B) contain provision for development and im-
6 plementation of—

7 “(i) wildlife conservation projects which ex-
8 pand and support existing wildlife programs to
9 meet the needs of a diverse array of wildlife
10 species, including a wildlife strategy as set forth
11 in subsection (e),

12 “(ii) wildlife associated recreation pro-
13 grams, including provisions for non-motorized
14 public access to public lands, and

15 “(iii) wildlife conservation projects; and

16 “(C) contain provisions for public participation
17 in the development, revision, and implementation of
18 projects and programs stipulated in subparagraph
19 (B) of this subsection.

20 “(2) If the Secretary finds that an application for
21 such program contains the elements specified in subpara-
22 graphs (A), (B), and (C) of paragraph (1), the Secretary
23 shall approve such application and set aside from the ap-
24 portionment to the State made pursuant to section 4(c)
25 an amount that shall not exceed 90 percent of the esti-

1 mated cost of developing and implementing segments of
2 the program for the first 5 fiscal years following enact-
3 ment of this subsection and not to exceed 75 percent
4 thereafter. Not more than 10 percent of the amounts ap-
5 portioned to each State from this subaccount for the
6 State's wildlife conservation and restoration program may
7 be used for law enforcement. Following approval, the Sec-
8 retary may make payments on a project that is a segment
9 of the State's wildlife conservation and restoration pro-
10 grams as the project progresses but such payments, in-
11 cluding previous payments on the project, if any, shall not
12 be more than the United States pro rata share of such
13 project. The Secretary, under such regulations as he may
14 prescribe, may advance funds representing the United
15 States pro rata share of a project that is a segment of
16 a wildlife conservation and restoration program, including
17 funds to develop such program. For purposes of this sub-
18 section, the term 'State' shall include the District of Co-
19 lumbia, the Commonwealth of Puerto Rico, the United
20 States Virgin Islands, Guam, American Samoa, and the
21 Commonwealth of the Northern Mariana Islands.

22 “(e) WILDLIFE CONSERVATION STRATEGY.—Any
23 state that receives an apportionment pursuant to section
24 4(c) shall within five years of the date of the initial appor-
25 tionment develop and begin implementation of a wildlife

1 conservation strategy based upon the best scientific infor-
2 mation and data available that—

3 “(1) integrates available information on the dis-
4 tribution and abundance of species of wildlife, in-
5 cluding low population and declining species as the
6 State fish and wildlife department deems appro-
7 priate, that exemplify and are indicative of the diver-
8 sity and health of wildlife of the State;

9 “(2) identifies the extent and condition of habi-
10 tats and community types essential to conservation
11 of species identified under paragraph (1);

12 “(3) identifies the problems which may ad-
13 versely affect the species identified under paragraph
14 (1) or their habitats, and provides for research to
15 identify factors which may assist in restoration and
16 more effective conservation of such species and their
17 habitats;

18 “(4) determines those actions which should be
19 taken to conserve the species identified under para-
20 graph (1) in their habitats, and establishes priorities
21 for implementing such conservation actions;

22 “(5) provides for periodic monitoring of species
23 identified under paragraph (1) and their habitats
24 and the effectiveness of the conservation actions de-
25 termined under paragraph (4), and for adapting

1 conservation actions as appropriate to respond to
2 new information or changing conditions;

3 “(6) provides for the review of the State wildlife
4 conservation strategy and, if appropriate, revision at
5 intervals of not more than ten years;

6 “(7) provides for coordination by the State fish
7 and wildlife department, during the development,
8 implementation, review, and revision of the wildlife
9 conservation strategy, with Federal, State, and local
10 agencies and Indian tribes that manage significant
11 areas of land or water within the State, or admin-
12 ister programs that significantly affect the conserva-
13 tion of species identified under paragraph (1) or
14 their habitats.”.

15 **SEC. 307. FACA.**

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

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

4 **SEC. 308. LAW ENFORCEMENT.**

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 end
8 thereof: “, except that not more than 5 percent of the
9 funds available from this subaccount for a State wildlife
10 conservation and restoration program may be used for law
11 enforcement through existing State programs”.

