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107TH CONGRESS
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[Report No. 107-123]

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2001

Mr. SMITH of New Hampshire (for himself, Mr. DEWINE, Mr. VOINOVICH, Mr. WARNER, Mr. GRAHAM, Mr. CHAFEE, Mr. BOND, Mr. JEFFORDS, Mr. LEAHY, Mr. CLELAND, Mr. CRAPO, Mr. LIEBERMAN, Mr. REID, Mr. CORZINE, Mr. MILLER, Mr. BAUCUS, Mrs. LINCOLN, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

DECEMBER 13, 2001

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “American Wildlife Enhancement Act of 2001”.

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

Sec. 1. Short title; table of contents.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Wildlife Conservation and Restoration Account.

Sec. 104. Apportionment of amounts in the Account.

Sec. 105. Wildlife conservation and restoration programs.

Sec. 106. Nonapplicability of Federal Advisory Committee Act.

Sec. 107. Technical amendments.

Sec. 108. Effective date.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 201. Purpose.

Sec. 202. Endangered and threatened species recovery assistance.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

Sec. 301. Non-Federal land conservation grant program.

6 **TITLE I—PITTMAN-ROBERTSON**
7 **WILDLIFE CONSERVATION**
8 **AND RESTORATION PRO-**
9 **GRAMS IMPROVEMENT**

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “Pittman-Robertson
12 Wildlife Conservation and Restoration Programs Improve-
13 ment Act”.

1 **SEC. 102. DEFINITIONS.**

2 (a) ~~IN GENERAL.~~—Section 2 of the Pittman-Robert-
3 son Wildlife Restoration Act (16 U.S.C. 669a) is amended
4 to read as follows:

5 **“SEC. 2. DEFINITIONS.**

6 “In this Act:

7 “(1) ~~ACCOUNT.~~—The term ‘Account’ means the
8 Wildlife Conservation and Restoration Account es-
9 tablished by section 3(a)(2).

10 “(2) ~~CONSERVATION.~~—

11 “(A) ~~IN GENERAL.~~—The term ‘conserva-
12 tion’ means the use of a method or procedure
13 necessary or desirable to sustain healthy popu-
14 lations of wildlife.

15 “(B) ~~INCLUSIONS.~~—The term ‘conserva-
16 tion’ includes any activity associated with sci-
17 entific resources management, such as—

18 “(i) research;

19 “(ii) census;

20 “(iii) monitoring of populations;

21 “(iv) acquisition, improvement, and
22 management of habitat;

23 “(v) live trapping and transplantation;

24 “(vi) wildlife damage management;

25 “(vii) periodic or total protection of a
26 species or population; and

1 “(viii) the taking of individuals within
2 a wildlife stock or population if permitted
3 by applicable Federal law, State law, or
4 law of the District of Columbia or a terri-
5 tory.

6 “(3) FUND.—The term ‘fund’ means the Fed-
7 eral aid to wildlife restoration fund established by
8 section 3(a)(1).

9 “(4) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of the Interior.

11 “(5) STATE FISH AND GAME DEPARTMENT.—
12 The term ‘State fish and game department’ means
13 any department or division of a department of an-
14 other name, or commission, or 1 or more officials,
15 of a State, the District of Columbia, or a territory
16 empowered under the laws of the State, the District
17 of Columbia, or the territory, respectively, to exer-
18 cise the functions ordinarily exercised by a State fish
19 and game department or a State fish and wildlife
20 department.

21 “(6) TERRITORY.—The term ‘territory’ means
22 Puerto Rico, Guam, American Samoa, the Common-
23 wealth of the Northern Mariana Islands, and the
24 Virgin Islands.

25 “(7) WILDLIFE.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term ‘wildlife’ means—

3 “(i) any species of wild, free-ranging
4 fauna (excluding fish); and

5 “(ii) any species of fauna (excluding
6 fish) in a captive breeding program the ob-
7 ject of which is to reintroduce individuals
8 of a depleted indigenous species into the
9 previously occupied range of the species.

10 “(B) WILDLIFE CONSERVATION AND RES-
11 Toration PROGRAM.—For the purposes of each
12 wildlife conservation and restoration program,
13 the term ‘wildlife’ includes fish.

14 “(8) WILDLIFE-ASSOCIATED RECREATION
15 PROJECT.—The term ‘wildlife-associated recreation
16 project’ means—

17 “(A) a project intended to meet the de-
18 mand for an outdoor activity associated with
19 wildlife, such as hunting, fishing, and wildlife
20 observation and photography;

21 “(B) a project such as construction or res-
22 toration of a wildlife viewing area, observation
23 tower, blind, platform, land or water trail,
24 water access route, area for field trialing, or
25 trail head; and

1 “(C) a project to provide access for a
2 project described in subparagraph (A) or (B):

3 ~~“(9) WILDLIFE CONSERVATION AND RESTORA-~~
4 ~~TION PROGRAM.—~~The term ‘wildlife conservation
5 and restoration program’ means a program devel-
6 oped by a State fish and game department and ap-
7 proved by the Secretary under section 12.

8 ~~“(10) WILDLIFE CONSERVATION EDUCATION~~
9 ~~PROJECT.—~~The term ‘wildlife conservation education
10 project’ means a project, including public outreach,
11 that is intended to foster responsible natural re-
12 source stewardship.

13 ~~“(11) WILDLIFE-RESTORATION PROJECT.—~~

14 ~~“(A) IN GENERAL.—~~The term ‘wildlife-res-
15 toration project’ means a project consisting of
16 the selection, restoration, rehabilitation, or im-
17 provement of an area of land or water (includ-
18 ing a property interest in land or water) that is
19 adaptable as a feeding, resting, or breeding
20 place for wildlife.

21 ~~“(B) INCLUSIONS.—~~The term ‘wildlife-res-
22 toration project’ includes—

23 ~~“(i) acquisition of an area described~~
24 ~~in subparagraph (A) that is suitable or ea-~~

1 pable of being made suitable for feeding,
 2 resting, or breeding by wildlife;

3 “(ii) construction in an area described
 4 in subparagraph (A) of such works as are
 5 necessary to make the area available for
 6 feeding, resting, or breeding by wildlife;

7 “(iii) such research into any problem
 8 of wildlife management as is necessary for
 9 efficient administration of wildlife re-
 10 sources; and

11 “(iv) such preliminary or incidental
 12 expenses as are incurred with respect to
 13 activities described in this paragraph.”

14 (b) CONFORMING AMENDMENTS.—

15 (1) The first section, section 3(a)(1), and sec-
 16 tion 12 of the Pittman-Robertson Wildlife Restora-
 17 tion Act (16 U.S.C. 669, 669b(a)(1), 669i) are
 18 amended by striking “Secretary of Agriculture” each
 19 place it appears and inserting “Secretary”.

20 (2) The Pittman-Robertson Wildlife Restoration
 21 Act (16 U.S.C. 669 et seq.) is amended by striking
 22 “Secretary of the Interior” each place it appears and
 23 inserting “Secretary”.

24 (3) Section 3(a)(1) of the Pittman-Robertson
 25 Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is

1 amended by striking “(hereinafter referred to as the
2 ‘fund’)”.

3 (4) Section 6(e) of the Pittman-Robertson Wild-
4 life Restoration Act (16 U.S.C. 669e(e)) is amended
5 by striking “established by section 3 of this Act”.

6 (5) Section 11(b) of the Pittman-Robertson
7 Wildlife Restoration Act (16 U.S.C. 669h-2(b)) is
8 amended by striking “wildlife restoration projects”
9 each place it appears and inserting “wildlife-restora-
10 tion projects”.

11 **SEC. 103. WILDLIFE CONSERVATION AND RESTORATION**
12 **ACCOUNT.**

13 (a) IN GENERAL.—Section 3 of the Pittman-Robert-
14 son Wildlife Restoration Act (16 U.S.C. 669b) is
15 amended—

16 (1) by striking “SEC. 3. (a)(1) An” and insert-
17 ing the following:

18 **“SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.**

19 **“(a) IN GENERAL.—**

20 **“(1) FEDERAL AID TO WILDLIFE RESTORATION**
21 **FUND.—An”;**

22 **(2) in subsection (a), by striking paragraph (2)**
23 **and inserting the following:**

24 **“(2) WILDLIFE CONSERVATION AND RESTORA-**
25 **TION ACCOUNT.—**

1 “(A) ESTABLISHMENT.—There is estab-
 2 lished in the fund an account to be known as
 3 the ‘Wildlife Conservation and Restoration Ac-
 4 count’.

5 “(B) FUNDING.—There are authorized to
 6 be appropriated to the Account for apporportion-
 7 ment to States, the District of Columbia, and
 8 territories in accordance with section 4(d)—

9 “(i) \$50,000,000 for fiscal year 2001;

10 and

11 “(ii) \$350,000,000 for each of fiscal
 12 years 2002 through 2006.”; and

13 (3) by striking subsections (c) and (d).

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 3(a)(1) of the Pittman-Robertson
 16 Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is
 17 amended in the first sentence—

18 (A) by inserting “(other than the Ac-
 19 count)” after “wildlife restoration fund”; and

20 (B) by inserting before the period at the
 21 end the following: “(other than sections 4(d)
 22 and 12)”.

23 (2) Section 4 of the Pittman-Robertson Wildlife
 24 Restoration Act (16 U.S.C. 669c) is amended—

25 (A) in subsection (a)—

- 1 (i) in paragraph (1)(A)—
- 2 (I) by inserting “(other than the
- 3 Account)” after “the fund”; and
- 4 (II) by inserting “(other than
- 5 subsection (d) and sections 3(a)(2)
- 6 and 12)” after “this Act”; and
- 7 (ii) in paragraph (2)(B), by inserting
- 8 “from the fund (other than the Account)”
- 9 before “under this Act”; and
- 10 (B) in the first sentence of subsection (b),
- 11 by striking “said fund” and inserting “the fund
- 12 (other than the Account)”.
- 13 (3) Section 6 of the Pittman-Robertson Wildlife
- 14 Restoration Act (16 U.S.C. 669e) is amended—
- 15 (A) in subsection (a)—
- 16 (i) in the matter preceding paragraph
- 17 (1), by inserting “(other than sections 4(d)
- 18 and 12)” after “this Act”;
- 19 (ii) in the last sentence of paragraph
- 20 (1), by striking “this Act from funds ap-
- 21 portioned under this Act” and inserting
- 22 “this Act (other than sections 4(d) and 12)
- 23 from funds apportioned from the fund
- 24 (other than the Account) under this Act”;
- 25 (iii) in paragraph (2)—

1 (I) in the first sentence, by in-
2 serting “(other than sections 4(d) and
3 12)” after “this Act”; and

4 (II) in the last sentence, by strik-
5 ing “said fund as represents the share
6 of the United States payable under
7 this Act” and inserting “the fund
8 (other than the Account) as rep-
9 resents the share of the United States
10 payable from the fund (other than the
11 Account) under this Act”; and

12 (iv) in the last paragraph, by inserting
13 “from the fund (other than the Account)”
14 before “under this Act” each place it ap-
15 pears; and

16 (B) in subsection (b), by inserting “(other
17 than sections 4(d) and 12)” after “this Act”
18 each place it appears.

19 (4) Section 8A of the Pittman-Robertson Wild-
20 life Restoration Act (16 U.S.C. 669g-1) is amended
21 in the first sentence by inserting “from the fund
22 (other than the Account)” before “under this Act”.

23 (5) Section 9 of the Pittman-Robertson Wildlife
24 Restoration Act (16 U.S.C. 669h) is amended in
25 subsections (a) and (b)(1) by striking “section

1 4(a)(1)” each place it appears and inserting “sub-
 2 sections (a)(1) and (d)(1) of section 4”.

3 (6) Section 10 of the Pittman-Robertson Wild-
 4 life Restoration Act (16 U.S.C. 669h-1) is
 5 amended—

6 (A) in subsection (a)(1)—

7 (i) by inserting “(other than the Ac-
 8 count)” after “the fund”; and

9 (ii) in subparagraph (B), by inserting
 10 “but excluding any use authorized solely
 11 by section 12” after “target ranges”; and

12 (B) in subsection (c)(2), by inserting be-
 13 fore the period at the end the following: “(other
 14 than sections 4(d) and 12)”.

15 (7) Section 11(a)(1) of the Pittman-Robertson
 16 Wildlife Restoration Act (16 U.S.C. 669h-2(a)(1)) is
 17 amended by inserting “(other than the Account)”
 18 after “the fund”.

19 **SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.**

20 Section 4 of the Pittman-Robertson Wildlife Restora-
 21 tion Act (16 U.S.C. 669e) is amended by striking the sec-
 22 ond subsection (c) and subsection (d) and inserting the
 23 following:

24 “(d) APPORTIONMENT OF AMOUNTS IN THE AC-
 25 COUNT.—

1 “(1) DEDUCTION FOR ADMINISTRATIVE EX-
 2 PENSES.—For each fiscal year, the Secretary may
 3 deduct, for payment of administrative expenses in-
 4 curred by the Secretary in carrying out activities
 5 funded from the Account, not more than 3 percent
 6 of the total amount of the Account available for ap-
 7 portionment for the fiscal year.

8 “(2) APPORTIONMENT TO DISTRICT OF COLUM-
 9 BIA AND TERRITORIES.—For each fiscal year, after
 10 making the deduction under paragraph (1), the Sec-
 11 retary shall apportion from the amount in the Ac-
 12 count remaining available for apportionment—

13 “(A) to each of the District of Columbia
 14 and the Commonwealth of Puerto Rico, a sum
 15 equal to not more than $\frac{1}{2}$ of 1 percent of that
 16 remaining amount; and

17 “(B) to each of Guam, American Samoa,
 18 the Commonwealth of the Northern Mariana Is-
 19 lands, and the Virgin Islands, a sum equal to
 20 not more than $\frac{1}{4}$ of 1 percent of that remain-
 21 ing amount.

22 “(3) APPORTIONMENT TO STATES.—

23 “(A) IN GENERAL.—Subject to subpara-
 24 graph (B), for each fiscal year, after making
 25 the deduction under paragraph (1) and the ap-

1 portionment under paragraph (2), the Secretary
2 shall apportion the amount in the Account re-
3 maining available for apportionment among
4 States in the following manner:

5 “(i) $\frac{1}{3}$ based on the ratio that the
6 area of each State bears to the total area
7 of all States.

8 “(ii) $\frac{2}{3}$ based on the ratio that the
9 population of each State bears to the total
10 population of all States.

11 “(B) MINIMUM AND MAXIMUM APPORTION-
12 MENTS.—For each fiscal year, the amounts ap-
13 portioned under this paragraph shall be ad-
14 justed proportionately so that no State is ap-
15 portioned a sum that is—

16 “(i) less than 1 percent of the amount
17 available for apportionment under this
18 paragraph for the fiscal year; or

19 “(ii) more than 5 percent of that
20 amount.

21 “(4) USE.—

22 “(A) IN GENERAL.—Apportionments under
23 paragraphs (2) and (3)—

1 “(i) shall supplement, but not sup-
2 plant, funds available to States, the Dis-
3 trict of Columbia, and territories—

4 “(I) from the fund; or

5 “(II) from the Sport Fish Res-
6 toration Account established by sec-
7 tion 9504(a) of the Internal Revenue
8 Code of 1986; and

9 “(ii) shall be used to address the
10 unmet needs for a wide variety of wildlife
11 and associated habitats, including species
12 that are not hunted or fished; for projects
13 authorized to be carried out as part of
14 wildlife conservation and restoration pro-
15 grams in accordance with section 12.

16 “(B) PROHIBITION ON DIVERSION.—A
17 State, the District of Columbia, or a territory
18 shall not be eligible to receive an apportionment
19 under paragraph (2) or (3) if the Secretary de-
20 termines that the State, the District of Colum-
21 bia, or the territory, respectively, diverts funds
22 from any source of revenue (including interest,
23 dividends, and other income earned on the rev-
24 enue) available to the State, the District of Co-
25 lumbia, or the territory after January 1, 2000;

1 for conservation of wildlife for any purpose
 2 other than the administration of the State fish
 3 and game department in carrying out wildlife
 4 conservation activities.

5 “(5) PERIOD OF AVAILABILITY OF APPORTION-
 6 MENTS.—Notwithstanding section 3(a)(1), for each
 7 fiscal year, the apportionment to a State, the Dis-
 8 trict of Columbia, or a territory from the Account
 9 under this subsection shall remain available for obli-
 10 gation until the end of the second following fiscal
 11 year.”.

12 **SEC. 105. WILDLIFE CONSERVATION AND RESTORATION**
 13 **PROGRAMS.**

14 (a) IN GENERAL.—The Pittman-Robertson Wildlife
 15 Restoration Act is amended—

16 (1) by redesignating sections 12 and 13 (16
 17 U.S.C. 669i, 669 note) as sections 13 and 15, re-
 18 spectively; and

19 (2) by inserting after section 11 (16 U.S.C.
 20 669h-2) the following:

21 **“SEC. 12. WILDLIFE CONSERVATION AND RESTORATION**
 22 **PROGRAMS.**

23 “(a) DEFINITION OF STATE.—In this section, the
 24 term ‘State’ means a State, the District of Columbia, and
 25 a territory.

1 “(b) WILDLIFE CONSERVATION AND RESTORATION
2 PROGRAMS.—

3 “(1) IN GENERAL.—A State, acting through the
4 State fish and game department, may apply to the
5 Secretary—

6 “(A) for approval of a wildlife conservation
7 and restoration program; and

8 “(B) to receive funds from the apportion-
9 ment to the State under section 4(d) to develop
10 and implement the wildlife conservation and
11 restoration program.

12 “(2) APPLICATION CONTENTS.—As part of an
13 application under paragraph (1), a State shall pro-
14 vide documentation demonstrating that the wildlife
15 conservation and restoration program of the State
16 includes—

17 “(A) provisions vesting in the State fish
18 and game department overall responsibility and
19 accountability for the wildlife conservation and
20 restoration program of the State;

21 “(B) provisions to identify which species in
22 the State are in greatest need of conservation;
23 and

1 “(C) provisions for the development, imple-
2 mentation, and maintenance, under the wildlife
3 conservation and restoration program, of—

4 “(i) wildlife conservation projects—

5 “(I) that expand and support
6 other wildlife programs; and

7 “(II) that are selected giving ap-
8 propriate consideration to all species
9 of wildlife in accordance with sub-
10 section (c);

11 “(ii) wildlife-associated recreation
12 projects; and

13 “(iii) wildlife conservation education
14 projects.

15 “(3) PUBLIC PARTICIPATION.—A State shall
16 provide an opportunity for public participation in the
17 development, implementation, and revision of the
18 wildlife conservation and restoration program of the
19 State and projects carried out under the wildlife con-
20 servation and restoration program.

21 “(4) APPROVAL FOR FUNDING.—If the Sec-
22 retary finds that the application submitted by a
23 State meets the requirements of paragraph (2), the
24 Secretary shall approve the wildlife conservation and
25 restoration program of the State.

1 ~~“(5) PAYMENT OF FEDERAL SHARE.—~~

2 ~~“(A) IN GENERAL.—Subject to subpara-~~
3 ~~graph (D), after the Secretary approves a wild-~~
4 ~~life conservation and restoration program of a~~
5 ~~State, the Secretary may use the apportionment~~
6 ~~to the State under section 4(d) to pay the Fed-~~
7 ~~eral share of—~~

8 ~~“(i) the cost of implementation of the~~
9 ~~wildlife conservation and restoration pro-~~
10 ~~gram; and~~

11 ~~“(ii) the cost of development, imple-~~
12 ~~mentation, and maintenance of each~~
13 ~~project that is part of the wildlife conserva-~~
14 ~~tion and restoration program.~~

15 ~~“(B) FEDERAL SHARE.—The Federal~~
16 ~~share shall not exceed 75 percent.~~

17 ~~“(C) TIMING OF PAYMENTS.—Under such~~
18 ~~regulations as the Secretary may promulgate,~~
19 ~~the Secretary—~~

20 ~~“(i) shall make payments to a State~~
21 ~~under subparagraph (A) during the course~~
22 ~~of a project; and~~

23 ~~“(ii) may advance funds to pay the~~
24 ~~Federal share of the costs described in~~
25 ~~subparagraph (A).~~

1 “(D) MAXIMUM AMOUNT FOR LAW EN-
2 FORCEMENT ACTIVITIES.—Notwithstanding sec-
3 tion 8(a), for each fiscal year, not more than 10
4 percent of the apportionment to a State under
5 section 4(d) for the wildlife conservation and
6 restoration program of the State may be used
7 for law enforcement activities.

8 “(6) METHOD OF IMPLEMENTATION OF
9 PROJECTS.—A State may implement a project that
10 is part of the wildlife conservation and restoration
11 program of the State through—

12 “(A) a grant made by the State to, or a
13 contract entered into by the State with—

14 “(i) any Federal, State, or local agen-
15 cy (including an agency that gathers, eval-
16 uates, and disseminates information on
17 wildlife and wildlife habitats);

18 “(ii) an Indian tribe (as defined in
19 section 4 of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C.
21 450b));

22 “(iii) a wildlife conservation organiza-
23 tion; or

24 “(iv) an outdoor recreation or con-
25 servation education entity; and

1 “(B) any other method determined appro-
2 priate by the State.

3 “(c) WILDLIFE CONSERVATION STRATEGY.—

4 “(1) IN GENERAL.—Not later than 5 years
5 after the date of the initial apportionment to a State
6 under section 4(d), to be eligible to continue to re-
7 ceive funds from the apportionment to the State
8 under section 4(d), the State shall, as part of the
9 wildlife conservation and restoration program of the
10 State, develop and begin implementation of a wildlife
11 conservation strategy that is based on the best avail-
12 able and appropriate scientific information.