12 **SEC. 309 PROHIBITION AGAINST DIVERSION.**

13 No designated State agency shall be eligible to
14 receive matching funds under this Act if sources of rev-
15 enue available to it on January 1, 1998, for conservation
16 of wildlife are diverted for any purpose other than the ad-
17 ministration of the designated State agency, it being the
18 intention of Congress that funds available to States
19 under this Act be added to revenues from existing State
20 sources and not serve as a substitute for revenues from
21 such sources. Such revenues shall include interest, divi-
22 dends, or other income earned on the foregoing.

1 **TITLE IV—ENDANGERED AND**
2 **THREATENED SPECIES HABI-**
3 **TAT PROTECTION**

4 **SEC. 401. ENDANGERED AND THREATENED SPECIES RE-**
5 **COVERY FUND.**

6 (A) DEFINITIONS.—As used in this section—

7 (1) the term “recovery agreements” means En-
8 dangered and Threatened Species Recovery Agree-
9 ments entered into by the Secretary under sub-
10 section (e); and

11 (2) the term “Secretary” means the Secretary
12 of the Interior.

13 (b) ESTABLISHMENT.—There is established in the
14 Treasury of the United States a fund that shall be known
15 as the “Endangered and Threatened Species Recovery
16 Fund” (in this section referred to as the “fund”). There
17 shall deposit into the fund \$50,000,000 in fiscal year 2001
18 and each fiscal year thereafter from qualified Outer Conti-
19 nental Shelf revenues (as that term is defined in section
20 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C.
21 1331(u)) (as amended by the Coastal Stewardship Act of
22 2000)). Such moneys shall be used only to carry out the
23 purposes of this section.

24 (c) EXPENDITURES.—Of the amounts in the fund,
25 \$50,000,000 shall be available each fiscal year to the Sec-

1 retary of the Interior for obligation or expenditure in ac-
2 cordance with this section. Such funds shall be made avail-
3 able without further appropriation, subject to the require-
4 ments of this section, and shall remain available until ex-
5 pended.

6 (d) FINANCIAL ASSISTANCE.—(1) The Secretary of
7 the Interior may use amounts in the fund to provide finan-
8 cial assistance to any person for the development of recov-
9 ery agreements.

10 (2) In providing assistance under this section, the
11 Secretary shall give priority to the development and imple-
12 mentation of recovery agreements that—

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

17 (B) have the greatest potential for contributing
18 to the recovery of an endangered or threatened spe-
19 cies; and

20 (C) to the extent practicable, require the assist-
21 ance of private landowners or the owners or opera-
22 tors of family farms.

23 (e) PROHIBITION OF ASSISTANCE FOR REQUIRED
24 ACTIVITIES.—The Secretary may not provide financial as-
25 sistance under this section for any action that is required

1 by a permit issued under the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.) or that is otherwise re-
3 quired under the Act or any other Federal law.

4 (f) ENDANGERED AND THREATENED SPECIES RE-
5 COVERY AGREEMENTS.—The Secretary is authorized to
6 enter into Endangered and threatened Species Recovery
7 Agreements in accordance with this section. The purpose
8 of such recovery agreements shall be to provide voluntary
9 incentives for landowners to take actions to contribute to
10 the recovery of endangered or threatened species. Each re-
11 covery agreement shall—

12 (1) require the person—

13 (A) to carry out on real property owned or
14 leased by such person activities that are not
15 otherwise required by law and that contribute
16 to the recovery of an endangered or threatened
17 species; and

18 (B) to refrain from carrying out on real
19 property owned or leased by such person other-
20 wise lawful activities that would inhibit the re-
21 covery of a threatened or endangered species;

22 (2) describe the real property referred to in
23 paragraph (1);

24 (3) specify species recovery goals for the agree-
25 ment and measures for attaining such goals;

1 (4) establish a schedule for the implementation
2 of the recovery agreement; and

3 (5) specify how the recovery agreement will be
4 monitored to assess the effectiveness in attaining the
5 species recovery goals.

6 **TITLE V—HISTORIC** 7 **PRESERVATION FUND**

8 **SEC. 501. HISTORIC PRESERVATION FUND AMENDMENTS.**

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

11 (1) by inserting “(a)” before the first sentence
12 of the first paragraph;

13 (2) by inserting “(b)” before the first sentence
14 of the second paragraph;

15 (3) by adding at the end thereof the following
16 new subsections:

17 “(c) There shall be deposited into the fund
18 \$150,000,000 in fiscal year 2001 and each fiscal year
19 thereafter from qualified Outer Continental Shelf revenues
20 (as that term is defined in section 2(u) of the Outer Conti-
21 nental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended
22 by the Coastal Stewardship Act of 2000)). Such moneys
23 shall be used only to carry out the purposes of this Act.

24 “(d)(1) Of the amounts in the fund, \$150,000,000
25 shall be available each fiscal year for obligation or expendi-

1 ture in accordance with paragraph (2). Such funds shall
2 be made available without further appropriation, subject
3 to the requirements of this Act, and shall remain available
4 until expended.

5 “(2) Of the amounts made available each fiscal
6 year—

7 “(A) not less than \$75,000,000 shall be avail-
8 able for State, local governmental, and tribal historic
9 preservation programs as provided in subsections
10 101(b), (c), and (d) of this Act; and

11 “(B) \$15,000,000 shall be available to the
12 American Battlefield Protection Program (section
13 604 of Public Law 104–333; 16 U.S.C. 469k) for
14 the protection of threatened battlefields; and

15 “(C) the remainder shall be available for the
16 matching grant programs authorized in section
17 101(e) of this Act: *Provided*, That not less than 50
18 percent of the amounts made available shall be used
19 for preservation projects on historic properties in ac-
20 cordance with this Act, with priority given to the
21 preservation of endangered historic properties.

22 “(e)(1) The President shall transmit, as part of the
23 annual budget proposal, a list of matching grant programs
24 to be funded and additional funding amounts, if any, for
25 State, local governmental, and tribal historic programs.

1 Funds shall be made available from the Historic Preserva-
2 tion Fund, without further appropriation, 15 days after
3 the date the Congress adjourns sien die each year, for the
4 programs identified by the President to be funded, unless
5 prior to such date, legislation is enacted establishing fund-
6 ing, for other specific programs authorized in this Act.

7 “(2) If the list of programs approved by Congress
8 funds less than the annual authorized funding amount, the
9 remainder shall be available for expenditure, without fur-
10 ther appropriation, in accordance with the list of programs
11 submitted by the President.

12 “(3) If the President recommends additional funding
13 for State, local government, or tribal historic preservation
14 programs, priority shall be given to the preservation of en-
15 dangered historic properties.”.

16 **SEC. 502. AMERICAN BATTLEFIELD PROTECTION PROGRAM**
17 **AMENDMENTS.**

18 The American Battlefield Act of 1996 (section 604
19 of Public Law 1045–333; 16 U.S.C. 469k) is amended as
20 follows:

21 (1) in subsection (c)(2) by adding the following
22 sentence at the end thereof: “Priority for financial
23 assistance for the preservation of Civil War Battle-
24 fields shall be given to sites identified as Priority 1
25 battlefields in the 1993 “Civil War Sites Advisory

1 Commission Report on the Nation’s Civil War Bat-
2 tlefields”;

3 (2) by amending subsection (d) to read as fol-
4 lows:

5 “(d) FUNDING AUTHORITY.—Of amounts in the His-
6 toric Preservation Fund, \$15,000,000 shall be available
7 each year for obligation or expenditure for the protection
8 of threatened battlefields in accordance with this title.
9 Such funds shall be available without further appropria-
10 tion, and shall remain available until expended.”.

11 (3) By repealing subsection (e) in its entirety.

12 **TITLE VI—NATURAL RESOURCE**
13 **RESTORATION PROGRAMS**

14 **SEC. 601. NATIONAL PARK SYSTEM RESOURCE PROTEC-**
15 **TION.**

16 (a) ESTABLISHMENT.—There is established in the
17 Treasury of the United States a fund that shall be known
18 as the “National Park System Resource Protection Fund”
19 (in this title referred to as the “fund”). There shall be
20 deposited into the fund \$150,000,000 in fiscal year 2001
21 and each fiscal year thereafter from qualified Outer Conti-
22 nental Shelf revenues (as that term is defined in section
23 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C.
24 1331(u)) (as amended by the Coastal and Marine Re-

1 sources Enhancement Act of 2000)). Such moneys shall
2 be used only to carry out the purposes of this section.

3 (b) EXPENDITURES.—(1) Of the amounts in the
4 fund, \$150,000,000 shall be available each fiscal year to
5 the Secretary of the Interior for obligation or expenditure
6 in accordance with this section. Such funds shall be made
7 available without further appropriation, subject to the re-
8 quirements of this section, and shall remain available until
9 expended.