13 “(2) REQUIRED ELEMENTS.—A wildlife con-
14 servation strategy shall—

15 “(A) use such information on the distribu-
16 tion and abundance of species of wildlife as is
17 indicative of the diversity and health of the
18 wildlife of the State, including such information
19 on species with low populations and declining
20 numbers of individuals as the State fish and
21 game department determines to be appropriate;

22 “(B) identify the extent and condition of
23 wildlife habitats and community types essential
24 to conservation of the species of wildlife of the

1 State identified using information described in
2 subparagraph (A);

3 “(C)(i) identify the problems that may ad-
4 versely affect—

5 “(I) the species identified using infor-
6 mation described in subparagraph (A); and

7 “(II) the habitats of the species iden-
8 tified under subparagraph (B); and

9 “(ii) provide for high priority research and
10 surveys to identify factors that may assist in
11 the restoration and more effective conservation
12 of—

13 “(I) the species identified using infor-
14 mation described in subparagraph (A); and

15 “(II) the habitats of the species iden-
16 tified under subparagraph (B);

17 “(D)(i) describe which actions should be
18 taken to conserve—

19 “(I) the species identified using infor-
20 mation described in subparagraph (A); and

21 “(II) the habitats of the species iden-
22 tified under subparagraph (B); and

23 “(ii) establish priorities for implementing
24 those actions; and

25 “(E) provide for—

1 “(i) periodic monitoring of—

2 “(I) the species identified using
3 information described in subpara-
4 graph (A);

5 “(II) the habitats of the species
6 identified under subparagraph (B);
7 and

8 “(III) the effectiveness of the
9 conservation actions described under
10 subparagraph (D); and

11 “(ii) adaptation of conservation ac-
12 tions as appropriate to respond to new in-
13 formation or changing conditions.

14 “(3) PUBLIC PARTICIPATION IN DEVELOPMENT
15 OF STRATEGY.—A State shall provide an oppor-
16 tunity for public participation in the development
17 and implementation of the wildlife conservation
18 strategy of the State.

19 “(4) REVIEW AND REVISION.—Not less often
20 than once every 10 years, a State shall review the
21 wildlife conservation strategy of the State and make
22 any appropriate revisions.

23 “(5) COORDINATION.—During the development,
24 implementation, review, and revision of the wildlife
25 conservation strategy of the State, a State shall pro-

1 vide for coordination, to the maximum extent prac-
2 ticable, between—

3 “(A) the State fish and game department;

4 and

5 “(B) Federal, State, and local agencies
6 and Indian tribes that—

7 “(i) manage significant areas of land
8 or water within the State; or

9 “(ii) administer programs that signifi-
10 cantly affect the conservation of

11 “(I) the species identified using
12 information described in paragraph
13 (2)(A); or

14 “(II) the habitats of the species
15 identified under paragraph (2)(B).

16 “(d) USE OF FUNDS FOR NEW AND EXISTING PRO-
17 GRAMS AND PROJECTS.—Funds made available from the
18 Account to carry out activities under this section may be
19 used—

20 “(1) to carry out new programs and projects;

21 and

22 “(2) to enhance existing programs and projects.

23 “(e) PRIORITY FOR FUNDING.—In using funds made
24 available from the Account to carry out activities under

1 this section, a State shall give priority to species that are
 2 in greatest need of conservation, as identified by the State.

3 ~~“(f) LIMITATION ON USE OF FUNDS FOR WILDLIFE
 4 CONSERVATION EDUCATION PROJECTS.—Funds made
 5 available from the Account to carry out wildlife conserva-
 6 tion education projects shall not be used to fund, in whole
 7 or in part, any activity that promotes or encourages oppo-
 8 sition to the regulated hunting or trapping of wildlife.”.~~

9 ~~(b) CONFORMING AMENDMENT.—Section 8(a) of the
 10 Pittman-Robertson Wildlife Restoration Act (16 U.S.C.
 11 669g) is amended by striking the last sentence.~~

12 **SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
 13 MITTEE ACT.**

14 ~~(a) PITTMAN-ROBERTSON WILDLIFE RESTORATION
 15 ACT.—The Pittman-Robertson Wildlife Restoration Act
 16 (as amended by section 105(a)(1)) is amended by insert-
 17 ing after section 13 the following:~~

18 **“SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
 19 MITTEE ACT.**

20 ~~“Coordination with State fish and game department
 21 personnel or with personnel of any other agency of a State,
 22 the District of Columbia, or a territory under this Act
 23 shall not be subject to the Federal Advisory Committee
 24 Act (5 U.S.C. App.).”.~~

1 (b) ~~DINGELL-JOHNSON SPORT FISH RESTORATION~~
 2 ~~ACT.~~—The Dingell-Johnson Sport Fish Restoration Act
 3 is amended—

4 (1) by redesignating section 15 (16 U.S.C. 777
 5 note) as section 16; and

6 (2) by inserting after section 14 (16 U.S.C.
 7 777m) the following:

8 **“SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 9 **MITTEE ACT.**

10 “Coordination with State fish and game department
 11 personnel or with personnel of any other State agency
 12 under this Act shall not be subject to the Federal Advisory
 13 Committee Act (5 U.S.C. App.).”

14 **SEC. 107. TECHNICAL AMENDMENTS.**

15 (a) The first section of the Pittman-Robertson Wild-
 16 life Restoration Act (16 U.S.C. 669) is amended by strik-
 17 ing “That the” and inserting the following:

18 **“SECTION 1. COOPERATION OF SECRETARY OF THE INTE-**
 19 **RIOR WITH STATES.**

20 “~~The~~”.

21 (b) Section 5 of the Pittman-Robertson Wildlife Res-
 22 toration Act (16 U.S.C. 669d) is amended by striking
 23 “SEC. 5.” and inserting the following:

1 **“SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR AP-**
2 **PORTIONED.”.**

3 (c) Section 6 of the Pittman-Robertson Wildlife Res-
4 toration Act (16 U.S.C. 669e) is amended by striking
5 “SEC. 6.” and inserting the following:

6 **“SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND**
7 **PROJECTS.”.**

8 (d) Section 7 of the Pittman-Robertson Wildlife Res-
9 toration Act (16 U.S.C. 669f) is amended by striking
10 “SEC. 7.” and inserting the following:

11 **“SEC. 7. PAYMENT OF FUNDS TO STATES.”.**

12 (e) Section 8 of the Pittman-Robertson Wildlife Res-
13 toration Act (16 U.S.C. 669g) is amended by striking
14 “SEC. 8.” and inserting the following:

15 **“SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF**
16 **HUNTER SAFETY PROGRAMS AND PUBLIC**
17 **TARGET RANGES.”.**

18 (f) Section 8A of the Pittman-Robertson Wildlife
19 Restoration Act (16 U.S.C. 669g-1) is amended by strik-
20 ing “SEC. 8A.” and inserting the following:

21 **“SEC. 8A. APPORTIONMENTS TO TERRITORIES.”.**

22 (g) Section 12 of the Pittman-Robertson Wildlife
23 Restoration Act (16 U.S.C. 669i) is amended by striking
24 “SEC. 12.” and inserting the following:

1 ~~“SEC. 12. RULES AND REGULATIONS.”.~~

2 ~~SEC. 108. EFFECTIVE DATE.~~

3 This title takes effect on October 1, 2001.

4 ~~**TITLE II—ENDANGERED AND**~~
 5 ~~**THREATENED SPECIES RE-**~~
 6 ~~**COVERY**~~

7 ~~SEC. 201. PURPOSE.~~

8 The purpose of this title is to promote involvement
 9 by non-Federal entities in the recovery of the endangered
 10 species and threatened species of the United States and
 11 the habitats on which the species depend.

12 ~~SEC. 202. ENDANGERED AND THREATENED SPECIES RE-~~
 13 ~~COVERY ASSISTANCE.~~

14 (a) ~~IN GENERAL.~~—Section 13 of the Endangered
 15 Species Act of 1973 (87 Stat. 902) is amended to read
 16 as follows:

17 ~~“SEC. 13. ENDANGERED AND THREATENED SPECIES RE-~~
 18 ~~COVERY ASSISTANCE.~~

19 ~~“(a) DEFINITIONS.—In this section:~~

20 ~~“(1) SMALL LANDOWNER.—The term ‘small~~
 21 ~~landowner’ means an individual who owns not more~~
 22 ~~than 150 acres of land.~~

23 ~~“(2) SPECIES RECOVERY AGREEMENT.—The~~
 24 ~~term ‘species recovery agreement’ means an endan-~~
 25 ~~gered and threatened species recovery agreement en-~~
 26 ~~tered into under subsection (c).~~

1 “(b) ENDANGERED AND THREATENED SPECIES RE-
2 RECOVERY ASSISTANCE.—

3 “(1) FINANCIAL ASSISTANCE.—The Secretary
4 may provide financial assistance to any person for
5 development and implementation of an endangered
6 and threatened species recovery agreement entered
7 into by the Secretary and the person under sub-
8 section (e).

9 “(2) PRIORITY.—In providing financial assist-
10 ance under this subsection, the Secretary shall give
11 priority to the development and implementation of
12 species recovery agreements that—

13 “(A) implement actions identified under
14 recovery plans approved by the Secretary under
15 section 4(f);

16 “(B) have the greatest potential for con-
17 tributing to the recovery of an endangered spe-
18 cies or threatened species; and

19 “(C) are proposed by small landowners.

20 “(3) PROHIBITION ON ASSISTANCE FOR RE-
21 QUIRED ACTIVITIES.—The Secretary shall not pro-
22 vide financial assistance under this subsection for
23 any activity that is required—

24 “(A) by a permit issued under section
25 10(a)(1)(B);

1 “(B) by an incidental taking statement
2 provided under section 7(b)(4); or

3 “(C) under another provision of this Act or
4 any other Federal law.

5 “(4) PAYMENTS UNDER OTHER PROGRAMS.—

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

11 “(i) the conservation reserve program
12 established under subchapter B of chapter
13 1 of subtitle D of title XII of the Food Se-
14 curity Act of 1985 (16 U.S.C. 3831 et
15 seq.);

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

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

24 “(iv) the Wildlife Habitat Incentive
25 Program established under section 387 of

1 the Federal Agriculture Improvement and
2 Reform Act of 1996 (16 U.S.C. 3836a).

3 “(B) LIMITATION.—A person shall not re-
4 ceive financial assistance under a species recov-
5 ery agreement for any activity for which the
6 person receives a payment under a program re-
7 ferred to in subparagraph (A) unless the species
8 recovery agreement imposes on the person a fi-
9 nancial or management obligation in addition to
10 the obligations of the person under that pro-
11 gram.

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

14 “(1) IN GENERAL.—In accordance with this
15 subsection, the Secretary may enter into endangered
16 and threatened species recovery agreements.

17 “(2) REQUIRED TERMS.—The Secretary shall
18 include in each species recovery agreement with a
19 person provisions that—

20 “(A) require the person—

21 “(i) to carry out on real property
22 owned or leased by the person activities
23 not required by other law that contribute
24 to the recovery of an endangered species or
25 threatened species; or

1 “(ii) to refrain from carrying out on
2 real property owned or leased by the per-
3 son otherwise lawful activities that would
4 inhibit the recovery of an endangered spe-
5 cies or threatened species;

6 “(B) describe the real property referred to
7 in clauses (i) and (ii) of subparagraph (A);

8 “(C) specify species recovery goals for the
9 species recovery agreement, and activities for
10 attaining the goals;

11 “(D)(i) require the person to make reason-
12 able efforts to make measurable progress each
13 year in achieving the species recovery goals; and

14 “(ii) specify a schedule for implementation
15 of the species recovery agreement;

16 “(E) specify actions to be taken by the
17 Secretary or the person to monitor the effective-
18 ness of the species recovery agreement in at-
19 taining the species recovery goals;

20 “(F) require the person to notify the Sec-
21 retary if any right or obligation of the person
22 under the species recovery agreement is as-
23 signed to any other person;

1 “(G) require the person to notify the Sec-
2 retary if any term of the species recovery agree-
3 ment is breached;

4 “(H) specify the date on which the species
5 recovery agreement takes effect and the period
6 of time during which the species recovery agree-
7 ment shall remain in effect;

8 “(I) provide that the species recovery
9 agreement shall not be in effect on or after any
10 date on which the Secretary publishes a certifi-
11 cation by the Secretary that the person has not
12 complied with the species recovery agreement;
13 and

14 “(J) schedule the disbursement of financial
15 assistance provided under subsection (b) for im-
16 plementation of the species recovery agreement,
17 on an annual or other basis during the period
18 in which the species recovery agreement is in
19 effect, based on the schedule for implementation
20 required under subparagraph (D)(ii).

21 “(3) REVIEW AND APPROVAL OF PROPOSED
22 SPECIES RECOVERY AGREEMENTS.—On submission
23 by any person of a proposed species recovery agree-
24 ment under this subsection, the Secretary shall—

1 “(A) review the proposed species recovery
2 agreement and determine whether the species
3 recovery agreement—

4 “(i) complies with this subsection; and

5 “(ii) will contribute to the recovery of
6 each endangered species or threatened spe-
7 cies that is the subject of the proposed spe-
8 cies recovery agreement;

9 “(B) propose to the person any additional
10 provisions that are necessary for the species re-
11 covery agreement to comply with this sub-
12 section; and

13 “(C) if the Secretary determines that the
14 species recovery agreement complies with this
15 subsection, enter into the species recovery
16 agreement with the person.

17 “(4) MONITORING OF IMPLEMENTATION OF
18 SPECIES RECOVERY AGREEMENTS.—The Secretary
19 shall—

20 “(A) periodically monitor the implementa-
21 tion of each species recovery agreement; and

22 “(B) based on the information obtained
23 from the monitoring, annually or otherwise dis-
24 burse financial assistance under this section to
25 implement the species recovery agreement as

1 the Secretary determines to be appropriate
2 under the species recovery agreement.

3 “(d) ~~LIMITATION ON ADMINISTRATIVE EXPENSES.—~~
4 Of the amounts made available to carry out this section
5 for a fiscal year, not more than 3 percent may be used
6 to pay administrative expenses incurred in carrying out
7 this section.”.

8 (b) ~~AUTHORIZATION OF APPROPRIATIONS.—~~Section
9 15 of the Endangered Species Act of 1973 (16 U.S.C.
10 1542) is amended by adding at the end the following:

11 “(d) ~~ENDANGERED AND THREATENED SPECIES RE-~~
12 ~~COVERY ASSISTANCE.—~~There is authorized to be appro-
13 priated to carry out section 13 \$75,000,000 for each of
14 fiscal years 2002 through 2006.”.

15 (c) ~~CONFORMING AMENDMENT.—~~The table of con-
16 tents in the first section of the Endangered Species Act
17 of 1973 (16 U.S.C. prec. 1531) is amended by striking
18 the item relating to section 13 and inserting the following:

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

1 **TITLE III—NON-FEDERAL LAND**
2 **CONSERVATION GRANT PRO-**
3 **GRAM**

4 **SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—The Partnerships for Wildlife Act
7 (16 U.S.C. 3741 et seq.) is amended by adding at the end
8 the following:

9 **“SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT**
10 **PROGRAM.**

11 “(a) ESTABLISHMENT.—In consultation with appro-
12 priate State, regional, and other units of government, the
13 Secretary shall establish a competitive grant program, to
14 be known as the ‘Non-Federal Land Conservation Grant
15 Program’ (referred to in this section as the ‘program’),
16 to make grants to States or groups of States to pay the
17 Federal share determined under subsection (c)(4) of the
18 costs of conservation of non-Federal land or water of re-
19 gional or national significance.

20 “(b) RANKING CRITERIA.—In selecting among appli-
21 cations for grants for projects under the program, the Sec-
22 retary shall—

23 “(1) rank projects according the extent to
24 which a proposed project will protect watersheds and

1 important scenic, cultural, recreational, fish, wildlife,
2 and other ecological resources; and

3 ~~“(2) subject to paragraph (1), give preference~~
4 ~~to proposed projects—~~

5 ~~“(A) that seek to protect ecosystems;~~

6 ~~“(B) that are developed in collaboration~~
7 ~~with other States;~~

8 ~~“(C) with respect to which there has been~~
9 ~~public participation in the development of the~~
10 ~~project proposal;~~

11 ~~“(D) that are supported by communities~~
12 ~~and individuals that are located in the imme-~~
13 ~~diat vicinity of the proposed project or that~~
14 ~~would be directly affected by the proposed~~
15 ~~project; or~~

16 ~~“(E) that the State considers to be a State~~
17 ~~priority.~~

18 ~~“(c) GRANTS TO STATES.—~~

19 ~~“(1) NOTICE OF DEADLINE FOR APPLICA-~~
20 ~~TIONS.—The Secretary shall give reasonable advance~~
21 ~~notice of each deadline for submission of applica-~~
22 ~~tions for grants under the program by publication of~~
23 ~~a notice in the Federal Register.~~

24 ~~“(2) SUBMISSION OF APPLICATIONS.—~~

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

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

6 “(i) a detailed description of each pro-
7 posed project;

8 “(ii) a detailed analysis of project
9 costs, including costs associated with—

10 “(I) planning;

11 “(II) administration;

12 “(III) property acquisition; and

13 “(IV) property management;

14 “(iii) a statement describing how the
15 project is of regional or national signifi-
16 cance; and

17 “(iv) a plan for stewardship of any
18 land or water, or interest in land or water,
19 to be acquired under the project.

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

23 “(A) review the application; and

1 “(B)(i) notify the State or group of States
2 of the decision of the Secretary on the applica-
3 tion; and

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

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

8 “(A) in the case of a project to acquire the
9 fee simple interest in land or water, not more
10 than 50 percent of the costs of the project;

11 “(B) in the case of a project to acquire
12 less than the fee simple interest in land or
13 water (including acquisition of a conservation
14 easement), not more than 70 percent of the
15 costs of the project; and

16 “(C) in the case of a project involving 3 or
17 more States, not more than 75 percent of the
18 costs of the project.

19 “(5) EFFECT OF INSUFFICIENCY OF FUNDS.—
20 If the Secretary determines that there are insuffi-
21 cient funds available to make grants with respect to
22 all applications that meet the requirements of this
23 subsection, the Secretary shall give priority to those
24 projects that best meet the ranking criteria estab-
25 lished under subsection (b).

1 “(d) REPORT.—Not later than 60 days after the end
 2 of each fiscal year, the Secretary shall submit to the Com-
 3 mittee on Environment and Public Works of the Senate
 4 and the Committee on Resources of the House of Rep-
 5 resentatives a report describing the grants made under
 6 this section, including an analysis of how projects were
 7 ranked under subsection (b).

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 9 is authorized to be appropriated to carry out this section
 10 \$50,000,000 for each of fiscal years 2002 through 2006.”.

11 (b) CONFORMING AMENDMENT.—Section 7105(g)(2)
 12 of the Partnerships for Wildlife Act (16 U.S.C.
 13 3744(g)(2)) is amended by striking “this chapter” and in-
 14 serting “this section”.

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

16 (a) *SHORT TITLE.*—This Act may be cited as the
 17 “American Wildlife Enhancement Act of 2001”.

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

Sec. 1. Short title; table of contents.

**TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND
 RESTORATION PROGRAMS IMPROVEMENT**

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Wildlife Conservation and Restoration Account.

Sec. 104. Apportionment of amounts in the Account.

Sec. 105. Wildlife conservation and restoration programs.

Sec. 106. Nonapplicability of Federal Advisory Committee Act.

Sec. 107. Technical amendments.

Sec. 108. Effective date.

*TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY**Sec. 201. Purpose.**Sec. 202. Endangered and threatened species recovery assistance.**TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM**Sec. 301. Non-Federal land conservation grant program.**TITLE IV—CONSERVATION AND RESTORATION OF SHRUBLAND AND GRASSLAND**Sec. 401. Conservation and restoration of shrubland and grassland.*

1 **TITLE I—PITTMAN-ROBERTSON**
 2 **WILDLIFE CONSERVATION**
 3 **AND RESTORATION PRO-**
 4 **GRAMS IMPROVEMENT**

5 **SEC. 101. SHORT TITLE.**

6 *This title may be cited as the “Pittman-Robertson*
 7 *Wildlife Conservation and Restoration Programs Improve-*
 8 *ment Act”.*

9 **SEC. 102. DEFINITIONS.**

10 *(a) IN GENERAL.—Section 2 of the Pittman-Robertson*
 11 *Wildlife Restoration Act (16 U.S.C. 669a) is amended to*
 12 *read as follows:*

13 **“SEC. 2. DEFINITIONS.**14 *“In this Act:*

15 *“(1) ACCOUNT.—The term ‘Account’ means the*
 16 *Wildlife Conservation and Restoration Account estab-*
 17 *lished by section 3(a)(2).*

18 *“(2) CONSERVATION.—*

1 “(A) *IN GENERAL.*—*The term ‘conservation’*
2 *means the use of a method or procedure nec-*
3 *essary or desirable—*

4 “(i) *to sustain healthy populations of*
5 *wildlife; or*

6 “(ii) *to restore declining populations of*
7 *wildlife.*

8 “(B) *INCLUSIONS.*—*The term ‘conservation’*
9 *includes any activity associated with scientific*
10 *resources management, such as—*

11 “(i) *research;*

12 “(ii) *census;*

13 “(iii) *monitoring of populations;*

14 “(iv) *acquisition, improvement, and*
15 *management of habitat;*

16 “(v) *live trapping and transplan-*
17 *tation;*

18 “(vi) *wildlife damage management;*

19 “(vii) *periodic or total protection of a*
20 *species or population; and*

21 “(viii) *the taking of individuals within*
22 *a wildlife stock or population if permitted*
23 *by applicable Federal law, State law, or*
24 *law of the District of Columbia, a territory,*