10 (2) Amounts in the fund shall only be used to protect
11 significant natural, cultural or historical resources at units
12 of the National park System that are—

13 (A) threatened by activities occurring inside or
14 outside park boundaries; or

15 (B) in need of stabilization or restoration.

16 (3) The Secretary is authorized to enter into coopera-
17 tive agreements with State and local governments and
18 other public and private organizations to carry out the
19 purposes of this section.

20 (4) No funds made available by this section shall be
21 used for—

22 (A) acquisition of lands or interests therein;

23 (B) salaries of National Park Service perma-
24 nent employees;

25 (C) construction of roads;

1 (D) construction of new visitor centers;

2 (E) routine maintenance activities; or

3 (F) specific projects which are funded by the
4 Recreational Fee Demonstration Program (section
5 315 of Public Law 104–134; 16 U.S.C. 460l (note)).

6 (5)(A) The Secretary of the Interior shall prepare,
7 as part of the annual budget proposal, a priority list for
8 projects to be funded under this section. Moneys shall be
9 made available from the fund, without further appropria-
10 tion, 15 days after the date the Congress adjourns sine
11 die each year, for the projects identified on the priority
12 list, unless prior to such date, legislation is enacted estab-
13 lishing a different priority list.

14 (B) In preparing the list of projects to be funded
15 under this section, the Secretary of the Interior shall give
16 priority to projects that—

17 (i) are identified in the park unit’s general
18 management plan;

19 (ii) are included in authorized environmental
20 restoration projects; or

21 (iii) are identified by the Secretary of the Inte-
22 rior as necessary to prevent immediate damage to a
23 park unit’s natural, cultural, or historical resources.

24 (C) If Congress enacts legislation establishing an al-
25 ternate priority list, and such priority list funds less than

1 the annual authorized funding amount identified in sub-
2 section (b)(1), the difference between the authorized fund-
3 ing amount and the alternate priority list shall be available
4 for expenditure, without further appropriation, in accord-
5 ance with the priority list submitted by the Secretary of
6 the Interior.

7 **SEC. 602. CORAL REEF RESOURCE CONSERVATION FUND.**

8 (a) ESTABLISHMENT OF FUND.—There is estab-
9 lished in the Treasury of the United States a fund that
10 shall be known as the “Coral Reef Resources Restoration
11 Fund” (in this section referred to as the “fund”). There
12 shall be deposited into the fund \$15,000,000 in fiscal year
13 2000 and each fiscal year thereafter from qualified Outer
14 Continental Shelf revenues (as that term is defined in sec-
15 tion 2 of the Outer Continental Shelf Lands Act (43
16 U.S.C. 1331) (as amended by the Coastal and Marine Re-
17 sources Enhancement Act of 1999)). Such moneys shall
18 be used only to carry out the purposes of this section.

19 (b) EXPENDITURES.—(1) Of the amounts in this
20 fund, \$15,000,000 shall be available each fiscal year to
21 the Secretary of the Interior for obligation or expenditure
22 in accordance with this section, and shall remain available
23 until expended.

24 (2)(A) the Secretary shall prepare, as part of the an-
25 nual budget proposal, a priority list for projects to be

1 funded under this section. Monies shall be made available
2 from the fund, without further appropriation, 15 days
3 after the date the Congress adjourns sine die for each
4 year, for the projects identified on that priority list, unless
5 prior to such date, legislation is enacted establishing a dif-
6 ferent priority list.

7 (B) If Congress enacts legislation establishing an al-
8 ternate priority list, and such priority list funds less than
9 the annual authorized funding amount identified in sub-
10 section (b)(1), the difference between the authorized fund-
11 ing amount and the alternate priority list shall be available
12 for expenditure, without further appropriation, in accord-
13 ance with the priority list submitted by the Secretary.

14 (c) DEFINITIONS.—As used in this section—

15 (1) the term “coral reef” means species (includ-
16 ing reef plants and coralline algae), habitats, and
17 other natural resources associated with any reefs or
18 shoals composed primarily of corals within all mari-
19 time areas and zones subject to the jurisdiction of
20 the Secretary of the Interior, including in the south
21 Atlantic, Caribbean, Gulf of Mexico, and Pacific
22 Ocean;

23 (2) the term “coral” means species of the phy-
24 lum Cnidaria, including—

1 (A) all species of the orders Antipatharia
2 (black corals), Scleractinia (stony corals),
3 Gorgonacea (horny corals), Stolonifera
4 (organpipe corals and others), Alcyonacea (soft
5 corals), and Coenothecalia (blue corals), of the
6 class Anthozoa; and

7 (B) all species of the order Hydrocorallina
8 (fire corals and hydrocorals), of the class
9 Hydrozoa;

10 (3) the term “Secretary” means the Secretary
11 of the Interior;

12 (4) the term “coral reef conservation project”
13 means activities that contribute to or result in pre-
14 serving, sustaining or enhancing coral reef eco-
15 systems as healthy, diverse and viable ecosystems,
16 including—

17 (A) actions to enhance or improve resource
18 management of coral reefs, such as assessment,
19 scientific research, protection, restoration and
20 mapping;

21 (B) habitat monitoring and species surveys
22 and monitoring;

23 (C) activities necessary for planning and
24 development of strategies for coral reef manage-
25 ment;

1 (D) community outreach and education on
2 coral reef importance and conservation; and

3 (E) activities in support of the enforcement
4 of laws relating to coral reefs; and

5 (5) the term “coral reef task force” means the
6 task force established under Executive Order 13089
7 (June 11, 1998).

8 (d) CORAL REEF CONSERVATION PROGRAM.—(1)
9 The Secretary shall provide grants of financial assistance
10 for coral reef conservation projects on areas under the ju-
11 risdiction of the Department of the Interior in accordance
12 with this section.

13 (2)(A) Except as provided in subparagraph (B), Fed-
14 eral funds for any coral reef conservation project under
15 this section may not exceed 75 percent of the total cost
16 of such project. For purposes of this paragraph, the non-
17 Federal share of project costs may be provided in in-kind
18 contributions or other non-cash support.

19 (B) The Secretary may waive all or part of the
20 matching fund requirement under paragraph (A) if the
21 project costs are \$25,000 or less.

22 (3) Any relevant natural resource management au-
23 thority of a State or territory of the United States, or other
24 government authority with jurisdiction over coral reefs or
25 whose activities affect coral reefs, or educational or non-

1 governmental institutions or organizations with dem-
2 onstrated expertise in marine science or the conservation
3 of coral reefs, may submit a proposal for funding to the
4 Secretary.

5 (4) The Secretary shall ensure that financial assist-
6 ance provided under subsection (a) is distributed so that—

7 (A) not less than 40 percent of the funds avail-
8 able are awarded for conservation projects in the Pa-
9 cific Ocean;

10 (B) not less than 40 percent of the funds are
11 awarded for coral reef restoration and conservation
12 projects in the Atlantic, Gulf of Mexico and Carib-
13 bean Sea; and

14 (C) remaining funds are awarded for coral reef
15 project that address emerging priorities or threats
16 identified by the Secretary in consultation with the
17 Coral Reef Task Force.

18 (5) After consultation with the Coral Reef Task
19 Force, States and territories, regional and local entities,
20 and non-governmental organizations involved in coral and
21 marine conservation, the Secretary shall identify—

22 (A) site-specific threats and constraints, and

23 (B) comprehensive threats known to affect coral
24 reef ecosystems in the national parks, refuges, terri-
25 tories and possessions to be used in establishing

1 funding priorities for grants issued under subsection
2 (a).

3 (6) The Secretary shall review and rank final coral
4 reef conservation project proposals according to the cri-
5 teria set out in subsection (d)(7).

6 (A) For projects costing \$25,000 or greater,
7 the Secretary shall provide for the merit-based peer
8 review of the proposal and require standardized doc-
9 umentation of that peer review;

10 (B) As part of the peer review process for indi-
11 vidual grants, the Secretary shall also request writ-
12 ten comments from the appropriate bureaus or de-
13 partments of State or territorial governments, or
14 other governmental jurisdiction, where the project is
15 proposed to be conducted.

16 (7) The Secretary shall evaluate final project pro-
17 posals based on the degree to which the project will—

18 (A) promote the long-term protection, conserva-
19 tion, restoration or enhancement of coral reef eco-
20 systems within or adjoining areas under the jurisdic-
21 tion of the Department of the Interior;

22 (B) promote cooperative conservation projects
23 with local communities, non-governmental organiza-
24 tions, educational or private institutions; or local af-
25 fected governments, territories or insular areas;

1 (C) enhance public knowledge and awareness of
2 coral reef resources and sustainable use through
3 education and outreach;

4 (D) develop sound scientific information on the
5 condition of coral reef ecosystems or the threats to
6 such ecosystems, through mapping, monitoring, re-
7 search and analysis; and

8 (E) enhance compliance with laws relating to
9 coral reefs.