1 *or an Indian tribe for the purpose of pro-*
2 *tecting wildlife in decline.*

3 “(3) *FUND.*—*The term ‘fund’ means the Federal*
4 *aid to wildlife restoration fund established by section*
5 *3(a)(1).*

6 “(4) *INDIAN TRIBE.*—*The term ‘Indian tribe’ has*
7 *the meaning given the term in section 4 of the Indian*
8 *Self-Determination and Education Assistance Act (25*
9 *U.S.C. 450b).*

10 “(5) *SECRETARY.*—*The term ‘Secretary’ means*
11 *the Secretary of the Interior.*

12 “(6) *STATE FISH AND GAME DEPARTMENT.*—*The*
13 *term ‘State fish and game department’ means any de-*
14 *partment or division of a department of another*
15 *name, or commission, or 1 or more officials, of a*
16 *State, the District of Columbia, a territory, or an In-*
17 *Indian tribe empowered under the laws of the State, the*
18 *District of Columbia, the territory, or the Indian*
19 *tribe, respectively, to exercise the functions ordinarily*
20 *exercised by a State fish and game department or a*
21 *State fish and wildlife department.*

22 “(7) *TERRITORY.*—*The term ‘territory’ means*
23 *Puerto Rico, Guam, American Samoa, the Common-*
24 *wealth of the Northern Mariana Islands, and the Vir-*
25 *gin Islands.*

1 “(8) *WILDLIFE*.—

2 “(A) *IN GENERAL*.—*Except as provided in*
3 *subparagraph (B), the term ‘wildlife’ means—*

4 “(i) *any species of wild, free-ranging*
5 *fauna (excluding fish); and*

6 “(ii) *any species of fauna (excluding*
7 *fish) in a captive breeding program the ob-*
8 *ject of which is to reintroduce individuals of*
9 *a depleted native species into the previously*
10 *occupied range of the species.*

11 “(B) *WILDLIFE CONSERVATION AND RES-*
12 *TORATION PROGRAM*.—*For the purposes of each*
13 *wildlife conservation and restoration program,*
14 *the term ‘wildlife’ includes fish and native*
15 *plants.*

16 “(9) *WILDLIFE-ASSOCIATED RECREATION*
17 *PROJECT*.—*The term ‘wildlife-associated recreation*
18 *project’ means—*

19 “(A) *a project intended to meet the demand*
20 *for an outdoor activity associated with wildlife,*
21 *such as hunting, fishing, and wildlife observation*
22 *and photography;*

23 “(B) *a project such as construction or res-*
24 *toration of a wildlife viewing area, observation*
25 *tower, blind, platform, land or water trail, water*

1 *access route, area for field trialing, or trail head;*
2 *and*

3 “(C) *a project to provide access for a project*
4 *described in subparagraph (A) or (B).*

5 “(10) *WILDLIFE CONSERVATION AND RESTORA-*
6 *TION PROGRAM.—The term ‘wildlife conservation and*
7 *restoration program’ means a program developed by*
8 *a State fish and game department and approved by*
9 *the Secretary under section 12.*

10 “(11) *WILDLIFE CONSERVATION EDUCATION*
11 *PROJECT.—The term ‘wildlife conservation education*
12 *project’ means a project, including public outreach,*
13 *that is intended to foster responsible natural resource*
14 *stewardship.*

15 “(12) *WILDLIFE-RESTORATION PROJECT.—*

16 “(A) *IN GENERAL.—The term ‘wildlife-res-*
17 *toration project’ means a project consisting of*
18 *the selection, restoration, rehabilitation, or im-*
19 *provement of an area of land or water (includ-*
20 *ing a property interest in land or water) that is*
21 *adaptable as a feeding, resting, or breeding place*
22 *for wildlife.*

23 “(B) *INCLUSIONS.—The term ‘wildlife-res-*
24 *toration project’ includes—*

1 “(i) acquisition of an area of land or
2 water described in subparagraph (A) that is
3 suitable or capable of being made suitable
4 for feeding, resting, or breeding by wildlife;

5 “(ii) restoration or rehabilitation of an
6 area of land or water described in subpara-
7 graph (A) (such as through management of
8 habitat and invasive species);

9 “(iii) construction in an area described
10 in subparagraph (A) of such works as are
11 necessary to make the area available for
12 feeding, resting, or breeding by wildlife;

13 “(iv) such research into any problem of
14 wildlife management as is necessary for effi-
15 cient administration of wildlife resources;
16 and

17 “(v) such preliminary or incidental ex-
18 penses as are incurred with respect to ac-
19 tivities described in this paragraph.”.

20 (b) *CONFORMING AMENDMENTS.*—

21 (1) *The first section, section 3(a)(1), and section*
22 *12 of the Pittman-Robertson Wildlife Restoration Act*
23 *(16 U.S.C. 669, 669b(a)(1), 669i) are amended by*
24 *striking “Secretary of Agriculture” each place it ap-*
25 *pears and inserting “Secretary”.*

1 (2) *The Pittman-Robertson Wildlife Restoration*
 2 *Act (16 U.S.C. 669 et seq.) is amended by striking*
 3 *“Secretary of the Interior” each place it appears and*
 4 *inserting “Secretary”.*

5 (3) *Section 3(a)(1) of the Pittman-Robertson*
 6 *Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is*
 7 *amended by striking “(hereinafter referred to as the*
 8 *‘fund’).”.*

9 (4) *Section 6(c) of the Pittman-Robertson Wild-*
 10 *life Restoration Act (16 U.S.C. 669e(c)) is amended*
 11 *by striking “established by section 3 of this Act”.*

12 (5) *Section 11(b) of the Pittman-Robertson Wild-*
 13 *life Restoration Act (16 U.S.C. 669h–2(b)) is amend-*
 14 *ed by striking “wildlife restoration projects” each*
 15 *place it appears and inserting “wildlife-restoration*
 16 *projects”.*

17 **SEC. 103. WILDLIFE CONSERVATION AND RESTORATION AC-**
 18 **COUNT.**

19 (a) *IN GENERAL.*—*Section 3 of the Pittman-Robertson*
 20 *Wildlife Restoration Act (16 U.S.C. 669b) is amended—*

21 (1) *by striking “SEC. 3. (a)(1) An” and insert-*
 22 *ing the following:*

23 **“SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.**

24 “(a) *IN GENERAL.*—

1 “(1) *FEDERAL AID TO WILDLIFE RESTORATION*
2 *FUND.—An*”;

3 (2) *in subsection (a), by striking paragraph (2)*
4 *and inserting the following:*

5 “(2) *WILDLIFE CONSERVATION AND RESTORA-*
6 *TION ACCOUNT.—*

7 “(A) *ESTABLISHMENT.—There is estab-*
8 *lished in the fund an account to be known as the*
9 *‘Wildlife Conservation and Restoration Account’.*

10 “(B) *FUNDING.—*

11 “(i) *IN GENERAL.—There are author-*
12 *ized to be appropriated to the Account for*
13 *apportionment to States, the District of Co-*
14 *lumbia, territories, and Indian tribes in ac-*
15 *cordance with section 4(d)—*

16 “(I) *\$50,000,000 for fiscal year*
17 *2001; and*

18 “(II) *\$350,000,000 for each of fis-*
19 *cal years 2002 through 2006.*

20 “(ii) *AVAILABILITY.—Notwithstanding*
21 *the matter under the heading ‘FEDERAL AID*
22 *IN WILDLIFE RESTORATION’ under the head-*
23 *ing ‘FISH AND WILDLIFE SERVICE’ in title*
24 *I of chapter VII of the General Appropria-*
25 *tion Act, 1951 (64 Stat. 693), the amount*

1 *appropriated under clause (i)(II) for each of*
2 *fiscal years 2002 through 2006 shall be*
3 *available for obligation in that fiscal year.”;*
4 *and*

5 *(3) by striking subsections (c) and (d).*

6 **(b) CONFORMING AMENDMENTS.—**

7 *(1) Section 3(a)(1) of the Pittman-Robertson*
8 *Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is*
9 *amended in the first sentence—*

10 *(A) by inserting “(other than the Account)”*
11 *after “wildlife restoration fund”; and*

12 *(B) by inserting before the period at the end*
13 *the following: “(other than sections 4(d) and*
14 *12)”.*

15 *(2) Section 4 of the Pittman-Robertson Wildlife*
16 *Restoration Act (16 U.S.C. 669c) is amended—*

17 *(A) in subsection (a)—*

18 *(i) in paragraph (1)(A)—*

19 *(I) by inserting “(other than the*
20 *Account)” after “the fund”; and*

21 *(II) by inserting “(other than sub-*
22 *section (d) and sections 3(a)(2) and*
23 *12)” after “this Act”; and*

1 (ii) in paragraph (2)(B), by inserting
2 “from the fund (other than the Account)”
3 before “under this Act”; and

4 (B) in the first sentence of subsection (b), by
5 striking “said fund” and inserting “the fund
6 (other than the Account)”.

7 (3) Section 6 of the Pittman-Robertson Wildlife
8 Restoration Act (16 U.S.C. 669e) is amended—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph
11 (1), by inserting “(other than sections 4(d)
12 and 12)” after “this Act”;

13 (ii) in the last sentence of paragraph
14 (1), by striking “this Act from funds appor-
15 tioned under this Act” and inserting “this
16 Act (other than sections 4(d) and 12) from
17 funds apportioned from the fund (other
18 than the Account) under this Act”;

19 (iii) in paragraph (2)—

20 (I) in the first sentence, by insert-
21 ing “(other than sections 4(d) and 12)”
22 after “this Act”; and

23 (II) in the last sentence, by strik-
24 ing “said fund as represents the share
25 of the United States payable under this

1 *Act” and inserting “the fund (other*
2 *than the Account) as represents the*
3 *share of the United States payable*
4 *from the fund (other than the Account)*
5 *under this Act”;* and

6 *(iv) in the last paragraph, by inserting*
7 *“from the fund (other than the Account)”*
8 *before “under this Act” each place it ap-*
9 *pears; and*

10 *(B) in subsection (b), by inserting “(other*
11 *than sections 4(d) and 12)” after “this Act” each*
12 *place it appears.*

13 *(4) Section 8A of the Pittman-Robertson Wildlife*
14 *Restoration Act (16 U.S.C. 669g–1) is amended in the*
15 *first sentence by inserting “from the fund (other than*
16 *the Account)” before “under this Act”.*

17 *(5) Section 9 of the Pittman-Robertson Wildlife*
18 *Restoration Act (16 U.S.C. 669h) is amended in sub-*
19 *sections (a) and (b)(1) by striking “section 4(a)(1)”*
20 *each place it appears and inserting “subsections*
21 *(a)(1) and (d)(1) of section 4”.*

22 *(6) Section 10 of the Pittman-Robertson Wildlife*
23 *Restoration Act (16 U.S.C. 669h–1) is amended—*

24 *(A) in subsection (a)(1)—*

1 (i) by inserting “(other than the Ac-
2 count)” after “the fund”; and

3 (ii) in subparagraph (B), by inserting
4 “but excluding any use authorized solely by
5 section 12” after “target ranges”; and

6 (B) in subsection (c)(2), by inserting before
7 the period at the end the following: “(other than
8 sections 4(d) and 12)”.

9 (7) Section 11(a)(1) of the Pittman-Robertson
10 Wildlife Restoration Act (16 U.S.C. 669h-2(a)(1)) is
11 amended by inserting “(other than the Account)”
12 after “the fund”.

13 **SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.**

14 Section 4 of the Pittman-Robertson Wildlife Restora-
15 tion Act (16 U.S.C. 669c) is amended by striking the second
16 subsection (c) and subsection (d) and inserting the fol-
17 lowing:

18 “(d) APPORTIONMENT OF AMOUNTS IN THE AC-
19 COUNT.—

20 “(1) DEDUCTION FOR ADMINISTRATIVE EX-
21 PENSES.—For each fiscal year, the Secretary may de-
22 duct, for payment of administrative expenses incurred
23 by the Secretary in carrying out activities funded
24 from the Account, not more than 3 percent of the total

1 *amount of the Account available for apportionment*
 2 *for the fiscal year.*

3 “(2) *APPORTIONMENT TO DISTRICT OF COLUM-*
 4 *BIA, TERRITORIES, AND INDIAN TRIBES.—*

5 “(A) *IN GENERAL.—For each fiscal year,*
 6 *after making the deduction under paragraph (1),*
 7 *the Secretary shall apportion from the amount*
 8 *in the Account remaining available for*
 9 *apportionment—*

10 “(i) *to each of the District of Columbia*
 11 *and the Commonwealth of Puerto Rico, a*
 12 *sum equal to not more than $\frac{1}{2}$ of 1 percent*
 13 *of that remaining amount;*

14 “(ii) *to each of Guam, American*
 15 *Samoa, the Commonwealth of the Northern*
 16 *Mariana Islands, and the Virgin Islands, a*
 17 *sum equal to not more than $\frac{1}{4}$ of 1 percent*
 18 *of that remaining amount; and*

19 “(iii) *to Indian tribes, a sum equal to*
 20 *not more than $2\frac{1}{4}$ percent of that remain-*
 21 *ing amount, of which, subject to subpara-*
 22 *graph (B)—*

23 “(I) $\frac{1}{3}$ *shall be apportioned*
 24 *among Indian tribes based on the ratio*
 25 *that the trust land area of each Indian*

1 *tribe bears to the total trust land area*
2 *of all Indian tribes; and*

3 *“(II) $\frac{2}{3}$ shall be apportioned*
4 *among Indian tribes based on the ratio*
5 *that the population of each Indian*
6 *tribe bears to the total population of*
7 *all Indian tribes.*

8 *“(B) MAXIMUM APPORTIONMENT FOR EACH*
9 *INDIAN TRIBE.—For each fiscal year, the*
10 *amounts apportioned under subparagraph*
11 *(A)(iii) shall be adjusted proportionately so that*
12 *no Indian tribe is apportioned a sum that is*
13 *more than 5 percent of the amount available for*
14 *apportionment under subparagraph (A)(iii) for*
15 *the fiscal year.*

16 *“(3) APPORTIONMENT TO STATES.—*

17 *“(A) IN GENERAL.—Subject to subpara-*
18 *graph (B), for each fiscal year, after making the*
19 *deduction under paragraph (1) and the appor-*
20 *tionment under paragraph (2), the Secretary*
21 *shall apportion the amount in the Account re-*
22 *maining available for apportionment among*
23 *States in the following manner:*

1 “(i) $\frac{1}{3}$ based on the ratio that the area
2 of each State bears to the total area of all
3 States.

4 “(ii) $\frac{2}{3}$ based on the ratio that the
5 population of each State bears to the total
6 population of all States.

7 “(B) *MINIMUM AND MAXIMUM APPORTION-*
8 *MENTS.—For each fiscal year, the amounts ap-*
9 *portioned under this paragraph shall be adjusted*
10 *proportionately so that no State is apportioned*
11 *a sum that is—*

12 “(i) less than 1 percent of the amount
13 available for apportionment under this
14 paragraph for the fiscal year; or

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

17 “(4) *USE.—*

18 “(A) *IN GENERAL.—Apportionments under*
19 *paragraphs (2) and (3)—*

20 “(i) shall supplement, but not sup-
21 plant, funds available to States, the District
22 of Columbia, territories, and Indian
23 tribes—

24 “(I) from the fund; or

1 “(II) from the Sport Fish Res-
2 toration Account established by section
3 9504(a) of the Internal Revenue Code
4 of 1986; and

5 “(ii) shall be used to address the unmet
6 needs for wildlife (including species that are
7 not hunted or fished, and giving priority to
8 species that are in decline), and the habitats
9 on which the wildlife depend, for projects
10 authorized to be carried out as part of wild-
11 life conservation and restoration programs
12 in accordance with section 12.

13 “(B) PROHIBITION ON DIVERSION.—A
14 State, the District of Columbia, a territory, or
15 an Indian tribe shall not be eligible to receive an
16 apportionment under paragraph (2) or (3) if the
17 Secretary determines that the State, the District
18 of Columbia, the territory, or the Indian tribe re-
19 spectively, diverts funds from any source of rev-
20 enue (including interest, dividends, and other in-
21 come earned on the revenue) available to the
22 State, the District of Columbia, the territory, or
23 the Indian tribe after January 1, 2000, for con-
24 servation of wildlife for any purpose other than
25 the administration of the State fish and game

1 *department in carrying out wildlife conservation*
 2 *activities.*

3 “(5) *PERIOD OF AVAILABILITY OF APPORTION-*
 4 *MENTS.—Notwithstanding section 3(a)(1), for each*
 5 *fiscal year, the apportionment to a State, the District*
 6 *of Columbia, a territory, or an Indian tribe from the*
 7 *Account under this subsection shall remain available*
 8 *for obligation until the end of the second following fis-*
 9 *cal year.”.*

10 **SEC. 105. WILDLIFE CONSERVATION AND RESTORATION**
 11 **PROGRAMS.**

12 (a) *IN GENERAL.—The Pittman-Robertson Wildlife*
 13 *Restoration Act is amended—*

14 (1) *by redesignating sections 12 and 13 (16*
 15 *U.S.C. 669i, 669 note) as sections 13 and 15, respec-*
 16 *tively; and*

17 (2) *by inserting after section 11 (16 U.S.C.*
 18 *669h-2) the following:*

19 **“SEC. 12. WILDLIFE CONSERVATION AND RESTORATION**
 20 **PROGRAMS.**

21 “(a) *DEFINITION OF STATE.—In this section, the term*
 22 *‘State’ means a State, the District of Columbia, a territory,*
 23 *and an Indian tribe.*

24 “(b) *WILDLIFE CONSERVATION AND RESTORATION*
 25 *PROGRAMS.—*

1 “(1) *IN GENERAL.*—A State, acting through the
2 State fish and game department, may apply to the
3 Secretary—

4 “(A) for approval of a wildlife conservation
5 and restoration program; and

6 “(B) to receive funds from the apportion-
7 ment to the State under section 4(d) to develop
8 and implement the wildlife conservation and res-
9 toration program.

10 “(2) *APPLICATION CONTENTS.*—As part of an
11 application under paragraph (1), a State shall pro-
12 vide documentation demonstrating that the wildlife
13 conservation and restoration program of the State
14 includes—

15 “(A) provisions vesting in the State fish
16 and game department overall responsibility and
17 accountability for the wildlife conservation and
18 restoration program of the State;

19 “(B) provisions to identify which species in
20 the State are in greatest need of conservation;
21 and

22 “(C) provisions for the development, imple-
23 mentation, and maintenance, under the wildlife
24 conservation and restoration program, of—

25 “(i) wildlife conservation projects—

1 “(I) that expand and support
2 other wildlife programs; and

3 “(II) that are selected giving ap-
4 propriate consideration to all species of
5 wildlife in accordance with subsection
6 (c);

7 “(ii) wildlife-associated recreation
8 projects; and

9 “(iii) wildlife conservation education
10 projects.

11 “(3) PUBLIC PARTICIPATION.—A State shall pro-
12 vide an opportunity for public participation in the
13 development, implementation, and revision of the
14 wildlife conservation and restoration program of the
15 State and projects carried out under the wildlife con-
16 servation and restoration program.

17 “(4) APPROVAL FOR FUNDING.—If the Secretary
18 finds that the application submitted by a State meets
19 the requirements of paragraph (2), the Secretary shall
20 approve the wildlife conservation and restoration pro-
21 gram of the State.

22 “(5) PAYMENT OF FEDERAL SHARE.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (D), after the Secretary approves a wild-
25 life conservation and restoration program of a

1 *State, the Secretary may use the apportionment*
2 *to the State under section 4(d) to pay the Fed-*
3 *eral share of—*

4 “(i) *the cost of implementation of the*
5 *wildlife conservation and restoration pro-*
6 *gram; and*

7 “(ii) *the cost of development, imple-*
8 *mentation, and maintenance of each project*
9 *that is part of the wildlife conservation and*
10 *restoration program.*

11 “(B) *FEDERAL SHARE.—The Federal share*
12 *shall not exceed 75 percent.*

13 “(C) *TIMING OF PAYMENTS.—Under such*
14 *regulations as the Secretary may promulgate, the*
15 *Secretary—*

16 “(i) *shall make payments to a State*
17 *under subparagraph (A) during the course*
18 *of a project; and*

19 “(ii) *may advance funds to pay the*
20 *Federal share of the costs described in sub-*
21 *paragraph (A).*

22 “(D) *MAXIMUM AMOUNT FOR CERTAIN AC-*
23 *TIVITIES.—*

24 “(i) *IN GENERAL.—Notwithstanding*
25 *section 8(a), except as provided in clause*

1 (ii), for each fiscal year, not more than 10
 2 percent of the apportionment to a State
 3 under section 4(d) for the wildlife conserva-
 4 tion and restoration program of the State
 5 may be used for each of the following activi-
 6 ties:

7 “(I) Law enforcement activities.

8 “(II) Wildlife-associated recre-
 9 ation projects.

10 “(i) EXCEPTION.—For any fiscal
 11 year, the limitation under clause (i) shall
 12 not apply to law enforcement activities or
 13 wildlife-associated recreation projects in a
 14 State if the State demonstrates to the satis-
 15 faction of the Secretary that law enforce-
 16 ment activities or wildlife-associated recre-
 17 ation projects, respectively, have a signifi-
 18 cant impact on high priority conservation
 19 activities.

20 “(6) METHOD OF IMPLEMENTATION OF
 21 PROJECTS.—A State may implement a project that is
 22 part of the wildlife conservation and restoration pro-
 23 gram of the State through—

24 “(A) a grant made by the State to, or a
 25 contract entered into by the State with—

1 “(i) any Federal, State, or local agency
2 (including an agency that gathers, evalu-
3 ates, and disseminates information on wild-
4 life and wildlife habitats);

5 “(ii) an Indian tribe;

6 “(iii) a wildlife conservation organiza-
7 tion, sportsmen’s organization, land trust,
8 or other nonprofit organization; or

9 “(iv) an outdoor recreation or con-
10 servation education entity; and

11 “(B) any other method determined appro-
12 priate by the State.