10 (8) Within 180 days after the enactment of this Act,
11 the Secretary shall promulgate guidelines and require-
12 ments for implementing this section, including the require-
13 ments for project proposals.

14 (A) In developing guidelines and requirements,
15 the Secretary shall consult with the Coral Reef Task
16 Force, interested States, regional and local entities,
17 and non-governmental organizations.

18 **TITLE VII—URBAN PARK AND** 19 **FORESTRY PROGRAMS**

20 **SEC. 701. URBAN PARK AND RECREATION RECOVERY** 21 **FUND.**

22 Section 1013 of the Urban Park and Recreation Re-
23 covery Act of 1978 (title X of Public Law 95–625; 16
24 U.S.C. 2512) is amended to read as follows:

1 “(a) There is established in the Treasury of the
2 United States a fund that shall be known as the ‘Urban
3 Park and Recreation Recovery Fund’ (referred to as the
4 ‘fund’). There shall deposited into the fund \$75,000,000
5 in fiscal year 2001 and each fiscal year thereafter from
6 qualified Outer Continental Shelf revenues (as that term
7 is defined in section 2(u) of the Outer Continental Shelf
8 Lands Act (43 U.S.C. 1331(u)) (as amended by the Coast-
9 al Stewardship Act of 2000)). Such moneys shall be used
10 only to carry out the purposes of this Act.

11 “(b)(1) Of the amounts in the fund, \$75,000,000
12 shall be available each fiscal year for obligation or expendi-
13 ture in accordance with this Act. Such funds shall be made
14 available without further appropriation, subject to the re-
15 quirements of this Act, and shall remain available until
16 expended.

17 “(2) Not more than 3 percent of the funds made
18 available in any fiscal year may be used for grants for
19 the development of local park and recreation recovery pro-
20 grams pursuant to subsection 1007(a) and (c) of this Act.

21 “(3) Not more than 10 percent of the funds made
22 available in any fiscal year may be used for innovation
23 grants pursuant to section 1006 of this act.

1 “(4) Note more than 15 percent of the funds made
2 available in any fiscal year may be provided as grants, in
3 the aggregate, for projects in any one State.”.

4 **SEC. 702. URBAN AND COMMUNITY FORESTRY ASSISTANCE**
5 **FUND.**

6 Section 9(i) of the Cooperative Forestry Assistance
7 Act of 1978 (Public Law 95–313; 16 U.S.C. 2101(note))
8 is amended to read as follows:

9 “(a) There is established in the Treasury of the
10 United States a fund that shall be known as the ‘Urban
11 and Community Forestry Assistance Fund’ (referred to as
12 the ‘fund’). There shall be deposited into the fund
13 \$50,000,000 in fiscal year 2001 and each fiscal year
14 thereafter from qualified Outer Continental Shelf revenues
15 (as that term is defined in section 2(u) of the Outer Conti-
16 nental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended
17 by the Coastal Stewardship Act of 2000)). Such moneys
18 shall be used only to carry out the purposes of this Act.

19 “(b) Of the amounts in the fund, \$50,000,000 shall
20 be available each fiscal year for obligation or expenditure
21 in accordance with this Act. Such funds shall be made
22 available without further appropriation, subject to the re-
23 quirements of this Act, and shall remain available until
24 expended.”.

1 **TITLE VIII—CONSERVATION**
2 **EASEMENTS**

3 **SEC. 801. FOREST LEGACY FUND.**

4 Section 7(l) of the Cooperative Forestry Assistance
5 Act of 1978 (Public Law 95–313; 16 U.S.C. 2101 (note))
6 is amended to read as follows:

7 “(a) There is established in the Treasury of the
8 United States a fund that shall be known as the ‘Forest
9 Legacy Fund’ (referred to as the ‘fund’). There shall be
10 deposited into the fund \$50,000,000 in fiscal year 2001
11 and each fiscal year thereafter from qualified Outer Conti-
12 nental Shelf revenues (as that term is defined in section
13 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C.
14 1331(u)) (as amended by the Coastal Stewardship Act of
15 2000)). Such moneys shall be used only to carry out the
16 purposes of this Act.

17 “(b) Of the amounts in the fund, \$50,000,000 shall
18 be available each fiscal year to the Secretary of Agri-
19 culture for obligation or expenditure in accordance with
20 this Act. Such funds shall be made available without fur-
21 ther appropriation, subject to the requirements of this Act,
22 and shall remain available until expended.”.

23 **SEC. 802. FARMLAND PROTECTION PROGRAM.**

24 Section 388(c) of Public Law 104–127 (16 U.S.C.
25 3831 (note)) is amended to read as follows:

1 “(a) There is established in the Treasury of the
2 United States a fund that shall be known as the ‘Farm-
3 land Protection Fund’ (referred to as the ‘fund’). There
4 shall be deposited into the fund \$50,000,000 in fiscal year
5 2001 and each fiscal year thereafter from qualified Outer
6 Continental Shelf revenues (as that term is defined in sec-
7 tion 2(u) of the Outer Continental Shelf Lands Act (43
8 U.S.C. 1331(u)) (as amended by the Coastal Stewardship
9 Act of 2000)). Such moneys shall be used only to carry
10 out the purposes of this Act.

11 “(b) Of the amounts in the fund, \$50,000,000 shall
12 be available each fiscal year to the Secretary of Agri-
13 culture for obligation or expenditure in accordance with
14 this Act. Such funds shall be made available without fur-
15 ther appropriation, subject to the requirements of this Act,
16 and shall remain available until expended.”.

17 **SEC. 803. RANCLAND PROTECTION.**

18 (a) ESTABLISHMENT OF RANCLAND PROTECTION
19 FUND.—There is established in the Treasury of the
20 United States a fund that shall be known as the “Ranch-
21 land Protection Fund” (in this section referred to as the
22 “fund”). There shall be deposited into the fund
23 \$50,000,000 in fiscal year 2001 and each fiscal year
24 thereafter from qualified Outer Continental Shelf revenues
25 (as that term is defined in section 2(u) of the Outer Conti-

1 nental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended
2 by the Coastal Stewardship Act of 2000)). Such moneys
3 shall be used only to carry out the purposes of this section.

4 (b) EXPENDITURES.—Of the amounts in the fund,
5 \$50,000,000 shall be available each fiscal year to the Sec-
6 retary of the Interior for obligation or expenditure in ac-
7 cordance with this section. Such funds shall be made avail-
8 able without further appropriation, subject to the require-
9 ments of this section, and shall remain available until ex-
10 pended.

11 (c) RANGLAND PROTECTION PROGRAM.—(1) The
12 Secretary of the Interior shall establish and carry out a
13 program, to be known as the “Ranchland Protection Pro-
14 gram”, under which the Secretary shall provide grants
15 from the Ranchland Protection Fund to State or local gov-
16 ernmental agencies, Indian tribes or appropriate non-prof-
17 it organizations to provide the Federal share of the cost
18 of purchasing permanent conservation easements on
19 ranchland, for the purpose of protecting the continued use
20 of the land as ranchland or open space and preventing
21 its conversion to non-agricultural or open space uses.

22 (2) No funds made available under this section may
23 be used to acquire any interest in land without the consent
24 of the owner thereof.

1 (3) The holder of a conservation easement described
2 in paragraph (1) may enforce the conservation require-
3 ments of the easement.

4 (4) Prior to making funds available for a grant under
5 this section, the Secretary of the Interior shall receive cer-
6 tification from the Attorney General of the State in which
7 the conservation easement is to be purchased that the con-
8 servation easement is in a form that is sufficient, under
9 the laws of that State, to achieve the purpose of the
10 Ranchland Protection Program and the terms and condi-
11 tions of the grant.

12 (5) For the purposes of this section, the term “ranch
13 land” means private or tribally owned range land, pasture
14 land, grazed forest land, and hay land.

15 **TITLE IX—NATURAL RESOURCE**
16 **COMMUNITY INVESTMENT**
17 **PROGRAMS**

18 **SEC. 901. YOUTH CONSERVATION CORPS FUND.**

19 Section 106 of the Youth Conservation Corps Act of
20 1970 (Public Law 91–378; 16 U.S.C. 1706) is amended
21 to read as follows:

22 “(a) There is established in the Treasury of the
23 United States a fund that shall be known as the ‘Youth
24 Conservation Corps Fund’ (in this section referred to as
25 the ‘fund’). There shall be deposited into the fund

1 \$60,000,000 in fiscal year 2001 and each fiscal year
2 thereafter from qualified Outer Continental Shelf revenues
3 (as that term is defined in section 2(u) of the Outer Conti-
4 nental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended
5 by the Coastal Stewardship Act of 2000)). Such moneys
6 shall be used only to carry out the purposes of title I and
7 II of this Act.