13 “(c) WILDLIFE CONSERVATION STRATEGY.—

14 “(1) IN GENERAL.—Not later than 5 years after
15 the date of the initial apportionment to a State under
16 section 4(d), to be eligible to continue to receive funds
17 from the apportionment to the State under section
18 4(d), the State shall, as part of the wildlife conserva-
19 tion and restoration program of the State, develop
20 and implement a wildlife conservation strategy that
21 is based on the best available and appropriate sci-
22 entific information.

23 “(2) REQUIRED ELEMENTS.—A wildlife con-
24 servation strategy shall—

1 “(A) use such information on the distribu-
2 tion and abundance of species of wildlife as is
3 indicative of the diversity and health of the wild-
4 life of the State, including such information on
5 species with low populations and declining num-
6 bers of individuals as the State fish and game
7 department determines to be appropriate;

8 “(B) identify the extent and condition of
9 wildlife habitats and community types essential
10 to conservation of the species of wildlife of the
11 State identified using information described in
12 subparagraph (A);

13 “(C)(i) identify the problems that may ad-
14 versely affect—

15 “(I) the species identified using infor-
16 mation described in subparagraph (A); and

17 “(II) the habitats of the species identi-
18 fied under subparagraph (B); and

19 “(ii) provide for high priority research and
20 surveys to identify factors that may assist in the
21 restoration and more effective conservation of—

22 “(I) the species identified using infor-
23 mation described in subparagraph (A); and

24 “(II) the habitats of the species identi-
25 fied under subparagraph (B);

1 “(D)(i) describe which actions should be
2 taken to conserve—

3 “(I) the species identified using infor-
4 mation described in subparagraph (A); and

5 “(II) the habitats of the species identi-
6 fied under subparagraph (B); and

7 “(ii) establish priorities for implementing
8 those actions; and

9 “(E) provide for—

10 “(i) periodic monitoring of—

11 “(I) the species identified using
12 information described in subparagraph
13 (A);

14 “(II) the habitats of the species
15 identified under subparagraph (B);
16 and

17 “(III) the effectiveness of the con-
18 servation actions described under sub-
19 paragraph (D); and

20 “(ii) adaptation of conservation ac-
21 tions as appropriate to respond to new in-
22 formation or changing conditions.

23 “(3) PUBLIC PARTICIPATION IN DEVELOPMENT
24 OF STRATEGY.—A State shall provide an opportunity
25 for public participation in the development and im-

1 *plementation of the wildlife conservation strategy of*
2 *the State.*

3 “(4) *REVIEW AND REVISION.*—*Not less often than*
4 *once every 7 years, a State shall review the wildlife*
5 *conservation strategy of the State and make any ap-*
6 *propriate revisions.*

7 “(5) *COORDINATION.*—*During the development,*
8 *implementation, review, and revision of the wildlife*
9 *conservation strategy of the State, a State shall pro-*
10 *vide for coordination between—*

11 “(A) *the State fish and game department;*

12 *and*

13 “(B) *Federal, State, and local agencies and*
14 *Indian tribes that—*

15 “(i) *manage significant areas of land*
16 *or water within the State; or*

17 “(ii) *administer programs that signifi-*
18 *cantly affect the conservation of*

19 “(I) *the species identified using*
20 *information described in paragraph*
21 *(2)(A); or*

22 “(II) *the habitats of the species*
23 *identified under paragraph (2)(B).*

24 “(6) *EFFECT OF FAILURE TO DEVELOP OR CARRY*
25 *OUT WILDLIFE CONSERVATION STRATEGY.*—

1 “(A) *IN GENERAL.*—If, in any fiscal year,
2 a State fails to develop, implement, obtain the
3 approval of the Secretary for, review, or revise a
4 wildlife conservation strategy as required under
5 this subsection, the apportionment to the State
6 under section 4(d) for the following fiscal year
7 shall be reapportioned in accordance with section
8 4(d) to States that carry out those activities as
9 required under this subsection.

10 “(B) *CORRECTION OF DEFICIENCIES.*—If a
11 State whose apportionment for a fiscal year is
12 reapportioned under subparagraph (A) subse-
13 quently carries out the activities described in
14 that subparagraph as required under this sub-
15 section, the State shall be eligible to receive an
16 apportionment under section 4(d) for the fiscal
17 year following the fiscal year of the reapportion-
18 ment.

19 “(d) *USE OF FUNDS FOR NEW AND EXISTING PRO-*
20 *GRAMS AND PROJECTS.*—Funds made available from the
21 Account to carry out activities under this section may be
22 used—

23 “(1) to carry out new programs and projects;

24 and

25 “(2) to enhance existing programs and projects.

1 “(e) *PRIORITY FOR FUNDING.*—*In using funds made*
2 *available from the Account to carry out activities under this*
3 *section, a State shall give priority to species that are in*
4 *greatest need of conservation—*

5 “(1) *as evidenced by—*

6 “(A) *a low population and declining num-*
7 *bers of individuals;*

8 “(B) *a current threat or reasonably antici-*
9 *ipated threat to the habitat of the species; or*

10 “(C) *any other similar indicator of need of*
11 *conservation; or*

12 “(2) *as identified in the wildlife conservation*
13 *strategy of the State under subsection (c).*

14 “(f) *LIMITATION ON USE OF FUNDS FOR WILDLIFE*
15 *CONSERVATION EDUCATION PROJECTS.*—*Funds made*
16 *available from the Account to carry out wildlife conserva-*
17 *tion education projects shall not be used to fund, in whole*
18 *or in part, any activity that promotes or encourages opposi-*
19 *tion to the regulated hunting or trapping of wildlife.”.*

20 “(b) *CONFORMING AMENDMENT.*—*Section 8(a) of the*
21 *Pittman-Robertson Wildlife Restoration Act (16 U.S.C.*
22 *669g) is amended by striking the last sentence.*

1 **SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 2 **MITTEE ACT.**

3 (a) *PITTMAN-ROBERTSON WILDLIFE RESTORATION*
 4 *ACT.*—*The Pittman-Robertson Wildlife Restoration Act (as*
 5 *amended by section 105(a)(1)) is amended by inserting*
 6 *after section 13 the following:*

7 **“SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 8 **MITTEE ACT.**

9 *“Coordination with State fish and game department*
 10 *personnel or with personnel of any other agency of a State,*
 11 *the District of Columbia, a territory, or an Indian tribe*
 12 *under this Act shall not be subject to the Federal Advisory*
 13 *Committee Act (5 U.S.C. App.).”*

14 (b) *DINGELL-JOHNSON SPORT FISH RESTORATION*
 15 *ACT.*—*The Dingell-Johnson Sport Fish Restoration Act is*
 16 *amended—*

17 (1) *by redesignating section 15 (16 U.S.C. 777*
 18 *note) as section 16; and*

19 (2) *by inserting after section 14 (16 U.S.C.*
 20 *777m) the following:*

21 **“SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 22 **MITTEE ACT.**

23 *“Coordination with State fish and game department*
 24 *personnel or with personnel of any other State agency under*
 25 *this Act shall not be subject to the Federal Advisory Com-*
 26 *mittee Act (5 U.S.C. App.).”*

1 **SEC. 107. TECHNICAL AMENDMENTS.**

2 (a) *The first section of the Pittman-Robertson Wildlife*
3 *Restoration Act (16 U.S.C. 669) is amended by striking*
4 *“That the” and inserting the following:*

5 **“SECTION 1. COOPERATION OF SECRETARY OF THE INTE-**
6 **RIOR WITH STATES.**

7 *“The”.*

8 (b) *Section 5 of the Pittman-Robertson Wildlife Res-*
9 *toration Act (16 U.S.C. 669d) is amended by striking “SEC.*
10 *5.” and inserting the following:*

11 **“SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR AP-**
12 **PORTIONED.”.**

13 (c) *Section 6 of the Pittman-Robertson Wildlife Res-*
14 *toration Act (16 U.S.C. 669e) is amended by striking “SEC.*
15 *6.” and inserting the following:*

16 **“SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND**
17 **PROJECTS.”.**

18 (d) *Section 7 of the Pittman-Robertson Wildlife Res-*
19 *toration Act (16 U.S.C. 669f) is amended by striking “SEC.*
20 *7.” and inserting the following:*

21 **“SEC. 7. PAYMENT OF FUNDS TO STATES.”.**

22 (e) *Section 8 of the Pittman-Robertson Wildlife Res-*
23 *toration Act (16 U.S.C. 669g) is amended by striking “SEC.*
24 *8.” and inserting the following:*

1 **“SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF**
 2 **HUNTER SAFETY PROGRAMS AND PUBLIC**
 3 **TARGET RANGES.”.**

4 *(f) Section 8A of the Pittman-Robertson Wildlife Res-*
 5 *toration Act (16 U.S.C. 669g–1) is amended by striking*
 6 *“SEC. 8A.” and inserting the following:*

7 **“SEC. 8A. APPORTIONMENTS TO TERRITORIES.”.**

8 *(g) Section 13 of the Pittman-Robertson Wildlife Res-*
 9 *toration Act (as redesignated by section 105(a)(1)) is*
 10 *amended by striking “SEC. 13.” and inserting the following:*
 11 **“SEC. 13. RULES AND REGULATIONS.”.**

12 **SEC. 108. EFFECTIVE DATE.**

13 *This title takes effect on October 1, 2001.*

14 **TITLE II—ENDANGERED AND**
 15 **THREATENED SPECIES RE-**
 16 **COVERY**

17 **SEC. 201. PURPOSE.**

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

20 *(1)(A) the endangered species of the United*
 21 *States;*

22 *(B) the threatened species of the United States;*
 23 *and*

24 *(C) the species of the United States that may be-*
 25 *come endangered species or threatened species if con-*

1 *ervation actions are not taken to conserve and pro-*
 2 *tect the species; and*

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

4 **SEC. 202. ENDANGERED AND THREATENED SPECIES RECOV-**
 5 **ERY ASSISTANCE.**

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

9 **“SEC. 13. ENDANGERED AND THREATENED SPECIES RECOV-**
 10 **ERY ASSISTANCE.**

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

12 *“(1) CONSERVATION ENTITY.—*

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

17 *“(B) INCLUSIONS.—The term ‘conservation*
 18 *entity’ includes—*

19 *“(i) a sportsmen’s organization;*

20 *“(ii) an environmental organization;*

21 *and*

22 *“(iii) a land trust.*

23 *“(2) FARM OR RANCH.—The term ‘farm or*
 24 *ranch’ means an activity with respect to which not*

1 *less than \$1,000 in income is derived from agricul-*
2 *tural production within a census year.*