8 “(b) Of the amounts in the fund, \$60,000,000 shall
9 be available each fiscal year for obligation or expenditure
10 in accordance with titles I and II of this Act. Such funds
11 shall be made available to the Secretary of Agriculture and
12 the Secretary of the Interior, without further appropria-
13 tion, subject to the requirements of titles I and II of this
14 Act, and shall remain available until expended.”

15 **SEC. 902. FOREST SERVICE RURAL COMMUNITY ASSIST-**
16 **ANCE.**

17 (a) RURAL DEVELOPMENT PROGRAM.—The Cooper-
18 ative Forestry Assistance Act of 1978 (Public Law 95–
19 313; 16 U.S.C. 2101 (note)) is amended by adding the
20 following new section:

21 **“SEC. 21. RURAL DEVELOPMENT.**

22 “(a) The Secretary shall conduct a Rural Develop-
23 ment program to provide technical assistance to rural
24 communities for sustainable rural development purposes.

1 “(b) There is established in the Treasury of the
2 United States a fund that shall be known as the ‘Forest
3 Service Rural Development Fund’ (in this section referred
4 to as the ‘fund’). There shall be deposited into the fund
5 \$25,000,000 in fiscal year 2001 and each fiscal year
6 thereafter from qualified Outer Continental Shelf revenues
7 (as that term is defined in section 2(u) of the Outer Conti-
8 nental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended
9 by the Coastal Stewardship Act of 2000)). Such moneys
10 shall be used only to carry out the purposes of this Act.

11 “(c) Of the amounts in the fund, \$25,000,000 shall
12 be available each fiscal year to the Secretary of Agri-
13 culture for obligation or expenditure in accordance with
14 this Act. Such funds shall be made available without fur-
15 ther appropriation, subject to the requirements of this sec-
16 tion, and shall remain available until expended.”.

17 (b) RURAL COMMUNITY ASSISTANCE.—Section 2379
18 of the National Forest-Dependent Rural Communities
19 Economic Diversification Act (Public Law 101–624, 7
20 U.S.C. 6601 (note)) is amended to read as follows:

21 “(a) There is established in the Treasury of the
22 United States a fund that shall be known as the ‘Forest
23 Service Rural Community Assistance Fund’ (in this sec-
24 tion referred to as the ‘fund’). There shall be deposited
25 into the fund \$25,000,000 in fiscal year 2001 and each

1 fiscal year thereafter from qualified Outer Continental
2 Shelf revenues (as that term is defined in section 2(u) of
3 the Outer Continental Shelf Lands Act (43 U.S.C.
4 1331(u)) (as amended by the Coastal Stewardship Act of
5 2000)). Such moneys shall be used only to carry out the
6 purposes of this Act.

7 “(b) Of the amounts in the fund, \$25,000,000 shall
8 be available each fiscal year for obligation or expenditure
9 in accordance with this Act. Such funds shall be made
10 available without further appropriation, subject to the re-
11 quirements of this Act, and shall remain available until
12 expended.”

13 **TITLE X—PAYMENT IN LIEU OF** 14 **TAXES**

15 **SEC. 1001. PAYMENT IN LIEU OF TAXES.**

16 Section 6906 of title 31, United States Code, (96
17 Stat. 1035) is amended to read as follows:

18 “(a) There is established in the Treasury of the
19 United States a fund that shall be known as the ‘Payment
20 in Lieu of Taxes Fund’ (referred to as the ‘fund’). There
21 shall be deposited into the fund in fiscal year 2001 and
22 thereafter from qualified Outer Continental Shelf revenues
23 (as that term is defined in section 2(u) of the Outer Conti-
24 nental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended
25 by the Coastal Stewardship Act of 2000)) such moneys

1 as are necessary to full fund payments to units of general
2 local governments as provided in this Act.

3 “(b) Amounts in the fund shall be available each fis-
4 cal year to the Secretary of the Interior for obligation or
5 expenditure in accordance with this Act. Such funds shall
6 be made available without further appropriations, and
7 shall remain available until expended.”.

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