3 “(3) *PERSON.*—*The term ‘person’ includes a con-*
4 *servaion entity.*

5 “(4) *SMALL LANDOWNER.*—*The term ‘small*
6 *landowner’ means—*

7 “(A) *an individual who owns land in a*
8 *State that—*

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

10 “(ii) *has an acreage of not more than*
11 *the greater of—*

12 “(I) *50 percent of the average*
13 *acreage of a farm or ranch in the*
14 *State; or*

15 “(II) *160 acres of land; and*

16 “(B) *an individual who owns land that—*

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

18 *and*

19 “(ii) *has an acreage of not more than*
20 *160 acres.*

21 “(5) *SPECIES AT RISK.*—*The term ‘species at*
22 *risk’ means a species that may become an endangered*
23 *species or a threatened species if conservation actions*
24 *are not taken to conserve and protect the species.*

1 “(6) *SPECIES RECOVERY AGREEMENT.*—*The*
2 *term ‘species recovery agreement’ means an endan-*
3 *gered and threatened species recovery agreement en-*
4 *tered into under subsection (c).*

5 “(b) *ENDANGERED AND THREATENED SPECIES RE-*
6 *COVERY ASSISTANCE.*—

7 “(1) *FINANCIAL ASSISTANCE.*—*The Secretary*
8 *may provide financial assistance to any person for*
9 *development and implementation of an endangered*
10 *and threatened species recovery agreement entered*
11 *into by the Secretary and the person under subsection*
12 *(c).*

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

17 “(A) *implement actions identified under re-*
18 *covery plans approved by the Secretary under*
19 *section 4(f);*

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

23 “(C) *benefit multiple endangered species,*
24 *threatened species, or species at risk;*

1 “(D) carry out activities specified in State
2 or local conservation plans; or

3 “(E) are proposed by small landowners.

4 “(3) PROHIBITION ON ASSISTANCE FOR RE-
5 QUIRED ACTIVITIES.—The Secretary shall not provide
6 financial assistance under this subsection for any ac-
7 tivity that is required—

8 “(A) by a permit issued under section
9 10(a)(1)(B);

10 “(B) by an incidental taking statement pro-
11 vided under section 7(b)(4); or

12 “(C) under another provision of this Act,
13 any other Federal law, or any State law.

14 “(4) PAYMENTS UNDER OTHER PROGRAMS.—

15 “(A) OTHER PAYMENTS NOT AFFECTED.—
16 Financial assistance provided to a person under
17 this subsection shall be in addition to, and shall
18 not affect, the total amount of payments that the
19 person is eligible to receive under—

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

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

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

8 “(iv) the Wildlife Habitat Incentive
9 Program established under section 387 of
10 the Federal Agriculture Improvement and
11 Reform Act of 1996 (16 U.S.C. 3836a).

12 “(B) *LIMITATION.*—A person shall not re-
13 ceive financial assistance under a species recov-
14 ery agreement for any activity for which the per-
15 son receives a payment under a program referred
16 to in subparagraph (A) unless the species recov-
17 ery agreement imposes on the person a financial
18 or management obligation in addition to the ob-
19 ligations of the person under that program.

20 “(c) *ENDANGERED AND THREATENED SPECIES RE-*
21 *COVERY AGREEMENTS.*—

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

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

4 “(A) *require the person—*

5 “(i) *to carry out on real property*
6 *owned or leased by the person, or on Fed-*
7 *eral or State land, activities (such as activi-*
8 *ties that, consistent with applicable State*
9 *water law (including regulations), make*
10 *water available for endangered species,*
11 *threatened species, or species at risk) that—*

12 “(I) *are not required by Federal*
13 *or State law; and*

14 “(II) *contribute to the recovery of*
15 *an endangered species, threatened spe-*
16 *cies, or species at risk; or*

17 “(ii) *to refrain from carrying out on*
18 *real property owned or leased by the person*
19 *otherwise lawful activities that would in-*
20 *hibit the recovery of an endangered species,*
21 *threatened species, or species at risk, such as*
22 *refraining from carrying out activities that,*
23 *consistent with applicable State water law*
24 *(including regulations), directly reduce the*
25 *availability of water for such a species;*

1 “(B) describe the real property referred to
2 in clauses (i) and (ii) of subparagraph (A);

3 “(C) specify species recovery goals for the
4 species recovery agreement, and activities for at-
5 taining the goals;

6 “(D)(i) require the person to make demon-
7 strable progress in accomplishing the species re-
8 covery goals; and

9 “(ii) specify a schedule for implementation
10 of the species recovery agreement;

11 “(E) specify actions to be taken by the Sec-
12 retary or the person to monitor the effectiveness
13 of the species recovery agreement in attaining the
14 species recovery goals;

15 “(F) require the person to notify the Sec-
16 retary if any right or obligation of the person
17 under the species recovery agreement is assigned
18 to any other person;

19 “(G) require the person to notify the Sec-
20 retary if any term of the species recovery agree-
21 ment is breached;

22 “(H) specify the date on which the species
23 recovery agreement takes effect and the period of
24 time during which the species recovery agreement
25 shall remain in effect;

1 “(I) schedule the disbursement of financial
2 assistance provided under subsection (b) for im-
3 plementation of the species recovery agreement,
4 on an annual or other basis during the period in
5 which the species recovery agreement is in effect,
6 based on the schedule for implementation re-
7 quired under subparagraph (D)(ii); and

8 “(J) provide that the Secretary shall, sub-
9 ject to paragraph (4)(C), terminate the species
10 recovery agreement if the person fails to carry
11 out the species recovery agreement.

12 “(3) REVIEW AND APPROVAL OF PROPOSED SPE-
13 CIES RECOVERY AGREEMENTS.—On submission by
14 any person of a proposed species recovery agreement
15 under this subsection, the Secretary shall—

16 “(A) review the proposed species recovery
17 agreement and determine whether the species re-
18 covery agreement—

19 “(i) complies with this subsection; and

20 “(ii) will contribute to the recovery of
21 each endangered species, threatened species,
22 or species at risk that is the subject of the
23 proposed species recovery agreement;

24 “(B) propose to the person any additional
25 provisions that are necessary for the species re-

1 *covery agreement to comply with this subsection;*
2 *and*

3 “(C) *if the Secretary determines that the*
4 *species recovery agreement complies with this*
5 *subsection, enter into the species recovery agree-*
6 *ment with the person.*

7 “(4) *MONITORING OF IMPLEMENTATION OF SPE-*
8 *CIES RECOVERY AGREEMENTS.—The Secretary*
9 *shall—*

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

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

18 “(C) *if the Secretary determines that the*
19 *person is not making demonstrable progress in*
20 *accomplishing the species recovery goals specified*
21 *under paragraph (2)(C)—*

22 “(i) *propose 1 or more modifications to*
23 *the species recovery agreement that are nec-*
24 *essary to accomplish the species recovery*
25 *goals; or*

1 “(ii) terminate the species recovery
2 agreement.

3 “(5) *LIMITATION WITH RESPECT TO FEDERAL OR*
4 *STATE LAND.—The Secretary may enter into a species*
5 *recovery agreement with a person with respect to Fed-*
6 *eral or State land only if the United States or the*
7 *State, respectively, is a party to the species recovery*
8 *agreement.*

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

11 “(1) $\frac{1}{3}$ shall be made available to provide finan-
12 cial assistance for development and implementation of
13 species recovery agreements by small landowners, sub-
14 ject to subparagraphs (A) through (D) of subsection
15 (b)(2);

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

21 “(3) $\frac{1}{3}$ shall be made available to provide finan-
22 cial assistance for development and implementation of
23 species recovery agreements, subject to subsection
24 (b)(2).

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

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

9 “(d) *ENDANGERED AND THREATENED SPECIES RE-*
 10 *COVERY ASSISTANCE.*—There is authorized to be appro-
 11 *priated to carry out section 13 \$150,000,000 for each of*
 12 *fiscal years 2002 through 2006.*”.

13 (c) *CONFORMING AMENDMENT.*—The table of contents
 14 *in the first section of the Endangered Species Act of 1973*
 15 *(16 U.S.C. prec. 1531) is amended by striking the item re-*
 16 *lating to section 13 and inserting the following:*

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

17 **TITLE III—NON-FEDERAL LAND**
 18 **CONSERVATION GRANT PRO-**
 19 **GRAM**

20 **SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PRO-**
 21 **GRAM.**

22 (a) *IN GENERAL.*—The *Partnerships for Wildlife Act*
 23 *(16 U.S.C. 3741 et seq.) is amended by adding at the end*
 24 *the following:*

1 **“SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT**
2 **PROGRAM.**

3 “(a) *ESTABLISHMENT.*—*In consultation with appro-*
4 *priate State, regional, and other units of government, the*
5 *Secretary shall establish a competitive grant program, to*
6 *be known as the ‘Non-Federal Land Conservation Grant*
7 *Program’ (referred to in this section as the ‘program’), to*
8 *make grants to States or groups of States to pay the Federal*
9 *share determined under subsection (c)(4) of the costs of con-*
10 *servation of non-Federal land or water of regional or na-*
11 *tional significance.*

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

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

19 “(2) *subject to paragraph (1), give preference to*
20 *proposed projects—*

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

22 “(B) *that are developed in collaboration*
23 *with other States;*

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

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

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

8 “(c) GRANTS TO STATES.—

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

14 “(2) SUBMISSION OF APPLICATIONS.—

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

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

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

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

24 “(I) planning;

25 “(II) administration;

1 “(III) property acquisition; and

2 “(IV) property management;

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

6 “(iv) a plan for stewardship of any
7 land or water, or interest in land or water,
8 to be acquired under the project.

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

12 “(A) review the application; and

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

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

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

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

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

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

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

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

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

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

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

7 “(1) *to carry out this section (other than sub-*
 8 *section (c)(6)) \$50,000,000 for each of fiscal years*
 9 *2002 through 2006; and*

10 “(2) *to carry out subsection (c)(6) \$9,000,000 for*
 11 *the period of fiscal years 2002 and 2003.”*

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

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

19 **SEC. 401. CONSERVATION AND RESTORATION OF**
 20 **SHRUBLAND AND GRASSLAND.**

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

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

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

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

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

7 “(B) *a prescribed burn;*

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

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

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

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

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

19 “(3) *CONSERVATION ENTITY.—*

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

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

26 “(i) *a sportsmen’s organization;*

1 “(ii) an environmental organization;

2 and

3 “(iii) a land trust.

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

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

10 “(B) other land that—

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

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

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

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

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

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

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

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

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

18 “(c) CONSERVATION AGREEMENTS.—

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

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

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

9 “(2) *PERMITTED ACTIVITIES.—*

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

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

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

18 “(iii) *fire rehabilitation; and*

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

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

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

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

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

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

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

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

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

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

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

15 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
16 authorized to be appropriated to carry out this section
17 \$50,000,000 for each of fiscal years 2002 through 2006.”.

Calendar No. 283

107TH CONGRESS
1ST SESSION

S. 990

[Report No. 107-123]

A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

DECEMBER 13, 2001

Reported with an amendment